

Mail Shots by public bodies

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1. What is a mail shot?

A mail shot can be defined as information supplied, to the public in general or to a class of the public in general, by post or by email.

The information provided in mail shots is generic information provided to the public in general or to a class of the public in general as opposed to individual, personal information. Information provided in mail shots could obviously be issued in a variety of formats, e.g. letters, leaflets, brochures, newsletters, etc.

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2. What is required where public bodies use mail shots?

Under section 9(3) of the Act, public bodies have a duty to ensure that any information in writing which is issued to the general public or to a class of the general public is in Irish or bilingual.

The following criteria should be used by public bodies when assessing whether the proposed communication comes under section 9(3) of the Act:

- Is the communication from a public body under the Act?
- Is the communication by post or by email?
- Is the aim of the communication to provide information?
- Is the communication with the general public or with a class of the general public?
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If the communication proposed by the public body satisfies all of these criteria, it would appear that it comes under section 9(3) of the Act and should be issued in Irish or bilingually.

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3. Under the Official Languages Act, what do these concepts mean: “the general public” and “a class of the general public”?

The Act does not specifically define these concepts: “the general public” and “a class of the general public”. Consequently, the legal interpretation rule applies and the entire context in which the concept is used and the normal meaning of the concept must be taken into account.

It seems clear that “the general public” consists of the population at large, i.e. all households in the state. It is obviously not possible for the Office of An Coimisinéir Teanga to envisage all instances in which mail shots could be issued by public bodies to “a class of the general public”.

However, it may be useful to provide some examples of classes of the general public, e.g. all pensioners, all single parents, all students, all people living in a particular area. Mail shots issued to individual professional groups (e.g. all doctors, all solicitors) or to people who have chosen to register in the unique database of a particular organisation (e.g. blood donors) are not considered to constitute classes of the general public for the purposes of this legislation.

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