



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

63 Removal of exemptions: historical records generally.

- (1) Information contained in a historical record cannot be exempt information by virtue of section ^{F1}... 30(1), 32, 33, 35, [^{F2}36, 37(1)(a), 42 or 43] [^{F2}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 ^{F3}... 33(3), [^{F4}or 42(2)].
- [^{F5}(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.

Changes to legislation: Freedom of Information Act 2000, Section 63 is up to date with all changes known to be in force on or before 11 May 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) View outstanding changes

- (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.
- (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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)

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.](#)

Changes to legislation:

Freedom of Information Act 2000, Section 63 is up to date with all changes known to be in force on or before 11 May 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(3)(p) inserted by [2024 c. 9 s. 29](#)