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Changes to legislation: Children Act 2004, Section 29 is up to date with all changes known to be in force on or before 15 March 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



Children Act 2004

2004 CHAPTER 31

PART 3

CHILDREN'S SERVICES IN WALES

General

PROSPECTIVE

29 Information databases: Wales

- (1) The Assembly may for the purpose of arrangements under section 25 or 28 above or under section 175 of the Education Act 2002—
 - (a) by regulations require [^{F1}local authorities] in Wales to establish and operate databases containing information in respect of persons to whom such arrangements relate;
 - (b) itself establish and operate, or make arrangements for the operation and establishment of, one or more databases containing such information.
- (2) The Assembly may for the purposes of arrangements under subsection (1)(b) by regulations establish a body corporate to establish and operate one or more databases.
- (3) A database under this section may only include information falling within subsection (4) in relation to a person to whom arrangements specified in subsection (1) relate.
- (4) The information referred to in subsection (3) is information of the following descriptions in relation to a person—
 - (a) his name, address, gender and date of birth;
 - (b) a number identifying him;
 - (c) the name and contact details of any person with parental responsibility for him (within the meaning of section 3 of the Children Act 1989 (c. 41)) or who has care of him at any time;

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- (d) details of any education being received by him (including the name and contact details of any educational institution attended by him);
 - (e) the name and contact details of any person providing primary medical services in relation to him under [^{F2}the National Health Service (Wales) Act 2006];
 - (f) the name and contact details of any person providing to him services of such description as the Assembly may by regulations specify;
 - (g) information as to the existence of any cause for concern in relation to him;
 - (h) information of such other description, not including medical records or other personal records, as the Assembly may by regulations specify.
- (5) The Assembly may by regulations make provision in relation to the establishment and operation of any database or databases under this section.
- (6) Regulations under subsection (5) may in particular make provision—
- (a) as to the information which must or may be contained in any database under this section (subject to subsection (3));
 - (b) requiring a person or body specified in subsection (7) to disclose information for inclusion in the database;
 - (c) permitting a person or body specified in subsection (8) to disclose information for inclusion in the database;
 - (d) permitting or requiring the disclosure of information included in any such database;
 - (e) permitting or requiring any person to be given access to any such database for the purpose of adding or reading information;
 - (f) as to the conditions on which such access must or may be given;
 - (g) as to the length of time for which information must or may be retained;
 - (h) as to procedures for ensuring the accuracy of information included in any such database;
 - (i) in a case where a database is established by virtue of subsection (1)(b), requiring [^{F1}local authorities] in Wales to participate in the operation of the database.
- (7) The persons and bodies referred to in subsection (6)(b) are—
- (a) the persons and bodies specified in section 28(1);
 - [^{F3}(b) the National Assembly for Wales to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000]
 - (c) the governing body of a maintained school in Wales (within the meaning of section 175 of the Education Act 2002 (c. 32));
 - (d) the governing body of an institution in Wales within the further education sector (within the meaning of that section);
 - (e) the proprietor of an independent school in Wales (within the meaning of the Education Act 1996 (c. 56));
 - (f) a person or body of such other description as the Assembly may by regulations specify.
- (8) The persons and bodies referred to in subsection (6)(c) are—
- (a) a person registered in Wales for child minding or the provision of day care under [^{F4}Part 2 of the Children and Families (Wales) Measure 2010];
 - (b) a voluntary organisation exercising functions or engaged in activities in relation to persons to whom arrangements specified in subsection (1) relate;

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- (c) the Commissioners of Inland Revenue;
 - (d) a registered social landlord [^{F5}or private registered provider of social housing];
 - (e) a person or body of such other description as the Assembly may by regulations specify.
- (9) The Assembly and the Secretary of State may provide information for inclusion in a database under this section.
- (10) The provision which may be made under subsection (6)(e) includes provision for a person of a description specified in the regulations to determine what must or may be done under the regulations.
- (11) Regulations under subsection (5) may also provide that anything which may be done under regulations under subsection (6)(c) to (e) or (9) may be done notwithstanding any rule of common law which prohibits or restricts the disclosure of information.
- (12) Regulations under subsections (1)(a) and (5) may only be made with the consent of the Secretary of State.
- (13) Any person or body establishing or operating a database under this section must in the establishment or operation of the database have regard to any guidance, and comply with any direction, given to that person by the Assembly.
- (14) Guidance or directions under subsection (13) may in particular relate to—
- (a) the management of a database under this section;
 - (b) the technical specifications for any such database;
 - (c) the security of any such database;
 - (d) the transfer and comparison of information between databases under this section;
 - (e) the giving of advice in relation to rights under [^{F6}the data protection legislation].
- [^{F7}(15) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

Textual Amendments

- F1** Words in Pt. 3 substituted (5.5.2010) by virtue of [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(5)**
- F2** Words in s. 29(4)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 267** (with Sch. 3 Pt. 1)
- F3** S. 29(7)(b) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 91** (with transitional provisions in art. 7)
- F4** Words in s. 29(8)(a) substituted (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. 72, 75, Sch. 1 para. 16; S.I. 2010/2582, **art. 2**, Sch. 1
- F5** Words in s. 29(8)(d) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 129** (with art. 6, Sch. 3)
- F6** Words in s. 29(14)(e) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 106(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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F7 S. 29(15) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 106(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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Changes and effects yet to be applied to :

- s. 29(7)(b) substituted by [2022 asc 1 Sch. 4 para. 17\(3\)](#)

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. 26(1AA) inserted by [2014 anaw 4 s. 14\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26 already repealed (1.4.2016) by 2015 anaw 2, s. 56(2), Sch. 4 para. 13; S.I. 2016/86, art. 3)