



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 5

### HISTORICAL RECORDS

#### **57 The expression “historical record”**

- (1) For the purposes of this Part, a record becomes a “historical record” at the end of that period of thirty years which commences at the beginning of the calendar year following that in which the record is created.
- (2) Where records created at different dates are for administrative purposes kept together in one file or other assemblage, all the records in that file or assemblage are to be treated for the purposes of this Part as created when the latest of those records is created.

#### **58 Falling away of exemptions with time**

- (1) Information contained in a historical record cannot be exempt information by virtue of any of sections 28 to 30, 33(1), 36, 37, 40 and 41(a).
- (2) Information cannot be exempt information by virtue of—
  - (a) section 41(b) after the end of that period of sixty years; or
  - (b) section 34(2)(b), 35 or 38(1)(c) or (d) after the end of that period of one hundred years,which commences at the beginning of the calendar year following that in which the record containing the information is created.

#### **59 Power to vary periods mentioned in sections 57 and 58**

- (1) The Scottish Ministers may by order amend subsection (1) of section 57 or paragraph (a) or (b) of subsection (2) of section 58 so as to substitute for the number of years for the time being mentioned in the provision in question such other number of

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*Status: This is the original version (as it was originally enacted).*

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years (not being a number which exceeds that mentioned in the provision as originally enacted) as may be specified in the order.

- (2) An order under subsection (1) may contain such transitional provisions and savings as the Scottish Ministers think fit.