
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 154

The Adoption Agencies (Scotland) Regulations 2009

PART VIII

CASE RECORDS

Information to be kept about adoptions

27.—(1) An adoption agency must create a case record in respect of—

- (a) a child in relation to whom an adoption panel has made a recommendation under regulation 6(2)(a) that adoption is in the best interests of the child (“an adopted child”); and
- (b) a prospective adopter.

(2) The following must be placed on the case record relating to an adopted child or a prospective adopter—

- (a) any information obtained by that adoption agency; and
- (b) any report, recommendation or decision made by that adoption agency, or by an adoption panel appointed by that agency,

under these Regulations, in respect of that adopted child or, as the case may be, that prospective adopter.

(3) An adoption agency must continue to keep the case record set up in respect of an adopted child or prospective adopter under the Adoption Agencies (Scotland) Regulations 1996(1).

(4) However an adoption agency is not required to keep any information falling within paragraph (2)(a) if the agency considers—

- (a) that it would be prejudicial to the adopted person’s welfare to keep it; or
- (b) that it would not be reasonably practicable to keep it.

Form and manner in which information is kept

28.—(1) Subject to the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009(2) any information, reports, recommendations or decisions referred to in regulation 27(2) must be treated by the adoption agency as confidential.

(2) The adoption agency must ensure that all case records, together with the indexes to them, are at all times kept in an accessible form in secure conditions and in particular that all appropriate measures are taken to prevent theft, unauthorised disclosure, damage, loss or destruction.

(3) Subject to the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009, an adoption agency must—

- (a) preserve the indexes to all its case records and the case records in respect of those cases in which an adoption order is made in secure conditions for at least 100 years;

(1) S.I. 1996/3266, amended by S.I. 2002/3135, S.S.I. 2003/242 and 2005/517.

(2) S.S.I. 2009/

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- (b) preserve the case records in respect of a prospective adopter, in relation to whom an adoption order is not made, for at least 10 years; and
 - (c) preserve other case records in secure conditions for so long as it considers appropriate.
- (4) Case records and indexes to them may be preserved on computer records or such other system as reproduces the total contents of the case record or index.