

This Statutory Instrument has been made to correct a defect in S.I. 2000/419 and is being issued free of charge to all known recipients of that Statutory Instrument.

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S T A T U T O R Y   I N S T R U M E N T S

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**2000 No. 1865**

**DATA PROTECTION**

**The Data Protection (Miscellaneous Subject Access Exemptions) (Amendment) Order 2000**

*Made* - - - - - *14th July 2000*

*Coming into force* - - - *28th July 2000*

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament:

Whereas the Secretary of State considers it necessary for the safeguarding of the interests of data subjects or the rights and freedoms of other individuals that the prohibitions or restrictions on disclosure contained in the instruments referred to in this Order ought to prevail over section 7 of the Data Protection Act 1998(a) to the extent provided for in this Order:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 38(1) and 67(2) of the Data Protection Act 1998, and after consultation with the Data Protection Commissioner in accordance with section 67(3) of that Act, hereby makes the following Order:

**1.** This Order may be cited as the Data Protection (Miscellaneous Subject Access Exemptions) (Amendment) Order 2000 and shall come into force on the fourteenth day after the day on which it is made.

**2.—(1)** The Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (**(b)**) shall be amended as follows.

(2) In Part II of the Schedule to that Order, under “(a) *Adoption records and reports*”, after “Regulations 6 and 14 of the Adoption Agencies Regulations 1983(c)” omit “, so far as they relate to records and other information in the possession of local authorities”.

(3) In Part III of the Schedule to that Order, under “(a) *Adoption records and reports*”, after “Regulation 23 of the Adoption Agencies (Scotland) Regulations 1996(d)” omit “, so far as it relates to records and other information in the possession of local authorities”.

Home Office  
14th July 2000

*Mike O'Brien*  
Parliamentary Under-Secretary of State

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(a) 1998 c. 29.

(b) S.I. 2000/419.

(c) S.I. 1983/1964, as amended by regulation 2 of S.I. 1997/2308 and regulation 2 of S.I. 1997/649.

(d) S.I. 1996/3266 (S. 254).

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Data Protection (Miscellaneous Subject Access Exemptions) Order. That Order exempts from section 7 of the Data Protection Act 1998 (which entitles individuals to gain access to personal data held about them) personal data the disclosure of which is prohibited or restricted by certain enactments and subordinate instruments in the interests of safeguarding the interests of the data subject himself or the rights and freedoms of some other individual.

The personal data which are exempted by that Order include information contained in adoption records and reports. Insofar as the exemption relates to information the disclosure of which is prohibited or restricted by regulations 6 and 14 of the Adoption Agencies Regulations 1983 or by regulation 23 of the Adoption Agencies (Scotland) Regulations 1996, that Order limits the exemption to records and other information in the possession of local authorities. However, an approved adoption society is an adoption agency for the purposes of both sets of Regulations. This Order therefore amends that Order by removing the limitation so that the exemption applies whether or not the adoption agency in possession of the records or information is a local authority.

This Order contributes to the implementation of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

A Regulatory Impact Assessment was prepared for the Data Protection Bill as it was then and the statutory instruments to be made under it, and was placed in the libraries of both Houses of Parliament. The Regulatory Impact Assessment is now available on the internet at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). Alternatively, copies can be obtained by post from the Home Office, LGDP Unit, 50 Queen Anne's Gate, London SW1H 9AT.

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under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.  
E1445 7/2000 537281 19585

ISBN 0-11-099562-7



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