



Freedom of Information Act 2000

2000 CHAPTER 36

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

77 Offence of altering etc. records with intent to prevent disclosure.

(1) Where—

- (a) a request for information has been made to a public authority, and
- (b) under section 1 of this Act ^{F1}... the applicant would have been entitled (subject to payment of any fee) to communication of any information in accordance with that section,

any person to whom this subsection applies is guilty of an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the information to the communication of which the applicant would have been entitled.

- (2) Subsection (1) applies to the public authority and to any person who is employed by, is an officer of, or is subject to the direction of, the public authority.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) No proceedings for an offence under this section shall be instituted—
 - (a) in England or Wales, except by the Commissioner or by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by the Commissioner or by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Textual Amendments

- F1** Words in s. 77(1)(b) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 63](#) (with ss. 117, 209, 210, [Sch. 20 para. 55](#)); S.I. 2018/625, reg. 2(1)(g)

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 77. (See end of Document for details)

Commencement Information

- II** S. 77 wholly in force at 1.1.2005; s. 77 not in force at Royal Assent, see s. 87(3); s. 77 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](#)

Changes to legislation:

There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 77.