



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

Adoption records

38 Disclosure of information kept under relevant enactment

- (1) The Scottish Ministers may by regulations make provision for or in connection with the disclosure by adoption agencies to adopted persons and other persons of a description or descriptions specified in the regulations of information kept by virtue of a relevant enactment.
- (2) Regulations under subsection (1) may in particular include provision—
 - (a) in circumstances specified in the regulations, conferring discretion on adoption agencies as to whether to disclose or withhold information,
 - (b) specifying conditions which are to apply in relation to the disclosure of information, or information of a type so specified, to adopted persons of a description or descriptions so specified,
 - (c) specifying circumstances in which information should not be disclosed to adopted persons of a description or descriptions so specified,
 - (d) about the review of decisions of adoption agencies in connection with—
 - (i) the disclosure of information,
 - (ii) the conditions applicable to such disclosure.
- (3) In this section, “relevant enactment” means—
 - (a) section 37, or

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 38 is up to date with all changes known to be in force on or before 03 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](#)

- (b) any other enactment (whether or not in force) which imposes a requirement (however expressed) to keep records relating to adoptions.

Modifications etc. (not altering text)

- C1** Pt. 1 Ch. 2 applied in part (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(1)**

Commencement Information

- I1** S. 38 in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I2** S. 38 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)

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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\(3\)\(c\)](#)