

Rules of Procedure

APPROVED by
Decision of the Public Information Ethics Commission of
23 March 2015

RULES OF PROCEDURE OF THE PUBLIC INFORMATION ETHICS COMMISSION

General Provisions

1. The Rules of Procedure (hereinafter, the “Rules of Procedure”) of the Public Information Ethics Commission (hereinafter, the “Commission”) establish the working procedures of the Commission.
2. In its activities, the Commission is guided by the Constitution of the Republic of Lithuania, the Law on the Provision of Information to the Public, international treaties signed by the Republic of Lithuania, Resolution by the Parliamentary Assembly of the Council of Europe on the Ethics of Journalism, Code of Ethics in Providing Information to the Public of Lithuania (hereinafter, the “Code”), and other legislation.
3. The Commission is a collegial body that adopts decisions of the Public Information Ethics Association (hereinafter, the “Association”) in accordance with the competence provided for in the Law on the Provision of Information to the Public.
4. The Commission has the following functions:
 - 4.1. promoting the development of professional ethics in the area of public information;
 - 4.2. investigating violations of professional ethics committed by producers or disseminators of public information when informing the public;
 - 4.3. examining complaints from individuals regarding the activities of public information producers and disseminators that may violate the provisions of public information ethics, as well as handling disputes between public information producers and disseminators regarding violations of ethics;
 - 4.4. initiating, on its own initiative, the examination of cases involving the activities of public information producers and disseminators that may violate the provisions of public information ethics;
 - 4.5. examining appeals (requests, statements, proposals) related to public information ethics;
 - 4.6. ensuring, in cooperation with public authorities and institutions, the development of public literacy in the use of public information media and the dissemination of principles of critical evaluation and analysis of information;
 - 4.7. organising events on professional ethics issues in the field of public information, participating in the implementation of strategic planning programs and action plans of state institutions.

4.8. Within the limits of its competence, the Commission assesses the activities of professional public information providers, disseminators, and journalists in accordance with the Code, taking into account the actual content of their activities, which includes information published in newspapers, magazines, radio and television programmes, information society media, and their personal blogs and social media accounts.

5. The Commission shall consider matters collectively and impartially, taking into account the principles of fairness, objectivity, justice, and reasonableness.

6. The Commission shall publish its activity report for the previous calendar year by 31 March of each year.

Structure of the Commission

7. Members of the Commission are appointed for a term of three years and may serve no more than two consecutive terms. A member of the Commission may be a person with a university degree and at least five years of work experience in journalism, law, or media-related activities. One representative is delegated to the Commission by each member of the Association, one representative by Lithuanian National Radio and Television (LRT), and three members by the Media Council. Candidates for the Media Council are nominated by universities offering journalism study programs. The Commission shall elect a chairperson and a deputy chairperson from among its members for the duration of its term of office. If a certain member of the Association, LRT or the Media Council does not delegate a person (member) to the Commission, the Commission shall operate without this member.

8. The term of office of the Commission shall be three years.

9. The first meeting of the Commission shall be chaired by the oldest member of the Commission. For the duration of its term of office, the Commission shall elect a chairperson and a deputy chairperson from among its members. The candidate for the position of deputy chairperson of the Commission shall be nominated by the chairperson of the Commission.

10. The chairperson of the Commission has the following functions:

10.1. organising and directing the work of the Commission;

10.2. convening and chairing the meetings of the Commission;

10.3. ensuring the publicity of the Commission's decisions;

10.4. explaining and/or commenting on decisions, statements, etc. adopted by the Commission;

10.5. representing the Commission in dealings with other institutions;

10.6. preparing and publishing the Commission's annual activity reports;

10.7. holding the right to call an extraordinary general meeting of the members of the Association.

11. The deputy chairperson of the Commission has the following functions:

11.1. supervising individual areas of the Commission's activities;

11.2. directing the work of the Commission when the chairperson is temporarily unable to perform his/her duties.

12. The chairperson and deputy chairperson of the Commission may resign (or be dismissed) before the end of their term of office. In such a case, the Commission shall elect a new chairperson and/or deputy chairperson.

13. The members of the Commission shall have a right to:

13.1. obtain all information relating to the Commission's activities;

13.2. express their opinions in writing or orally on all matters under consideration by the Commission;

13.3. propose items for the agenda of the Commission's meetings, submit proposals and comments on the work of the Commission;

13.4. initiate and submit for consideration matters related to the functions of the Commission listed in Article 4 of the Rules of Procedure;

13.5. take the initiative to convene an extraordinary general meeting of the members of the Association when approved by more than ½ of the delegated members of the Commission;

13.6. resign from the Commission by submitting a request to the Director of the Association no later than 14 calendar days in advance.

14. The members of the Commission shall have a duty to:

14.1. attend the meetings of the Commission and, if unable to do so, inform the chairperson of the Commission in advance;

14.2. maintain confidentiality and not to disclose information relating to complaints received and examined by the Commission;

14.3. refrain from discussing or interpreting the Commission's decisions outside the Commission's meetings;

14.4. withdraw from the discussion of an agenda item and decision-making if participation in it raises a conflict of interest or there are other reasons that may affect the impartiality of the consideration of the agenda item. When withdrawing from the discussion of an agenda item and decision-making, it is necessary to clearly state the grounds for withdrawal to the Commission. If a member of the Commission withdraws without a valid reason, the Commission shall have the right to reject the withdrawal by voting and giving its reasons. If other persons report a possible conflict of interest of a member of the Commission and he/she does not withdraw from the discussion of the agenda item and the decision-making process, the Commission shall have the right to remove that member of the Commission by a vote. Information about the withdrawal or removal of a member of the Commission shall be recorded in the minutes of the Commission's meeting.

The Work of the Commission

15. The Commission shall hold meetings, consultations, organise events, and carry out other activities necessary to fulfil the functions set out in Article 4 of the Rules of Procedure. Meetings are the primary mode of operation of the Commission.

16. When deciding on procedural matters and when it is necessary to take a decision urgently (except for the election of the chairperson and deputy chairperson of the Commission and decisions on violations of public information ethics), express an opinion or position on current issues of public information ethics and other issues provided for in the Rules of Procedure, the chairperson of the Commission may conduct surveys of

Commission members by electronic means of communication. In such a case, minutes of the virtual Commission meeting shall be drawn up.

17. Natural persons and legal entities may refer violations of public information ethics to the Commission within a period of 12 months of the date on which the violation was committed. The complaint must be examined within 90 days of its receipt. The deadline for examining the complaint may be extended if additional material is required for its examination.

18. The Commission shall accept for examination complaints that meet the requirements set out in these Rules of Procedure. Complaints and all supporting documents must be submitted in writing in the official language; translations of complaints and supporting documents into Lithuanian must be certified by a notary. The complaint shall be forwarded to the media outlet, disseminator or producer within a maximum of 30 calendar days after receipt. Explanations to the Commission shall be provided within a maximum of 20 calendar days; the deadline for submission may be extended for valid reasons by mutual agreement of the Commission.

19. Complaints to the Commission may be submitted by e-mail, post or delivered directly to the Commission at the address published by the Commission. The complaint to the Commission must state:

19.1. the name, surname, address and e-mail address of the person submitting the complaint, which shall be used for communication with the person submitting the complaint; the date the complaint was drawn up;

19.2. the specific media outlet and publication or broadcast that is the subject of the complaint, as well as a copy of the publication and/or a recording of the broadcast, if the complaint concerns violations of professional ethics committed by public information producers or disseminators in disseminating information to the public (if a person has requested a copy of a broadcast recording from a media outlet but the request was rejected, the Commission shall furnish a copy of the recording);

19.3. specific contested statements in the publication/broadcast (quotes, headlines, photographs, fragments of the broadcast, etc.), actions or omissions of the journalist, public information producer and/or disseminator, the ethical standards of public information that may have been violated;

19.4. it is recommended to indicate the articles of the Code in relation to which a possible violation is being reported to the Commission;

19.5. evidence supporting the applicant's claims and/or complaints.

20. Complaints that do not meet at least one of the requirements set out in paragraphs 19.1, 19.2, 19.3, and 19.5 shall not be examined, unless the Commission decides otherwise. If the Commission refuses to examine a complaint due to deficiencies in its content, the person shall be informed thereof by e-mail (or by post if no e-mail address is provided) and shall be given the opportunity to remedy the deficiencies within 20 calendar days. If the deficiencies are not remedied within the specified time limit, the complaint shall be deemed not to have been lodged.

21. The Commission does not examine anonymous complaints.

22. The Commission may refuse to examine a complaint if:

22.1. the investigation of the circumstances referred to in the complaint does not fall within the competence of the Commission;

22.2. upon commencement of the examination of the complaint, it becomes apparent that the author of the complaint has referred the same matter to a court or the Inspector of Journalist Ethics (in such circumstances, the Commission may temporarily suspend or postpone the examination of the complaint; the Commission shall decide on the examination of each complaint individually);

22.3. the Commission has already taken a decision on the same matter and the person does not present new factual information that would allow the decision to be challenged;

22.4. it is impossible to initiate an investigation of the complaint due to insufficient data, and the person who submitted the complaint fails to provide the data necessary for the investigation of the complaint within 20 calendar days;

22.5. the person withdraws the complaint and informs the Commission thereof.

The person who lodged the complaint shall be notified of the refusal to examine the complaint and/or of the suspension of the examination.

23. The Director of the Association shall be responsible for the Commission's clerical and technical and organisational matters.

24. The Director of the Association shall ensure the conditions necessary for the Commission's activities and provide the necessary resources for its work.

25. The Commission shall, within the limits of its competence, consider:

25.1. transactions to be concluded by the Director on behalf of the Association, the amount of which exceeds five thousand euros (EUR 5,000), and shall take a decision to approve/reject such transactions;

25.2. the draft budget of the Association and shall submit proposals for the draft budget to the Director of the Association.

Meetings of the Commission

26. Meetings of the Commission shall be convened as necessary, but at least once a month, unless the Commission decides otherwise.

27. A meeting of the Commission shall be considered valid if more than ½ of the delegated members of the Commission are present.

28. The meetings of the Commission shall be held in the official language. The meetings of the Commission shall be public, except when decisions are being taken. At the request of the parties to the dispute, the examination of the matter may be closed to the public, with only persons involved in the examination of the complaint being allowed to attend. The Commission may organise meetings remotely.

29. The chairperson of the Commission, having decided to refer the complaint to the Commission for consideration, shall appoint the place and time of the meeting, notify the members of the Commission thereof and submit all materials to them for review no later than 5 working days before the scheduled date of the Commission's meeting.

30. The applicant and the disseminator or producer of the media outlet concerning which the complaint was submitted (if known to the Commission) shall be notified of the Commission's meeting by e-mail. The parties to the dispute may, after giving prior notice to the Director of the Association, attend the meeting remotely, even if the Commission meeting is held in person.

31. The chairperson of the meeting shall confirm that there is a quorum and propose the agenda. The meeting shall commence after the agenda has been approved.
32. The minutes of the Commission's meeting shall indicate: a) the chairperson of the meeting; b) the Commission members attending the meeting; c) the agenda; d) the parties to the dispute; e) a summary of the deliberations and statements of the Commission members; f) the number of Commission members participating in the vote and the results of the vote; g) the decision adopted by the Commission.
33. The minutes of the meeting shall be prepared within 5 working days after the meeting.
34. The minutes of the Commission's meeting shall be signed by the chairperson of the meeting and the person who takes the minutes.
35. Guests and invitees of the meeting must observe the rules of procedure and not interfere with the work of the Commission. Otherwise, the Commission shall have the right to close the meeting.

Decisions of the Commission

36. At its meetings, the Commission adopts decisions on violations of public information ethics, individual appeals to publishers and disseminators of public information, expresses its positions, adopts recommendations, and presents its opinion on the compliance of publications (actions of public information producers, disseminators, journalists) with the standards of public information ethics, and summarises work practices. Individual communications and written opinions issued by the Commission on the compliance of publications (actions of public information producers, disseminators, journalists) with the standards of public information ethics serve as recommendations.
37. The Commission may consult independent experts or invite persons concerned to assist it in its deliberations.
38. The Commission's decisions shall be adopted by a simple majority of the members present at the meeting. If the votes of the Commission members on the matter under consideration are evenly divided, the chairperson of the meeting shall have the casting vote.
39. Decisions on violations of public information ethics may be taken no later than 24 months after the date of the violation and only by a majority of more than $\frac{1}{2}$ of all delegated members of the Commission; voting shall be by "in favour" or "against" only, with no abstentions.
40. The Commission's decisions on violations of public information ethics shall be adopted in a closed session.
41. The Commission's decisions on violations of public information ethics shall consist of an introductory part, a statement of findings, and a resolution. The Commission's decision shall concisely state the substance of the matter under consideration, the title of the publication and/or media outlet (if the violations were committed in a specific publication and/or media outlet), the name and surname of the author of the publication and/or other journalist, public information producer or disseminator who committed the violations of public information ethics, the reasons for the decision and the appeal procedure.
42. The Commission's decision shall enter into force upon signature by the chairperson of the Commission or the meeting.

43. Where the Commission finds that a complaint does not fall within its competence, it shall take a decision to refer the complaint to the competent authority or to take no further action, and shall inform the complainant accordingly.
44. The Commission's decisions on violations of professional ethics shall be published in accordance with the procedure established by the Law on the Provision of Information to the Public and sent to the parties to the dispute by e-mail (or by post if no e-mail address is provided).
45. The Commission's decision on a violation of ethics shall be valid for one year from the date of its adoption.
46. Procedural issues not covered by the Rules of Procedure shall be resolved at the Commission's meetings.
47. If, within one year of the first publication of a work in a public information medium that is found to be in violation of the provisions of the Code, the same public information medium or the same public information producer is found by the Commission to have violated the public information ethics at least five times, the Commission, based on the right granted to it by the Code, shall consider the matter of classifying the producer and/or disseminator as a public information producer who does not comply with professional ethics. This decision of the Commission shall be valid for one year from the date of its adoption.

Financing of the Commission's Activities

48. The Commission is financed from the Association's funds allocated by a decision of the general meeting of the Association's members. The members of the Commission may be remunerated for their work in the Commission by a decision of the general meeting of members, which shall also determine the amount of remuneration.

Amending the Rules of Procedure

49. The Rules of Procedure may be amended if more than $\frac{1}{2}$ of the delegated members of the Commission are present at the Commission's meeting and more than half of the members present vote in favour of the amendment.