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## EXPLANATORY NOTE

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

These Regulations prescribe certain matters for the purposes of the regime set out in sections 56 to 65 of the Adoption and Children Act 2002 (“the Act”) (disclosure of information in relation to a person’s adoption). The regime provides for adoption agencies to keep information about each adoption and to provide a service for persons seeking information about an adoption. The regime applies only in relation to adoptions on or after 30 December 2005. In relation to persons adopted before that day, the Adoption Agencies Regulations 1983 (S.I.1983/1964) will continue to have effect.

Part 2 provides for the keeping of information. Regulation 3 prescribes what information must be kept (“section 56 information”). This includes the case record that was established by the adoption agency in relation to the child for the purposes of the adoption, information supplied by the birth parents, information supplied by the Registrar General, and the record of any disclosure of information. Part 2 also deals with storage and transfer of section 56 information. Regulation 5 requires that section 56 information be kept for 100 years from the date of the adoption.

Part 3 makes general provision for the disclosure of section 56 information, which may include protected information (that is information that identifies any person). Under regulation 7 an adoption agency may disclose section 56 information that is not protected information as necessary for the purpose of its functions. It may also disclose any section 56 information to persons providing services in relation to its functions under section 61 or 62 (for example a registered adoption support agency carrying out enquiries on its behalf). Regulation 8 provides for disclosure of information to specified persons including persons holding inquiries, the Children’s Commissioner for Wales, a Welsh family proceedings officer or an officer of CAFCASS and the National Assembly for Wales. Regulation 9 requires a written record to be kept of any disclosure. Regulation 10 prescribes the requirements for an agreement under 57(5) of the Act (which permits disclosure of protected information in pursuance of a prescribed agreement).

Part 4 relates to applications for disclosure of protected information under section 61 (information about adults) and 62 (information about children). Regulations 11 to 13 deal with procedural matters in relation to such applications.

Part 5 makes provision for counselling. Regulation 14 requires adoption agencies to provide information about availability of counselling for persons seeking information about an adoption or persons about whom information is being sought. Regulation 15 requires adoption agencies to secure counselling where requested by persons seeking information.

Part 6 relates to the Registrar General. Adopted adults have a right under section 60 of the Act to request information about their birth records. They must first approach the appropriate adoption agency, which then requests the information from the Registrar General. Regulation 17 requires the Registrar to provide the information. Regulation 18 requires the Registrar General to disclose information to any person that may assist the person in making contact with the adoption agency that holds the records of this adoption. It also requires the Registrar General to disclose information from the Adoption Contact Register at the request of an adoption agency.

Part 7 deals with miscellaneous matters. It creates an offence of disclosing information in contravention of section 57 of the Act. Regulation 20 prescribes fees that may be charged by adoption agencies in relation to disclosure of information and counselling.