
STATUTORY INSTRUMENTS

2005 No. 888

The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

PART 2

KEEPING OF INFORMATION ABOUT ADOPTIONS

Application of this Part

3. The requirements of this Part in relation to the keeping of information about a person's adoption apply—

- (a) to the adoption agency that placed the person for adoption; or
- (b) to an adoption agency to which the case record in respect of the adopted person (or any information mentioned in regulation 4(3)) has been transferred.

Information to be kept about a person's adoption

4.—(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's adoption ("section 56 information").

(2) The adoption agency must continue to keep the case record that was set up in respect of the adopted person under Part 3 of the Adoption Agencies Regulations 2005⁽¹⁾ or under the Adoption Agencies Regulations 1983⁽²⁾.

(3) Subject to paragraph (4) the adoption agency must also keep—

- (a) any information that has been supplied by a natural parent or relative or other significant person in the adopted person's life, with the intention that the adopted person may, should he wish to, be given that information;
- (b) any information supplied by the adoptive parents or other persons which is relevant to matters arising after the making of the adoption order;
- (c) any information that the adopted person has requested should be kept;
- (d) any information given to the adoption 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 birth);
- (e) any information disclosed to the adoption agency about an entry relating to the adopted person on the Adoption Contact Register;
- (f) any information required to be recorded in accordance with regulation 10, 14 or 18;
- (g) the record of any agreement under regulation 11.

(1) S.I.2005/389.

(2) S.I. 1983/1964.

- (4) The adoption agency is not required to keep any information falling within paragraph (3)(a) to (c) if the adoption agency considers—
- (a) that it would be prejudicial to the adopted person’s welfare to keep it; or
 - (b) that it would not be reasonably practicable to keep it.

Storage and manner of keeping of section 56 information

5. The adoption agency must 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

6. 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

7.—(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) must give written notification of the transfer to the registration authority.

(3) See section 2(2) of the Act.