

# ADOPTION AND CHILDREN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 -Miscellaneous and Final Provisions**

##### *Chapter 1 – Miscellaneous*

##### *Section 129: Disclosure of information*

317. *Section 129* provides that information maintained on the register may only be disclosed by the Secretary of State or the registration organisation in accordance with the statutory provisions and on any prescribed terms and conditions. Under *subsection (5)(a)* any information may be released from the register with the consent of the Secretary of State.
318. Under *subsection (2)* prescribed information held on the register may be given either to an adoption agency which is looking for suitable adoptive parents with whom to place a child, or to an adoption agency acting on behalf of approved adoptive parents who wish to adopt a child. Under *subsection (4)* the Order in Council will set out the steps which adoption agencies must take upon receipt of this information.
319. *Subsection (3)* enables information either held on the register or compiled from information held on the register to be passed to prescribed categories of persons for statistical or research purposes and other prescribed purposes. *Subsection (5)* also enables any prescribed information to be passed to Scottish Ministers, if the register applies to Scotland, and to the National Assembly for Wales, if the register applies to Wales. *Subsection (7)* enables fees to be charged in respect of information given to adoption agencies under *subsection (2)* or in respect of information given to prescribed categories of persons for statistical or research purposes, or other prescribed purposes, under *subsection (3)*. Disclosure of information otherwise than in accordance with the provisions set out in this section is an offence, punishable on summary conviction by up to three months' imprisonment or a fine not exceeding level 5 on the standard scale, or both.