

DUBAI CREATIVE CLUSTERS
**PROCEDURES FOR
HANDLING CONTENT
COMPLAINTS 2016**

**THE DUBAI CREATIVE CLUSTERS AUTHORITY
PROCEDURES FOR HANDLING CONTENT COMPLAINTS 2016**

**SECTION 1
INTRODUCTION**

1. The Dubai Creative Clusters Authority Procedures For Handling Content Complaints 2016 ("Procedures") outline the procedures that the Dubai Creative Clusters Authority (the "Authority"), will apply when considering Complaints relating to any provisions contained in the Code. The Procedures extend to Licensees and businesses operating within the Dubai Creative Clusters.
2. The Authority has a duty to ensure compliance with regulatory requirements and has put in place the Code for Broadcasters, Publishers and Licensees operating in the Dubai Creative Clusters as defined under the Licensing Regulations and Licensing Decision. In the interest of transparency, the Procedures are available on the Authority's website.
3. Complaints relating to the Code will be governed by these Procedures, Sanctions Policy and the Regulations.
4. The headings herein are included for convenience of reference only and shall be ignored in the construction or interpretation of these Procedures.
5. Terms used, but not defined in these Procedures shall have the meanings ascribed in the Regulations and the Code.

**SECTION 2
PROCEDURES**

6. The Procedures are normally instigated after the receipt of a Complaint; however, the Authority may launch investigations on its own initiative and in the absence of any complaint. Further, Licensees are invited to request pre-transmission advice in cases where a potential breach has been identified.

7. MAKING A COMPLAINT

7.1 Subject to the provisions of these Procedures and the Regulations, Complaints can be made to the Authority by any natural or body corporate, including a company, partnership or government entity upon reasonable belief that a Licensee has failed to comply with a requirement of the Code. The Authority however, reserves the right to take action, disregard or dismiss any Complaint.

The Authority wants to encourage a successful media sector in the Creative Clusters, thus, Complaints received under these Procedures help identify areas of public concern and inform policy development, improvement and enhancement in the Creative Clusters in this regard.

7.2 Any Complaints not in compliance with the requirements of these Procedures shall not be entertained.

7.3 Complaints should be submitted to the Authority's website or in any manner as directed or advised by the Authority (from time to time).

7.4 The Complainant must provide sufficient information to ensure that the Authority can identify

the Content being complained about including, where relevant, the date and time of dissemination and the means of distribution. The Complainant must also provide an explanation of how it believes the Code has been breached.

7.5 Anonymous Complaints will not be accepted. All complaints are subject to confidentiality and the names of Complainants will not be disclosed. In some instances, the identity of a Complainant is pertinent to the investigation, such as in the case of a fairness or privacy complaint, and it will be necessary to disclose the Complainant's identity to carry out the investigation. In these cases, consent to disclose personal details must be obtained before the Complaint can progress to an investigation.

SECTION 3 ASSESSING A COMPLAINT

8. The assessment and investigation of Complaints are carried out by the Authority's relevant department(s).

9. The Authority will make an initial assessment of the complaint and may contact the Complainant to request more information.

10. If the Authority decides to act upon the Complaint, and considers that the Complaint raises a substantive point under the Code and merits investigation, the Authority will require the Licensee to supply a copy of the Content complained of and to provide a written response to the Complaint within the period stipulated by the Authority taking into consideration the nature of the breach complained of. The Authority will provide to the Licensee details of the Complaint (but not of the Complainant) and the section of the Code under which it is considering the Complaint.

11. The Authority will consider the response of the Licensee and decide whether or not a breach of the Code has occurred.

SECTION 4 PRELIMINARY DECISION

12. Where the Authority considers there has been no breach it will notify the Licensee.

13. Where a breach or potential breach of the Code has occurred, the Authority may work with the Licensee to seek to find a means to resolve the Complaint. Where a Licensee takes appropriate remedial action, the Authority may consider the Complaint has been resolved. Examples of action which might resolve a Complaint include (without limitation):

- (i) removing the Content under Complaint;
- (ii) making or publishing an apology;
- (iii) publishing a correction;
- (iv) putting in place improved compliance procedures.

14. In cases where both the Licensee and the Authority agree that the Code has been breached, the Authority may determine that the breach cannot be resolved and that a sanction should be imposed. If the Authority determines that a serious sanction should be imposed, including financial

penalty, then the Authority may, subject to the Regulations, submit the case to the Tribunal for a recommendation on the appropriate sanction.

15. In cases where the Licensee and Authority do not reach consensus as to whether a breach has occurred, the Licensee shall request a Determination from the Tribunal within ten (10) working days of the Authority's Preliminary Decision and submitting a payment on security costs as stipulated under Section 5 below.

16. Where the Licensee considers any Sanction applied by the Authority is disproportionate and wishes to appeal, it may do so within ten (10) working days of the Authority's Preliminary Decision by requesting a Determination from the Tribunal and submitting a payment on security costs as stipulated under Section 5 below.

SECTION 5 THE TRIBUNAL

17. Disputed decisions, recommendations for serious sanctions, and appeals by Licensees will be referred to the Tribunal to review cases on a neutral and objective basis, and coming to its own Determination in accordance with the Regulations. The Authority will provide all relevant information to the Tribunal, including all the Content supplied to the Authority during the investigation of the Complaint in which the Authority has taken an action.

18. The Tribunal will follow the provisions of these Procedure, the Regulations, Sanctions Policy, and the Code as adopted by the Authority from time to time.

19. The party making the application shall be liable to pay in advance, a payment of security cost of twenty thousand dirhams (AED20,000) or any other amount as determined from time to time plus any other fees and expenses.

20. Any or all cost, fees and expenses relating to the request for Determination shall be determined in accordance with the Regulations and these Procedures.

21. In the case of an appeal by a Licensee, the Licensee will be liable for the costs of the Tribunal's independent neutral evaluation and such other cost, fees and expenses relating to the request for Determination as determined under these Procedures and the Regulations in the event that the Tribunal issues a Determination which confirms the Authority's Preliminary Decision.

22. The Authority aims to conclude Tribunal cases within forty-five (45) working days from receipt of the referral.

SECTION 6 NON-COMPLIANCE

23. Failure to follow these procedures

23.1. If Complainants fail to follow these procedures, the Authority reserves the right to discontinue consideration of the complaint.

23.2 If the Licensee fails to comply with these Procedures, the Authority will conclude the Complaint in the absence of the Licensee.