

18 June 2019

Ciarán Kissane
Head of Compliance
Broadcasting Authority of Ireland
2-5 Warrington Place
Dublin 2

RTÉ Ref: 2019/2463
BAI Ref: C5094

Re: Complaint by William Campbell concerning *AA Roadwatch* broadcast on RTÉ Radio 1 on 19.03.19, 20.03.19 and 21.03.19.

Dear Mr Kissane,

RTÉ wishes to make the following submission in response to the above complaint by Mr Campbell.

The Broadcast

The three sample dates as listed above.

The Complaint

The complaint will be considered under the General Commercial Communication Code Section 9.1 and 9.4.

RTÉ Response

RTÉ refers to the response of 05.04.19 by the Head of Editorial Standards and Compliance to the initial complaint (attached).

RTÉ makes the further additional response:

Unfounded Allegation of Sponsorship

The complainant claims that the AA Roadwatch segment in RTÉ radio programmes is;

- a) Sponsorship, and
- b) As sponsorship it has potential to "support the AA's campaigning."

The BAI has accepted this complaint under Sections 9.1. and 9.4 of the General Communications Code and RTÉ will respond to it on the basis of those provisions.

In his reply of May 14, 2019 to the BAI the complainant says he is happy for the purpose of processing the complaint to take AA Roadwatch broadcasts on the sample dates listed. He then adds:

"As I mentioned, this is on condition that you accept that the complaint is against RTÉ's practice of broadcasting AA Roadwatch in general, and that this is not used as justification to diminish any part of the complaint." [RTÉ's emphasis]

RTÉ accepts the legitimacy of the BAI and the integrity of its decision making process and does not seek to attach any conditions. RTÉ notes the conditionality attached by the complainant to the process.

Three sample dates are referenced from the RTÉ Radio 1 programme *Drivetime* – namely, 19.03.19; 20.03.19 and 21.03.19.

The complainant, in his letter of April 25 to the BAI alleging a breach of Sponsorship rules quotes the BAI definition of sponsorship as a –

"contribution ... to the financing of ... programmes with a view to promoting [the sponsor's] name, its trade mark, its image, its activities, its products or its services."

He then uses this selective and misleading quotation from the definition set out by the BAI to allege AA Roadwatch meets two tests of sponsorship.

The full definition is as follows:

"Sponsorship

Any contribution made by a public or private undertaking or natural person not engaged in providing radio or television services or in the production of sound broadcasting or audiovisual works, to the financing of television and/or radio services with a view to promoting its name, its trade mark, its image, its activities, its products or its services."

The relevant part of the definition, excluded by the complainant, is "not engaged in providing radio or television services or in the production of sound broadcasting or audiovisual works."

AA Roadwatch is engaged in the production of radio services and sound broadcasting – it provides traffic and travel news updates from its own newsroom using its own broadcast studios, its own staff and resources to source this information and provide it to other broadcasters, not just RTÉ.

Therefore, AA Roadwatch demonstrably falls outside the definition of sponsorship.

From the sample dates cited it is clearly evident to listeners that the segments of the programmes listed are, in fact, sponsored by Hyundai, the car manufacturer. The introductions state:

"RTÉ Radio 1 traffic and travel with Hyundai, this year's best selling electric car brand. Hyundai, discover why."

The presenter from AA Roadwatch then introduces the item and provides factual information for listeners and commuters on traffic - and where appropriate travel (disruptions etc) – conditions and updates.

There is no ambiguity here - this segment is sponsored by Hyundai and RTÉ has scrupulously adhered to the provisions of the General Communications Code in this regard, namely, Sections 9.3 and 9.4.

For the avoidance of any doubt, RTÉ states our agreement with AA Roadwatch for the provision of traffic and travel news updates contains provision that RTÉ is free to accept sponsorship for this segment, including from those that compete with AA Ireland.

RTÉ has previously engaged in extensive correspondence and contacts with the complainant and this provision was brought to his attention prior to his submitting any complaint to RTÉ and the BAI.

Thus RTÉ states there is no basis for the application of Section 9.4 with regard to the service provided by AA Roadwatch. There is no sponsorship and Section 9.4 is not applicable.

RTÉ's commercial arrangement with AA Roadwatch is an entirely legal, legitimate and appropriate arrangement and fully compliant with all the relevant regulatory and statutory provisions.

The existence of this arrangement is well established and has never been challenged or questioned by any other third party offering or seeking to offer a comparable service.

RTÉ's Editorial Independence and Integrity

Notwithstanding the fact that the AA Roadwatch news service is not sponsorship, RTÉ wishes to put on record that our editorial independence and integrity has never been comprised by the commercial arrangement for the provision of traffic and travel news updates.

We are doing this as the complainant has repeatedly sought to misrepresent this arrangement.

The arrangement with AA Roadwatch does not have, has never had and for as long as it continues will never have any influence over any aspect of RTÉ editorial content.

In addition, the complainant has had ample opportunity in preparing his submission to the BAI to cite any specific broadcast item(s) – from news, current affairs or any programme – to justify his claims that our editorial content has been compromised by the commercial arrangement with AA Roadwatch. To date, he has not cited one single example.

Instead, the complainant makes general, vague allegations without ever citing any specific broadcast item or segment to support these unfounded claims.

Likewise, it is entirely false and untrue for the complainant to allege RTÉ is influenced by AA lobbying of politicians and that RTÉ promotes any such agenda or lobbying.

He also alleges – *“RTE allows, at a minimum, the perception that the content of AA Roadwatch is crafted to support the goals of a registered political lobby group.”*

RTÉ responds as follows:

- the contention that RTÉ allows “the perception” that the content of AA Roadwatch is crafted towards political goals is utterly false and the alleged “perception” is a view promoted by the complainant alone;
- traffic and travel news updates are just that – the latest factual traffic and travel information;
- the complainant has a singular view that equates the content of AA Roadwatch with lobbying and political goals; there is no evidential basis for this and equally no basis to attribute his singular view of this contention to other listeners.

In summary, RTÉ is satisfied this response establishes, factually and legally (as per the BAI definition), that AA Roadwatch is not sponsorship.

On the separate issue of RTÉ's commercial arrangement with AA Roadwatch there is no evidence, whatsoever, to show that our editorial independence and integrity has ever been comprised by this.

RTÉ believes there is no basis to uphold this complaint on any of the grounds cited or under any provision of broadcasting legislation or regulatory code.

Yours sincerely,



RTÉ **BRIAN DOWLING**
Head of Editorial Standards and Compliance
Ceannasaí um Chaighdeáin Eagarthóireachta agus Comhlíonadh

From: Complaints
Sent: Friday 5 April 2019 13:13
To: William Campbell
Cc: Complaints
Subject: Re: Complaint review requested.

Dear Mr Campbell,

I acknowledge your letter of 05.04.19

When a person makes a complaint about a programme this office requests the relevant programme Editor/Producer to issue a response.

If the complainant is unsatisfied with the response and requests an internal review it is my decision to task another editorial manager - senior to the Editor/Producer who responded on behalf of the programme - to conduct the review. That review is initiated and issued on my direction.

As Head of Editorial Standards and Compliance in RTÉ, I am the Senior Manager designated to determine how a complaint is responded to.

In view of your earlier engagement on these issues with colleagues in our Communications Department and your previous raising of these matters, I determined that I would respond directly to your letter as Head of Editorial Standards and Compliance.

The response issued to you is RTÉ's position.

However, it should be noted that the letter sent to you also advised that if you were unsatisfied with the response issued you could appeal that to the Broadcasting Authority of Ireland, the independence statutory regulator. To facilitate this, the details of how to pursue this with the BAI were also provided to you.

That is the appropriate channel of appeal should you wish to avail of it.

Yours Sincerely,

BRIAN DOWLING
Head of Editorial Standards and Compliance
Ceannasaí um Chaighdeáin Eagarthóireachta agus Comhlíonadh