

Closure periods



© Crown copyright 2016

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence

Where we have identified any third-party copyright information, you need to obtain permission from the copyright holder(s) concerned.

This publication is available for download at nationalarchives.gov.uk.

The following guidance is for government departments making applications for closure at transfer to the Advisory Council on National Records and Archives¹.

Records identified to be transferred as closed to The National Archives will have, as part of that closure, a date at which either release would be appropriate or the case for release should be reconsidered². The two most common closure periods applied are: 'rolling 10 years' and 'lifetime'.

All closure periods are calculated from the end date of the record, not the date of the sensitive information. However the date of the sensitive information should be taken into account when calculating the closure period.

Rolling ten years

The National Archives and the Advisory Council advocate a closure period of 'rolling 10 years' for the prejudice Freedom of Information (FOI) exemptions, where it is not known how long the sensitivity will apply for and no cut off dates are provided for in the FOI Act.

These include exemptions 27(1) and 27(2) – International Relations, 29 – the Economy, and 31 – law enforcement.

The areas covered are those previously closed under the first criterion, as described in the Open Government White Paper (Cm 2290 – 1993):

Exceptionally sensitive records containing information, the disclosure of which would not be in the public interest in that it would harm defence, international relations, national security (including the maintenance of law and order) or the economic interests of the UK and its dependent territories³.

The Review which resulted in the White Paper said the previous closure periods used – 50, 75 and 100 years – were too lengthy to cover information that fell into this category. Therefore as circumstances could change over time, it recommended that records be re-reviewed every ten years.

This principle continues to be the basis for the closure of this type of information today.

Calculating the closure period:

For closure, periods of 10 years are applied from the date of the record, not the date of application, therefore round figures are used: 40 years, 50 years, 60 years and so on. When records are reviewed out of sequence, periods of 10 years still need to be applied.

¹ <http://www.nationalarchives.gov.uk/advisorycouncil/default.htm>

² Section 18.4, Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000.

³ Section 9.13, Open Government White Paper (Cm 2290 – 1993).

In order to save time working out closure periods – the following can be used, based on the creation dates of the records.

Decade of file end date	Closure period
1980s	40 years
1970s	50 years
1960s	60 years
1950s	70 years
1940s	80 years

Closure periods: lifetime of individuals.

For personal information and information linked to identifiable living individuals, The National Archives and the Advisory Council advocate a closure period of 'lifetime' of the data subject. This assumes a lifetime of 100 years, but will be graduated down from the age or assumed age of the individual in the record.

This not only covers exemption 40(2) – Personal Information, but other exemptions that relate to an individual, for example exemptions 38 – Health and Safety and 41 – Information provided in Confidence.

In February 2004 the Advisory Council on National Records and Archives considered and accepted a proposal for the use of a standard closure period, and that a lifetime of 100 years should be assumed.

Parallel to this, The National Archives, Society of Archivists, Records Management Society and National Association for Information Management also advocates 100 years as the assumed lifetime of an individual in their Code of practice for records managers and archivists under s 51(4) of the Data Protection Act 1998⁴.

Such access will be subject to closure periods up to a maximum of 100 years, the assumed lifetime of the individual⁵.

Calculating the closure period:

The closure period is calculated from the end date of the record and should cover remainder of the lifetime of the individual/s. This is 100 years minus the known or estimated age/s of the individual/s.

If a person's age is not known, the personal information in and the contextual evidence of the record should be used to estimate an age and therefore the closure period. If it is obvious the person is an adult then the estimated age should be 16. If it is not obvious what age a person is from contextual evidence, then the full 100 year closure period should be used, for example, where it could be a child who is the victim of crime or resident in a care home.

⁴ Code of practice for archivists and records managers under Section 51(4) of the Data Protection Act 1998.

⁵ Section 4.9.2, Code of practice for archivists and records managers under Section 51(4) of the Data Protection Act 1998.

Closure periods

It may be possible from contextual evidence to reduce the closure period, for example because it is known a person has a professional qualification that requires several years of training or where a person is applying for a benefit such as a pension that has a minimum age.

Where multiple individuals are named in a record, you are required to provide the age of the youngest.

There is a need to be as accurate as possible as the Advisory Council may query the closure period based on what is being closed and the other information in the justification.

Examples:

For an individual aged 37 in 1979, but where the covering dates of the piece are 1977-1981, the stated age should be 'aged 39'. The piece will have a closure period of 61 years.

For multiple individuals, with no known age, but known to be adults, the stated age should be 'youngest aged at least 16'. The piece will have a corresponding closure period of 84 years.

In order to save time calculating closure periods – the following can be used, combined with the information in the record.

	Age in justification	Closure period
No age, but known to be a child	Ages unknown	100 years
No age, but known to be an adult	Aged at least 16	84 years
No age, but known to be an adult and over 16, ie. a prisoner	Aged at least 18	82 years
No age, but in a profession requiring a university education, ie. doctor, lawyer, etc	Aged at least 21	79 years
No age, but a senior member of a profession, ie judge, board member	Aged at least 40	60 years
No age, but in receipt of a pension	Aged at least 60	40 years

Closure periods

Last updated February 2016