

Freedom of Information Policy

THE ACT

The Freedom of Information Act 2000 (the Act), which came into force in January 2005, gives the public a general right of access to all types of recorded information held by public authorities. The term “public authority” is defined in the Act and includes all public bodies and government departments in the UK.

The collection and use of personal data is governed by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018). The UK GDPR is the retained EU law version of the General Data Protection Regulation ((EU) 2016/679), which came into force at the end of the Brexit transition period in January 2021. Requests in relation to your own personal data should be made as a data protection subject access request. The Information Commissioner’s website helpfully sets out the rights of individuals in relation to personal data <https://ico.org.uk/your-data-matters/>.

A request for environmental information held by MG ALBA will be handled under the Environmental Information Regulations 2004. When making a request for such information you do not need to specify which law or regulations you are making your request under.

APPLICATION OF THE ACT TO MG ALBA

Significantly, MG ALBA is only covered by the Act for some purposes of its work. The Act provides that for MG ALBA, in common with various broadcasters, the provisions only apply “in respect of information held for purposes other than those of journalism, art and literature”. This means that the Act does not apply to material held for the purposes of creating programmes or material which supports and is closely associated with these creative activities.

REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000

For an external party to exercise their right of access under the Act, they must:

- make their request in writing (e-mail, letter or fax);
- address their request to: MG ALBA, Seaforth Road, Stornoway HS1 2SD. E-mail: foi@mgalba.com. Fax: 01851 706432;
- provide their name and address to allow MG ALBA to be able to respond to their request;
- describe in as much detail as possible the information that you require to allow MG ALBA to be able to identify and locate it; and
- confirm your preferred method for receiving the information (e.g. paper copy, e-mail).

MG ALBA will respond to requests for information within 20 working days from the date of receipt.

BBC ALBA FOI REQUESTS

Any requests for information concerning the collaboration between MG ALBA and the BBC in relation to the running or management of BBC ALBA, the free-to-air Gaelic television and online service, should be addressed to BBC Scotland, whose responsibility it will be, jointly with MG ALBA, to agree the appropriateness of content and final version of any response.

EXEMPTIONS

It is our policy to be as open as possible. However, under the Act, all public authorities have the right to withhold certain types of information. The list of exemptions and guidance on how they apply can be found on the Information Commissioner's website.

These exemptions may be applicable in addition to the specific exclusion in relation to information held for the purposes of "journalism, art and literature".

In some circumstances, information made publicly available is contained in documents which also include material that is excluded from the scope of the Act. For example, our Annual Report includes information about the way in which MG ALBA is run and information held for the purposes of "journalism, art and literature". Where we can, we try to provide access to selected documents of this type, even if they include material which is not within the scope of the Act.

Where MG ALBA is unable to disclose information due to an exemption under the Act, as much information from any document as possible will be shared, highlighting where information has been withheld and the nature of the exemption that applies.

PUBLICATION SCHEMES

MG ALBA, along with all other public authorities in the UK, has a legal duty under the Act to adopt and maintain a publication scheme.

The Act states that the publication scheme should specify:

- the classes of information a public authority publishes or intends to publish;
- how the information will be published; and
- whether or not a charge will be made for the information.

The aim of this scheme is to provide a comprehensive guide to the information MG ALBA makes available and, wherever possible, to provide an easy method to access this information.

This scheme is published in Gaelic and English, and large print versions in both languages are also available. This scheme will be made available on the MG ALBA website and also by means of a hard copy for those who do not have access to the internet. To be sent a hard copy of this scheme please contact MG ALBA.

Charges may be made for information published under this scheme. Material which is published and accessed on our website will be provided free of charge (i.e. there is no charge by us, although the user would of course have to meet any charges imposed by their Internet Service Provider and any personal printing costs).

For those without internet access, or where information is not published on our website, single copy print outs will generally be available free of charge. In certain circumstances, (e.g. multiple print-outs) charges may be made for information subject to a charging regime prescribed under the Act.

Charges may be made for actual expenses incurred such as:

- photocopying;
- retrieval of archived documents;
- postage and packaging;
- providing information in electronic or hard-copy format; and
- the costs directly incurred as a result of viewing information.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be required prior to provision of the information that has been requested.

Where it is within MG ALBA's capability, information will be published on our website. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

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REVIEW AND FEEDBACK

MG ALBA will review this scheme at regular intervals and monitor how effectively it is operating. A complaints procedure is in place to handle any further issues.

Reviews and actions in relation to this policy will be carried out by the FOI Officer in the first instance with management from the Director of Finance.