

Archiving of Radio and Television Programmes in Ireland

Discussion Paper

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Section 1 Introduction

1.1 Background to Paper

The August 2002 report of the Forum on Broadcasting recommended that Irish broadcasters “should be obliged to maintain archives in an appropriate manner”, and that a national policy on audio-visual archives be developed. This recommendation led to the inclusion of archiving in the Broadcasting (Funding) Act of 2003. The Minister introducing the legislation stated¹: “On the issue of archiving, the rationale for this aspect of the Bill flows from the forum report and its comments on the dearth of archiving, particularly in the independent sector”.

Article 2 of the Broadcasting (Funding) Act 2003 sets out the purposes of the Broadcasting Funding Scheme. These will include “the development of archiving of programme material produced in the State”. Article 3 of the Act states: “The objective of a scheme in relation to the development of archiving of programme material produced in the State ... 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”.

In Summer 2005, the Broadcasting Commission of Ireland commissioned this paper as a first step in the process of developing a system of broadcast archiving in Ireland.

While there has been a system of archiving in RTE for some time (see Section 4), there has been no wider system of broadcast archiving in Ireland. As such, the objective of the BCI in commissioning this paper was to gain an initial overview of a number of issues relating to broadcast archiving:

- ❖ What is the general rationale provided for archiving broadcast material?
- ❖ What are the main technology issues in broadcast archiving?
- ❖ What archiving has been undertaken up to now by RTÉ, and by non-broadcasting organisations in Ireland?
- ❖ Based on discussions with a sample of Irish television and radio stations, what (if anything) is currently being done in relation to archiving, and do these stations have initial views on the kind of archive system that should emerge?
- ❖ Is there an EU framework for broadcast archiving, and how has the issue been approached in the UK and elsewhere?
- ❖ Can a set of next steps be identified for the BCI in relation to the development of a system of national broadcast archiving?

These issues provide a structure for the paper and each is addressed in turn in Sections 2-7.

Given the fact that this paper is a first step in the BCI’s process regarding broadcast archiving, the objective of this paper is as much about refining the above questions, and identifying relevant sub-questions in each case, as about providing answers. This relatively short paper provides a starting point for a wider discussion of the issues arising with the different stakeholders in the Irish broadcasting sector.

¹ Mr. Dermot Ahern TD, Seanad Éireann, Broadcasting (Funding) Bill 2003: Committee Stage

1.2 Preparation of Paper

The research to prepare this paper took place between July and October 2005 and involved a number of steps:

- ❖ Desk research, including the sourcing of international material on archiving;
- ❖ Meetings with RTE and with three other Irish organisations with archiving expertise (the Traditional Music Archive, the UCD Delargy Centre for Irish Folklore and the Irish Film Archive);
- ❖ Consultation with experts on broadcast, audio and audiovisual archiving including Con Bushe, previously Head of Archive at RTE; Maurice Kirwan, head of Digitake, which manages the audio archive of the Oireachtas; and Steve Bryant of the British Film and Television Archive;
- ❖ Telephone or e-mail contact/discussions with TV3, TG4 and Today FM;
- ❖ Structured telephone interviews with 10 broadcasters at sub-national level
- ❖ A focus group with representatives of five radio stations from the south-east, hosted by South East Radio in Wexford.

Hibernian Consulting would like to thank the informants who contributed to preparation of the paper for their co-operation, and the people responsible for the Broadcasting Funding Scheme in the BCI for their ongoing support in the process.

Section 2 Broadcast Archiving - Definitions and Policy Issues

2.1 Purpose of Section

Section 2 discusses the definition of broadcast archiving and its different elements or dimensions. It discusses the possible rationales for broadcast archiving and which might apply in Ireland. It then raises a number of policy issues that arose in the research in relation to the introduction of a scheme for broadcast archiving.

2.2 Definition of Archiving

At its simplest, archiving involves storage of material for future use. The term *archive* has a variety of connotations including;

- ❖ a building or part of a building where public records or historical documents are kept and arranged: a repository;
- ❖ a digital location, such as a place in a computer directory, where computer documents are retained;
- ❖ the records or documents themselves, which are assumed to be non-current;
- ❖ the agency or organisation responsible for collecting and storing the documents.

In a narrow sense, an Archive is a collection of original materials in original formats. However, as generally used in relation to broadcast archiving, the word is used in a broader way and the following definition by Edmondson (2004) in a paper for UNESCO may be a useful one from the perspective of this paper:

An audiovisual archive is an organisation or department of an organisation which has a statutory or other mandate to provide access to a collection of audiovisual documents and the audiovisual heritage - by collecting, preserving, managing and promoting such material.

The above definition brings out the fact that there are a number of different functions or dimensions to creating and running a broadcast archive:

- ❖ *Collecting material*, implying some kind of outreach function and interaction with broadcasters, as well as perhaps allowing others to submit material;
- ❖ *Preserving material*, which encompasses activities and functions designed to produce a suitable and safe environment to enhance the life of collections. The skills of preservation include those of conservation (to stabilise and prevent damage or deterioration to material) and restoration (the returning of deteriorated or damaged materials as closely as possible to their original condition);
- ❖ *Managing the materials in the archive*, which will include the development of a system of cataloguing for the materials;
- ❖ *Promoting the material*, implying some criteria as regards who should have access to the archive, as well as a possible charging regime and dealing with associated issues such as copyright.

2.3 Rationale for Archiving

2.3.1 Identifying Possible Rationales

A BBC paper (Chisholm et al. 2004) notes three different reasons to archive broadcasting material:

- ❖ For its commercial value, i.e. for re-transmission at a later date
- ❖ For its historical/social/cultural value, i.e. its value to posterity
- ❖ For legal reasons, i.e. to preserve a record of what was transmitted

While these rationales may overlap, each would require different criteria in selecting material for archiving.

An issue for the BCI is therefore which one (or more) of the reasons should underpin any Irish broadcast archiving scheme? If there is to be a mix of rationales, what should the balance be? In making such a decision, the BCI would be guided by the Broadcasting (Funding) Act of 2003.

One could argue that the broadcasters themselves currently look after the first and third rationales listed above, i.e. insofar as it is in their commercial interest to keep certain material, or if they have a legal obligation to do so, then will be already archiving such material and there is no reason for the BCI to intervene. If this is the case, then the rationale for any BCI archiving scheme would be on historical/social/cultural grounds. Such a decision would affect the choice of material archived, and could affect the technology required.

Even if the historical/social/cultural rationale is the primary rationale for having a broadcast archive, the archive could perhaps also fulfil aspects of the legal and commercial rationales².

2.3.2 Defining Historical/Social/Cultural Rationale

If an Irish broadcast archiving scheme were to focus primarily on historical, social and cultural material, there would be a challenge in defining what this means, and what material should be archived. What current material is likely to have historical or cultural value to people in the future? Should only “programmes” be archived or should commercials, jingles etc. also be preserved? And, given that such decisions must involve a certain amount of judgement, who should make these judgements?

A paper prepared by two New Zealand researchers argues that an archive which is to be seen as a national collection should cover at least three cultural priorities (Horrocks and Pauling 2003)

- ❖ The ‘best material’, traditionally identified by expert informants i.e. established critics, influential reviewers, relevant academics and respected practitioners (peers).

² For example, Irish broadcasters currently keep all material broadcast for 90 days for legal reasons. If some or all broadcast material was being kept in an archive, this might mean such material did not have to be kept by each station

- ❖ ‘Typical Material’ where expert informants would be broadcasters (with their knowledge of ratings and awareness of changing industry and technology patterns) and academic or public experts in ‘social history’ or ‘popular culture’ or ‘cultural studies’ with knowledge of broadcasting.
- ❖ The ‘Public Record’. As politics is an important dimension of history, an archive would maintain a record of news and current affairs. Expert informants in this case would include political scientists and commentators.

Such considerations would arise if an archive is not to be a complete record, i.e. is not to hold all material broadcast by all Irish TV and radio stations. If a sub-set is to be kept in the archive, then this will require criteria for deciding which material is to be kept.

2.4 Other Policy Issues as regards Broadcast Archiving Scheme

A number of other policy issues arose in the course of the research which would need to be addressed at the outset, in terms of defining the purpose of a Broadcast Archiving Scheme, and how any Broadcast Archive should be organised.

2.4.1 Multiple Stakeholders in Broadcast Archive

The discussion on the different possible rationales for a broadcast archive suggests that different stakeholders will be interested in the archive. In terms of government departments, there is a potential interest for:

- ❖ The Department of Communications, Marine and Natural Resources, as the BCI parent department and as the Department charged with developing and overseeing communications policy.
- ❖ The Department of Arts, Sport and Tourism, in particular its sections dealing with cultural institutions and cultural projects. This Department already oversees the National Archives and their Advisory Council;
- ❖ (possibly) the Heritage section of the Department of Environment, Heritage and Local Government.

Given that the discussion above on the possible rationales for a broadcast archive also suggests an interest from historians and other experts, broadcasters and producers, this suggests that consideration will need to be given as to structures so that such inputs can be made to any broadcast archive.

2.4.2 Linkage of RTE to new Broadcast Archive

Section 4 of this paper describes some of the work already undertaken by RTE in relation to archiving its own TV and radio programmes and in holding other material. The RTE archive is well established and the people working there have considerable expertise in relation to broadcast archiving.

A decision would need to be taken as to whether a new broadcast archive should have any formal links to the RTE archive. Options would seem to be:

- ❖ To keep the two completely separate, which may be the simplest option from an institutional perspective,

- ❖ To establish one national broadcast archive, which could involve the archive section of RTE becoming part of this new body;
- ❖ To keep the two organisations separate but to have some links between them, e.g. they might use the same system of cataloguing or the same methods of storage so as to facilitate programme makers and researchers. Such co-operation would be likely to require (formal or informal) structures to facilitate it.

A further question relating to RTE is whether RTE will be eligible for funding under a BCI scheme on broadcast archiving, or whether the scheme should concentrate on putting a system of archiving in place for other broadcasters.

2.4.3 Eligible Sources of Material for a Broadcast Archive

The focus of this paper is on the archiving of material by broadcasters under the remit of the BCI. In this regard, it is assumed that this includes all radio stations in Ireland (including temporary university campus stations, hospital stations etc.) and all TV stations (including Sky News Ireland, Setanta Sports etc.). Confirmation on the precise remit of any scheme for broadcast archiving would be required.

There may also be material which pre-dates the BCI (or any archiving scheme launched) and there may be material owned by individuals or organisations not under the BCI's remit (e.g. a TV or radio programme on Ireland produced by a non-Irish broadcast company or material privately recorded by an individual). An issue that arises for any broadcast archiving scheme is whether it should concern itself with such material, i.e. would it be just a broadcast archive or a wider audio-visual archive?

2.4.4 Funding of a Broadcast Archive

In principle, a broadcast archive could be established to be anywhere between 0% and 100% self-financing (the latter may be very hard in practice if the archive has primarily a historical/ cultural/social remit). A decision will be needed as to whether such an archive should be seen in the same way as the National Museum or National Gallery, funded through taxation and with open access at very low (or no) cost, or whether it would be expected to be partly self-financing and, if so, to what extent.

Given the provisions of the Broadcasting (Funding) Act, it is assumed that any archive will be at least part-funded through public funds. However, if an archiving scheme is to be funded under the Broadcast Funding Scheme, this would raise the issue as to whether such funding can be “ring-fenced” so as to be stable over time – would this require legislation?

2.4.5 Should Archiving be Compulsory or Voluntary?

Operation of a broadcast archive scheme will require co-operation from TV and radio stations, both in receiving material in the best possible condition and in providing contextual information on what is broadcast. Will all stations have to co-operate with the archive? Will there be any *quid pro quo* for them in co-operating with the archive? If they do not co-operate, what kind of penalties could be levied on them? How would compulsory co-operation be monitored?

2.5 Conclusions and Issues Arising from Section 2

Section 2 indicates that a broadcast archive has different functions, including collecting, preserving, managing and allowing access to material. As is seen from the descriptions of existing Irish archives in Section 4, these require different skill sets and this creates an argument that archiving should not be undertaken by each Irish TV and radio station separately but that such a function should be undertaken centrally.

Chapter 2 raises questions in relation to the rationale for a broadcast archiving scheme:

- ❖ What should be the core rationale of a BCI broadcast archiving scheme (of the three rationales mentioned)?
- ❖ If it is the historical/social/cultural rationale, who should act as an arbiter as to what material is kept?
- ❖ If a historical/social/cultural remit is adopted, could the archive still include functions that would support stations in relation to legal and commercial archiving?

Chapter 2 also raises a number of policy issues in relation to a broadcast archiving scheme:

- ❖ To which government department should any broadcast archive report?
- ❖ How can the different stakeholders likely to have an ongoing interest in a broadcast archive be represented in the governance structures of the archive?
- ❖ What should the relationship be between the existing RTE archive and any new broadcast archive?
- ❖ Will RTE be eligible for funding from a BCI Broadcast Archive Scheme?
- ❖ Will a broadcast archive cover all stations under the remit of the BCI, including temporary services and stations on all platforms?
- ❖ Should the archiving scheme funded under the Broadcasting (Funding) Act cover only material from stations under the remit of the BCI or extend to other audio-visual material of historical/social/cultural interest?
- ❖ Should the archive store programmes broadcast before the scheme is launched? Or before the Act was passed by the Oireachtas?
- ❖ To what extent would a broadcast archive be expected to be self-financing?
- ❖ Would it be possible to ear-mark part of the funds raised under the Broadcast Funding Scheme to provide ongoing funds for an archive, or archiving scheme, with associated funding stability?
- ❖ Should co-operation with a broadcast archive be voluntary or obligatory for Irish TV and radio stations?

Section 3 Technology Issues in Broadcast Archiving

3.1 Purpose of Section

A detailed review of the technical aspects of broadcast archiving was outside the scope of this paper. However, a number of issues relating to the technology of broadcast archiving arose during the research and are presented in Section 3. Section 3.2 looks at how broadcast archive material tends to be stored today, based on research on broadcast archives in a number of EU countries. Section 3.3 discusses the trend towards digitisation, which is the way in which most new broadcast material is being stored. Section 3.4 discusses several issues that are still being addressed in relation to digitisation and Section 3.5 notes that different versions of “broadcast material” exist, creating a challenge for an archive to decide on which version to store.

The following definitions may be useful in reading Section 3:

- ❖ **Analogue recording** was the standard form of recording until recent years and involves the representation of information as it has been recorded. When material is transferred from one analogue device to another, the copy will not be exactly the same as the original, e.g. a sound recording will pick up background noise. This implies some loss in quality when a copy is made (“generational degradation”).
- ❖ **Digital recording** creates a binary, computerised representation of information and uses this to re-play the audio-visual information. It involves no generational degradation.

3.2 Media Used to Archive Existing or Historical Material

The Presto (Preservation Technology for European Broadcast Archives) project was an EU-sponsored project from 2000 to 2002 and it included a survey of the broadcast archives in 10 European countries. Based on this survey, the following conclusions were drawn.

Film Archives: Most film materials in television archives are cellulose acetate based. Film is stored on a range of different film media; positive or negative film; 16mm or 35mm film; magnetic sound film.

Video Archives: Analogue video has been mainly recorded on magnetic tape. There is a variety of analogue video formats, more than for film or audio. Within each format, performance partly depends on manufacture.

Audio Archives: Media on which audio archives are stored can be broken into three groups: Magnetic media (0.25 inch tapes), vinyl-like media (78, 45, and 33 RPM vinyl) and other media (shellacs and wax cylinders).

The survey found that, of the archives held, 46% were video holdings; 33% were audio holdings; and the remaining 21% were film holdings. For the materials stored, a wide array of storage formats was being used, as shown in Table 3.1.

Film Holdings	Videotape Holdings	Audio Holdings
<ul style="list-style-type: none"> ❖ 23%: 16mm print ❖ 21%: 16mm reversal (all) ❖ 15%: 35mm print ❖ 13%: 16mm SEPMAG ❖ 11%: 35mm SEPMAG ❖ 10%: 35mm negative ❖ 7%: 16mm negative 	<ul style="list-style-type: none"> ❖ 32%: BETACAM ❖ 16%: 1-inch tape ❖ 16%: 0.25 inch UMATIC ❖ 11%: VHS ❖ 7%: Digital BETACAM ❖ 6%: M2 ❖ 5%: D2 ❖ 3%: 2-inch tape ❖ 2%: D3 ❖ 1%: D5 ❖ 1% CD-ROM 	<ul style="list-style-type: none"> ❖ 72%: 0.25 inch tapes ❖ 20%: Shellac and vinyl ❖ 4%: CD ❖ 3%: DAT ❖ 1%: Cassettes ❖ 0%: Minidisk ❖ 0%: Tandberg QIC cartridges
<p>Source: Wright, R. (2005), 'Broadcast Archives: Preserving the Future', BBC Information and Archives. Information drawn from the results of the Presto Survey</p>		

For the most part the holdings of broadcast material in existing EU archives are held in their original analogue formats (i.e. they have not been digitised), raising issues of storage and preservation. The Presto study found that:

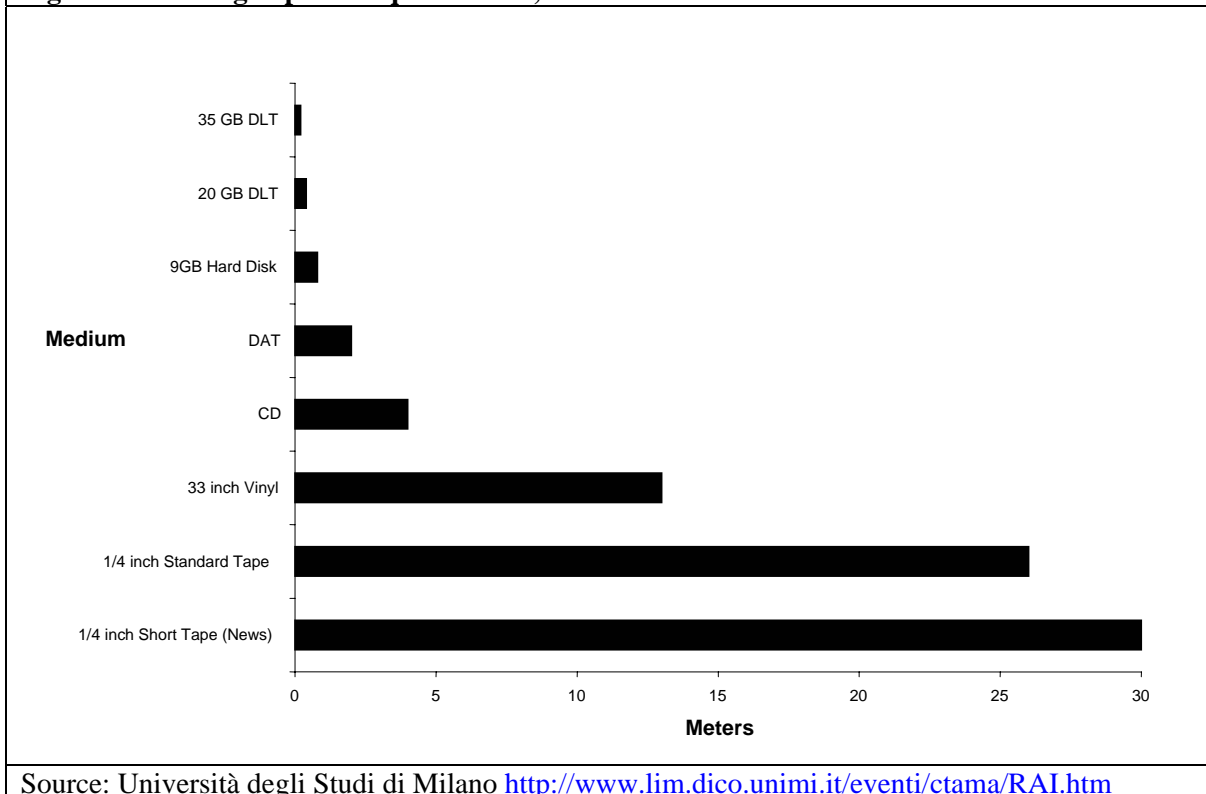
- ❖ at least two-thirds of archived material cannot easily be used in its current form;
- ❖ about one-third of material is in some form of deterioration
- ❖ about one-quarter of the material is too fragile to be released for access
- ❖ the annual intake of new video and audio material is up to four times the rate of preservation.

3.3 The Move towards Digitisation

The literature indicates a gradual migration of stored material to a digital format, with new material generally being stored digitally. Key reasons for this are:

- ❖ The older analogue media degrade over time so quality is reduced;
- ❖ As the devices needed to access and play analogue media themselves become obsolete, acquiring and maintaining such devices becomes more expensive;
- ❖ Provided digital material is backed-up and held on more than one site, then it should be secure;
- ❖ Digitisation of archives can potentially allow greater access to materials, and allow archives to become a public amenity.

There are also benefits of moving to digital storage in terms of storage space. Figure 3.1 shows that, while it requires up to 30 meters of shelving to hold 1,000 hours of audio on 0.25-inch tape, it takes well under 1 meter of shelving to hold the equivalent on Digital Linear Tape (DLT). As 0.25-inch ("quarter-inch") tape is the most widely used European medium for audio storage (see Table 3.1), Figure 3.1 suggests large savings in storage space can be made by transferring archive materials to digital media.

Figure 3.1: Storage Space Required for 1,000 Hours of Audio Material

According to Chisholm et al (2004) between 1997 and 2003, the cost of digital storage fell by 99% (from \$400 per gigabyte to under 50 cents per gigabyte), and continues to fall. The physical space required is also being reduced and the technology improved on an ongoing basis.

While the above paragraphs set out the strong rationale for a broadcast archive to store materials in digital format, there is a case for storing (at least some) materials in other formats, if they are originally created in those (analogue) formats. The argument is that preserving the original material shows not just the images, but the techniques used to capture the images. If a broadcast archive exists to capture material of historical/social/cultural value, then these aspects are also of value and an archive should have elements of a “museum of technology”. Even in such instances, from a preservation perspective, it may still be useful to maintain copies of material in digital format.

3.4 Issues under Discussion in Digitisation

3.4.1 Developing Common Digital Standards

If different broadcasters present material to an archive in the same way, this will have obvious benefits for users of the archive and for those storing the material. While the archiving of new material is now likely to be in a digital format, multiple digital formatting options exist. Some archives (e.g. in New Zealand) are making increasing use of digital formats such as CDs and DVDs for viewing copies. At present in the UK and Ireland,

Digital Linear Tape (DLT) and DigiBeta are commonly used. The literature shows a debate as to whether such formats are an interim solution and whether television or other moving image activity is likely to migrate in the coming years to the IP (Internet Protocol) platform used by the World Wide Web. For audio archiving, while tape formats are still commonly used, audio material is increasingly being stored on computer hard drives. While some archivists are concerned about the long term stability of such formats, these formats are commonly used in the permanent audio records of parliaments and courts internationally, including in the Oireachtas.

3.4.2 Developing Common Standards for Metadata

Metadata refers to information embedded in broadcast material which is likely to include, at a minimum, the name of the programme or item, when it is being broadcast and by what organisation. It could, in addition, include extensive cataloguing information, details of shots and copyright information. A standardisation of metadata (i.e. the cataloguing information embedded in the material about a programme or other archived item) will aid both the archiving process and the subsequent accessing of material. Such metadata allows archives to add additional layers of data according to special interests, e.g. it can include information useful to a producer (such as the breakdown of particular shots) or to a historian.

To use metadata for cataloguing purposes, institutions must synchronize metadata fields, preferably based on the needs of the target audience. When providing joint access to multiple collections, standardisation of search-and-retrieval metadata elements allows a shared standard from a user perspective.³ There have been efforts internationally to standardise metadata for cataloguing purposes, e.g. Dublin Core metadata is a widely used standard, consisting of 15 elements, for cross-domain information resource description.

3.4.3 Interactive Television and Other Emerging Technologies

For this paper, we take the Broadcast Industry to encompass terrestrial TV and radio broadcasts available over publicly accessible wavelengths. An archiving scheme would need to take account of emerging technologies that are playing an increasing role in the viewer / listener proposition. These include Digital Television, Podcasts and Digital Video Recorders / Personal Video Recorders. The most widely known DVR / PVR is TiVo which allows users to capture television programming to internal hard disk for later viewing, also called “time shifting”.

While it is not possible to predict the market penetration of any one technology, one with immediate impact is Digital Television with its variety of applications including chat, e-mail, games and shopping. Digital Interactive Television is currently available in the UK and Ireland and market penetration is increasingly annually, driven by potential for direct revenue streams for the broadcaster. As interactive television content (such as “wraparound” news updates, different “player-cams” for viewers of sports events etc.) becomes more integrated into the viewing experience along with the normal (“linear”) video and audio content, the more it becomes a core part of the broadcast material. If this is so, should it be captured for archiving purposes?

³ Training for Audiovisual Preservation in Europe (TAPE); www.tape-online.net

Many existing archiving systems do not cater for Interactive Television and do not capture all components of the digital output from a broadcaster. In particular, there is little technical support for archiving interactive content and other ancillary components. A BBC paper (Chisholm et al. 2004) suggests that archiving the as-transmitted digital broadcast may address many of the requirements for the archiving of interactive television as it is currently available.

3.4.4 Copyright Issues

As TV or radio material is stored digitally, it becomes easier to access remotely and this raises the issue of material being listened to, or viewed, by large numbers of people, or being re-broadcast or re-purposed. The issue of copyright was raised as a concern by broadcasters in the research for this study. Clear guidelines and assurances regarding copyright are important if broadcasters in Ireland are to cooperate fully with any archiving scheme. If such material has originally been produced by a particular station or person, copyright generally remains with them. How can they be sure that their rights will be asserted? Does an archive have responsibilities in this regard or is its responsibility to remind users of their copyright obligations?

3.5 Different Versions of Broadcast Material

There is normally more than one possible version of broadcast material to be archived and a distinction can be drawn between pre-transmission and as-transmitted material.

Pre-transmission archiving allows the broadcaster to store content before it is transmitted and before it is encoded for a particular digital platform, if applicable (Chisholm et al. 2004). This allows the broadcaster access to content for:

- ❖ Resale, where content can be made available to a third party in the highest quality form possible;
- ❖ Distribution of content to programme makers in a form that allows them artistic and editorial control.

Pre-transmission archiving of video and audio with tape based (e.g. DigiBeta) and disk based storage solutions is primarily used for commercial purposes, to re-broadcast, sell or publish a broadcast programme, or to re-purpose material for subsequent programmes.

As-transmitted archiving saves the as-transmitted signal (typically off-air). This record of exactly what was broadcast allows certain requirements to be met, including;

- ❖ Legal archive where the broadcaster has an obligation to record exactly what was broadcast. As interactive and ancillary components become more important in programmes, these can also be archived in addition to video and audio content
- ❖ Historical archive, allowing key broadcasting events to be recorded for posterity
- ❖ Operational Management; this can be used to examine the viewer experience retrospectively, and confirm if operational procedures were followed

In addition to providing a record of what was broadcast, as-transmitted archiving maintains the inherent temporal link between linear elements and “subsidiary components” (i.e. interactive, subtitles and audio descriptions).

As-transmitted archiving can occur in any format and would most commonly occur in digital. For archive purposes, this would create a viewing-only archive, suitable for most non-commercial purposes.

As well as the distinction between pre-transmissions and as-transmitted versions of material, the research for this paper raised the point that material broadcast may just be part of a greater amount of material that was recorded. For example, a local radio station may record a one-hour music session with a local band, or TG4 may record hours of footage at an Irish language festival, but only minutes from each recording may be broadcast. This raises the point that further material will be available from broadcasters over the above the material broadcast.

3.6 Conclusions and Issues Arising from Section 3

The large number of formats used to record and store material historically shows the complexity of managing a broadcast archive which caters for historic material. If historic material is included, this increases preservation and restoration work, as well as the number of formats to be serviced.

Based on the research for this preliminary paper, there appears to be a general migration of material towards digitisation and, for any new materials received under any BCI Broadcast Archiving Scheme, it seems likely that these would be held in a digital format.

A number of issues arise from Section 3:

- ❖ If the BCI’s scheme has a historical remit also, should some materials be saved in an analogue format? By whom should this be decided?
- ❖ If all future materials are to be stored in a digital format, can the BCI encourage broadcasters to move towards saving their material in common ways? Can initial funding be given to broadcasters to support them in this regard? (Or can the output of all stations be recorded centrally without this work needing to be done by broadcasters – this may be possible if as-transmitted versions are sufficient.)
- ❖ How are digital archiving standards likely to evolve?
- ❖ Should a new archive adopt a common technological approach to the existing RTE archives?
- ❖ Can Irish broadcasters move towards a common approach as to what metadata is saved with radio and television programmes (to reduce the costs and problems of cataloguing and accessing the archives)?
- ❖ What copyright issues arise in relation to the archiving of broadcast material and what solutions might be found to such legal issues? Is current Irish copyright legislation adequate in this regard?
- ❖ Is it more appropriate for the archive to preserve the pre-transmission version of a programme (which may have the best quality for subsequent commercial use) or the actual broadcast version?
- ❖ Should the archive restrict itself to material that is broadcast or should it store material of potential value that is recorded but not broadcast?

Section 4 Existing Irish Archiving Experience

4.1 Purpose of Section

Meetings were held with a number of Irish organisations that already manage archives. Of particular interest was the RTE Archive, given its role in Irish broadcasting and its direct experience of dealing with issues relating to broadcast archiving. Useful information was also gathered from the meetings with other Irish archives.

4.2 RTE Archive

RTE's archiving work is based on the Public Sector Broadcasting Charter which states that RTE commits to "ensuring a well managed and easily accessible audio-visual archive which can enrich the Irish national heritage".⁴

The primary function of the RTÉ Libraries and Archives department is the acquisition, preservation, conservation and making accessible of the RTÉ Libraries and Archives collections (consisting of radio and television programmes, still images, production files, scripts, music scores and manuscripts) for use in the Irish Public Service Broadcasting and for future generations. This function is carried out by the staff of RTÉ Libraries and Archives department (between 40 and 50 people). The staff includes people with library skills, archivists, people skilled in technology and multi-media and people with a knowledge of the content of material (music, the performing arts, Irish history, the Irish language etc.). There is also a need for 'customer-service' skills as the department serves other RTE departments on an ongoing basis. RTÉ Television Libraries and Archives operates a dedicated preservation and conservation facility holding digital copies of valuable material, and overseeing the restoration and transfer of media from vulnerable or obsolete formats⁵.

RTE has separate TV and radio archives, although these have a common user interface (for RTE employees) and work closely with each other. From a cataloguing perspective, it uses the 'Dublin Core' metadata standard. The RTE Archives link with FIAT, the Fédération Internationale des Archives de Télévision and IASA, the international Association of Sound and Audiovisual Archives.

RTE noted that any a discussion of the policy context for national audio-visual archiving was important to any decision to establish a new broadcast archive, i.e. wider decisions on what should be kept, by whom and for access by whom.

It also noted that, as well as preservation of programmes, preservation of written material associated with programmes is an important part of the archive. For example, old TV and radio listings, RTE Guides and reviews of programmes mean people searching the archive can do a lot of the work through these media, before going to the programmes themselves.

⁴ Department of Communications, Marine and Natural Resources (2004), Public Service Broadcasting Charter

⁵ For further information, including access to selected topics from the RTE Archive, see www.rte.ie/laweb

The National Library Audiovisual archive is also currently held by RTE.

RTE Television Archive

RTÉ Television Libraries and Archives hold material produced or commissioned from 1961 to the present day. This footage contains news, current affairs, programmes in the Irish language, documentaries, features, entertainment, sport, drama, art, literature, music and a wide variety of stock shot material. As well as broadcast archives, RTÉ has over the years acquired Irish interest newsreels dating back to c1913. A number of other film and video collections are deposited with RTÉ Television Libraries and Archives for preservation, restoration and digitisation. The RTÉ Television Libraries and Archives holdings are divided between an off-site conservation and digitisation centre in Sandyford in Dublin and the broadcast libraries at Montrose.

RTÉ Television's early studio programmes were recorded on large open-reel video tape. Over the years different formats of film and video tape have been used and in addition to maintaining these older formats, RTÉ Television Libraries and Archives maintains the equipment to play them.

In the mid-1990s, RTÉ set up a digitising and cataloguing project and it is estimated that this will be ongoing for at least another decade. This includes the ongoing transfer of material held on outdated formats to digital-betacam videotape and the cataloguing of material to standardise and update records associated with programmes held by RTÉ Television Libraries and Archives.

Public access to the TV archives is primarily through Factual documentary series such as 'Reeling in the Years', 'Léargas', 'Hidden History' and 'Arts Lives ', with all using footage held by the archives, and through the publishing and sale of selected programmes. In addition, a selection of archive footage is available free from the RTE website.

RTE Radio Archive

RTÉ Radio Libraries and Archives holds a selection of news, sports, arts, traditional music, documentaries and drama. The collection of recorded music dates from the founding of 2RN in 1926. Spoken word archiving began a decade later with the purchase of the first disc-cutting machinery. The oldest sound recordings owned by RTÉ date from before 1930 but the bulk of the collection dates from the last quarter of the twentieth century.

Since 1996 live daytime radio programmes transmitted on a daily or weekly basis have been recorded, catalogued and stored in digital format. RTÉ now holds over 100,000 hours of music and spoken word recordings. Every year over 5,000 hours of spoken word and 2,000 hours of commercial music recordings are added to the collection.

RTÉ is developing a dedicated restoration and conservation facility to oversee the safe transfer of sound recordings from legacy formats. These formats include acetate, shellac and vinyl discs, as well as various forms of analogue and digital tape. Since 2000, this material is being selected, digitised, restored, catalogued and archived on CD and Digital Linear Tape.

Public access to selected programmes less than one week old is free through the website. Public access to older archive material is primarily through archive programmes, for example 'Bowman Saturday 8.30', 'What If' and 'On This Day' programmes which use material from the archives. A selection of material has also been published for purchase.

4.3 Other Irish Archive Experience

4.3.1 Irish Traditional Music Archive

Based in Merrion Square in Dublin, the Irish Traditional Music Archive⁶ was established in 1987. It holds a multi-media collection of Irish traditional song, instrumental music and dance – sound recordings, books, sheet music, videos, photographs etc. for public access.

The Archive sees itself as having four functions:

- ❖ *Collection.* By 2005, the Archive had 25,000 sound recordings, over 1,000 videotapes as well as books etc. As well as receiving material from RTE and from other collections, the Archive records traditional performers in a dedicated audio/visual studio in Dublin and on location around Ireland.
- ❖ *Preservation.* Sound recordings are held on a range of formats, from cylinders and 78s through to CDs and digital files. The Archive is trying to move all of its material to a digital basis and aims to give the public access in the future only through these formats (at present, this means CD formats).
- ❖ *Organisation.* The Archive has a system of cataloguing which uses 33 fields to record information on each sound recording. This is a variation of international systems as it was customised for Irish traditional music. The catalogue has been indexed in various ways (e.g. alphabetical, chronological) and is accessible by computer.
- ❖ *Dissemination/Access.* Over 1,000 people per year visit the Archive and the Archive has interaction with up to 5,000 people per year, including those who make enquiries by telephone. The Archive has plans to expand its web presence significantly in the coming years.

Among the projects of the Archive is a co-operative project with RTE to ensure all radio broadcasts of traditional music from the 1940s onwards are remastered, copied, catalogued and indexed. Work is also ongoing with RTE as regards the copying and cataloguing of RTE film and video recordings. Copies of the BBC's radio archive of Irish traditional music from the 1940s onwards were previously obtained.

The Archive employs six full-time and two part-time people, with key skills relating to archiving, cataloguing, sound engineering and music, as well as knowledge of the Irish language. As well as its building in Merrion Square, the Archive has a storage facility in Tallaght in Dublin. The Archive would like further resources and said that a considerable amount of traditional music material is still being lost.

The Irish Traditional Music Archive said that, subject to resources, it would be pleased to co-operate with local and other radio and TV stations in receiving and archiving copies of material relating to traditional Irish music. It also noted that, where live recordings are concerned, the broadcast material is often just part of the material recorded and, if

⁶ For further information, see www.itma.ie

possible, it would like to get copies of the full recordings. It would also like to get written or other material that would contextualise a recording.

4.3.2 Irish Film Institute

The Irish Film Archive is part of the Irish Film Institute which developed from the National Film Institute, founded in 1943. In 1986 the Irish Film Institute established an archive section for Irish material in its library. As the national body with responsibility for the promotion of film culture in Ireland, the Institute has three core areas of activity: the Irish Film Archive, its two cinemas and an education department.⁷

The Irish Film Archive's main objective is to acquire, preserve and make available Ireland's moving image heritage. The Archive collections include approximately 20,000 cans of film, magnetic tape, film stills and posters. The film collections are held in custom built vaults, where temperature and humidity are strictly controlled. Two vaults store master material, acquired solely for preservation. A larger viewing vault houses all access material (i.e. copies of original materials, made for access purposes), both film and tape (typically on DigiBeta / Beta or VHS), which are available to be viewed by researchers. Ideally all materials would be transferred to HD DigiBeta, but resources do not currently allow for this. The IFI does not store materials on non-tape formats as these are considered insufficiently stable. A small amount of material is additionally held in London for technical reasons.

Academics, students, teachers, film-makers, researchers and film enthusiasts avail of the facilities by applying to the IFI with a description of the material required. The catalogue is not available for external access. The Archivist will consult the catalogue, obtain the best match of materials against the researchers' requirements and arrange a viewing time. Copyright is not an issue for viewing on the premises; if material is required for other purposes, copyright must be obtained by the researcher directly from the holder.

The Irish Film Archive has a non-purchase acquisition policy and acquires donations from private sources as well as from production companies and professional bodies. Material is donated primarily by those eager to see films preserved and centralised in a national archive. For example, between 1993 and 2005, collections have been acquired from donors including Government Departments, Gael Linn, the National Museum of Ireland, Bord Fáilte and individual film-makers such as John Boorman and Neil Jordan. The Irish Film Board deposits a preservation copy of each film it has helped to finance.

The Archive has six full time staff, plus occasional FÁS or intern staff. Its main funding comes via the Arts Council and once-off funding has been received from the Heritage Council and from the Office of Public Works. The cinema complex at the IFI is self financing with a small surplus going to the IFI Archive.

IFI has international links with the Film Archive Forum, FIRST International Archive, the Northern Ireland Film Archive and FIAF, the *Federation Internationale des Archives du Film*, which is developing cataloguing standards.

⁷ For further information, see www.ifi.ie/archive

4.3.3 Audio Archive of Oireachtas

Operated by a private company, DigiTake, using proprietary software written in Ireland, proceedings in the houses of the Oireachtas are recorded and held on a hard drive system.

The system is based on the Hansard standard of reporting in use for many years internationally. The audio archiving system is accessed through a PC-based catalogue system and can retrieve and play back audio material instantly. Material can be accessed by multiple users, and catalogues can be accessed through a web-based database. (Similar software is available internationally.)

Although no tape-based or CD-based formats are used, the material is considered secure and stable as it is stored on a sophisticated, networked, secure system involving duplicate PCs and multiple hard disks.

4.3.4 UCD Delargy Centre for Irish Folklore

The UCD Delargy Centre for Irish Folklore and the National Folklore Collection are held by the UCD School of Irish, Celtic Studies, Irish Folklore and Linguistics. The Centre is a successor to the Irish Folklore Commission, which was incorporated into UCD in 1971. It is a member of the International Association of Sound and Audiovisual Archives⁸.

The Audio and Visual Archive holds thousands of hours of recordings, the earliest of which date from 1897. These represent all aspects of Irish folklore, including folk narrative, music, song, other genres of oral tradition, material and social culture etc. Audio recordings are in various formats, e.g. ediphone cylinders, acetate disks, wire recordings, analogue tape, cassette, DAT and mini-disc. The audio recordings are being migrated to digital over time, and this has been completed for the earliest (cylinder) material. Video formats consist of 16mm film, Beta, U-matic and VHS and digital video. Older video formats have been copied onto VHS for easier access.

The cataloguing was traditionally done with card index files and the Centre's website talks of a 300,000 item card index. This is being computerized over time. The Centre has some 15-20 fields which it uses to catalogue its material. Its aim is to computerize its index and place it on the internet.

The Centre is open to the public every afternoon and makes copies of materials for people at charges which cover the cost of materials involved. It also supports exhibitions around the country with materials and broadcasters in making programmes (through its audio-visual and other collections).

The Centre has six dedicated employees (excluding people with teaching roles) – these include archivists/collectors, technicians and librarians. As well as its centre in Belfield, it has a folk music section in Earlsfort Terrace. The Centre would like further resources to support its ongoing digitization and cataloguing work.

⁸ For further information, see www.ucd.ie/folklore/

4.4 Conclusions and Issues Arising from Section 4

A first conclusion from Section 4 is that audio-visual archiving expertise already exists in Ireland in a number of locations, and many of the issues which any new broadcast archive would have to consider have already been considered by other Irish organisations. This means that a pool of expertise exists from which any new broadcast archive can benefit.

In relation to broadcast archiving, RTE clearly has the pre-eminent archive. As such, and as discussed in Section 2, its role in relation to any new archive is an important issue.

The meetings in general show the range of skills and expertise that tends to be required to run an archive. The Traditional Music Archive, the Film Archive and the UCD Folklore Archive all have between 6-8 employees, all three would receive a relatively low intake of material compared to the intake a broadcast archive could expect to receive, yet all three feel they are understaffed and under-resourced. A broadcast archive will therefore require an ongoing funding commitment that is not small.

The meetings also show the importance in running an archive of the different aspects mentioned in Section 2 (collecting material, preserving material, managing material and managing access). Different skills are needed in these different areas, e.g. the cataloguing skills required in managing collections are specialist and important.

Several interviewees noted the lack of specialist audio-visual archiving training in Ireland (training courses were cited in New York, Amsterdam and Australia). It may be, therefore, that relevant Irish archiving expertise would be available in the short-term primarily through existing archives.

Some of the issues that arise from Section 4 include:

- ❖ As well as any potential links to the RTE Archive, should links be established by any new broadcast archive to other Irish archives, such as the IFI Archive or the Traditional Music Archive? Is it appropriate that copies of certain material would be held in more than one place?
- ❖ If similar or related materials are to be held in different archives, will it be possible to link the catalogues and somehow access them remotely, or must each archive be consulted separately?
- ❖ If a certain amount of ongoing funding is required for a broadcast archive, what will be the source of this? Will it be possible to “ringfence” a certain amount of funding to ensure continuity in the operation of the archive?

Section 5 Current Practices and Views of Irish Broadcasters

5.1 Purpose of Section

Telephone interviews were held with 10 radio stations to see what was currently happening in relation to archiving and any views stations might have in relation to a broadcast archiving scheme. These stations were chosen in association with the BCI but they are not intended to capture fully what is happening on archiving – just to give a flavour of current practices. The questionnaire used for the interviews is attached as Annex 2 to this paper. Sections 5.2 and 5.3 present the answers given to these questions and are supplemented by information supplied by TV3 and by a focus group held in Wexford with representatives of five radio stations (South East FM, WLR FM (Waterford), Beat 102-103FM, KCLR 96FM (Kilkenny/Carlow) and South Tipperary General Hospital Radio).

5.2 Current Archiving Practices of Irish Broadcasters

A summary of information gathered from the telephone interviews is shown in Table 5.1.

	Do you have an Archive	What is Archived?	Format(s)	Archiving Policy?	Archive Managed by Broadcaster?	% Catalogued / Described	Comments
Beat FM	No	PPI focused	Wow	No	Yes	Some	Uses PowerLog
Clare FM	Yes	Circa 10 hours per week	Now CD, previously various	No	Yes	10%	Interested in playing active part
Connemara Community Radio	Yes	Everything	MPS, previously VHS	Yes	Yes	All	
Near FM	Yes	Progs for reuse	VHS, now hard drive	Yes	yes	some	
Ocean FM	No	Nothing	n/a	No	n/a	n/a	Producers may have some
Radio na Gaeltachta	Yes	Everything	CD	Yes	Yes	All	Copies in NUIG: Ulster Museum
South East Radio	Yes	Ad hoc		No	Yes	Minimal	Presenter / producer led
Today FM	No	Producers may keep personally	n/a	No	n/a	n/a	Our focus is tomorrow's programme, not yesterday's
Wired FM	Yes	Progs of interest	Mini disc & CD	No	Yes	Some	Mainly for reuse
WLR FM	Yes	Daily talk show and big events	Mini disc	Yes, informal	Yes	None but yearly diaries	No archive training

Table 5.1 indicates that there is a wide variation in current archiving practice by Irish radio stations. Some stations keep all material broadcast, some keep nothing (beyond the 90 day

legal requirement). Some have policies and systems for archiving, most do not. While several stations had a stated interest in archiving in principle, they had to date undertaken only *ad hoc* archiving. Typically, stations had no stated policy on content, and may keep material for reasons of PPI awards, or because presenters or producers archive their own material. Also, even when some material is kept, it is generally not catalogued in any formal manner.

The following are some supplementary points arising from the interviews.

Beat FM archives information primarily for use towards PPI awards. There is no stated policy; producers decide what is worth keeping. Materials are kept on PowerLog⁹. The station noted its slogan is “Less blah, more music” so it felt it may not generate much material for archiving.

Clare FM has an archive and the material to be archived is discussed between the producer of a programme and the controller of programmes. Major genres are traditional music; historical interviews and interviews with older generations / famous people from Clare. Older materials are on cassette and quarter-inch tape and some have been transferred to CD - new material is being recorded on CD.

Connemara Community Radio has a copy of every minute ever broadcast since its launch in 1989, on VHS format. It said that the first three years may be in danger of deterioration. A time log is kept giving details of the broadcast against times and the tapes are stored with timed coordinates, so all material is internally accessible through paper files. Since July 2005, broadcasts have been stored on MP3. Major genres are speech programmes, interviews with older people and traditional music.

Near FM has old archives on videotape and has been saving materials onto hard drive for the past approximately two years.

Ocean FM has had contact with Sligo Library regarding the archiving of news and current affairs materials but nothing had happened in this regard by October 2005. There is no formal archive or archiving policy; individuals with an interest store materials on an *ad hoc* basis.

Raidio na Gaeltachta archives everything currently broadcast, on an as-broadcast basis on CD. They have approximately half of the material broadcast between 1972 and 2000. Master copies are kept in the headquarters in Casla, with copies given to NUI Galway; to the Ulster Folk Museum (Donegal transmissions), with copies of Kerry studio transmissions kept in the Kerry studio also. Their view is that the material belongs to the public and should be available to the public. One archivist is employed in Kerry, one in Donegal and two in Casla.

South East Radio has held initial discussions on an archiving project with the (Wexford) county library. It plans to create a PC-based archive system which it would share with the library. A major issue identified would be cataloguing. Archiving is generally seen as “something nice to do, but not very important from a business perspective”. The station

⁹ For further information see www.psquared.net

also noted that attracting requests for old programmes from members of the public would be very time-consuming and they are not set up to handle such requests.

Today FM has no archive and limited interest in archiving, although willing to cooperate with an external archiving initiative.

Wired FM has an active interest in archiving and some archiving is undertaken but sporadically and with no clear policy. Material is archived primarily if it may have re-use value either for re-purposing or re-broadcast.

WLR FM keeps its two-hour talk show programme every day and special events such as when the Tall Ships visited Waterford and the annual Festival of Light Opera. It also keeps the broadcast diaries, which contain details of material broadcast. However, there has been no attempt to formally catalogue the material kept to date.

The stations noted that the material held for 90 days under the legal requirement is usually held on CD but may be compressed so it is of poorer quality than the “as broadcast” material. Therefore, if material was to be kept for re-broadcast, some process would need to be put in place. Some material is re-used, e.g. when people die, for promotional reasons (e.g. sports material) or for end-of-year or end-of-week “Best of” programmes. However, it was generally perceived as not being in a station’s commercial interest to have a professional archiving system.

Information was also received from TV3 on its archiving processes. It said that the majority of TV3 news packages have been kept since its launch in September 1988, as has the majority of Irish commissioned programming. Internationally acquired programming is kept, stored and disposed of in accordance with the licences under which it is acquired.

5.3 Views on Possible BCI Archive Scheme

Views expressed in the telephone interviews and in the focus group included:

- ❖ “We should be able to access all materials which we store on a central archive”
- ❖ “We should be approached if another station wants to use our material”
- ❖ “I would have no problem giving copies away but we would need to keep the originals ourselves”
- ❖ “We should keep the originals and then have copies accessible over the internet”
- ❖ “Copyright should be limited to 10 years”
- ❖ “The public should have free access for listening, like a public library”
- ❖ “We would love to set up RTE-style archiving for commercial radio”
- ❖ “We have no real interest in archiving - our business is tomorrow’s programme, not yesterday’s”
- ❖ “Stations should choose whether they wish to be a part of a central archive; then whichever Trust administers the archive can decide what is worth storing”
- ❖ “The archive belongs to the people, we should facilitate free access”
- ❖ “Every station should be funded to maintain their own archive”
- ❖ “We would be delighted to submit material to a central archive”
- ❖ “What happens if material that is libellous is re-broadcast or heard by a member of the public through the archive? Who is liable?”

- ❖ “Between our daily talk show and our news programmes, we would generate perhaps 21 hours a week of material for an archive. But that would not include sports coverage or late-night phone in shows – are these required also?”
- ❖ “What happens, for example, if somebody sets up a radio station for emigrants and uses our material? Do we get compensated for this?”

In general, the radio stations were open to cooperation with an external archive so long as it did not entail a significant workload internally. As seen, there were some concerns on copyright issues and ownership of materials. Stations suggested that, as a *quid pro quo* for co-operation, they should receive:

- ❖ Funding for any equipment required to record material properly;
- ❖ Training, or funding for relevant training;
- ❖ Access to the materials of other stations for re-use;
- ❖ Full credit for any material re-broadcast or used in other ways.

In relation to television, TV3 said that it believes the archive currently held by RTE should be transferred to an independent specialist national archive from which all broadcasters (Irish and foreign) could access material on an equal arms-length basis.

5.4 Conclusions and Issues Arising from Section 5

There is an inconsistent and patchy approach to archiving in the radio sector, with practices ranging from excellent (e.g. in Raidio na Gaeltachta, which is part of RTE) to non-existent. On the one hand, this implies that a lot of potentially valuable material being broadcast is being lost. On the other, it means any new scheme will be started in a relatively *carte blanche* situation.

This is not to ignore the fact that some stations do have archives, of varying quality. As such, any archive scheme will face the question as to whether these materials should become part of any national broadcast archive.

There is patchy evidence of an archive culture but it would be an overstatement to say such a culture exists on a widespread basis. Indeed, for commercial stations, a comprehensive archive remit is perceived as potentially being in conflict with the station’s commercial mission.

Radio and TV stations generally say that they do not have excess resources or staff to devote to archiving. As such, they would be likely to seek not to have to pay any expenses associated with an archiving scheme.

A general spirit of openness to an archiving scheme was evident among the stations.

A number of issues arise from Section 5:

- ❖ Can similar technical systems be put in place in all stations to ensure good quality material is submitted to any archive, on a common format? (Note: if material can be recorded centrally, it may reduce the onus on stations to put such systems in place. However, co-operation will still be needed in interpreting content etc.)
- ❖ How can the trust and copyright issues raised by stations be dealt with?
- ❖ Should the BCI seek to compile information on the current situation as regards archiving for all Irish broadcasters, together with their views on any proposed scheme?
- ❖ How can a culture of archiving be better promoted among Irish broadcasters? Is a PR or educational campaign needed? If so, what would be its key messages?
- ❖ Can the BCI lever off its existing training network to provide training to Irish broadcasters in relation to archiving?
- ❖ What is the best way to involve broadcasters in the development of a broadcast archive, both on the general policy issues involved, and on the specific question of deciding which material should be stored.

Section 6 International Practice in Radio/TV Archiving

6.1 Purpose of Section

International recognition of the value of broadcast archiving has developed in recent decades. In 1980, a recommendation for the Safeguarding and Preservation of Moving Images was adopted by the General Conference of UNESCO. Developed in conjunction with the International Federation of Film Archives, this recognised the cultural value of preserving moving images, then primarily embodied in film and analogue videotape. An advantage of Ireland being relatively late in establishing a national system for broadcast archiving is that it can potentially learn from other countries, as well as having the potential to “leapfrog” technologically to the latest archive technologies.

Section 6.2 discusses the European Convention for the Protection of the Audiovisual Heritage of 2001 and Section 6.3 the EU-funded Presto Project, which reviewed archiving practices in a number of European countries. Section 6.4 looks at archive practices in two specific countries (France and the UK). As the research for this section was desk based, the descriptions of the systems in the UK and France are based on available information (with less being available on the latter).

6.2 European Convention on Audiovisual Heritage

The *European Convention for the Protection of the Audiovisual Heritage* was introduced by the Council of Europe in November 2001, accompanied by a Protocol on the Protection of Television Productions. By October 2005, three countries (Hungary, Lithuania and Monaco) had ratified this Convention and 12 (including Austria, France, Greece, Portugal and Slovakia, but not Ireland) had signed it. A copy of the Convention is attached as Annex 3.

Article 1 of the Convention states: “The aim of this Convention is to ensure the protection of the European audiovisual heritage and its appreciation both as an art form and as a record of our past by means of its collection, its preservation and the availability of moving image material for cultural, scientific and research purposes, in the public interest”.

Article 5 of the Convention states: “Each party shall introduce, by legislative or other appropriate means, the obligation to deposit moving image material forming part of its audiovisual heritage and having been produced or co-produced in the territory of the Party concerned.”

Article 6 of its Protocol states: “Each party shall designate one or more archive bodies, whose tasks shall be to ensure that the preservation, documentation, restoration and availability for consultation of deposited moving image material.” These bodies can be public or private but should not be controlled by a company primarily engaged in commercial media activity.

In relation to the obligation of legal deposit mentioned in Article 5, Article 8 of the Convention states: “The material shall be deposited within a maximum of twelve months

after the final version has been shown for the first time to the public or any other reasonable period specified by a Party.”

This Convention, if ratified in Ireland, would have implications for a broadcast archiving scheme. The Convention is currently a matter of debate in the EU - with some states believing the Convention should be adopted as it is and others favouring an EU (as opposed to a Council of Europe) initiative in this area. There is discussion as to whether any EU system should require the deposit of material by broadcasters to be compulsory or voluntary. Also, the Convention does not specifically refer to radio. The European Commission is currently undertaking a consultation process with Member States as to its future approach on audio-visual archiving. In Ireland, the Department of Arts, Heritage, Gaeltacht and the Islands and RTE have been involved in this process.

6.2 Presto Project

The Presto (Preservation Technology for European Broadcast Archives) project ran from 2000 to 2002, as a €4.8m project under the European Commission’s Information Science and Technology (IST) programme. Its goal was to develop technology and processes to reduce the cost of media preservation. The main partners in the Presto project were the BBC (as co-ordinator), the French national archive (INA), Italian national broadcaster RAI and the Research and Technology Innovation Centre in Turin. There were also seven supporting technical partners (none Irish) on the project¹⁰.

Key findings included:

- ❖ a widespread lack of condition assessment;
- ❖ some 70% of the material is decaying, fragile and/or on obsolete formats;
- ❖ preservation projects (planned or underway) would transfer 250,000 items per year (about 1.5% of total holdings). At this speed, the material at risk would not be transferred for 60 years;
- ❖ Much of the material will not last 60 years (average useable life of a videotape is 20 years);
- ❖ Even if the material is intact in 20 years, equipment and trained staff to transfer the material will be scarce and expensive;
- ❖ The situation is not static – and new material coming into the archives exceeds preservation capacity by a four to one ratio;
- ❖ The transfer rate of 1.5% may be optimistic as the budgets and resources are insufficient. The survey found that archives had half the budgets and half the capacity they needed.

The project went on to outline scenarios for what might happen, based on the current situation continuing. These varied from a “best case”, where 40% of existing material will disappear by 2045, to a “worst case”, where 70% of material will be lost by 2025.

¹⁰ For further information on Presto, see www.cultivate-int.org/issue7/presto/ and www.presto.joanneum.ac.at. Aspects of the Presto project are being extended by the “PrestoSpace” project started in 2004 by RAI, from broadcasting to all collections of audio, video and film. A third user-group meeting under PrestoSpace was held in Amsterdam in October 2005.

6.3 Broadcast Archiving in the UK

6.3.1 National Film and Television Archive

Prior to the 1960s, the British Film Institute and the Imperial War Museum held audiovisual archives. In the 1960s, regional archives were established and independent broadcasters started to pay regional archives to act as archivists and access points. These archives recorded material off air, stored and catalogued the material and facilitated access. This is now coordinated by the British National Film and Television Archive¹¹.

Britain has not signed up to the Council of Europe Convention and does not have a legal deposit system. The sector is overseen by OfCom, the Communications Regulator. Legislative changes in the past 20 years have paved the way for setting up television archives. Relevant legislation includes;

- ❖ Copyright Designs and Patents Act which states that “a recording ... or a copy of a recording, may be made for the purpose of being placed in an archive maintained by a designated body without infringing any copyright ...”
- ❖ Broadcasting Act 1990 states “The Commission shall ... determine an aggregate amount which they would consider would be appropriate for the holders of Channel 3 and Channel 5 licences to contribute towards the expenses incurred by the nominated body ...” (where the Commission nominates a body to act as television archive); this made the voluntary contribution of ITV towards the operation of an archive a statutory obligation, to be overseen by the regulator
- ❖ Channel 4 Broadcasting Licence 1990 (renewed 1998) states “The Corporation shall contribute to the maintenance of a national television archive by the body nominated.. The amount shall be based on the cost to the nominated body of archiving not less than 25% of the Channel’s output”

The ‘nominated body’ is the National Film and Television Archive, operating under the British Film Institute. In practice, the Archive records and stores output from all free-to-air, non-BBC channels. Approximately 25% of all output is archived, and includes mostly indigenous programming. Therefore much of the programming based in Britain is archived and a selection of what to record is made in advance from listings. However, the Archive is moving towards capturing all output digitally, storing all for approximately one month and then selecting material for long term storage.

Technically, received signal is recorded onto digital betacam and a sophisticated system transfers received signal into broadcast quality.

The Archive provides access to the archived material and is also paid by the BBC to act as an access channel to BBC archives for the public.

¹¹ For further information, see www.bfi.org.uk/nftva/

6.3.2 British Library Sound Archive

The British Library operates the main UK sound archive¹², the purpose of which is to maintain the national collection of sound recordings and related materials, documenting all aspects of life in the UK and serving all areas of interest. This includes the British archive of radio broadcasts. The collections are provided for use in research (broadly defined), education, scientific study, broadcasting, publication, and other appropriate activities.

The materials acquired include all sound recordings published in the United Kingdom. In the absence of legal deposit legislation covering audio-visual materials, the Sound Archive has a long-standing agreement with the British Phonographic Industry Ltd (BPI), through which its members agree to deposit up to two copies of all UK publications free of charge. In practice intake of BPI members' and other record companies' output is dependent on resources available to monitor output and request deposit.

The Sound Archive holds over a million discs, 185,000 tapes, and many other sound and video recordings. The collections come from all over the world. Formats range from cylinders made in the late 19th century to the latest CD, DVD and minidisc recordings. The Library is currently pursuing a policy of digitisation which it sees as a way to contribute to the conservation of original analogue materials for future users by substituting digital surrogates and to preserve the collection of analogue sound recordings

The archive includes recordings of BBC broadcasts which are selected in accordance with current arrangements with the BBC, and recordings of independent radio broadcasts deemed to be of national or international importance. Broadcast material from independent stations deemed to be of local importance is archived to a limited extent.

While catalogues can be searched online, listening access is primarily through making appointments with their Listening Service, either in the British Library in London or through its Northern Listening Service at the British Library's premises in Yorkshire. Some limited material is available via the internet.

6.3.3 British Broadcasting Corporation

The BBC holds a large audio-visual archive¹³ and takes a leading role in R&D in matters relating to broadcast archiving. The BBC Charter (1995) which "... The Corporation shall make reasonable arrangements, itself or with such a body or bodies as it chooses, for public access to its sound, television or film archives with or without charge as the Corporation sees fit." The BBC has a developed policy on long-term archiving and preserves:

- ❖ Scripted fiction (drama and comedy)
- ❖ Award-winning programmes
- ❖ Events where the BBC played a unique/ distinctive role in broadcasting in Britain
- ❖ Content covering the following:
 - Historical – including news

¹² For further information, see www.bl.uk/collections/sound-archive/

¹³ For further information, see www.bbcresearchcentral.com/archives

- Social development
- Music and performing arts
- People of historical interest - in all spheres
- Natural history and the environment
- Science and technology
- Education
- Broadcasting and editorial policy
- Technical developments
- Staff and contributors – examples of those who have made a significant contribution to the BBC
- General output – to produce a balanced archive reflecting all output. (Generally, first and last of any series and sample days of output on each channel/platform.)

6.3.4 Independent Television News (ITN) Archive

ITN Archive is one of the largest commercial archives in the world, with around 300,000 hours of news and feature material, with 15 hours added each day. News material comprises ITN's output since 1955, the Reuters Television library, and the British Pathe News Archive, both carrying footage dating back to 1896. In 2002 ITN Archive took over the management of the Channel 4 Archive clip-sales business. The Channel 4 Archive contains programmes produced for Channel 4 and E4, and feature films made by FilmFour. ITN Archive also represents material from over 40 years of Granada Television, as well as from a number of other archives.

Material from the ITN Archive is available for professional and commercial use, and to the public, through the www.ITNArchive.com website. Some material is available free of charge while other material involves a charge.

6.3.5 Other

Several other institutions have a role to play in audiovisual archiving in the UK, notably:

- ❖ British Universities Film and Video Council (BUFVC). This has no preservation remit and its main aim is to provide access for educational establishments. It records output from every station, adding 44,000 hours per year of UK television for post-transmission access;
- ❖ Northern Regional Film and Television Archive archives regional output from BBC and ITV. It is part-funded through the UK Film Council Regional Agencies;
- ❖ UK Museums, Libraries and Archives Council (MLA). In 2002, it developed a strategy for audiovisual archives which aimed:
 - to provide information on the strengths and weaknesses of audiovisual archival provision across the UK;
 - to recognise the important strategic benefits to be gained from the audiovisual sector working closely with the wider museums, libraries and archives sector;
 - to do this within the broader context of changing national and regional policy making and structures; and
 - to inform public and private funding bodies on the priorities for capital and revenue investment in audiovisual archives sector.

The strategy was developed by a steering group comprising members of the Film Archive Forum and the British Library Sound Archive. It was launched in April 2004 as *The UK Audiovisual Archives Strategic Framework*. At the same time, MLA's Archive Task Force, reporting on the state of archives across the UK, recognised the contribution that audiovisual archives make towards the life of the nation. It proposed that the national strategic and funding bodies should work with the audiovisual archives to develop a national framework of institutional provision in which national, regional and local responsibilities are understood and well resourced, to ensure comprehensive coverage for audiovisual archive activity across the UK. The aim is for a distributed national collection, where national and regional audiovisual archives collectively contribute to create the UK's national audiovisual archive

6.4 Broadcast Archiving in France

France introduced a legal deposit system in 1995 for both commercial and publicly-funded TV and radio stations, and signed the Council of Europe's Convention and Protocol in 2002. Since October 1998, deposits have been available for view by researchers and students at the *Bibliothèque Nationale de France*. This library is currently developing an online service that will allow professionals to search and consult the archives. In future it is planned that the archive could be delivered by digital transfer.

The *Institut National de l'Audiovisuel* (INA)¹⁴, established in 1975, is the body responsible for collecting and managing French audio-visual archives. Unlike in the UK, where radio and TV archives are distinct, INA is responsible for both. Each year, it collects some 80,000 hours of programmes, of which half are collected under the legal deposit system. The INA website stated in October 2005 that it had a total of 1.5m hours of programmes saved in its archive, which is held at three locations in France. The organisation is undertaking a large programme of digitisation to safeguard its collections.

INA publishes, or jointly publishes, archive documents in video, DVD, CD and audiocassette form. Some 1,000 hours of television and 2,200 hours of radio are sold commercially each year by the Sales and Marketing Division of INA (which has its own offices close to the centre of Paris), with Radio France channels being the main customers. Its website talks of customers for extracts from TV or radio programmes as including those making corporate videos and consulting/media relations companies.

As well as being involved in the Presto Project, INA led a project called *Aurora* in the late 1990s. The Aurora project (Automated Restoration of Original Film Archives) was an EU funded project (under the ACTS programme) and also involved the BBC, Radiotelevisao Portuguesa, two industrial companies and the signal processing groups of three academic institutions. The project aimed to design new tools for video restoration/enhancement with the onset of digital video broadcasting.

¹⁴ Further information is available on INA from www.ina.fr

6.5 Conclusions and Issues Arising from Section 6

Arising both from the international desk research, and the meetings with existing Irish archives, a number of international bodies relating to audio-visual archiving were identified. These include the International Association of Sound and Audiovisual Archives (IASA), the International Federation of Television Archives (FIAT/IFTA) and the Presto Project. As the body responsible for implementing the Broadcasting (Funding) Act in Ireland, it may be useful for the BCI to consider joining these organisations/networks. There is likely to be considerable learning possible from existing broadcast archives (e.g. in relation to the amounts of funding required, charging systems for access, technical matters etc.)

It may also be useful to make contact with the European Commission as regards its proposed response (if any) to the Council of Europe Convention on Audiovisual Heritage.

The chapter raises a number of issues for Ireland:

- ❖ What would the implications be for any BCI-sponsored broadcast archiving scheme if Ireland were to sign and ratify the European Convention for the Protection of the Audiovisual Heritage (or a variation on the Convention developed by the EU)?
- ❖ How can considerations relating to a possible broadcast archive in Ireland be fed into the ongoing consultation process in relation to the Convention?
- ❖ Can Ireland avoid the range of legacy formats found by the EU-funded Presto project?
- ❖ Does the approach in the UK of having a link between audio-visual archiving and the wider system of museums, libraries and other archives have implications for Ireland? If so, how might such links be explored?
- ❖ Given the apparent UK approach of regional systems being co-ordinated nationally, how will this affect Northern Ireland?
- ❖ Given the likely generation of large amounts of material relevant to this state by broadcasters in Northern Ireland, is there scope for cross-border co-operation in relation to broadcast archiving?

Section 7 Overall Conclusions and Next Steps

7.1 Purpose of Section

The Broadcasting (Funding) Bill 2003 says that one of the functions of the Broadcasting Funding Scheme will be to support the archiving of programme material produced in the State. This paper represents a preliminary review of issues likely to arise for the BCI as it follows up on this section of the legislation.

Sections 2-6 of the paper have attempted to address a number of issues:

- ❖ What is the general rationale provided for archiving broadcast material?
- ❖ What are some of the key technology issues in broadcast archiving?
- ❖ What archiving has been undertaken up to now by RTÉ, and by non-broadcasting organisations in Ireland?
- ❖ Based on discussions with a sample of Irish television and radio stations, what (if anything) is currently being done in relation to archiving, and do these stations have initial views on the kind of archive system that should emerge?
- ❖ Is there an EU framework for broadcast archiving, and how has the issue been approached in the UK and elsewhere?

Conclusions arising from individual sections were presented in those sections - Section 7 draws some overall conclusions that seem to arise from the preliminary research, and identifies a number of possible next steps for the BCI in the development of a broadcast archive scheme.

7.2 Conclusions from Initial Research

Given that the research carried out for this paper was preliminary, the following should be seen to some extent as hypotheses as much as conclusions. However, the following conclusions appear to arise from the research undertaken.

1. Based on attitudes adopted in other countries to their audio-visual archives, and a general acceptance in the literature of the importance of audio-visual archives to cultural heritage, there does appear to be a need to have a system in relation to audio-visual archiving that would cover all TV and radio stations in Ireland.
2. The research indicates that, at present, what is happening in relation to archiving outside of RTE is patchy and under-resourced, with many stations not archiving in any systematic way. It is likely that a considerable amount of material of historical/social/cultural interest is therefore being lost on an ongoing basis.
3. The broadcasters appear to be open and positive towards the idea of an archive, or an archiving scheme, with the proviso that they don't want to have to bear the financial costs or any significant additional workload that would be necessitated by such a scheme. They also have concerns in relation to copyright issues.
4. A significant level of specialist skills is required to organise and manage a broadcast archive, and staff would require ongoing upskilling to keep abreast of international practice. Making each station responsible for archiving its own materials would appear to present a considerable challenge in terms of funding and training staff (in addition to the infrastructure required). Some kind of central

broadcast archive would appear to be a better approach, both in terms of cost-effectiveness and in terms of guaranteeing the quality of the stored material.

5. To some extent, technologies relating to TV and to radio archiving are likely to be different. However, there are potential economies relating to cataloguing and to managing access to the collections and it may be that one archive for both TV and radio materials would be best.
6. There are a number of institutional issues that will require careful consideration in setting up an archive or archiving scheme. These will include putting in place a governance system that reflects the fact that the archive does not fall neatly under any one government department and establishing the appropriate relationship of any new archive or archiving scheme with the existing RTE broadcast archives. In relation to the latter, the cost of making TV programmes, and the linked copyright issues, mean that the issues may be more complex in relation to the TV archive.
7. A number of other policy issues arise in establishing an archive, including whether a system of legal (obligatory) deposit should be instituted for broadcasters in relation to the archive, and the system of funding (capital and ongoing) for any archive.
8. The literature and research meetings suggest that a migration to digital archives is taking place across the world. As such, any new Irish broadcast archive will be able to avoid some of the problems faced by existing archives. It is likely that any new archive will be close to 100% digital in terms of new material received and stored. There is a question as to whether it should take a small amount of material in other formats (and there may be some once-off transfer of materials that have been stored by stations to a digital format). Establishing a largely or fully digital basis from the outset may allow a new archive to establish innovative forms of access by users/ customers.
9. Some of the specialist skills (e.g. skills linked to librarianship) needed to run a broadcast archive can be developed through education and training courses in Ireland but others (linked to broadcast technologies) are harder to find. Putting in place a team with the requisite skills, vision and leadership will be a challenge.
10. Any new broadcast archive will sit in a landscape of existing archives, both in Ireland and internationally. Existing Irish archives will have relevant skills and may be willing to help in establishing a new broadcast archive. Learning will also be possible from other countries. A broadcast archive will also be influenced by the European Convention for the Protection of the Audiovisual Heritage and by any EU initiatives in this area (currently being considered).
11. While it is true that potentially important broadcast material is being lost today, it is likely that time spent by the BCI and its parent Department in examining issues relating to a new broadcast archive or archiving scheme (including issues raised above) would be time well spent. Policy and other decisions taken at the outset of any scheme may have long-term consequences for broadcast archiving in Ireland.

7.3 Possible Next Steps for the BCI

It is for the BCI to decide how to take forward its work as regards its responsibilities under the Broadcasting (Funding) Act 2003 in relation to archiving. However, the following are a number of modules of work that may need to occur. The order in which they are listed is not necessarily the order in which they would need to take place.

- ❖ Internal designation of somebody who will be responsible for developing this aspect of the Broadcasting Funding Scheme.
- ❖ Become members of relevant national and international archiving organisations, start travelling to meetings, building up contacts, a library etc.
- ❖ The research undertaken for this paper was (necessarily) limited and a more in-depth research study would inform the process of developing a broadcast archive in more detail. For example, even taking the different sections of this paper as research modules:
 - Discussions could be held with the relevant government departments, with the National Archives and with others on the governance issues relating to a broadcast archive. Research could be undertaken on international models in this regard.
 - A more in-depth study should be undertaken of technology issues relating to archives.
 - A detailed picture should be prepared in relation to current archiving practices by Irish TV and radio stations, including visits to stations to discuss the needs of broadcasters and their preparedness to co-operate with a national initiative.
 - More detailed case studies on the operation of other audio-visual archives in EU countries, based on short visits, would inform the Irish planning process. These could be supplemented by discussions with the European Commission on any plans it may have in this area.
- ❖ While such research can inform decision makers, there is a phase of work which will involve policy formulation by the BCI, its parent department and perhaps others. This will need to address the policy issues identified in this paper and perhaps other issues (such as copyright law) arising in relation to a new broadcast archive.
- ❖ A phase of consultation with Irish broadcasters, potential users of the archive and other relevant stakeholders would be useful. It would be for the BCI to decide if this should be held at an early point in the process (to inform the process) or whether a draft proposal should be developed and put out to the sector for reaction at that stage.
- ❖ It is possible that the research and consultation processes could identify legislative issues to be addressed (e.g. if a system of legal deposit were to be introduced or if copyright laws needed to be modified).
- ❖ Once a model is chosen for a broadcast archive, or archiving scheme, a more detailed financial and business plan will be needed before a new entity is established.

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British National Film and Television Archive www.bfi.org.uk/nftva/

British Sound Archive www.bl.uk/collections/sound-archive/

Department of Communications, Marine and Natural Resources (Broadcasting section) <http://www.dcmnr.gov.ie/Broadcasting/>

Institut National de l'Audiovisuel www.ina.fr

Irish Film Archive www.ifi.ie/archive

Irish Traditional Music Archive www.itma.ie

ITN www.ITNArchive.com

PowerLog www.psquared.net

Presto <http://presto.joanneum.ac> and see www.cultivate-int.org/issue7/presto/

UCD Delargy Centre for Irish Folklore and the National Folklore Collection www.ucd.ie/folklore/

Università degli Studi di Milano <http://www.lim.dico.unimi.it/eventi/ctama/RAI.htm>

Training for Audiovisual Preservation in Europe (TAPE); www.tape-online.net

RTÉ www.rte.ie/laweb

Appendix 1: Acronyms Used in Paper

AMIA	Association of Moving Image Archivists
APBD	Asia Pacific for Broadcast Development
Aurora Project	AUTomated Restoration of ORiginal Film Archives
BUFVC	British Universities Film and Video Council
CCAAA	Coordinating Council of Audiovisual Archive Associations
COPEAM	Permanent Conference of Mediterranean Audiovisual Operators
EBU	European Broadcasting Union
FAF	Film Archive Forum
FIAF	Fédération Internationale des Archives du Film
FIAT / IFTA	Fédération Internationale des Archives de Télévision
FOCAL	Federation of Commercial Audiovisual Library
IAG Group	Interdisciplinary Archive Group within the EBU
IASA	International Association of Sound and Audiovisual Archives
ICA	International Council on Archives
IFLA	International Federation of Library Associations
INA	Institut National de l'Audiovisuel
INNA	International Press Association
MAM	Media Asset Management
MLA	Museums Libraries & Archives Council – UK
NIFA	Northern Ireland Film Archive
PRESTO (Project)	Preservation Technology for European Broadcast Archives
SEAPAVAA	South East Asia – Pacific Audiovisual Archive Association
TAPE	Training for Audiovisual Preservation in Europe
UNESCO	United Nations Educational, Scientific and Cultural Organisation

Appendix 2: Questionnaire - Telephone Survey of Radio Stations

Q1 Do you have an active audiovisual / audio archive (i.e. do you store material that you broadcast on an ongoing basis)?

If YES to Q1, then go to Q2 (if not then go to Q 22)

Nature of Archive

Q2 Can you estimate the type of materials you have in your collection?

Video: Titles / Items / Hours

Audio: Titles / Items / Hours

Q3 Do you add material annually?

If YES Q4 How much?

Archive Policies

Q5 Who decides / how do you decide what material to archive?

Q6 Do you have a formalised policy on content? (Give details)

Q7 Do you have a formalised policy on format? (Give details)

Q8 Can you indicate the most important genres in your collection?
(documentary; music; drama; news)

Management of Archive

Q9 Do you manage the archive yourselves?

IF YES: Q10 Do you have a staff member specifically trained for working with AV collections?

Q11 Do you feel that training would be important to preserve / retain your collection?

Q12 Are you aware of training possibilities?

If NO: Q13 Who undertakes this for you?

Technical Issues

Q14 Can you give an indication of what formats are archived?

Q15 Can you give an indication of the general condition of the archived materials?

Q16 For analogue materials, do you make separate master copies as well as user / access copies?

Q17 When analogue materials deteriorate, do you transfer materials to new carriers?

IF SO: Q18 what formats do you use? (digitise?)

Q19 Is there regular maintenance of playback equipment for audiovisual materials?

Q20 What % of your archive has been described or catalogued?

Q21 How can your catalogue be consulted?

Happiness with Archive

Q22 On a scale of 1 to 5, how would you rate your happiness with the current archive held by your station? (1 = Very Unhappy and 5 = Very Happy)

If NO to Q1:

Q23 Do you share material with other stations?

Q24 Do you re-purpose materials within your station?

Q25 Would you be interested in using materials from other stations?

IF SO: Q26 How do you think this could be facilitated?

Possible BCI Broadcast Archiving Scheme

Q27 Under the Broadcast (Funding) Act of 2003, there is provision for the development of a broadcast archiving scheme. Do you have any views about how any such scheme should be developed?

Any queries on the questionnaire, or on the wider project, to be addressed to Finbar McDonnell, Project Manager, Hibernian Consulting at info@hibernianconsulting.ie



Appendix 3: European Convention on Audiovisual Heritage and TV Protocol

European Treaty Series - No. 183

**EUROPEAN CONVENTION
FOR THE PROTECTION
OF THE AUDIOVISUAL HERITAGE**

Strasbourg, 8.XI.2001

Preamble

The member States of the Council of Europe, the other States Parties to the European Cultural Convention and the European Community, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, in particular, of safeguarding and fostering the ideals and principles which are their common heritage;

Considering that Europe's heritage reflects the cultural identity and diversity of its peoples;

Considering that moving image material is an integral part of European cultural heritage, and that States shall ensure that it is safeguarded and protected for posterity;

Considering that moving image material is a form of cultural expression reflecting contemporary society and that it is an excellent means of recording everyday events, the basis of our history and a reflection of our civilisation;

Aware of the fragility of moving image material and the dangers which threaten its existence and its handing down to future generations;

Emphasising the importance of the Parties' responsibility to safeguard, restore and keep available this heritage;

Resolved to co-operate and undertake joint action in order to safeguard and ensure the continuation of audiovisual cultural heritage;

Taking account of the international treaties in force for the protection of copyright and neighbouring rights;

Taking account of the work carried out by other international fora in the field of the protection of the audiovisual heritage,

Have agreed as follows:

Chapter I - Introduction

Article 1 - Aim of the Convention

The aim of this Convention is to ensure the protection of the European audiovisual heritage and its appreciation both as an art form and as a record of our past by means of its collection, its preservation and the availability of moving image material for cultural, scientific and research purposes, in the public interest.

Article 2 - Definitions

For the purpose of this Convention:

a “moving image material” means any set of moving images recorded by whatever means and on whatever medium, whether or not accompanied by sound, capable of conveying an impression of movement;

b “cinematographic work” means moving image material of any length, in particular cinematographic works of fiction, cartoons and documentaries, which is intended to be shown in cinemas;

c “archive body” refers to any institution designated by a Party to carry out the functions of legal deposit;

d “voluntary deposit body” refers to any institution designated by a Party for that purpose.

Article 3 – Scope of application

1 The Parties to this Convention shall apply the provisions of the Convention to all cinematographic works as from its entry into force.

2 By protocols drawn up in accordance with Article 18 of this Convention, the application of this Convention shall be extended to moving image material other than cinematographic works, such as television productions.

Article 4 – Copyright and neighbouring rights

The obligations of this Convention shall in no way affect the provisions in international treaties on the protection of copyright and neighbouring rights. No provision of this Convention may be interpreted as prejudicing such protection.

Chapter II – Legal deposit

Article 5 – General obligation of legal deposit

1 Each Party shall introduce, by legislative or other appropriate means, the obligation to deposit moving image material forming part of its audiovisual heritage and having been produced or co-produced in the territory of the Party concerned.

2 Each Party shall be free to provide for an exemption from legal deposit if the moving image material is legally deposited in one of the other Parties concerned.

Article 6 – Designation and tasks of archive bodies

1 Each Party shall designate one or more archive bodies, whose tasks shall be to ensure the preservation, documentation, restoration and availability for consultation of deposited moving image material.

2 The designated bodies shall be either public or private, but shall not be controlled directly or indirectly by any natural or legal person principally engaged in profit-making activities in the media sector.

3 The Parties undertake to oversee the execution of the tasks assigned to the archive bodies.

Article 7 – Technical and financial means

Each Party shall ensure that archive bodies have the necessary means for carrying out their tasks as defined in Article 6, paragraph 1, of this Convention.

Article 8 – Conditions of legal deposit

1 Each Party shall designate the natural or legal persons submitted to the obligation of deposit. It shall provide for the conditions of this deposit. It shall particularly ensure that the archive bodies receive the original or a material from which the original quality can be reconstituted.

2 The material shall be deposited within a maximum of twelve months after the final version has been shown for the first time to the public or any other reasonable period specified by a Party. If it has not been shown to the public, the time-limit shall begin at the end of the production.

Article 9 – Restoration of deposited material

1 Each Party shall encourage and promote the restoration of legally deposited moving image material forming part of its audiovisual heritage whose physical quality has deteriorated.

2 Each Party may permit in its legislation the reproduction of legally deposited moving image material for the purpose of restoration.

Article 10 – Emergency measures

Each Party shall make appropriate arrangements to ensure the protection of moving image material forming part of its audiovisual heritage which is exposed to an imminent danger which threatens its material existence, if it is not otherwise protected under the terms of legal deposit.

Chapter III – Voluntary deposit

Article 11 – Promotion of voluntary deposit

Each Party shall encourage and promote the voluntary deposit of moving image material forming part of its audiovisual heritage, including ancillary material, which does not qualify under Article 5 of this Convention.

Article 12 – Availability to the public

Each Party shall encourage voluntary deposit bodies to specify by contract with the rights holders the conditions under which the deposited moving image material may be made available to the public.

Chapter IV – General provisions common to archive and voluntary deposit bodies

Article 13 – Joint archives

1 In order to fulfil the aims of the present Convention more effectively, the Parties may decide to establish joint archive bodies and voluntary deposit bodies.

2 The archive body and the voluntary deposit body may be one and the same institution, on condition that the provisions specific to each function are applied.

Article 14 – Co-operation between archive and voluntary deposit bodies

Each Party shall encourage its archive or voluntary deposit bodies to co-operate with one another and with the bodies of other Parties with a view to facilitating:

- a exchange of information on moving image material;
- b the compilation of a European audiovisual filmography;
- c the development of a standard procedure for storing, pooling and updating moving image material and related information;
- d the development of a common standard for electronic information exchange;
- e the preservation of equipment for showing moving image material.

Article 15 – Contractual terms of deposit

Each Party shall encourage archive and voluntary deposit bodies to conclude contracts with the depositors specifying the rights and obligations as to the deposited moving image material. Unless regulated by law, such contracts may specify the conditions on the liability for any damage of the deposited material, its temporary or permanent withdrawal from the deposit by the rights holders, and the compensation to be paid by the rights holders for its restoration or other services of the archive or voluntary deposit bodies.

Chapter V – Follow-up of the Convention

Article 16 – Standing Committee

1 For the purposes of this Convention, a standing committee shall be set up.

2 Each Party may be represented on the standing committee by one or more delegates. Each Party has a right to vote. Each State which is a Party to this Convention shall have one vote. Concerning questions within its competence, the European Community shall exercise its right to vote and cast a number of votes equal to the number of its member States that are Parties to this Convention. The European Community shall not exercise its right to vote when a question does not fall within its competence.

3 The European Community or any State referred to in Article 19, which is not a Party to this Convention, may be represented on the standing committee by an observer.

4 The standing committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within six months of the date of entry into force of the Convention. It shall subsequently meet whenever one-third of the Parties or the Committee of Ministers of the Council of Europe so requests, or on the initiative of the Secretary General of the Council of Europe in accordance with the provisions of Article 18, paragraph 2, or at the request of one or more Parties in accordance with the provisions of Articles 17, paragraph 1.c.

5 A majority of Parties shall constitute the quorum required for the adoption of decisions. Subject to the provisions of Article 16, paragraph 6, and Article 18, paragraph 3, the decisions of the Standing Committee shall be taken by a majority of two-thirds of the Parties present.

6 The Standing Committee may seek the advice of experts in order to discharge its function under this Convention. It may, on its own initiative or at the request of the body concerned, invite any international or national, governmental or non-governmental body technically qualified in the fields covered by this Convention to be represented by an observer at all or part of its meetings. The decision to invite such experts or bodies shall be taken by a majority of two-thirds of the Parties.

7 Subject to the provisions of this Convention, the Standing Committee shall draw up its own rules of procedure.

Article 17 – Functions and reports of the Standing Committee

1 The Standing Committee shall be responsible for examining the operation and implementation of this Convention. It may:

a make recommendations to the Parties concerning the application of the Convention;

b suggest any necessary modifications to the Convention and examine those proposed in accordance with the provisions of Article 18;

c examine, at the request of one or more Parties, any question concerning the interpretation of the Convention;

d make recommendations to the Committee of Ministers concerning States, other than those referred to in Article 19, to be invited to accede to this Convention.

2 After each meeting, the Standing Committee shall forward to the Parties and the Committee of Ministers of the Council of Europe a report on its discussions and any decisions taken.

Chapter VI – Protocols and amendments

Article 18– Protocols and amendments

1 Protocols dealing with moving image material other than cinematographic works shall be concluded with a view to developing, in specific fields, the principles contained in this Convention.

2 Any proposal for a protocol referred to in paragraph 1 or any proposal for an amendment to such a protocol, or for any amendment to this Convention, presented by a Party, the Standing Committee or the Committee of Ministers shall be communicated to the Secretary General of the Council of Europe and forwarded by him to the member States of the Council of Europe, to the other States which may become Parties to this Convention and to the European Community. The Secretary General of the Council of Europe shall convene a meeting of the Standing Committee at the earliest two months following the communication of the proposal.

3 The Standing Committee shall examine the proposal not earlier than two months after it has been forwarded by the Secretary General in accordance with paragraph 2. The Standing Committee shall submit the text approved by a majority of three-quarters of the Parties to the Committee of Ministers for adoption.

4 Any amendment to the Convention adopted in accordance with the preceding paragraph shall come into force on the thirtieth day after all the Parties have informed the Secretary General of their acceptance thereof. If an amendment has been adopted by the Committee of Ministers, but has not yet entered into force, a State or the European Community may not express their consent to be bound by the Convention without accepting this amendment at the same time.

5 The Committee of Ministers shall determine the conditions for the entry into force of protocols to this Convention and amendments to such protocols based on the text submitted by the Standing Committee in accordance with paragraph 3.

Chapter VII - Final provisions

Article 19 - Signature, ratification, acceptance, approval

This Convention shall be open for signature by the member States of the Council of Europe, by the other States Parties to the European Cultural Convention and by the European Community. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 20 - Entry into force

1 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Convention, in accordance with the provisions of Article 19.

2 In respect of any signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 21 – Relations between the Convention and Community law

In their mutual relations, Parties which are members of the European Community shall apply Community rules and shall not therefore apply the rules arising from this Convention except in so far as there is no Community rule governing the particular subject concerned.

Article 22 – Accession by other States

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after having consulted the Parties, may invite any State which is not referred to in Article 19 to accede to the Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 23 – Territorial application

1 Any State or the European Community may, at the time of signature or when depositing the instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 24 – Reservations

No reservation may be made in respect of the provisions of this Convention.

Article 25 – Denunciation

1 Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 26 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States which may become Parties to this Convention and the European Community:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention, in accordance with Articles 20, 22 and 23;
- d any amendment or protocol adopted in accordance with Article 18, and the date on which such an amendment or protocol enters into force;
- e any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 8th day of November 2001, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States Parties to the European Cultural Convention, to the European Community and to any other State invited to accede to this Convention.

**PROTOCOL TO THE EUROPEAN CONVENTION FOR THE PROTECTION OF THE AUDIOVISUAL HERITAGE, ON THE PROTECTION OF TELEVISION PRODUCTIONS
Strasbourg, 8.XI.2001**

Preamble

The Parties to this Protocol to the European Convention for the Protection of the Audiovisual Heritage, opened for signature in Strasbourg, on 8 November 2001 (hereinafter referred to "the Convention"),

Considering the importance of television productions as part of the European audiovisual heritage as expressed in the Convention;

Recognising the specificity of television productions, in particular with regard to their virtually universal availability, their quantity and their role as a mirror of all sectors and aspects of society;

Resolved to ensure an adequate preservation of television productions for cultural, scientific and research purposes in the public interest;

Taking account of the international treaties in force for the protection of copyright and neighbouring rights;

Referring to Article 3 and Article 18 of the Convention,

Have agreed as follows:

Article 1 - Definitions

For the purposes of this Protocol:

a "television productions" means any moving image material other than cinematographic works, which has been produced for transmission via terrestrial transmitter, cable, satellite or other means, for reception by the public, with the exception of moving image material transmitted on individual demand and interactive moving image material;

b "depository body" means any institution, including archive bodies, designated by a Party to carry out the functions related to legal or voluntary deposit;

c "broadcaster" means any natural or legal person who has editorial responsibility for the composition of television productions and who transmits them, by whatever means, or has them transmitted by a third party for reception by the public.

Article 2 - Scope of application

1 The Parties to this Protocol agree to apply the provisions of the Convention to television productions subject to the following exceptions:

- Article 3 of this Protocol shall be applied instead of Article 5 of the Convention;
- Article 4 of this Protocol shall be applied instead of Article 11 of the Convention;
- Article 5 of this Protocol shall be applied instead of Article 6 of the Convention; and
- Article 7 of this Protocol shall be applied instead of Article 8 of the Convention.

2 The provisions of Article 1 of this Protocol shall be regarded as an addition to Article 2 of the Convention.

Article 3 - Legal deposit

1 Each Party shall implement, by legislative or other appropriate means and subject to paragraphs 2 and 3 of this article, the obligation to deposit television productions forming part of its audiovisual heritage, which have been transmitted by broadcasters under its jurisdiction for the first time to the public after the entry into force of this Protocol.

2 Each Party may provide for a system of appraising, selecting or sampling of television productions which are under the obligation of being deposited, in order to define and preserve the television elements of its audiovisual heritage adequately.

3 Each Party shall be free to provide for an exemption from the legal deposit if a television production is legally deposited in one of the other Parties.

4 Each Party shall determine who is under the obligation of legal deposit in accordance with this Protocol.

Article 4 - Voluntary deposit

Each Party may encourage and promote the voluntary deposit of television productions which do not qualify under Article 3.2. Voluntary deposit may be extended to ancillary material.

Article 5 - Designation of depository bodies

With regard to the deposit of television productions, each Party may:

- (a) designate one or more broadcasters, upon their agreement and in accordance with the agreed terms, as depository body for the television productions transmitted by them or, if both sides agree, by other broadcasters, or
- (b) designate by agreement and/or establish one or more other depository bodies.

Article 6 - Financial and technical means of depository bodies

Each Party shall ensure that depository bodies under Article 5 of this Protocol have the necessary means for carrying out the functions of legal deposit as defined in Article 3, and shall examine the appropriate financial arrangements to this effect.

Article 7 - Conditions of deposit

Each Party shall determine the conditions necessary for the deposit of television productions with depository bodies in accordance with this Protocol.

Article 8 – Final provisions

1 This Protocol shall be open for signature by Signatories to the Convention. It is subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously or simultaneously ratified, accepted or approved the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Protocol in accordance with the provisions of paragraph 1 of this article.

3 From the date of its entry into force, this Protocol shall form an integral part of the Convention.

4 In respect of any Signatory which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

5 After the entry into force of this Protocol, any State which has acceded to the Convention may also accede to this Protocol.

6 Accession shall be effected by the deposit with the Secretary General of the Council of Europe of an instrument of accession which shall take effect on the first day of the month following the expiration of a period of three months after the date of deposit.

7 No reservation may be made in respect of the provisions of this Protocol.

8 Any Party may at any time denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

9 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

10 The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Community, any Signatory, any Party and any other State which has been invited to accede to the Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or accession;
- c any date of entry into force of this Protocol in accordance with paragraphs 2, 4 and 6 of this article;
- d any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 8th day of November 2001, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States Party to the European Cultural Convention, to the European Community and to any other State invited to accede to the Convention.