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STATUTORY INSTRUMENTS

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**2005 No. 888**

**The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005**

**PART 3**

**DISCLOSURE OF INFORMATION - GENERAL**

**Disclosure for purposes of agency's functions or for research**

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

(2) An adoption agency may disclose section 56 information (including protected information) to—

- (a) a registered adoption support agency or another adoption agency which provides services to the adoption agency in connection with any of its functions under section 61 or 62 of the Act (disclosing protected information about adults or about children); or
- (b) a person who is authorised in writing by the Secretary of State to obtain information for the purposes of research.

**Disclosure required for purposes of inquiries, inspection etc.**

**9.** 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 or section 81 of the Children Act 1989<sup>(2)</sup> for the purposes of such an inquiry;
- (b) to the Secretary of State;
- (c) to the registration authority;
- (d) subject to the provisions of section 29(7) and 32(3) of the Local Government Act 1974<sup>(3)</sup> (investigations and disclosure), to the Commission for Local Administration in England, for the purposes of any investigation conducted in accordance with Part 3 of that Act;
- (e) to any person appointed by the adoption agency for the purposes 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;
- (g) to a court having power to make an order under the Act or under the Children Act 1989.

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<sup>(1)</sup> See section 57(3) of the Act for the meaning of “protected information”.

<sup>(2)</sup> 1989 c. 41.

<sup>(3)</sup> 1974 c. 7.

### **Requirements relating to disclosure**

**10.** The adoption agency must make a written record of any disclosure made under regulation 8 or 9, 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**

**11.—(1)** A prescribed agreement for the purposes 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 him; 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 adopted 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.