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WELSH STATUTORY INSTRUMENTS

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**2005 No. 2689**

**The Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005**

**PART 3**

**DISCLOSURE OF INFORMATION — GENERAL**

**Disclosure of section 56 information for purposes of agency's functions**

7.—(1) An adoption agency may disclose section 56 information that is not protected information<sup>(1)</sup> as it thinks fit for the purpose of carrying out its functions as an adoption agency.

(2) An adoption agency may disclose section 56 information (including protected information) to a registered adoption support agency which provides services to the adoption agency in connection with any of its functions under section 61 or 62 of the Act.

(3) An adoption agency may disclose section 56 information (including protected information) to a person who is authorised in writing by the National Assembly for Wales to obtain information for the purposes of research.

**Disclosure of section 56 information for the purposes of inquiries, inspection etc.**

8. An adoption agency must disclose section 56 information (including protected information) as may be required—

- (a) to those holding an inquiry under section 17 of the Act, section 81 of the Children Act 1989<sup>(2)</sup> or section 1 of the Inquiries Act 2005<sup>(3)</sup> for the purposes of such an inquiry;
- (b) subject to the provisions of s.74(5) of the Care Standards Act 2000 to the Children's Commissioner for Wales<sup>(4)</sup> for the purposes of any examination conducted in accordance with Part V of that Act;
- (c) to the National Assembly for Wales;
- (d) subject to the provisions of sections 29(7) and 32(3) of the Local Government Act 1974<sup>(5)</sup> (investigations and disclosure), to the Commission for Local Administration in Wales, for the purpose of an investigation conducted in accordance with Part III of that Act;
- (e) to any person appointed by the adoption agency for the purpose of the consideration by the agency of any representations (including complaints);
- (f) to a panel constituted under section 12 of the Act to consider a qualifying determination in relation to the disclosure of section 56 information;

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(1) *see* s.57(3) of the Act for the meaning of "protected information"

(2) 1989 c. 41.

(3) 2005 c. 12.

(4) 2001 c. 18.

(5) 1974 c. 7.

- (g) to a Welsh family proceedings officer or an officer of CAFCASS for the purposes of the discharge of the officer's duties under the Act;
- (h) to a court having power to make an order under the Act or under the Children Act 1989.

#### **Requirements relating to disclosure**

9. The adoption agency must make a written record of any disclosure made under regulation 7 or 8, which must include —

- (a) a description of the information disclosed;
- (b) the date on which the information is disclosed;
- (c) the person to whom the information is disclosed;
- (d) the reason for disclosure.

#### **Agreements for the disclosure of protected information**

10.—(1) A prescribed agreement for the purpose of section 57(5) of the Act is—

- (a) an agreement made between the adoption agency and a person aged 18 or over at the time the agreement is made as to the disclosure of protected information about that person; or
- (b) an agreement made between the adoption agency and each of the following persons as to the disclosure of protected information about them or about the adopted person—
  - (i) the adoptive parent, or in the case of adoption by a couple, both adoptive parents, of the adoptive person;
  - (ii) each person who, before the adoption order was made, was a parent with parental responsibility for the adopted person.

(2) The adoption agency must keep a written record of any such agreement and that record must include—

- (a) the full names and signatures of the persons who are parties;
- (b) the date on which it is made;
- (c) the reasons for making it;
- (d) the information that may be disclosed in accordance with the agreement;
- (e) any agreed restrictions on the circumstances in which information may be disclosed.