

These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4) which received Royal Assent on 15 January 2007

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 2

The Adoption Process

Section 38 - Disclosure of information kept under relevant enactment

152. By virtue of this section, the Scottish Ministers have the power to make regulations in relation to disclosure by adoption agencies to adopted persons and others of information about adoptions held by adoption agencies by virtue of section 37 or any other enactment which imposes a requirement to keep records relating to adoption.
153. Subsection (2) provides that such regulations may include provision giving adoption agencies discretion as to whether or not to disclose information in certain circumstances; specifying conditions which are to apply to the disclosure of information; specifying circumstances in which information should not be disclosed to certain categories of adopted persons; and providing for the review of decisions of adoption agencies in connection with the disclosure of information and the conditions applicable to such disclosure.