



Freedom of Information Act 2000

2000 CHAPTER 36

PART VI

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

62 Interpretation of Part VI

- (1) For the purposes of this Part, a record becomes a “historical record” at the end of the period of thirty 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.
- (3) In this Part “year” means a calendar year.

63 Removal of exemptions: historical records generally

- (1) Information contained in a historical record cannot be exempt information by virtue of section 28, 30(1), 32, 33, 35, 36, 37(1)(a), 42 or 43.
- (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 28(3), 33(3), 36(3), 42(2) or 43(3).
- (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).

64 Removal of exemptions: historical records in public record offices

- (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

- (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 Public Records Act 1958, consult the Lord Chancellor, or
 - (b) if the historical record is a public record to which the 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.

66 Decisions relating to certain transferred public records

- (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 Public Records Act 1958, the Lord Chancellor, and
 - (b) where the transferred public record is a public record to which the 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.

67 Amendments of public records legislation

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