

Freedom of Information Act 2000 Sectional Summary

This summary is intended to provide a working version of the Act as it relates to the University of Sheffield. Relevant sections are annotated in plain English for ease of understanding, taking into account the Explanatory Notes issued at the same time as the Act and other guidance; those sections of limited relevance are summarised and annotated where helpful; and those sections which are not relevant are listed but not reproduced or annotated. Please note that responsibility for both the FOIA and the DPA was transferred from the Home Office to the Lord Chancellor's Department on 8 June 2001. Any references to "the Secretary of State", therefore, should now be read as "the Lord Chancellor".

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Notes and abbreviations:

DPA = Data Protection Act 1998.

FOIA = Freedom of Information Act 2000.

N/A = not applicable or relevant to the University of Sheffield.

Whenever the term "public authority" or "authority" is used, this is to be understood as "the University of Sheffield" (unless otherwise indicated in the notes).

Note: Whilst every care has been taken in the preparation of this material, neither the author(s) nor the University of Sheffield can accept liability for any loss or damage caused arising in connection with reliance on its contents.

Part VI: HISTORICAL RECORDS AND RECORDS IN PUBLIC RECORD OFFICE <i>etc.</i>		
62. Interpretation of Part VI.		
<table border="1" style="width: 100%;"><tr><td style="width: 50%;"><i>SS(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.</i></td><td style="width: 50%;">Defines a "historical record". A record becomes "historical" 30 years after its creation; counting starts from the year following that in which it was created.</td></tr></table>	<i>SS(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.</i>	Defines a "historical record". A record becomes "historical" 30 years after its creation; counting starts from the year following that in which it was created.
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<p><i>SS(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.</i></p>	<p>Where records of different dates are kept in one file, all are to be treated as having been created at the date of creation of the latest one.</p>
<p><i>SS(3). In this Part "year" means a calendar year.</i></p>	<p>"Year" defined as a calendar year.</p>
<p>63. Removal of exemptions: historical records generally.</p>	
<p><i>SS(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.</i></p>	<p>Exemptions for current records contained in the sections listed do not apply to historical records after 30 years: S28 (relations within the UK); S30(1) (criminal investigations and proceedings); S32 (Court records, <i>etc</i>); S33 (audit functions); S35 (formulation of government policy, <i>etc</i>); S36 (conduct prejudicial to public affairs); S37(1)(a) (communications with the Royal family or Household); S42 (legal professional privilege); S43 (commercial interests).</p>
<p><i>SS(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).</i></p>	<p>The duty to confirm or deny also lapses after 30 years in these sections: S28(3) (relations within the UK); S33(3) (audit functions); S36(3) (conduct prejudicial to public affairs); S42(2) (legal professional privilege); S43(3) (commercial interests)</p>

<p><i>SS(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.</i></p>	<p>The exemption for current records contained in S37(1)(b) (conferring of honours) does not apply to historical records after 60 years. [The exemption concerning the duty to confirm or deny also lapses after 60 years.]</p>
<p><i>SS(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.</i></p>	<p>The exemption for current records contained in S31 (law enforcement) does not apply to historical records after 100 years.</p>
<p><i>SS(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).</i></p>	<p>The exemption concerning the duty to confirm or deny in relation to S31(1) (list of specific law enforcement circumstances) does not apply to historical records after 100 years.</p>
<p>64. Removal of exemptions: historical records in public record offices.</p>	
<p>[SS(1) - (2). N/A.]</p>	<p>Only applies to historic records in public record offices.</p>
<p>65. Decisions as to refusal of discretionary disclosure of historical records.</p>	
<p>[SS(1) - (2). N/A.]</p>	<p>Only applies to historic records in public record offices.</p>
<p>66. Decisions relating to certain transferred public records.</p>	

[SS(1) - (6). N/A.]	Only applies to historic records transferred to public record offices.
67. Amendments of public records legislation.	
N/A	Gives effect to Schedule 5 which amends the Public Records Act 1958 (and PRA(NI) 1923).
End of Part VI	
Part VII: AMENDMENTS OF DATA PROTECTION ACT 1998	
<i>Note: S68 - S73 are concerned only with amendments to the Data Protection Act 1998 and do not of themselves form part of the legislation concerning Freedom of Information. They have, therefore, been omitted here.</i>	
End of Part VII	