
WELSH STATUTORY INSTRUMENTS

2005 No. 2689

The Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005

PART 2

KEEPING OF INFORMATION BY ADOPTION AGENCIES

Information to be kept about a person's adoption

3.—(1) Paragraphs (2) and (3) prescribe, for the purposes of section 56 of the Act, the information that an adoption agency must keep in relation to a person adopted on or after 30 December 2005 (and which is referred to in the Act and in these Regulations as “section 56 information”)(1).

(2) When an adoption order is made in relation to a person adopted after 30 December 2005 the adoption agency—

- (a) that placed the person for adoption; or
- (b) to which the case records in respect of adopted person have been transferred,

must continue to keep the case record that was set up in respect of the adopted person under regulation 12 of the Adoption Agencies Regulations or under the Adoption Agencies Regulations 1983(2).

(3) The adoption agency must also keep —

- (a) any information that has been supplied by a birth parent or other birth relative of the adopted person, or other significant person in the adopted person's life with the intention that the adopted person may, should he or she wish to, be given that information;
- (b) any information that has been supplied by a former foster carer of the adopted person with the intention that the adopted person may, should he or she wish to, be given that information;
- (c) any information supplied by the adopters or other persons which is relevant to matters arising after the adoption order has been made;
- (d) any information that the adopted person has requested should be kept;
- (e) any information given to agency in respect of an adopted person by the Registrar General under section 79(5) of the Act (information that would enable an adopted person to obtain a certified copy of the record of his or her birth);
- (f) any information disclosed to the adoption agency about an entry relating to the adopted person on the Adoption Contact Register;
- (g) any information required to be recorded in accordance with regulation 9, 10, 13 or 16;
- (h) the record of any agreement under regulation 10.

(1) Sections 56 to 64 are commenced only in respect of adoptions on or after 1 September 2005.

(2) S.I. 1983/1964.

(4) For the purposes of this regulation “information” includes information in any form, including paper or electronic records and photographs.

(5) The adoption agency must keep a record of any objects and mementoes that are not retained because they are not reasonably practicable to store.

Storage and manner of keeping of section 56 information

4. The adoption agency shall ensure that section 56 information in relation to a person’s adoption is at all times kept in secure conditions and in particular that all appropriate measures are taken to prevent theft, unauthorised disclosure, damage, loss or destruction.

Preservation of section 56 information

5. The adoption agency must keep section 56 information in relation to a person’s adoption for at least 100 years from the date of the adoption order.

Transfer of section 56 information

6.—(1) Where a registered adoption society(3) intends to cease to act or exist as such, it must transfer any section 56 information which it holds in relation to a person’s adoption—

- (a) to another adoption agency having first obtained the approval of the registration authority for such transfer;
- (b) to the local authority in whose area the society’s principal office is situated; or
- (c) in the case of a society which amalgamates with another registered adoption society to form a new registered adoption society, to the new body.

(2) A registered adoption society that transfers its records to another adoption agency by virtue of paragraph (1) must, if its activities were principally based in the area of a single local authority, give written notification of the transfer to that authority.

(3) An adoption agency to which records are transferred by virtue of paragraph (1), shall notify the registration authority in writing of such a transfer.

(3) *see* s.2(2) of the Act.