



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

## CHAPTER 7

### MISCELLANEOUS

#### *Disclosure of medical information about parents*

#### **74 Disclosure of medical information about parents**

- (1) The Scottish Ministers may by regulations make provision for or in connection with disclosure of information about the health of the natural parents of a child who is to be, may be or has been adopted (“the relevant child”).
- (2) In making regulations under subsection (1), the Scottish Ministers must secure that a person to whom information is disclosed by virtue of the regulations has a duty of confidentiality in relation to the information.
- (3) Notwithstanding subsection (2), regulations under subsection (1) may include provision enabling a person to whom information is disclosed by virtue of the regulations, in such circumstances and to such an extent as may be specified in the regulations, to disclose the information to—
  - (a) the relevant child,
  - (b) persons who are to or may adopt, or have adopted, the relevant child.
- (4) Regulations under subsection (1) may, in particular, include provision for or in connection with specifying—
  - (a) the descriptions of person by whom, and to whom, information may be disclosed,
  - (b) the circumstances in which information may be disclosed,

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*Changes to legislation: There are currently no known outstanding effects for the Adoption and Children (Scotland) Act 2007, Section 74. (See end of Document for details)*

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- (c) the type of information which may, or may not, be disclosed,
- (d) the circumstances in which consent to disclosure of information need not be obtained,
- (e) the processing of information by a person to whom information is disclosed.

[<sup>F1</sup>(5) In subsection (4)(e), “processing” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).]

**Annotations:**

**Amendments (Textual)**

- F1** S. 74(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 148](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

**Commencement Information**

- I1** S. 74 in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, [Sch.](#)
- I2** S. 74 in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), [arts. 1\(2\)](#), 2 (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Adoption and Children (Scotland) Act 2007, Section 74.