

NEARFM COMPLAINTS PROCEDURE

Near FM recognises the rights of Members of the Community to complain to the station about allegations of non-compliance with both its licence obligations and the requirements outlined in broadcast legislation.

Members of the Community who wish to provide feedback to the station rather than a formal complaint are encouraged to do so through email to feedback@near.ie. Near FM undertakes to resolve complaints where possible through dialogue with the complainant however where a complainant is not satisfied they shall be advised of their right to lodge a formal complaint.

Formal complaints may be made if a Member of the Community is of the opinion that Near FM has breached one of its obligations under the Broadcasting Act 2009 and the Online Safety and Media Regulation Act 2022. These obligations are:

- To ensure that all news programming is objective and impartial.
- To ensure that current affairs programming is objective and impartial and that the subject matter and all interests concerned are treated fairly. Fairness, objectivity and impartiality may be achieved over a number of related broadcasts.
- To ensure that our programming does not contain content which may be reasonably considered as causing harm or offence, tending to promote or incite crime, undermining the authority of the state, tends to unreasonably encroach upon the privacy of an individual. Programming shall also be in compliance with the BAI Code of Programming.
- All commercial communications broadcast by us shall be in compliance with the *BAI General Commercial Communications Code* and the *BAI Children's Commercial Communications Code*
- Advertisements may not exceed 15% of the total daily broadcasting time, be directed towards a political end, have any relation to an industrial dispute, address the issue of the merits or otherwise of adhering to any religious faith or belief, or of becoming a member of any religion or religious organisation.

These obligations shall apply both to Near FM's broadcasting, its online streaming service on www.nearfm.ie and all podcasting services provided on www.nearfm.ie

All complaints must be lodged formally to the Station Manager (including full postal address) to complaints@near.ie or by post to:

Station Manager, Near FM, Northside Civic Centre, Bunnratty Road, Dublin 17

Formal complaints must be made within the following time periods.

- (a) if your complaint relates to one broadcast, 30 days after the date of that broadcast;
- (b) if your complaint relates to two or more unrelated broadcasts; 30 days after the date of the earlier or earliest of those broadcasts;
- (c) if your complaints relates to two or more related broadcasts of which at least two are made on different dates; 30 days after the date of the later or latest of those broadcasts.

(d) If the complaint refers to a podcast on www.nearfm.ie: 30 days after the broadcast is no longer available online.

Complaints submitted outside of these time periods cannot be considered. Formal complaints must be lodged in writing by either method outlined above. Complaints must provide specific contact details and be substantive. Details should include the category of complaint, date and time of broadcast, name of programme, news item or commercial communication which is the subject of your complaint. Near FM will not entertain frivolous, vexatious or anonymous complaints.

Near FM is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Acts 1988 – 2003.

If for reason of disability or other good reason you cannot submit a complaint in writing please contact the Station Manager at 01 8671190 and she will assist you to do so.

A written response to the formal complaint will be provided by mail or e-mail within 20 days of receipt. In the event that this time-frame cannot be complied with the reasons for the delay and an expected response time will be communicated in writing. In some cases further information may be requested, or a meeting arranged to discuss the complaint, prior to a written response being provided.

If the Complainant is unsatisfied with how the complaint has been handled or they are unsatisfied with the solution the Station Manager they may lodge an appeal within 20 days by mail or email to the Secretary of the Committee of Management.

The appeal will be acknowledged by mail, email or telephone within 7 days of receipt and a written response will be provided by mail or email within 20 days of receipt.

Complainants shall be advised of their right to refer the complaint to Coimisiún na Meán once they have received a written response from the Station Manager or if they have not received a reply within 20 days of the initial confirmation letter. Complainants have 14 days at this point to refer the complaint to Coimisiún na Meán either through the online portal <https://bai.service-now.com/complaints>, by email to complaints@cnam.ie, phone (01) 6441 200 or write to: 2-5 Warrington Place, Dublin 02 XP29.

Near FM will maintain a record of all complaints and all material relating to a complaint for 2 years from the date of the initial complaint.

Near Media Co-op
24 April 2023