



Freedom of Information Act 2000

2000 CHAPTER 36

PART VI **U.K.**

HISTORICAL RECORDS AND RECORDS IN PUBLIC RECORD OFFICE OR PUBLIC RECORD OFFICE OF NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Pt. VI modified (1.1.2013) by [The Freedom of Information \(Definition of Historical Records\) \(Transitional and Saving Provisions\) Order 2012 \(S.I. 2012/3029\)](#), arts. 1(1), 2, **Sch.**

62 Interpretation of Part VI. **U.K.**

- (1) For the purposes of this Part, a record becomes a “historical record” at the end of the period of [^{F1}twenty years] beginning with the year following that in which it was created.
 - (2) Where records created at different dates are for administrative purposes kept together in one file or other assembly, all the records in that file or other assembly are to be treated for the purposes of this Part as having been created when the latest of those records was created.
- [^{F2}(2A) Until the end of the period of 10 years beginning with the commencement of paragraph 4 of Schedule 7 to the Constitutional Reform and Governance Act 2010, subsection (1) has effect subject to any order made under section 46(2) of that Act.]
- (3) In this Part “year” means a calendar year.

Textual Amendments

- F1** Words in s. 62(1) substituted (1.1.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, **Sch. 7 para. 4(2)**; S.I. 2012/3001, art. 3(1)(b)
- F2** S. 62(2A) inserted (1.1.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, **Sch. 7 para. 4(3)**; S.I. 2012/3001, art. 3(1)(b)

Status: Point in time view as at 01/01/2013.

Changes to legislation: Freedom of Information Act 2000, Part VI is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C2** S. 62(1): saving for the effect of 2010 c. 25, Sch. 7 para. 4(2) (1.1.2013) by [The Freedom of Information \(Definition of Historical Records\) \(Transitional and Saving Provisions\) Order 2012 \(S.I. 2012/3029\)](#), arts. 1(1), 3

Commencement Information

- II** S. 62 wholly in force at 1.1.2005; s. 62 not in force at Royal Assent, see s. 87(3); s. 62 in force for certain purposes at 1.1.2005 by [S.I. 2002/1909](#), art. 2 and otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), art. 2

63 Removal of exemptions: historical records generally. **U.K.**

- (1) Information contained in a historical record cannot be exempt information by virtue of section ^{F3}... 30(1), 32, 33, 35, [^{F4}36, 37(1)(a), 42 or 43]^{F4} or 42].
- (2) Compliance with section 1(1)(a) in relation to a historical record is not to be taken to be capable of having any of the effects referred to in section ^{F5}... 33(3), [^{F6} or 42(2)].
- [^{F7}(2A) Information contained in a historical record cannot be exempt information by virtue of section 36 except—
- (a) in a case falling within subsection (2)(a)(ii) of that section, or
 - (b) in a case falling within subsection (2)(c) of that section where the prejudice or likely prejudice relates to the effective conduct of public affairs in Northern Ireland.
- (2B) Compliance with section 1(1)(a) in relation to a historical record is not to be taken to have any of the effects referred to in subsection (3) of section 36, except where the effect—
- (a) falls within subsection (2)(a)(ii) of that section, or
 - (b) falls within subsection (2)(c) of that section and relates to the effective conduct of public affairs in Northern Ireland.
- (2C) Information cannot be exempt information—
- (a) by virtue of section 28 or 43, or
 - (b) by virtue of section 36 in the excepted cases mentioned in subsection (2A), after the end of the period of thirty years beginning with the year following that in which the record containing the information was created.
- (2D) Compliance with section 1(1)(a) in relation to any record is not to be taken, at any time after the end of the period of thirty years beginning with the year following that in which the record was created, to be capable—
- (a) of prejudicing any of the matters referred to in section 28(1) or 43(2), or
 - (b) of having any of the effects referred to in section 36(3) in the excepted cases mentioned in subsection (2B).
- (2E) Information cannot be exempt information by virtue of any of paragraphs (a) to (ad) of section 37(1) after whichever is the later of—
- (a) the end of the period of five years beginning with the date of the relevant death, and
 - (b) the end of the period of twenty years beginning with the date on which the record containing the information was created.

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- (2F) In subsection (2E)(a) “ the relevant death ” means—
- (a) for the purposes of any of paragraphs (a) to (ac) of section 37(1), the death of the person referred to in the paragraph concerned, or
 - (b) for the purposes of section 37(1)(ad), the death of the Sovereign reigning when the record containing the information was created.]
- (3) Information cannot be exempt information by virtue of section 37(1)(b) after the end of the period of sixty years beginning with the year following that in which the record containing the information was created.
- (4) Information cannot be exempt information by virtue of section 31 after the end of the period of one hundred years beginning with the year following that in which the record containing the information was created.
- (5) Compliance with section 1(1)(a) in relation to any record is not to be taken, at any time after the end of the period of one hundred years beginning with the year following that in which the record was created, to be capable of prejudicing any of the matters referred to in section 31(1).

Textual Amendments

- F3** Word in s. 63(1) omitted (1.1.2013) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 7 para. 5\(2\)\(a\)](#); S.I. 2012/3001, art. 3(1)(b)
- F4** Words in s. 63(1) substituted (19.1.2011 but only in so far as the words "37(1)(a)," are omitted and otherwise prosp.) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 46(1), 52(2), [Sch. 7 para. 5\(2\)\(b\)](#); S.I. 2011/46, [art. 3\(b\)\(ii\)](#) (with art. 4)
- F5** Word in s. 63(2) omitted (1.1.2013) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 7 para. 5\(3\)\(a\)](#); S.I. 2012/3001, art. 3(1)(b)
- F6** Words in s. 63(2) substituted (1.1.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 7 para. 5\(3\)\(b\)](#); S.I. 2012/3001, art. 3(1)(b)
- F7** S. 63(2A)-(2F) inserted (19.1.2011 but only to the extent of inserting s. 63(2E)(2F) and otherwise prosp.) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 46(1), 52(2), [Sch. 7 para. 5\(4\)](#); S.I. 2011/46, [art. 3\(b\)\(iii\)](#) (with art. 4)

64 Removal of exemptions: historical records in public record offices. **U.K.**

- (1) Information contained in a historical record in the Public Record Office or the Public Record Office of Northern Ireland cannot be exempt information by virtue of section 21 or 22.
- (2) In relation to any information falling within section 23(1) which is contained in a historical record in the Public Record Office or the Public Record Office of Northern Ireland, section 2(3) shall have effect with the omission of the reference to section 23.

65 Decisions as to refusal of discretionary disclosure of historical records. **U.K.**

- (1) Before refusing a request for information relating to information which is contained in a historical record and is exempt information only by virtue of a provision not specified in section 2(3), a public authority shall—
 - (a) if the historical record is a public record within the meaning of the ^{M1}Public Records Act 1958, consult the Lord Chancellor, or

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- (b) if the historical record is a public record to which the ^{M2}Public Records Act (Northern Ireland) 1923 applies, consult the appropriate Northern Ireland Minister.

(2) This section does not apply to information to which section 66 applies.

Marginal Citations

M1 1958 c. 51.

M2 1923 c. 20 (N.I.).

66 Decisions relating to certain transferred public records. **U.K.**

- (1) This section applies to any information which is (or, if it existed, would be) contained in a transferred public record, other than information which the responsible authority has designated as open information for the purposes of this section.
- (2) Before determining whether—
- (a) information to which this section applies falls within any provision of Part II relating to the duty to confirm or deny, or
 - (b) information to which this section applies is exempt information,
- the appropriate records authority shall consult the responsible authority.
- (3) Where information to which this section applies falls within a provision of Part II relating to the duty to confirm or deny but does not fall within any of the provisions of that Part relating to that duty which are specified in subsection (3) of section 2, any question as to the application of subsection (1)(b) of that section is to be determined by the responsible authority instead of the appropriate records authority.
- (4) Where any information to which this section applies is exempt information only by virtue of any provision of Part II not specified in subsection (3) of section 2, any question as to the application of subsection (2)(b) of that section is to be determined by the responsible authority instead of the appropriate records authority.
- (5) Before making by virtue of subsection (3) or (4) any determination that subsection (1) (b) or (2)(b) of section 2 applies, the responsible authority shall consult—
- (a) where the transferred public record is a public record within the meaning of the ^{M3}Public Records Act 1958, the Lord Chancellor, and
 - (b) where the transferred public record is a public record to which the ^{M4}Public Records Act (Northern Ireland) 1923 applies, the appropriate Northern Ireland Minister.
- (6) Where the responsible authority in relation to information to which this section applies is not (apart from this subsection) a public authority, it shall be treated as being a public authority for the purposes of Parts III, IV and V of this Act so far as relating to—
- (a) the duty imposed by section 15(3), and
 - (b) the imposition of any requirement to furnish information relating to compliance with Part I in connection with the information to which this section applies.

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Marginal Citations

M3 1958 c. 51.

M4 1923 c. 20 (N.I.).

67 Amendments of public records legislation. **U.K.**

Schedule 5 (which amends the ^{M5}Public Records Act 1958 and the Public Records Act (Northern Ireland) 1923) has effect.

Commencement Information

I2 S. 67 wholly in force at 1.1.2005; s. 67 in force for certain purposes at Royal Assent, see s. 87(1)(j)(3); s. 67 in force for certain further purposes at 30.11.2002 by S.I. 2002/2812, **art. 2(j)**; s. 67 in force for certain further purposes at 1.1.2005 by S.I. 2004/1909, **art. 2** and otherwise in force at 1.1.2005 by S.I. 2004/3122, **art. 2**

Marginal Citations

M5 1958 c. 51.

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