



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Disclosure of information in relation to a person's adoption

62 Disclosing protected information about children

- (1) This section applies where—
 - (a) a person applies to the appropriate adoption agency for protected information to be disclosed to him, and
 - (b) any of the information is about a person who is a child at the time of the application.
- (2) The agency is not required to proceed with the application unless it considers it appropriate to do so.
- (3) If the agency does proceed with the application, then, so far as the information is about a person who is at the time a child, the agency must take all reasonable steps to obtain—
 - (a) the views of any parent or guardian of the child, and
 - (b) the views of the child, if the agency considers it appropriate to do so having regard to his age and understanding and to all the other circumstances of the case,as to the disclosure of the information.
- (4) And, so far as the information is about a person who has at the time attained the age of 18 years, the agency must take all reasonable steps to obtain his views as to the disclosure of the information.

Status: This is the original version (as it was originally enacted).

- (5) The agency may then disclose the information if it considers it appropriate to do so.
- (6) In deciding whether it is appropriate to proceed with the application, or disclose the information, where any of the information is about a person who is at the time a child—
 - (a) if the child is an adopted child, the child’s welfare must be the paramount consideration,
 - (b) in the case of any other child, the agency must have particular regard to the child’s welfare.
- (7) And, in deciding whether it is appropriate to proceed with the application or disclose the information, the agency must consider—
 - (a) the welfare of the adopted person (where subsection (6)(a) does not apply),
 - (b) any views obtained under subsection (3) or (4),
 - (c) any prescribed matters,and all the other circumstances of the case.
- (8) This section does not apply to a request for information under section 60(2) or to a request for information which the agency is authorised or required to disclose in pursuance of regulations made by virtue of section 57(6).