



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1 **E+W+S**

ADOPTION

CHAPTER 3 **E+W+S**

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Disclosure of information in relation to a person's adoption

61 Disclosing protected information about adults **E+W**

- (1) This section applies where—
 - (a) a person applies to the appropriate adoption agency for protected information to be disclosed to him, and
 - (b) none of the information is about a person who is a child at the time of the application.
- (2) The agency is not required to proceed with the application unless it considers it appropriate to do so.
- (3) If the agency does proceed with the application it must take all reasonable steps to obtain the views of any person the information is about as to the disclosure of the information about him.
- (4) The agency may then disclose the information if it considers it appropriate to do so.
- (5) In deciding whether it is appropriate to proceed with the application or disclose the information, the agency must consider—
 - (a) the welfare of the adopted person,
 - (b) any views obtained under subsection (3),
 - (c) any prescribed matters,

Changes to legislation: Adoption and Children Act 2002, Section 61 is up to date with all changes known to be in force on or before 09 July 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

and all the other circumstances of the case.

- (6) This section does not apply to a request for information under section 60(2) or to a request for information which the agency is authorised or required to disclose in pursuance of regulations made by virtue of section 57(6).

Commencement Information

- I1** S. 61(1)-(4) (6) in force at 30.12.2005 for E. by [S.I. 2005/2213](#), [art. 3\(k\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- I2** S. 61(1)-(4) (5)(a)(b)(6) in force at 30.12.2005 for W. by [S.I. 2005/3112](#), [art. 2\(f\)](#)
- I3** S. 61(5) in force at 7.12.2004 for specified purposes for E. by [S.I. 2004/3203](#), [art. 2\(1\)\(m\)\(v\)](#)
- I4** S. 61(5) in force at 30.12.2005 for E. in so far as not already in force by [S.I. 2005/2213](#), [art. 3\(k\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)
- I5** S. 61(5)(c) in force at 7.2.2004 for specified purposes for W. by [S.I. 2004/252](#), [art. 2\(c\)](#)
- I6** S. 61(5)(c) in force at 30.12.2005 for W. in so far as not already in force by [S.I. 2005/3112](#), [art. 2\(f\)](#)

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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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; [S.I. 2013/2200 art. 2\(a\)](#))