
STATUTORY INSTRUMENTS

2007 No. 2182

**The Children Act 2004 Information
Database (England) Regulations 2007**

PART 4

Disclosure of information to and from the database

Disclosure of information for inclusion in the database

11.—(1) Subject to paragraph (3)—

- (a) a person or body specified in Schedule 4 (“a Schedule 4 body”) must disclose for inclusion in the database, at such times as the Secretary of State for Children, Schools and Families may specify, such of the information specified in Schedule 1 relating to a child or participating young person as is available to the person or body; and
- (b) a person or body specified in Schedule 5 (“a Schedule 5 body”) may disclose for inclusion in the database any information specified in Schedule 1 relating to a child or participating young person as is available to the person or body.

(2) Subject to paragraph (3), where any information disclosed for inclusion in the database pursuant to paragraph (1) is superseded by new information, the person or body must disclose that new information for inclusion in the database at such times as the Secretary of State for Children, Schools and Families may specify.

(3) Information about a sensitive service provided to a child or participating young person may only be disclosed for inclusion in the database—

- (a) if the child or participating young person consents to the disclosure; or
- (b) if the person or body providing the sensitive service considers there is reasonable cause to suspect that the child or participating young person is suffering, or is likely to suffer, significant harm within the meaning of section 31 of the Children Act 1989⁽¹⁾ (care and supervision orders).

Disclosure of information from the database

12.—(1) The Secretary of State for Children, Schools and Families or a local authority may disclose information included in the database if he, or it, is satisfied that—

- (a) disclosure is required by or under any enactment, by any rule of common law or by order of the court;
- (b) disclosure is necessary for the purposes of—
 - (i) the prevention or detection of crime;

⁽¹⁾ Section 31 was amended by paragraph 127 of Schedule 9 to the Powers of Criminal Courts Act 2000 (c. 6); paragraph 90 of Schedule 7 to the Criminal Justice and Courts Services Act 2000 (c. 43) and sections 120 and 121(1) of the Adoption and Children Act 2002 (c. 38).

- (ii) the prosecution of offenders;
- (iii) an investigation under section 47 of the Children Act 1989; or
- (iv) the exercise by a Local Safeguarding Children Board of its functions under regulation 5(1)(e) or 6 of the Local Safeguarding Children Boards Regulations 2006.

(2) Subject to regulation 6(5), a local authority may disclose information of a description specified in paragraphs 1, 2 and 4 to 7 of Schedule 1 contained in a child record which is not archived information to a person exercising functions of the authority under Part 6 (school admissions, attendance and charges) of the Education Act 1996(2).

General provisions in respect of access to and disclosure of information

13. Without prejudice to regulation 11(3), any—

- (a) permission given under regulation 9;
- (b) disclosure of information for inclusion in the database under regulation 11(1)(b);
- (c) disclosure of information from the database under regulation 12;
- (d) provision of information by the Secretary of State under section 12(9) of the Act,

may be given or made notwithstanding any rule of common law which prohibits or restricts the disclosure of information.