



# 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

#### **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 <sup>M1</sup>Public Records Act 1958, the [<sup>F1</sup>Secretary of State], and

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*Changes to legislation: There are currently no known outstanding effects for the  
Freedom of Information Act 2000, Section 66. (See end of Document for details)*

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- (b) where the transferred public record is a public record to which the <sup>M2</sup>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.

#### Textual Amendments

- F1** Words in s. 66(5)(a) substituted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(5)(e)**

#### 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.**
- C2** S. 66(5)(a) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **6(1)(b)**, (3)(c) (with art. 7)

#### Marginal Citations

- M1** 1958 c. 51.  
**M2** 1923 c. 20 (N.I.).

**Changes to legislation:**

There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 66.