

# ADOPTION AND CHILDREN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Adoption**

#### ***Chapter 3 - Placement for Adoption and Adoption Orders***

#### ***Section 57: Restrictions on disclosure of protected etc. information***

165. *Section 57* makes provision for protected information. Protected information is defined in *subsection (3)*. It is any identifying information (defined in *subsection (4)*) sought by someone other than the person it is about, and any information held under *subsection (2)*. Under *subsections (1) and (2)* protected information must only be disclosed in accordance with these provisions.
166. Identifying information would include names, residential, educational and employment addresses, photographic or audio-visual material, case records and legal and medical information held by adoption agencies. The information held under *subsection (2)* is any information held by an adoption agency, which it has obtained from the Registrar General under *section 79(5)* or any other information that would enable an adopted person to obtain a certified copy of his birth record or any information about an entry in the Adoption Contact Register about the adopted person.
167. *Subsection (5)* provides that the disclosure of protected information where an agreement is reached that includes the adoption agency is not prevented by anything in this group of sections. This is intended to allow agreement between the adoption agency, the adoptive parents and the birth parents for the sharing of protected information. *Subsection (6)* provides a power to prescribe by regulations the circumstances where an adoption agency must disclose protected information to someone other than the adopted person. This power can be exercised to oblige an agency to disclose information or to enable them to do so if certain conditions are satisfied. This would, for example, provide for the disclosure of protected information where it would assist an inquiry under *section 17* of the Act.