



ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN

BROADCASTING  
AUTHORITY  
OF IRELAND

# Funding Scheme for the Archiving of Programme Material ("the Archiving Scheme")



**Broadcasting Act 2009**  
**Funding Scheme for the Archiving**  
**of Programme Material**  
**(“the Archiving Scheme”)**

**May 2012**

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## 1. Background and legislative framework

### 1.1. Introduction

The Broadcasting Authority of Ireland (BAI) has developed a funding Scheme for the archiving of broadcast material. A number of documents, reports and statutory requirements have helped shape this Scheme, including the Forum on Broadcasting, 2002, the *Broadcasting (Funding) Act, 2003*, existing contractual requirements for BAI contractors, statutory provisions for public service broadcasters and the Broadcasting Act 2009.

### 1.2. Genesis and founding documents

#### 1.2.1 Forum on Broadcasting, 2002

In August 2002, the Forum on Broadcasting made a series of recommendations. Amongst these it stated that:

‘Broadcasters should be obliged to maintain archives in an appropriate manner. A representative group should be established to advise the Minister for Communications, Marine and Natural Resources on the development of a national policy on audio-visual archives.’<sup>1</sup>

These recommendations led to the inclusion of archiving in the *Broadcasting (Funding) Act, 2003*. The Minister introducing the legislation stated ‘on the issue of archiving, the rationale for this aspect flows from the Forum report and its comments on the dearth of archiving, particularly in the independent sector<sup>2</sup>. These provisions were retained in the Broadcasting Act 2009.

#### 1.2.2 Obligations for public service broadcasting

##### *RTÉ*

Raidió Teilifís Éireann (RTÉ), the national public service broadcaster has a long-standing tradition of archiving its broadcast material as statutory recognition of RTÉ Archives was provided for in the *Copyright Act, 1963*. Sections 12 (9) and 17 (13) made specific reference to recordings being ‘preserved in the archives of Radio Éireann’, which were designated official archives for that purpose. Further provisions are set out in Sections 105 and 253 of the *Copyright and Related Rights Act, 2000* which also provide a statutory recognition of the importance of archives. RTÉ holds the property rights to all the material it broadcasts, pursuant to the provisions of the *Copyright and Related Rights Act, 2000*.

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<sup>1</sup> Department of Communications, Marine and Natural Resources (2002), *Broadcasting Forum Report*, Dublin: DCMNR, 34.

<sup>2</sup> Mr. Dermot Ahern, TD, Seanad Éireann, Broadcasting (Funding) Bill, 2003, Committee Stage

RTÉ Archives collectively encompass the history and culture of Public Service Broadcasting in Ireland from the advent of radio in 1926 through to the arrival of the first television service in 1961. The RTÉ Archives also contain archive objects that pre-date the Broadcasting era, acquired via donors and other sources.

RTÉ Archives therefore comprise both a broadcasting as well as a heritage component. This heritage component of the RTÉ Archive holdings has historically placed a responsibility upon RTÉ to collect, store, conserve and preserve audio-visual and written materials which may otherwise have been lost, and which now comprise a significant aspect of Ireland's cultural heritage. RTÉ has invested in the RTÉ Libraries and Archives for many years. RTÉ's experience in and commitment to the preservation of broadcast material cannot be overstated. Yet, its resources are finite and additional support through a funding Scheme would broadly be useful.

#### *TG4*

Teilifís na Gaeilge (TG4) was established as a statutory entity on 1 April 2007. The Irish language channel was originally established and operated under the statutory umbrella of RTÉ 1996-2007. The functions and duties of Teilifís na Gaeilge (TG4) are set out in the *Broadcasting Act, 2009*. Section 118 states that Teilifís na Gaeilge shall establish, maintain and operate a national television broadcasting service which shall have the character of a public service, be a free-to-air service, and be made available, in so far as it is reasonably practicable, to the whole community on the island of Ireland.

Section 188 also requires TG4 to establish and maintain relevant archives and libraries.

Since TG4 was established in 1996 under the statutory remit of RTÉ, it has operated under statutes and codes applicable to the national broadcaster. Consequently, it has been required to store and preserve copies of materials broadcast in its station. Today it has quite a comprehensive archive and is in discussions with groups external to the broadcaster vis-à-vis the future archiving of television programmes in the Irish language. To date, no clear vision has emerged and funding for future developments, preservation and expansion has yet to be identified. This is of critical importance in order to preserve broadcast material recorded in Ireland's national language, and it is thought that the Archiving Scheme has a positive role to play to support further development in this regard.

#### 1.2.3. The Broadcasting Act 2009 and BAI contracts

The Broadcasting Act 2009 specifically mandates the BAI to develop a Scheme for the archiving of programme material<sup>3</sup>, including projects relating to matters such as research, needs assessments, analyses, feasibility studies and pilot projects. The relevant sections of the Act are listed in Appendix 1<sup>4</sup>.

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<sup>3</sup> Provision for the development of an Archiving scheme was originally made in the Broadcasting (Funding) Act, 2003.

<sup>4</sup> The relevant provisions of the Broadcasting Act 2009 were amended by Section 72 of the Communications Regulation (Postal Services) Act 2011

Though many BAI contracts require contractors to co-operate actively with the Authority in respect of any arrangements which the Authority may make in connection with the establishment and maintenance of an archive of material broadcast by the Authority's broadcasting contractors, the absence of a national audio-visual archiving policy and/or of a centralised repository has meant that a lot of broadcast material has effectively disappeared. Anecdotally, this means that there are no records within Irish local radio stations of interviews or reactions of local Irish people to 9/11, some of whom had relatives involved in the tragedy, that key interviews with local artists, writers, poets or politicians have not been kept for posterity, or if they have, not consistently and appropriately (through an archiving policy and procedure, and suitable storage).

This Scheme aims to address some of this archiving void, by encouraging and supporting the development of an archiving culture in the Irish broadcasting sector as a whole.

Viewed collectively, one sees that a sound basis exists in Irish legislation and the contractual arrangements of independent radio and television broadcasters to develop and extend broadcast archiving practice in Ireland. Building on these foundations will assist programme materials to be truly recognized as part of Ireland's cultural heritage and not merely a by stander. It is hoped the Broadcast Archiving Scheme will contribute to the preservation of this heritage.

## 2. Objectives of the Archiving Scheme

The objectives are grounded in the statutory provisions and provide a benchmark and overall context in which the Authority will establish, manage and administer the Archiving Scheme. Three objectives are outlined as follows:

- (i) To develop an **integrated approach** to the archiving of programme material produced in the State to include the promotion, development and safeguarding of Ireland's broadcasting heritage. This will include the promotion of archiving of programme material which is of benefit to, and advances the standards of, Irish broadcasting;
- (ii) To develop suitable **storage processes** and formats to encourage and assist bodies in the restoration and/or storage of material recorded on failing, or soon to be obsolete formats;
- (iii) To provide for fast and accurate **access to programme materials** by interested parties and to raise public awareness in the preservation and use of broadcast archive materials.

### **3. Role of the Broadcasting Authority of Ireland (BAI)**

Under the terms of the Broadcasting Act 2009, the BAI is assigned responsibility for the formulation, management and administration of a Scheme to fund the development of an integrated approach to the archiving of programme material produced in the State. In so doing, the BAI will adopt a broadly strategic approach regarding this Scheme based on the priorities identified hereunder:

- (i) **To establish structures** which focus on the objectives of the Scheme and ensure the effective distribution of funding to projects designed to further those aims;
- (ii) **To build strong links and establish mechanisms** for dialogue with the broadcasting sector, advertising industry, public sector agencies, and other relevant sector areas, to gauge trends in the archiving of programme material and in other relevant areas;
- (iii) **To maintain flexibility** within the structures of the Scheme to ensure the efficient administration and management of the Scheme in order to respond effectively to the needs of the broadcasting sector and related areas and in order to ensure that the objectives of the Scheme are realised.

With this approach the BAI aspires to contribute effectively to the preservation, conservation and restoration of Ireland's broadcast heritage for future generations.

## **4. Eligibility for Funding**

### **4.1 Eligibility to Apply for Funding**

The following will be eligible to apply for Funding under the Archiving Scheme:

- Broadcasters (public, commercial and community);
- Advertisers;
- Persons/institutions in possession of relevant material;
- Persons/institutions capable of carrying out work on archiving material considered to be of value to the State;
- Persons/institutions capable of furthering the objectives of the Scheme e.g. through research etc.

### **4.2 Eligible Programme Material**

Programme Material eligible for funding shall include the following:

- Television content which was broadcast in whole or in part or was recorded for broadcast;
- Radio content which was broadcast in whole or in part or was recorded for broadcast;
- Advertising and similar material, which was broadcast in whole or in part or was recorded for broadcast;
- Stills produced from such material or in the context of the recording of such material
- Photographs produced from such material or in the context of the recording of such material.

### **4.3 Eligible Projects**

Projects eligible for funding shall include:

- The archiving of Programme Material as set out at 2 above.
- Projects related to archiving matters such as: research, needs assessments, analyses, feasibility studies and pilot projects, including such projects undertaken by or on behalf of the Minister for Communications, Energy and Natural Resources.

### **4.4 Themes and Genres**

Special consideration shall be given to the archiving of Programme Material which preserves a historical record of Irish culture, heritage and experience and assists in the development of an integrated approach to the archiving of Programme Material produced in the State, including Programme Material which:

- Is in the Irish language;
- Relates to Irish culture and life;
- Concerns Irish music, drama and entertainment
- Is news, current affairs or documentary;
- Is in any other category identified by the BAI and which the BAI deems is worthy of maintenance and preservation

Genres of programme may include the following, provided all of the above were made for broadcast and/or broadcast:

- Documentaries
- Speech Programmes
- Sports Programmes
- Music Programmes
- Children's Programmes
- Irish Film

## **5. Funding**

The Archiving Scheme will be financed through a percentage of the annual Broadcasting Fund, established pursuant to Section 157 of the Broadcasting Act 2009. It is envisaged that the proportion allocated to archiving will not exceed 20% of the total available from the Broadcasting Fund in any year.

### **5.1. Allocation of funds**

In the initial funding rounds, in advance of knowing the number and nature of applications that it might expect to receive, the BAI will not pre-assign budgets to particular categories of applicant or project. Following an assessment of the first funding rounds, the BAI may consider the pre-assignment of budgets to certain categories. These will be based on furthering the objectives of the Scheme, the analyses of applications received and the overall level of funding available at that time.

### **5.2. Percentage of funding available**

The BAI will allocate grants under the Archiving Scheme up to a maximum of 80% of the total budget required under the applicant's proposal. Applicants will be required to demonstrate the availability, adequacy and source of other and/or matching funding. This cannot include funds from other BAI schemes.

The decision regarding the percentage of funding to be awarded to an individual project will be based on a number of factors, including the availability of other sources of funding and the extent to which the proposal meets the objectives of the Scheme. It will be a matter for applicants to demonstrate to the BAI how the balance of funding for a particular project will be made available.

### **5.3. Funding rounds**

The BAI will introduce one or more funding rounds for projects relating to the archiving of programme material on an annual basis. The number of funding rounds will depend on the number and nature of applications received. The BAI may also offer multi-annual funding (over a two or three year period) in certain circumstances. In any event, no funding will be allocated beyond the approved life of the Scheme.

### **5.4. Guidelines**

In seeking applications for funding under the Archiving Funding Scheme,

- The BAI shall publish guidelines to assist applicants in preparing their proposals. These may vary from round to round but will take into account the fact that the BAI will be looking to support high quality archiving which is of benefit to Irish broadcast heritage.

- The BAI may specify particular categories of projects, and publish guidelines for applicants accordingly.
- The BAI will issue a call for funding applications by way of public notice.

#### **5.5. Criteria for the award of funding**

Applications will be assessed under the criteria referenced in Appendix 2.

## **6. Operation of the Scheme**

### **6.1 The Application Process**

#### *Publish information*

Following the formal launch of the Scheme, the BAI will publish guidelines for potential applicants which will include eligibility information and assessment criteria, a standard application form and other supplementary information as deemed appropriate. The publication of a standard application form will ensure that applicants have a clear understanding of the information required to be submitted and which will enable applications to be judged comparatively and consistently.

#### *Application form*

A hardcopy and/or an electronic version of the application form will be made available on request by the BAI and provided on the BAI website.

#### *Application Timeframe*

Potential applicants will have a period of no less than six weeks in which to prepare an application, including supplementary information, and to clarify with BAI staff any queries they may have regarding the application process.

#### *Submission of Applications*

Completed application forms along with all additional supplementary information must be submitted to the BAI within the published deadlines. Applications will not be accepted after the deadline has passed. In order to facilitate the processing of applications, the BAI will request a hardcopy and an electronic version of the completed application.

## **6.2 Assessment and Decision-making Process**

The assessment and decision-making process for the Archiving Scheme is comprised of three stages. These are as follows:

### *Preliminary evaluation*

The purpose of the preliminary evaluation is to ensure that an applicant is eligible for funding under the Scheme. The preliminary evaluation also seeks to ensure that an applicant has adhered to all of the application procedures, in line with the BAI's application guidelines, and that all parts of the relevant information have been submitted.

Any applications which do not pass the preliminary evaluation stage will be disqualified and will not be subject to further consideration. The preliminary evaluation will be an internal procedure conducted by appropriate staff at the BAI.

### *Strategic assessment*

One or more assessment panels will be convened to include appropriate staff at the BAI, representative(s) from the broadcasting or advertising industries (from Ireland or overseas) and specialist(s) in the area of the archiving of programme material.

The purpose of this phase is to fully assess each application under the broad strategic objectives of the Archiving Scheme and under each of the relevant criteria set out in Appendix 2. An assessment panel will be charged with responsibility for compiling a package of recommendations for consideration and approval by the Authority

### *Final Decision*

The third and final stage of the assessment process will result in the Authority making final decisions on the award of funding to one or more applicants, taking into account recommendations from an assessment panel and appropriate staff at the BAI, the amount of funding available and any other relevant matters considered appropriate by the BAI. The BAI reserves the right not to award funding to any applicant and to attach one or more conditions to the award of funding.

## **6.3 Award of Funding and Requirement to Enter a Contract with BAI**

Following assessment of applications, the BAI will write formally to each applicant to inform them of the BAI's decision. Where the decision regarding the provision of funding is in the negative, the Authority will provide reasons for its decision.

For successful applicants, the following procedures will apply:

- The BAI will write to inform the applicant of the decision, setting out any condition(s) attaching to the award of funding.

- The successful applicant shall confirm in writing his/her acceptance of the offer of funding and any condition(s) attached thereto by the BAI.
- A successful applicant shall be required to enter into a contractual agreement (a “Funding Contract”) with the BAI, on terms to be specified by the BAI. Such terms shall include a schedule relating to the drawdown of funds by an applicant.
- Funds will be administered by the BAI in accordance with the terms of the Funding Contract.

#### **6.4 Acknowledgement of Funding**

A successful applicant must acknowledge the funding support of the Archiving Scheme and the BAI, in a manner considered appropriate by the BAI.

#### **6.5 Monitoring and Evaluation**

The BAI will undertake an ongoing monitoring and evaluation of the television, radio and advertising elements from the commencement of each. Such review will include consideration of the type of applications received, the decision-making process including criteria as applied by the BAI to the particular cases and the various categories of recipient. The results of the review process will inform future decisions by the BAI as to the development of further Schemes.

The Archiving Scheme will initially run for a period of four years. At the end of Year 3, the BAI will review its operation, effectiveness and impact on broadcasting in general, and archiving practices and the recipients of funding specifically.

The principal aim of the review will be to measure the impact of the Scheme and to assess the Scheme's ability to meet its objectives. To carry out this analysis, the review will address all areas of the Scheme from its launch. This will include, but not be limited to, the following areas:

- information for applicants;
- relevance of objectives;
- application process;
- assessment procedure;
- level of demand from applicants;
- outcomes from the decision-making process.

A consultation with those producing programme material and/or recipients of grant aid will form part of this review. The overall impact on the development of the archiving of programme material produced in Ireland will thereby be assessed.

## **Appendix 1 – Broadcasting Act 2009.**

### **1.1. Introduction**

The Broadcasting Act 2009 was enacted on 12th July 2009. The Act directed the Broadcasting Authority of Ireland (BAI) to develop a Scheme for the archiving of programme material produced in the State. The relevant sections of the Act are provided hereunder.

### **2.2. Broadcasting Act 2009 (as amended)**

#### *Section 153*

*“Programme Material” means audio-visual or audio material, including advertising and similar material, which was broadcast in whole or in part or was recorded for broadcast, and includes stills and photographs produced from such material or in the context of the recording of such material.*

#### **Section 154.**

(1) The Authority shall prepare and submit to the Minister for his or her approval a scheme or a number of schemes for the granting of funds to support all or any of the following—

(a) new television or sound broadcasting programmes including feature films, animation and drama on Irish culture, heritage and experience, including—

(i) history (including history relating to particular areas, groups or aspects of experience, activity or influence),  
(ii) historical buildings,  
(iii) the natural environment,  
(iv) folk, rural and vernacular heritage,  
(v) traditional and contemporary arts,  
(vi) the Irish language, and  
(vii) the Irish experience in European and international contexts,

(b) new television or sound broadcasting programmes to improve adult or media literacy,

(c) new television or sound broadcasting programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State,

(d) programmes under *paragraphs (a), (b) and (c)* in the Irish language,

(e) the development of archiving of programme material for all or any of the descriptions of programme specified in paragraphs (a), (b), (c), (d) and (f), including technological

and system developments for the purposes of enhancing the availability of and access to archived programme material, and”.

(f) such ancillary measures as are necessary to support schemes prepared under *paragraphs (a), (b), (c) or (d)*.

#### Section 154(2)

A scheme—

(c) may provide funding for projects relating to matters such as research, needs assessments, analyses, feasibility studies and pilot projects in relation to *subsection (1)(e)*, including such projects undertaken by or on behalf of the Minister, and

#### Section 154

(3) A Scheme may provide-

*(c) that funding in a particular year will be directed at -*

*(ii) particular classes of projects referred to in subsection (1) (e).*

#### Section 155

*(2) The objective of a Scheme in relation to the development of archiving of programme material produced in the State referred to in section 154 (1)(e) is to develop an integrated approach to the archiving of programme material, including the development of suitable storage processes and formats and the accessing of material by interested parties and reflecting the obligations of the Authority as set out in subsections (6), (7), (8) and (9) of section 69.*

#### Section 155

*(3) The Commission, in preparing a Scheme and in considering applications for funding, shall have regard to the objectives of a Scheme.*

#### Section 156

*(2) The Minister, with the approval of the Minister for Finance, may pay to the Authority out of monies provided by the Oireachtas for the purposes of grants under a Scheme and any administration of or reasonable expenses relating to a Scheme, in respect of each financial year, an amount being equal to 7 per cent of net receipts in that year in respect of television licence fees.*

#### Section 158

*(1) The Authority shall review the operation, effectiveness, and impact of a Scheme not later than three years from the passing of this Act, and every three years thereafter, or at such other time as may be requested by the Minister, and make a written report to the Minister on the review.*

*(2) A copy of a report under subsection (1) shall be laid by the Minister before each House of the Oireachtas, as soon as may be, after it has been made to him or her.*

*(3) The Minister shall publish (including publication by electronic means capable of being read in legible form) a report made to him or her under subsection (1).*

#### *Section 157*

*(1) The Authority shall establish and maintain on the establishment day a fund which shall be known as the Broadcasting Fund and is referred to in this Part as the 'Fund'.*

## **Appendix 2 – Assessment Criteria**

### **1. Preliminary Evaluation**

The preliminary evaluation of applications for funding will be assessed as follows:

- Is the applicant eligible to apply for funding under the Scheme?
- Has the applicant complied with all of the competition guidelines and submitted all of the relevant information?
- Additionality: as a result of funding, would the Programme Material to be archived be additional to the body of archived Programme Material already in existence or those that an applicant is required to provide further to existing legislation?

### **2. Strategic Assessment**

Applications for funding will be assessed against the following criteria:

#### *General:*

- The extent to which the applicant's proposals further the objectives of the Archiving Scheme
- The extent to which the applicant's proposals are of strategic value in the achievement of the statutory objectives
- The realism of the applicant's proposals generally

#### *Content and Archiving-related Projects:*

- Is the Programme Material proposed to be archived in keeping with guidelines for funding under the Scheme?
- Will the proposals assist in the preservation, conservation, and/or restoration of Programme Material that is under threat, disappearing or not hitherto archived or accessible?
- To what extent do the Applicant's proposals further the Scheme's objectives in relation to the programme themes and genres to be given particular consideration by the BAI?
- Is the project proposed in keeping with project guidelines for funding under the Scheme?
- Will the project be adequately resourced particularly in terms of professional expertise in the area of archiving?

#### *Approach:*

- Does the proposal contribute to the promotion, development and safeguarding of Ireland's broadcasting heritage?

- Does the proposal support the development of knowledge and skills in the area of broadcast archiving, with a view to long-term sustainability and best practice for the applicant?
- Does the application contribute to research and the existing body of knowledge in relation to archiving of Programme Material produced in the State?
- Does the application develop a consistency of approach regarding the archiving of Programme Material for the applicant, thereby assisting in the preservation of the broadcasting heritage?
- Are the proposals well structured and is the approach proposed supported by international best practice guidelines?

*Storage:*

- Has the applicant demonstrated the use of suitable storage processes, including technical and technological processes, aimed at assisting in the preservation, restoration and subsequent storage of material recorded in formats that are failing, or soon to be obsolete?
- Do the applicant's proposals assist in building the applicant's capacity to store Programme Material effectively, appropriately and securely?
- Does the applicant set clear standards in terms of storage, cataloguing and classification of broadcast material?
- To what extent do the applicant's proposals assist in the development of new storage formats that improve the accuracy and speed of preserving, conserving and accessing Programme Material?

*Access:*

- What provisions has the applicant made to facilitate access to the archived Programme Material by interested parties?
- What steps does the applicant propose to promote public awareness in the preservation, conservation and use of Programme Material?
- What special provisions, if any, have been made to facilitate the understanding and enjoyment of television programme content and radio programme content by persons who are deaf and hard of hearing and/or persons who are blind or partially sighted?

*Resources:*

- The adequacy, availability and source of other funding to support the applicant's proposals
- The adequacy, availability and source of other resources necessary to successfully plan, implement and complete the project
- The adequacy, realism and transparency of the applicant's financial proposals generally
- Do the applicant's proposals represent value for money?
- Has the applicant submitted a current tax clearance certificate issued by the Irish Revenue Commissioners?

*Experience and Track Record of the Applicant:*

- Has the applicant all of the relevant experience necessary to undertake the project proposed?
- Has the applicant an appropriate track record in undertaking projects such as that proposed?
- If appropriate, has the applicant an acceptable track record in managing public funding received?
- Has the applicant the capacity to implement the project along the lines and within the timeframe proposed?

*Copyright Issues:*

- Has the applicant adequately demonstrated adherence to any relevant copyright statutes and/or agreements?



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