



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,

Changes to legislation: *Adoption and Children (Scotland) Act 2007, Cross Heading: Disclosure of medical information about parents is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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.

[^{F1}(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).]

Textual Amendments

- 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:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)