

The Data Controller of the information being collected is: Sabhal Mòr Ostaig, Teangue, Isle of Skye, IV44 8RQ. Tel: 01471 888 000.

For any queries or concerns about how your personal data is being processed you can contact the Data Protection Administrator at gdpr@smo.uhi.ac.uk or the Data Protection Officer at dataprotectionofficer@uhi.ac.uk.

Tobar an Dualchais (Kist o Riches) is an online resource dedicated to the presentation and promotion of audio recordings of Scotland's cultural heritage. Sabhal Mòr Ostaig is responsible for the overall management of the Tobar an Dualchais (TAD) initiative.

This privacy statement relates to the following processing:

Recording and publishing of video interviews

This process concerns the recording and publishing of video interviews for the Tobar an Dualchais 'Dualchas sa Choimhearsnachd' (Heritage in the Community) Project with schools.

Your information will be used for the following purposes:

Purpose 1: Participation in recorded interview	To record an interview between school pupils and Gaelic speaking community members, allowing pupils to learn how to record the oral heritage of today and strengthen inter-generational transmission in Gaelic speaking communities.
Purpose 2: Public release of recording	<p>Video and audio recordings may be:</p> <ul style="list-style-type: none"> • Made available on the Tobar an Dualchais website for the public. • Shared on other digital platforms including SoundCloud & social media. • Shared and used during community and school/educational engagement opportunities. • Used in projects and presentations. • Shared with the media or other organisations for TAD promotional purposes. <p>For the overall purposes of promoting the work of TAD and SMO and making the videos available to the public in keeping with TAD's mission as an online resource dedicated to the presentation and promotion of audio recordings of Scotland's cultural heritage and SMO's role as the National Centre for Gaelic Language and Culture.</p>
Purpose 3: Storing recordings in archive	Archived recordings help preserve Scotland's oral heritage and make it available for future generations in keeping with TAD's mission as an online resource dedicated to the presentation and promotion of audio recordings of Scotland's cultural heritage and SMO's role as the National Centre for Gaelic Language and Culture.
Purpose 4: Future communication about this, or similar projects	Tobar an Dualchais conducts research and heritage initiatives such as this one. TAD may wish to contact you again to ask you to take part in future parts of this, or other, TAD projects. TAD will contact you to invite you to take part in future projects if you consent to this.

Our legal reason for using the data are:

To achieve the following purposes: Purpose 1: Participation in recorded interview, Purpose 2: Public release of recording, Purpose 4: Future communication

Our legal reason to use the data is: You have given consent for the use.

As you have given consent, you have the right to withdraw your consent.

However, please be aware that some of these processing purposes involve publishing your personal data and it is not always possible to reverse publication once it has, or is in the process of, occurring. For example, if your data is printed, Tobar an Dualchais will not be able to reverse this publication or withdraw your data from the public domain.

Similarly, if your data is published on a website, then other individuals may collect and reuse this data outwith the control of Tobar an Dualchais. These examples are not exhaustive.

With this in mind, please read this entire privacy notice carefully before giving your consent.

To achieve the following purposes: Purpose 3: Storing recordings in archive

Our legal reason to use the data is: Use is necessary for performing a task in the public interest or under official authority vested in us. That being Sabhal Mòr Ostaig's public task to promote and preserve the use of Gaelic and Gaelic heritage under the National Gaelic Language Plan and SMO's role as the National Centre for Gaelic Language and Culture. Part of this public task includes ensuring accessibility of Tobar an Dualchais content as a national culture heritage resource. Should any of the material created include special category data then the basis will be 9(2)(j) processing is necessary for the purpose of archiving in the public interest and/or historical or scientific research.

Your data will, or may, be shared with the following recipients or categories of recipient:

- The project is being delivered by SMO/TAD through schools. These schools (including their students) will process your data as part of the project.

When TAD publishes the material it may be shared with:

- Media or news organisations or other organisations who will use the information for the purposes of promoting or reporting on the Tobar an Dualchais project. Please note that media organisations may publish the material again in their own right. This publication may be much more visible than TAD's own publication – for example, it may be on television, radio, or heavily viewed spaces.
- Social Media and website hosting companies:

In order to promote audio recordings of Scotland's cultural heritage, Tobar an Dualchais use both its website and its social media accounts. Tobar an Dualchais uses various accounts with various companies to host and publish its material online.

These social media accounts may include, but will not be limited to:

- 1) Facebook ([privacy notice for UK citizens](#))
- 2) Twitter ([privacy notice for UK citizens](#))

- 3) Instagram ([privacy notice for UK citizens](#))
- 4) YouTube ([privacy notice for UK citizens](#))

- TAD is creating the resources for heritage and cultural purposes and foresees that they will, or may, be of value to archives maintained for historical or research purposes. TAD may share the resources with archives that it considers appropriate.

Sharing with these external parties may happen now or in the future.

Your data will be retained for the following length of time:

Purpose 1: Participation in recorded interview	TAD is creating the videos to be cultural and heritage resources for now and the future. Indeed, TAD considers that the cultural and heritage value of the video resources will increase over time. For this reason, and for the reason that the resources will be archived, TAD considers the processing to remain necessary for its original purposes indefinitely and, so, has applied an indefinite retention period. This means that TAD has set no date for the deletion of the videos and foresees that some, or all, of the videos will not be deleted as a matter of course given their cultural value.
Purpose 2: Public release of recording	Please be aware that published resources may be reused and/or stored by other parties who may access and/or copy the published resource.
Purpose 3: Storing recordings in archive	TAD is creating the videos to be cultural and heritage resources for now and the future. Indeed, TAD considers that the cultural and heritage value of the video resources will increase over time. For this reason, and for the reason that the resources will be archived, TAD considers the processing to remain necessary for its original purposes indefinitely and, so, has applied an indefinite retention period. This means that TAD has set no date for the deletion of the videos and foresees that some, or all, of the videos will not be deleted as a matter of course given their cultural value. Indefinite
Purpose 4: Future communication about this, or similar projects	5 years from the end of the academic year in which your consent is collected. Towards the end of this time, TAD may contact you again to ask if you would prefer to stay on the list of people who would like to be invited.
Purpose 5: consent forms	While the recording created will be held indefinitely in the TAD archive and published resources may be held and/or published permanently the consent forms you sign may be kept for less time, or as long as the videos. This will depend on the view of the relevant archivists acting for the archives to which we may offer the video content and consent forms. Depending on the prevailing legislation TAD may keep your consent forms for as long as it is legally obliged – TAD may consider that this is for the length of time that the resources exist or are published.

International data transfer and publication

The UK GDPR restricts the transfer of personal data to countries outside the UK, or international organisations. This restriction is in place because once data is transferred in this way it may not be subject to the UK GDPR and you will lose the ordinary UK GDPR protections (protections and rights)

for your data once it has been transferred. Once the data has been transferred it may be subject to other local data protection laws in the receiving country –or no data protection law at all if no such law exists in the receiving country.

It is, therefore, very important for you to be informed that your data will be transferred in this way and important that you read and understand the information provided to make sure you are making a fully informed choice when deciding whether or not to consent to the proposed international data transfer.

Tobar an Dualchais propose to share your data with some service abroad, such as social media platforms, and to publish your data in other ways. Once data has been published in the public domain it is very difficult, and often impossible, to retract and/or contain.

International data transfer -The proposed international transfer.

Tobar an Dualchais plan to:

- 1.Share your data with companies based outwith the UK for the purposes of publishing your data online (Tobar an Dualchais website and social media platforms)
- 2.Publish your data online where it can be accessed from any other country in the world
- 3.Publish your data in hard copy, noting that these publications can be transferred to any other country or otherwise reproduced and transferred to any other country.
- 4.Share your data with organisations that may rely on services based outwith the UK and who may publish your data online or in hard copy.

This international transfer takes place subject to the following exceptions or safeguard being in place to allow the international transfer:

You have given explicit consent for the international transfer.

International data transfer -The identity of the receiver, or the categories of receiver & the country or countries to which the data is to be transferred.

The ICO explains that putting personal data on to a website will often result in a restricted transfer. The restricted transfer takes place when someone outside the UK accesses that personal data via the website. In addition, Tobar an Dualchais will be deliberately making international transfers by transferring your data to companies outwith the UK such as social media platforms (see the 'Your data will, or may, be shared with the following recipients or categories of recipient' section of this privacy notice for a full list of potential recipients, noting that some or all of these may publish your data themselves).

The data will be made available on a public-facing websites and published in hard-copy materials meaning any individual, in any country or territory in the world, will be able to access the data.

This means that you and Tobar an Dualchais will not know who has accessed your data on the website.

Why are Tobar an Dualchais planning to make the transfer?

The purpose of the international transfer is:

To encourage and strengthen inter-generational transmission in Gaelic-speaking communities and to promote and raise awareness and understanding of Scotland's oral heritage.

The purposes are set out fully in the 'This privacy statement relates to the following process' and 'Your information will be used for the following purposes' sections of this privacy notice.

Tobar an Dualchais is choosing to meet this purpose in a way that require international transfers as the world now primarily relies on the internet and, in many cases, social media platforms for communicating and providing information. It is widely known that the public choose to seek information about projects such as Tobar Dualchais online and through social media.

International data transfer -The type of data to be transferred:

The personal data to be transferred will be: The recording of your interview and the information therein.

Your data will be transferred to: Your data will be transferred to, at least the USA and may be transferred to or accessed from any other country in the world (as it will have been published online).

International data transfer -Your right to withdraw consent and how this may be limited once your data has been transferred:

The transfer will only take place with your explicit consent (given in the explicit consent tick box on the relevant consent form provided with this notice).

You have the right to withdraw your consent at any time and Tobar an Dualchais will stop using the data collected for this purpose. However, please be aware that some of these processing purposes involve publishing your personal data and it is not always possible to reverse publication once it has, or is in the process of, occurring. For example, if your data is printed in a published prospectus, Tobar an Dualchais will not be able to reverse this publication or withdraw your data from the public domain. Similarly, if your data is published on a website, then other individuals may collect and reuse this data outwith the control of Tobar an Dualchais. The above examples are not exhaustive.

To withdraw your consent please email: gdpr@smo.uhi.ac.uk or contact SMO.

Please note that if your data has been accessed by parties in third countries not covered by the UK GDPR you may not be able to exercise the same rights associated with consent under the UK GDPR against those third parties –including withdrawing consent for processing.

International data transfer -The possible risks involved in making a transfer to a country which does not provide adequate protection for personal data:

There is a risk with international transfers of this type that you will lose control of your data if it is accessed by a party to whom the UK GDPR does not apply. This is because you will not be able to exercise your ordinary UK GDPR rights against that party, there may be no supervisory authority to appeal to, and there may be no other local data protection or privacy law on which you can rely to exercise any control over your data held by the third party. You may not be able to control who uses your data, for what purpose, with whom they share it, limit any use of the data, and you may not be informed at all that third parties are using your data.

Your data may be accessed by third parties in countries with no data protection laws and these parties may use your data in a way that would be unlawful under the UK GDPR, but which are lawful in their own country. In such circumstances you would likely have limited, or no, ability to stop or influence that processing.

There are risks involved with international transfers and you should only consent if you have read and understand the above and still wish to proceed.

International data transfer –Limits on rights due international transfers:

Your ability to exercise your rights once an international transfer has taken place may be limited. If your data is transferred to a country without the UK GDPR or other similar laws and protections you may not be able exercise these, or any other, data protection rights in respect of the transferred data. Your rights under the UK GDPR are included in this privacy notice.

The following rights are rights of data subjects:

- The right to access your personal data
- The right to rectification if the personal data we hold about you is incorrect
- The right to restrict processing of your personal data

The following rights apply only in certain circumstances:

- The right to withdraw consent at any time if consent is our lawful basis for processing your data
- The right to object to our processing of your personal data
- The right to request erasure (deletion) of your personal data
- The right to data portability

You also have the right to lodge a complaint with the Information Commissioner's Office about our handling of your data.

The Information Commissioner's Office is UK's independent authority set up to uphold information rights in the public interest. Their website is www.ico.org.uk