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Access to Birth Records and Adoption Agency Case Records for Adults Impacted by Adoption

Practice Guidance V1.0

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1. Introduction

This Practice Guidance, which applies to all Adoption Agencies in Northern Ireland, deals with requests from adults impacted by adoption who are seeking information from, and access to, relevant Agency case records.

In 1989, adopted adults (those adopted through Northern Ireland Courts) were given the right to obtain information that enabled them to apply for a copy of their original birth certificate. This was a significant milestone giving official recognition to the right and need of adopted people to have access to information about their background.

Article 54 of the Adoption (Northern Ireland) Order 1987 provides the legislative mandate for this process. In addition, under regulation 15(2)(a) of the Adoption Agencies Regulations (Northern Ireland) 1989, an Adoption Agency has discretion to provide such access to its case records, and disclose such information in its possession, as it thinks fit for the purposes of carrying out its functions as an adoption agency. Since the introduction of the Adoption Order and associated Regulations, social workers have been responding to many requests from adults impacted by adoption, including members of biological families and adoptive families seeking support and information from Adoption Agency records. Agency practice has evolved and developed in relation to information disclosure and mediation, particularly on behalf of birth fathers unnamed on birth certificates and other biological relatives and more information is released now than in the past.

The work of the Truth Recovery Design Panel and its Report in 2021 highlighted the importance of consistent access to information for those impacted by historic adoption practices¹. The report states that a human rights approach to disclosure of information is imperative and that excessive secrecy violates victims-survivors' and relatives' right to truth, identity, non-discrimination, and freedom of expression. In 2023, work to establish a two-part truth inquiry began into institutions with a connection to adoption and the adoption system in general as it operated during the 20th century. Those seeking to participate in this process will need access to the information in their adoption records.

This Practice Guidance provides guidelines for post-adoption social workers delivering services for adults who have been impacted by adoption and seeking:

- access to birth and early life records;
- access to historical information about themselves and immediate family members from Adoption Agency records; and
- access to information about the circumstances leading to their adoption.

¹ Further information on the Truth Recovery Programme is available at [Home - Truth Recovery Programme \(truthrecoverystrategy.com\)](https://truthrecoverystrategy.com)

Adopted adults and biological relatives may also wish to record their views about possible future contact between biological family members and adopted adults. They may also wish to add information to the record. Social workers should facilitate that.

This practice guidance should be read in its entirety—each section is inter-related and it is important that those with responsibility for implementing the guidance are fully familiar with its contents. No one section or part of the guidance should be read in isolation.

Section 2 sets out 15 principles that underpin this practice guidance. The principles highlight the need for Agencies and their social workers to acknowledge differences in circumstances of individual applicants and to consider the welfare of all parties involved in any adoption. Adoption Agency social workers must provide an individualised, person-centred response to each applicant, upholding and promoting the principles of equality, diversity, inclusion; and providing non-discriminatory services to all, including applicants impacted by step-parent / family adoptions and intercountry adoption.

Section 3 provides information about the current legislative and policy framework governing access to adoption records. Section 4 sets out the processes to be followed when providing access to information, and details the services and support that Adoption Agencies should make available to requestors. Section 5 provides more information about sharing Adoption Agency records and information, and the support that should be made available, in specific circumstances—to adopted adults and to biological and adoptive relatives. Section 6 outlines service implications when an adopted person or their relatives are deceased. Finally, Section 7 explores proposed changes to the legislative framework to be delivered through implementation of the Adoption and Children Act (Northern Ireland) 2022.

2. Principles for Access to Adoption Agency Records

Adoption is not a one-off event. It is an evolving life-long process for all those involved—adopted adults, and biological and adoptive relatives. The fundamental issues raised by adoption may reverberate in various ways at different times and stages in an individual's life.

Providing access to adoption case records needs to be handled carefully and sensitively by adoption social workers. Each will have its own unique elements, meaning that all requests should be considered on a case-by-case basis. The following 15 principles underpin this guidance and are intended to assist social workers in making decisions about the information that may or may not be disclosed to requestors in each case.

1. Maximum access to/ disclosure of records

An adopted person's right to information about their early life and origins is an established principle in international law, including Article 8 of the European Convention on Human Rights (Right to respect for private and family life).²

Adoption Agencies will therefore adopt a liberal and open approach to access to/ disclosure of information relating to adoption—enabling adopted adults and biological families to have maximum access to information about themselves. In addition to information relating to the process of adoption, this includes information which can provide as full a picture as possible about family identity and connections; circumstances leading up to and surrounding birth, including birth location and whether an adopted adult's biological mother may have spent time in an institution prior to the birth; and placement into and any time spent in care, including details of time in foster care and, where possible, explanations about any gaps in the record.

2. Adoption Agencies duty of care

Agencies have a duty to provide a service that considers the rights and welfare of all parties involved in adoption. Agencies should therefore consider the impact that disclosure of information will have on any third party and weigh this against the impact that non-disclosure will have on the person seeking information. Agencies should be mindful of data protection law when processing adoption information and handling requests for access to that information.

3. Protection of adoptive identity

The current and future legislation safeguards the adoptive identity of adopted adults, who may decline contact or communication with family members, if this is their wish.

² See for example [Odievre v. France \[2003\]](#) and [Godelli v. Italy \[2012\]](#)

4. Access to all information about themselves and identifying information about family.

Adopted adults have a right to access both information about their identity and services that may help them make informed decisions about their lives.

Every adopted adult applicant, upon providing proof of identity, has a right to receive all personal identifying information about themselves, as well as information necessary to establish the identity of close family members, including parents, grandparents, siblings (including half siblings) aunts, uncles and first cousins. Such information should generally, at a minimum, include name, geographical area of origin and dates of birth where these are available.

5. Copies of records

Having carried out a search of its case records and completed its assessment of the information which may be disclosed in response to a request for access to adoption case records, an Adoption Agency should provide every applicant, upon proof of identity, with a copy of records to be disclosed in the format preferred by them, for example electronic and/or hard copy.

6. No fees or charges for access to records containing personal information.

No application or copying fees or any other charges are to be imposed by Adoption Agencies. However, fees are currently imposed by the GRO for copies of certificates, and registration fees apply for those who wish to be included in the Adoption Contact Register.

7. Time limits to respond to requests for records

It is important to respond to requests for information within a reasonable timescale and to keep in touch with requestors to update them on progress. Information should be provided within 30 agency working days—this timeframe may be extended to 90 days in complex cases. An acknowledgement of receipt of application should be made within 7 agency working days and applicants updated regularly on progress. If an extended timeframe is required, applicants should be advised of the reasons for delay and provided with an amended timeframe. Applicants should be provided with information about the Adoption Agency's complaints procedure and should be informed about their right to make a complaint if they are not satisfied with how their request is being handled.

8. Ability to seek review or appeal a decision

Adoption Agencies will establish a review mechanism in which an independent party with sufficient experience and seniority, and who was not part of the initial assessment, reviews release/ redaction decisions and seeks to address any grievances raised by an applicant, free of charge. A request for a further review can be made via the Agency's complaints procedure.

9. Records will be provided, in context and applicants alerted to possible causes of distress

Where appropriate, applicants will be advised that their records may include incorrect information or past subjective opinions that would now be considered unacceptable and could be upsetting to read.

10. Applicants may add corrections/update their records by a dated submission for inclusion in their file if they believe the record is inaccurate or incomplete

Those wishing to add to their records will be offered assistance.

11. Right to know about support and assistance services

Every applicant has a right to receive information, verbally and in writing, at the time of application about the support, intermediary services, and additional assistance services that are available to them from within the Adoption Agency.

12. Entitlement to external support services

Applicants should be informed that they are entitled to use external services e.g., Victims and Survivor Services (VSS), Adopt NI, which includes the Regional Origins Tracing Service (ROTS), WAVE, Adoption UK and other support services. Applicants should be provided with sufficient information about the support services available to enable them to make an informed decision about whether to avail of such support.

13. Adoption Agencies will work collaboratively to enhance access to records

Adoption Agencies will work collaboratively with each other and, where necessary, with other parts of their own organisations and with other organisations, to—where possible—identify and address any barriers that adversely impact a person's access to records, in line with the principle pertaining to Maximum access to/ disclosure of records. This includes supporting individuals to access other information which may be relevant to their request for information about their early lives and adoption, including medical records and information about any time spent in care. It also includes working in collaboration with Agencies in the Republic of Ireland, UK, and internationally.

14. Applying for records from outside NI

Agencies should seek to work in partnership with all parties involved, taking account of their views and wishes in decision making. Northern Ireland's history of placing children in other parts of the UK, the Republic of Ireland and other countries, alongside the history of emigration, means that some applicants may reside in/be citizens of other countries. This should not be a barrier to accessing information and support. The principles and mechanics of processing applications apply equally to all applicants.

15. Preservation of Adoption Agency records

The Adoption Agencies Regulations (Northern Ireland) 1989 require that indexes to all Adoption Agency case records and the case records in respect of those cases where an adoption order is made, must be preserved for 75 years.

3. The Current Legislative and Policy Framework

This Practice Guidance should be applied in compliance with the current Adoption Order and associated Regulations. The key relevant Articles and Regulations are outlined below. As Adoption Agencies must be mindful of Data Protection law, the relevant Data Protection Principles are also outlined below.

New adoption legislation—the Adoption and Children Act (Northern Ireland) 2022—became law in 2022 and is in the process of being implemented. This section includes some detail on provision within the 2022 Act, which relates to the disclosure of adoption information. Chapter 7 provides additional information on the Act’s provisions and plans for implementation.

Adoption Agencies in Northern Ireland will be involved in making preparations for implementation of the 2022 Act. The Act broadly mirrors the Adoption and Children Act 2002, which became operational in England and Wales in 2005. As a result, Adoption Agencies should expect adoption practice in Northern Ireland, including practice relating to the disclosure of information, to develop in line with practice in other parts of the UK.

Additionally, new legislation, the Birth Information and Tracing Act, became law in Ireland in June 2022. A new Information and Tracing Service became operational on 3 October 2022. It will be important for post-adoption social workers in Northern Ireland to familiarise themselves with the new arrangements in Ireland under the Act, to enable co-operation between adoption services on each side of the border as necessary. Constructive co-operation with counterparts in the Republic of Ireland will require familiarity with the new service developments there. Applicants whose records indicate a connection to other jurisdictions should be given guidance on how to access information from relevant agencies in those jurisdictions, and there should be cooperation between agencies on both sides of the border to help individuals obtain information and trace family as appropriate.

The Practice Guidance must also be read in conjunction with the manual, **Adoption Regional Policy and Procedures**, particularly:

- Chapter 2: Legislative Overview;
- Chapter 9: Post Adoption Service; and
- Chapter 11: Confidentiality and Preservation of Records.

The Adoption (Northern Ireland) Order 1987

The 1987 Order made important changes in the law relating to access to birth records for adopted persons. It became law on 18 December 1987 and became operational on 1 October 1989. At this stage, it remains the key piece of adoption legislation in

Northern Ireland. The most relevant articles relating to records/ information are described below.

- Article 54

Under Article 54 of the 1987 Order, adults adopted in Northern Ireland Courts, who wish to do so, have the right to apply to the General Register Office (GRO) for access to the original record of their birth. When enacted, Article 54 reflected a greater understanding of the wishes and needs of adopted people. It recognised that while adoption makes a person a full legal member of a new family, it does not negate their right to access information about their original identity.

Adopted Persons adopted before 18 December 1987

Adults adopted before 18 December 1987, who do not know their name at birth, must attend an interview with a social worker from an Adoption Agency, at which they will be given their name at birth and the name of their biological mother (and possibly their biological father if they are named on the original birth certificate.)

Persons adopted before 18 December 1987, who already know their name at birth, may apply to the GRO for a copy of their original birth certificate, as they have the information necessary to make such an application. The GRO will advise them that advice, information, and counselling services are available from Adoption Agencies and external support services.

Adopted Persons (18+) adopted after 17 December 1987

A person adopted after 17 December 1987, aged 18 and over, can choose whether they wish to avail of an interview with a social worker before they are given the information to enable them to obtain a copy of their original birth certificate. They can apply to the GRO for a copy of their original birth certificate, whether or not they already know their birth name. The GRO will inform them that advice, information, and counselling are available from Adoption Agencies and external support services, should they wish to access them.

- Article 54A

Article 54A of the Adoption (Northern Ireland) Order 1987 was inserted by way of Schedule 9 to the Children (Northern Ireland) Order 1995. Article 54A introduced the Adoption Contact Register for Northern Ireland, which became operational on 19 February 1996. This Register is held and maintained by GRO. It enables both adopted adults, and their biological relatives, to record a wish for future contact. Biological relatives include any person (other than an adopted relative), who is related by blood, marriage, or civil partnership.

As outlined in Chapter 9 of the Adoption Regional Policy and Procedures, Adoption Agency social workers should make adults impacted by adoption aware of the Adoption Contact Register and should encourage them to use it.

It is possible for an address of an Adoption Agency to be used as a “care of” address on the Contact Register. In these circumstances, the GRO will advise the relevant Adoption Agency in the event that a match is made on the Contact Register. It is important that social workers are available to provide intermediary services when a match is made and a request is received from the GRO.

The Adoption Agencies Regulations (Northern Ireland) 1989

Regulations 14 and 15 of the Adoption Agencies Regulations (Northern Ireland) 1989 [“the 1989 Regulations”] make provision for the retention, secure storage, and confidentiality of Adoption Agency case records, and enable Adoption Agencies to disclose information from their case records. Regulation 14 requires that information obtained by virtue of the Regulations must be treated by the Adoption Agency as confidential, subject to Regulation 15. Regulation 15(2) gives an Adoption Agency the discretion to allow access to its case records and disclose information from them as it thinks fit, for the purposes of carrying out its functions as an Adoption Agency, or for the purposes of research authorised by the Department. Regulation 15(3) requires an Adoption Agency to keep a written record of any access provided to its records or disclosure made from its records, by virtue of Regulation 15.

In accordance with Regulation 6(5) of the 1989 Regulations, the Adoption Agency must consult with its medical adviser in relation to arrangements for access to and disclosure of health information which is required or permitted by virtue of Regulation 15.

As outlined at paragraph 11.3.5 of the Adoption Regional Policy and Procedures, Adoption Agencies may exercise the discretion provided for by regulation 15 of the 1989 Regulations to give adopted persons information about their background or the circumstances of their adoption and also to help biological parents obtain appropriate information about their child.

Agencies should carefully consider all requests for access to the information they hold in their case records in accordance with this flexibility, as well as with other legislative requirements. There may be circumstances, also, where individuals who are not the relevant adopted person, request information from Adoption Agency records (for example, where they are a descendant of an adopted person). In these circumstances, Adoption Agencies should exercise their discretion under Regulation 15 of the 1989 Regulations, having regard to the importance/significance of the information to the applicant and the principles set out in this Guidance.

UK Data Protection legislation

The Data Protection Act 2018 (DPA 2018) provides a legal framework for data protection in the UK, in accordance with the UK General Data Protection Regulation (UK GDPR). The DPA 2018 should be read in conjunction with UK GDPR. Under UK

data protection legislation, anyone who processes personal data should adhere to the seven data protection principles of: -

- Lawfulness, fairness, and transparency;
- Purpose limitation;
- Data minimisation;
- Accuracy;
- Storage limitation;
- Integrity and confidentiality (security); and
- Accountability;

These seven data protection principles apply to the processing of personal data by Adoption Agencies, including the disclosure of information. This does not mean that, in exercising the discretion provided for by regulation 15(2) of the 1989 Regulations, an Adoption Agency cannot disclose third party information in response to a request for access to its records. Rather, it means that an Agency, in exercising its discretion, will need to be mindful of data protection law and take account of the context and all the circumstances relating to each request. An Agency's discretion to disclose the information from its records has to be balanced with the right to privacy of other people and any duties of confidence or other restrictions that may apply. This is referred to as the balancing test. Further information on the balancing test is provided in Section 4.

In relation to the subject access provisions of UK GDPR, an exemption exists under Schedule 4 to the DPA 2018 in respect of specified UK adoption legislation. However, as a result of an administrative error, the relevant provision in the Adoption Agencies Regulations (Northern Ireland) 1989 was omitted from Schedule 4. The Department of Health is currently working with the relevant UK government department to address the omission and to bring Northern Ireland in line with other parts of the UK in terms of processing adoption information.

The effect of the omission is that, in Northern Ireland, unlike other parts of the UK (where an exemption exists), the provisions of UK GDPR relating to the right of access by a data subject to their personal data apply to Adoption Agency case records. In practice, this means that individuals can submit a Subject Access Request (SAR) to a Northern Ireland Adoption Agency seeking a copy of the **personal data held about them in the Agency's records**. The Information Commissioner's Office (ICO) [the UK's independent body that upholds information rights in the public interest] has issued guidance in relation to SARs. Where received, it is important that a SAR is processed in accordance with ICO guidance, including in accordance with specified timescales. ICO guidance is available at the following links:

<https://ico.org.uk/media/for-organisations/documents/2619803/right-of-access-1-0-20210520.pdf>

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

In the absence of the exemption referred to above, there are two routes available to individuals seeking information held about them in Northern Ireland Adoption Agency case records—regulation 15 of the 1989 Regulations [as above] or a SAR. If an Adoption Agency specifically receives a SAR, it must be processed in accordance with the relevant ICO guidance on responding to a SAR, including what to do where information relates to more than one person. There are certain parts within the ICO's guidance that may be particularly relevant to a SAR relating to personal data held about the requestor in adoption records. These include considering whether complying with the request requires the disclosure of information which identifies other individuals, whether any third parties had consented to the disclosure of their information, whether it is reasonable to comply with the request without the consent of third parties, and whether any information may previously have been shared with or is already known by the requestor.

It is important that people submitting a SAR for information held about them in adoption records are advised that Adoption Agencies also have discretion to provide access to adoption records under the 1989 Regulations and that it is more likely than not that this route will, depending on the circumstances of the individual request, enable the disclosure of more information in accordance with this practice guidance. Requestors should be provided with information about the Adoption Agency's process for responding to requests for access under the 1989 Regulations.

The Adoption and Children Act (Northern Ireland) 2022

The Adoption and Children Act (Northern Ireland) 2022 received Royal Assent on 27 April 2022. One of the aims of the Act is to improve information and support services to people affected by adoption. The Act is in the process of being implemented. Implementation will require secondary legislation (Regulations) to give full effect to the Act. When Regulations are made and in operation, a new legal framework for the disclosure of information and establishing contact will be introduced. Further information is provided at Chapter 7.

4. Processing and Providing Information from Adoption Records and Support

4.1 Processing Information

All registered social workers who provide post adoption services to adopted adults, biological families and adoptive families must have recognised specialist training on a range of issues and their associated impacts including, early life in foster care/residential nursery and early life separations. This continued professional development (CPD) training should include Trauma-Based Practice, current legislation, location, and relevance of the range of records i.e., agency and court files/records.

Training should also cover the complex historical context in which 20th century adoptions took place and the current context of the Northern Ireland Truth Recovery Programme into human rights violations in Mother and Baby Institutions, Magdalene Laundries, Workhouses, and historical adoption practices. During this time (as reflected in the research undertaken by QUB/UU³ and the work of the Truth Recovery Design Panel⁴) many mothers felt forced to relinquish their infants and some suffered significant lifelong trauma as a result. Any approach to them must be sensitive and guided by trauma-informed best practice.

Those providing access to records should:

- Use plain language in written and oral communications
- Provide simple instructions on next steps and clear explanations; these should be repeated if required to ensure that they are fully understood
- Follow up with a concise written synopsis of any verbal conversation
- Treat everyone as an individual, remembering that they may have had unique and often traumatic experiences that others may not understand
- Treat everyone with dignity and respect, ensuring equity, equality, and parity of esteem
- Be mindful of avoiding further trauma.
- Avoid patronising or condescending language
- Inform with objectivity and honesty
- Be aware that language, literacy, and IT skills may be an issue for some applicants. Communication strategies should be in place to address any potential access barriers.

³ Research Report on Mother and Baby Homes and Magdalene Laundries in Northern Ireland (UU and QUB, Jan 2021) Available at [Publication of Research Report on Mother and Baby Homes and Magdalene Laundries in Northern Ireland | Department of Health \(health-ni.gov.uk\)](#)

⁴ Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland Truth, Acknowledgement and Accountability (October 2021). Available at [30092021-Truth-Recovery-Final-Report-FINAL-Online-Version.pdf \(secureserver.net\)](#)

How long should processing of requests for records take?

It is important that requests are responded to promptly. Agencies should acknowledge a request for information within 7 agency working days, and information should be provided to an applicant within 30 agency working days. If the request is complex, the time can be extended to a maximum of 90 days.

Most records created decades ago may not contain the quantity of information typically held in more recent adoption files, therefore meeting the 30 day timeframe for processing should be possible. If files are located across various locations, the task may take longer. All applicants must be informed/updated regularly on the progress of their application and provided with any reasons that might necessitate extending the timeframe. Where it is necessary to extend the timeframe, applicants should be advised and given an amended timescale for response.

What does processing a request involve?

Processing a request means locating all records, reviewing each record and carrying out an assessment of what information can be disclosed or may need to be redacted. Locating records/files can be a complex task requiring extensive searching of written and/or digital databases, including indexes. The records should then be retrieved from storage, which may be located off-site, and checked to ensure that they relate to the applicant.

Having located and retrieved the records, an Adoption Agency should assess the information contained in its records and—where these contain information relating to third parties—carry out a balancing test.

Carrying out a balancing test requires an Adoption Agency to take account of the context and all the circumstances relating to each request (see the case of *Gunn-Russo v Nugent Care Society* [2001] EWHC Admin 566). The Agency should consider the information contained in its records, the relevance and benefit to the requestor of knowing the information, and the likely effect on them and others of disclosing the information. When conducting a balancing test, the Adoption Agency should consider the nature of the information to determine whether it truly concerns and/ or is of significance to the applicant. For example, when making a disclosure decision, information indicating that the applicant's mother had an abortion is likely to be weighted differently from information indicating that an applicant has a sibling.

While informed consent is often the clearest basis to disclose identifying information about third parties, it may not always be possible or appropriate to seek and/ or obtain consent. In such circumstances, an Adoption Agency should consider whether it is reasonable to disclose third party information in the absence of consent. Where a third party has consented to the disclosure of their information, there should be no barrier to its disclosure. All decisions to disclose or withhold information should be based on

professional judgment and in accordance with the principles set out in this practice guidance.

Adoption Agencies should also consider whether third parties are, or in all probability are likely to be deceased. This will be an important factor in determining the impact on third parties as a result of disclosure of information.

Adoption Agencies should keep a record of the reasoning behind any decision to disclose or withhold information.

Adoption agencies should ensure that all staff with responsibility for handling requests for access to adoption case records have the necessary knowledge, training, experience and familiarity with Northern Ireland adoption law and UK data protection law to ensure that requests for adoption records are handled fairly and the rights of third parties are balanced with the well-established rights of adopted people to access information about their early lives.

Having carried out this balancing test, an Adoption Agency may consider it necessary to redact certain information in order to protect the privacy of third parties. In circumstances where an Adoption Agency assesses that it is necessary to redact certain information from an adoption file before providing access to it, a brief explanation of the reason for redaction should be provided to the requestor.

Social workers should seek a second opinion from a manager where they are uncertain about whether information should be disclosed or redacted. A written record must be kept of what information was disclosed or withheld, and any contentious decisions (either to disclose or redact information) should be recorded in writing, specifically noting the decision making process. This record of the decision-making process will be important in the event that someone requests a review of the decisions made.

In making the decision, a discussion should take place with the individual, who has made the request, to determine what information is already known to them, as information already known should not be redacted, although disclosure should still be handled sensitively. As part of those discussions, the expectations of the individual, in terms of the information they are seeking, should also be explored. Social workers should use their skills and experience to ensure that such discussions are undertaken sensitively and in a trauma-informed way—no-one should feel forced to share information which they do not wish to share.

Can we prioritise requests for access from adopted adults?

Generally, all requests for access to records should be treated equally. Exceptions can be made in the following circumstances:

- **To assist individuals whose case has a medical dimension, for example:**
 - serious or terminal illness e.g., cancer
 - serious illness requiring medical history or sharing of medical information or family medical history.
 - genetic condition
 - pregnancy
 - serious psychological/psychiatric illness requiring family history to develop an urgent therapeutic response.

- **To facilitate service provision**
 - a birth certificate or other document is required to enable applicants to access other services, for instance to apply for a passport or to gain citizenship in another country. Social workers have the flexibility to provide documentation quickly under compelling circumstances.

- **To assist individuals seeking to take legal action, for example:**
 - claims for compensation (where there is a time limit on lodging an application) requiring information contained in records.
 - court-related matters, where records must be provided as evidence.
 - management of an estate where records may:
 - assist in determining how assets will be distributed, or
 - enable an applicant to make a claim on an estate or trust.
 - records are needed to enable participation in a state inquiry.

Proof of identity

Respect for privacy is a guiding principle for access to personal information. While this Guidance recommends a liberal and open approach to releasing personal information, care is still needed to ensure that the person seeking the information is entitled to it. As a general principle, agencies should seek the minimum amount of personal information required to establish the person's identity.

The preferred form of identity verification is:

- Photo identity with a signature (driving licence, passport etc.); and
- Where a person's name has changed (for example, through marriage), additional verification e.g., marriage certificate.

Where no formal documentation (i.e., photographic identity) has been issued, service providers should accept:

A signed and dated declaration of identity: A statement verifying identity from a person holding a position of authority such as a Justice of the Peace, doctor, pharmacist, teacher, local councillor, or lawyer. Such a person should be able to attest that they have known the person for more than 2 years under the identity being verified.

Verifying multiple times

Applicants report distress at being asked to continually verify their identity, particularly when this involves needing to explain their life history to account for problems providing 'common' identity documents. Requirements to identify a person are needed but should be sympathetically handled. Applicants should only be required to verify their identity once.

Authorising a third party to act on an individual adopted adult's/ biological parent's behalf

Where another person is submitting an application for access to records on behalf of an adopted adult/ biological parent, the application must be accompanied by a dated and signed authorisation letter/ signed form from the adopted adult/ biological parent.

Costs for access to records

Where an Adoption Agency is exercising its discretion to provide access to its case records for adopted adults, biological parents and others as appropriate, access should be provided free of charge.

Costs may apply to obtaining records from other agencies, for example, the offices that supply Births, Death, or Marriage Certificates (GRO), the Adoption Contact Register or entries on the Electoral Roll.

4.2 Providing Information from Adoption Records

Helping people making requests

Adoption Agencies should provide templates for requesting records. Such templates should:

- Be in plain language.
- Explain that the request is to be processed under this Guidance.
- Explain options, for example, they may receive a quicker response depending on the extent of information they already have about the circumstances, and what information they are now seeking.
- Confirm their right to seek additional information held about them at a later date.
- Identify any criteria that may make the request eligible for priority treatment [*see priority question above*].
- Be available in multiple formats, and when made available online, be easily accessed/ located.

Statement of services

All Adoption and Social Services Agencies and Support Services assisting in providing access to records should have a clear statement of their services available in a range of formats.

This could include web pages, brochures, or other promotional materials. When placed online, this information should be easily accessed/ located. If Adoption Agencies are part of a large organisation, for example a Health and Social Care Trust, the sections of a Trust website relevant to accessing adoption records should not be difficult to find.

Promoting services for access to records

It is important for Adoption Agencies to maintain connections with service providers and support groups representing adopted adults, biological and adoptive families. These groups assist people to access their records and are particularly important for those who may have additional needs e.g., no close/personal support, lack of internet access or poor literacy skills.

Every applicant should be informed of the availability of support services and encouraged to use the supported access process.

Acknowledging receipt

As reflected above, all requests for access should be acknowledged as soon as practical after their receipt, but within a maximum of 7 Agency working days.

The material that accompanies an acknowledgement should provide:

- Contact details of the person dealing with their request.
- Time frames - what the requestor can expect and by when.

- What records will be kept about the application process.
- Background information on the Agency and other organisations which potentially retain information of relevance to their request e.g. the organisation creating the records, the type of records which may be available, their physical location, all of which may have an impact on the timescale.
- What services to support access are available.

Records kept

The process of administering access to information in itself creates records. These records may include the various application forms, records of monitoring of progress and often scanned copies of records retrieved relating to the application. If the applicant has used a support service to assist in making applications, there will be records created at both organisations. In line with legislation, Adoption Agencies keep copies of adoption records for seventy five years. Experience shows that a number of applicants make repeated requests for records, and this is a way of making repeat requests easier to process. These records should be available for an applicant *to view* should they require it, and they should be informed of this.

Mechanisms for review, complaint, and positive feedback

In accordance with Principle 8: *Ability to seek review or appeal a decision*, all Adoption Agencies should have documented procedures in place for applicants to:

- seek a review of decisions to redact/withhold/ not release records/information. This review should be carried out by an independent party, not part of the initial assessment, who has sufficient experience and seniority to review the decisions made and address any grievances raised.
- Where the applicant remains dissatisfied with the outcome of that independent review process, a request for a further review can be made via the Agency's complaints procedure.
- submit a written or oral complaint about the service received.
- provide positive feedback on services provided by Adoption Agencies or those providing access services.

Details of these procedures must be made available to the applicant along with the acknowledgement of their application. The information should also be easily accessed/ located online, and available in Agency premises.

When to give general information leaflets to applicants

Adoption Agencies should provide general information leaflets to applicants as soon as possible after a request for information is received. This information may lead to a more realistic expectation of what information may be available within the adoption case records. If this is delayed until the time the records are available, the Applicant may well be focussed on the content of the records themselves and not the explanatory material.

4.3 Support for Persons Seeking Information from Adoption Records

Adoption is not a single event. It continues to impact the adopted person, their biological family, and their adoptive family throughout their lives. The decision to seek information is only one part of coming to terms with the impact of adoption. Everyone has a fundamental human right to know their identity, and the adoption of a child may lead to a sense of loss that leads biological relatives to seek out information about their missing relative. Applicants may return to an Adoption Agency with questions over time, as they slowly absorb the information they have received. Social workers should explain how they can assist applicants by sharing information about the expected timeframes for processing applications, the kind of information normally contained in the records, and the legal reasons behind any possible redactions.

There are a number of organisations working within the field of post-adoption services. They may be approached directly by an individual affected by adoption or through a referral from an Adoption Agency. These organisations may offer services not available from Adoption Agencies, for example: DNA support, individual or group therapy, peer support groups, or tracing services.

Applicants may access support from an Adoption Agency or from an external support service, such as VSS or WAVE. No one is required to access support, however, and may approach Adoption Agencies seeking the release of information only. Agencies may inform applicants that the contents of an adoption file may be distressing to read and that they might find it helpful to have a relative or friend present as they access their records (bearing in mind the possibility that relatives may be mentioned within the files).

It is important to create a helpful environment for those accessing information. To do this:

- ensure that each applicant understands the mechanics of the process.
- be aware of sensitive dates, such as birthdays, when releasing information.
- be warm and welcoming in all communications with applicants.
- Assist with forms and explain bureaucratic terms, if necessary.

External Post-Adoption Support Services

The Victim's and Survivor's Service	https://www.victimsservice.org/
Wave Trauma Centre	https://wavetraumacentre.org.uk/
Adopt NI	https://www.adoptni.org/
Adoption UK (NI office)	www.adoptionuk.org.uk

5. Providing Information and Services

5.1 To Adopted Adults

With particular reference to Principle 4, a Table has been drawn up to assist with decisions in terms of what information should be shared with adopted adults and what, if anything, should be redacted. Note that this table is intended as a guide only. All requests for information held on adoption case records must be dealt with on a case-by-case basis.

Some information in an adoption file will relate to the requestor and a third party. Where this is the case, the Adoption Agency will need carefully to consider the disclosure of each item of information held in each individual case, taking into account the rights and welfare of the individuals involved, including the confidentiality of the records, the relevance and importance of the information to the adopted person, and the likely effect on them and others as a result of disclosure and/ or non-disclosure. Adoption Agencies should also consider whether third parties are, or in all probability are likely to be deceased. This will be an important factor in determining the impact on third parties as a result of disclosure of information.

A decision to seek consent from third parties should be considered in each case, depending on the nature of the request, the information held in case records, and the extent to which information may already be known to the requestor. While informed consent is the clearest basis for the disclosure of third party information, it may not always be possible or appropriate to seek consent. An Adoption Agency may decide that it is reasonable to disclose third party information in the absence of consent. In circumstances where a third party has provided informed consent to the disclosure of information about them, there should be no barrier to its disclosure.

Adopted people should know where they lived prior to adoption and with whom, including details of any time spent in care. Adoption files may include contemporaneous addresses and other contact details of, for example, foster carers or relatives of the adopted person. It is generally in keeping with the principles of this practice guidance to provide an adopted person with this information. However, Adoption Agencies should consider whether—on the balance of probabilities, taking into the account factors such as the age of third parties and the passage of time since the record's creation—any such information may include current contact details for third parties. Where that is the case, an Adoption Agency should try to seek the informed consent of third parties before disclosing the information. This is reflected in the Table below.

A record should be maintained of decisions to disclose or redact information, and the reasons for those decisions. In accordance with the Adoption Agencies Regulations (Northern Ireland) 1989, Adoption Agencies should keep a written record of any access provided to or disclosure made from adoption case records.

In the case of medical information held on the Agency's case records, the Adoption Agency should assess the relevance of this information to the adopted adult and make decisions about its disclosure, in accordance with arrangements developed in consultation with the Agency's medical adviser, as required by Regulation 6(5) of the 1989 Regulations.

The Table is intended to assist Adoption Agencies in making decisions about what may or may not be disclosed in response to a request from an adopted adult. It should be noted that this is not intended to reflect the totality of what may be included in adoption records. Also, not all records will contain all of the information items listed in the Table. On that basis, it is important that the whole of this guidance—the Table, the guiding principles, and the general practice recommended—is given full consideration by Adoption Agencies in making disclosure decisions. In cases where an Adoption Agency considers that it would not be appropriate to disclose certain identifying information about third parties, it should consider whether it would be possible and helpful to the requestor to provide a general sense of the information in a non-identifying way in an accompanying letter, for example.

The Table is relatively self-explanatory.

Information in the Table below is colour-coded as follows:

- **Green** – disclose;
- **Red** – redact.

While many adopted adults wish to receive all the Adoption Agency information at once, this will not be true of all. Some may wish to receive information over time and/or in a different format. When informing adopted adults that Adoption Agency information/ records have been located, the format, timing, and pace that information is shared should be discussed with the adopted adult and, as far as possible, their wishes should be respected. Adoption Agencies should ensure that requestors have all of the information they need to enable them to make informed decisions about how they wish to proceed.

Adherence to Principle 5 means social workers must provide the adopted adult with information on the options available and seek the adopted person's views on the sequencing of these.

Options available should include:

- A copy of their Adoption Agency file with appropriate third party redactions.
- A "Letter of Information" which includes all the available information in the Adoption Agency records as outlined below. Additionally, any information received through collaboration with other Agencies should be included with sufficient explanation.
- A copy of their Adoption Agency file AND a letter of information.

Information on File Concerning: Parents & Grandparents	
	DISCLOSE/REDACT, and Comments:
Names and addresses at the time of the adoption	DISCLOSE: Since 1987 an adoptee has had the right to access their original birth certificate. This information may be necessary for family reunification and to establish or confirm identity and belonging.
Information, concerning the parents'/grandparents' names, that is: a) not on a birth certificate or in any other record other than the applicant's file; or b) inconsistent with the adoptee's knowledge	DISCLOSE: This is possibly the only way for an adopted adult to confirm a parent's or grandparent's name and date of birth.
Letters written by the Adoption Agency/ HSC Trust to the parents or grandparents, or vice versa	DISCLOSE
Personal information relating to parents or grandparents e.g., education, domestic circumstances, activities that they were engaged in etc.	DISCLOSE
Information about a parent's or grandparent's personal, social, or sexual habits or actions.	REDACT: If this is private sensitive information and does not relate to the adopted person or is information that the majority of people would generally not share with others. Adoption Agencies should however consider the extent to which information relates to the applicant, and as such whether it may be important to shape their understanding of their origins. In some circumstances, therefore, it may be appropriate to DISCLOSE .
Information concerning time spent with a parent or carer.	DISCLOSE: An adopted person should know who cared for them when they were young.

All information concerning a deceased parent or grandparent	DISCLOSE
Information on File Concerning:	Siblings
Names and dates of birth for biological siblings	DISCLOSE: The identity of siblings can be important to an adoptee. Adopted people have a right to know the identities of their family of origin.
Address and contact details of siblings	DISCLOSE: if an Adoption Agency knows or has reason to believe that contact details are current, informed consent should be sought from third parties prior to disclosure.
Personal particulars relating to siblings, e.g., education, domestic circumstances, activities that they are engaged in etc.	DISCLOSE
Information about a sibling's personal, social, or sexual habits or actions and disclosures about such matters made by the individual in confidence etc.	REDACT: If this is private, sensitive information that does not relate to the applicant or is information that the majority of people would generally not share with others. Adoption Agencies should however consider the extent to which information relates to the applicant, and as such whether it may be important to shape their understanding of their origins. In some circumstances, therefore, it may be appropriate to DISCLOSE .
References to siblings and the applicant in the same context e.g., John and Betty (siblings) went to camp.	DISCLOSE
Information concerning visits to the child or the child visiting the sibling	DISCLOSE
Information concerning a deceased sibling.	DISCLOSE: Adoption file is only likely to contain information relating to a sibling deceased before the adoptee's own adoption.

Information on File Concerning: Relatives, including aunts, uncles, first cousins	
Names of close relatives	DISCLOSE: Adopted people have the right to know the names of all their close relatives.
Address and contact details	DISCLOSE: if an Adoption Agency knows or has reason to believe that contact details are current, informed consent should be sought from third parties prior to disclosure.
Letters written concerning the applicant.	DISCLOSE
Information relating to relatives e.g., education, domestic circumstances, activities that they are engaged in etc.	DISCLOSE

Information on File Concerning: Professionals	
Names of doctors, nurses, social workers, solicitors etc.	DISCLOSE
Address and contact details of doctor, nurses, social workers, solicitors etc.	DISCLOSE: professional, employment-based/related addresses. REDACT: private, home addresses and not related to employment.
Letters written to, or by, professionals (doctor/nurse/social worker etc.) that concern the adopted person.	DISCLOSE

Information on File Concerning: Carers (foster carers, residential staff)	
Names of carers	DISCLOSE

Address and contact details for foster carers

DISCLOSE: if an Adoption Agency knows or has reason to believe that contact details are current, informed consent should be sought from third parties prior to disclosure.

5.2 Providing Information and Services for Biological Relatives

Changes to Adoption Practice in relation to Information Sharing since 1980s

Adoption practice in relation to contact and information shared, both at the time of placement and subsequently, has changed significantly over time. Historically, the adoption process was neither open nor transparent, and many continue to be impacted by this legacy. There was no understanding of the rights of adopted people to information about their early life and origins, identity-related needs or the merit of contact with biological family. Today, there is an expectation that adoptive parents will engage in the sharing of information at an early stage in the adopted child's development and that indirect/direct contact with biological family may be facilitated. Life-story work with adopted children is now common practice and facilitation of contact forms a significant part of the assessment of prospective adopters.

The rights of adopted people to know about their identity and origins were not recognised when adoption legislation was first introduced in Northern Ireland in 1929 nor in subsequent primary adoption legislation up until the enactment of the Adoption Order (Northern Ireland) 1987. There has been growing recognition of adopted people's rights since the 1980's. Following the Gunn Russo Judgement (2001) in England (in which the court upheld the right of an adopted person to information about her deceased relatives and ruled that the Adoption Agency had been too restrictive in automatically redacting information), and a small successful pilot scheme in 2002, some Adoption Agencies in Northern Ireland used the powers available to them under the 1987 Adoption Order and Regulation 15 of Adoption Agencies Regulations (Northern Ireland) 1989, to provide intermediary services for birth relatives who wish to let an adopted person know of their interest in non-identifying information and contact. The availability of intermediary services for birth relatives became more widespread and has been incorporated into the practice of all Adoption Agencies in Northern Ireland from around 2020, with the growing appreciation and understanding of the importance of information for biological families and relatives.

Biological Mother

An Adoption Agency should provide or secure the provision of:

- Counselling and support or refer to an independent counselling and support service.
- Clarification of legislation and practice, historically and currently.
- Information regarding the existence of the Adoption Contact Register.
- Recording any wishes regarding contact with the adopted adult.
- Assistance to achieve contact if practicable.
- Counselling, support, mediation, and facilitation in relation to direct and indirect contact with the Adopted Adult.
- Advice to the biological mother that she can (if she chooses to) leave a record/letter on file, and support with this as appropriate.

If they wish to do so, biological mothers should be supported to request access to information from the agency adoption file. They are entitled to receive:

- Any information about themselves.
- Any information about the baby/child prior to placement for adoption.
- Non-identifying information about the child's progress post placement.
- Letters written to or by professionals (for instance doctors, nurses, social workers) that concern the adopted person prior to their placement for adoption may be shared.
- Letters written to or by professionals regarding the biological mother (the applicant).

Biological Father

An Adoption Agency should provide or secure the provision of:

- Counselling and support or refer to an independent counselling and support service.
- Clarification of legislation and practice, historically and currently.
- Information regarding the existence of the Adoption Contact Register.
- Recording any wishes regarding contact with the Adopted Adult.
- Assistance to achieve contact.
- Mediation and facilitation in relation to direct and indirect contact with the adopted adult, where the biological father is named or has subsequently been identified.
- Advice to the biological father that he can (if he chooses to) leave a record/letter on file, and support with this as appropriate.

In cases where a biological father seeks information, but he is not named on the adopted adult's original birth certificate, nor does his name appear within the court or agency file records, additional supporting documentation will be required to confirm

his identity and entitlement. His interest in learning more about the adopted person should be noted in the file and, where appropriate, be conveyed to the adopted person.

Other Biological Relatives

In relation to other biological relatives, an Adoption Agency should provide or secure the provision of:

- Counselling and support or refer to an independent counselling and support service, if appropriate.
- Clarification of legislation and practice (historically and currently).
- Information regarding the existence of the Adoption Contact Register.
- Recording any wishes regarding contact with the Adopted Adult.
- Assistance to achieve contact.
- Mediation Services – acting as an intermediary and mediate contact if appropriate.
- Advice to the biological relative that they can (if they choose to) leave contact details and/or a record/letter on file, and support with this as appropriate.

When a relative makes a request, the agency will decide what information can be released taking into consideration the following:

- Whether the biological parent / adopted adult has expressly indicated their wish for no/ limited contact/ access.
- Where the adopted adult or biological parents are alive, authorisation for children / grandchildren to access personal records must be sought and given by the adopted adults or birth parents.

Biological relatives will be provided with information from the file records that relates to them. Requests for other information will be considered on a case-by-case basis with due consideration given to the importance of family relationships and identity.

In all of the circumstances described above—where a biological mother, father or other relative approaches an Adoption Agency for information—the Agency should, where appropriate (taking into account the wishes of the requestor, and the wishes and circumstances of the adopted person), inform the adopted person that a request has been made for information about them. This assumes that contact with the adopted person will be possible and it is accepted that this may not always be the case.

5.3 Providing Information for Adoptive Families

In relation to adoptive families, an Adoption Agency should provide adoptive families with:

- Counselling and support including assistance with contact.
- Clarification of legislation and practice both current and historical.

- Information regarding support groups and training.
- Information regarding the existence of the Adoption Contact Register.

Adoptive families can include a range of people i.e. adoptive parents, siblings, and other adoptive relatives etc. and can be an important source of information/support. They can make a request for access to the records of the adopted person, and each request should be considered in accordance with this guidance, having regard to the individual circumstances in each case, including taking into account whether the adopted person has provided informed consent to the disclosure of information about them, whether it may be reasonable to disclose information in the absence of consent, and whether the information may already be known to the requestor. However, due to the confidential nature of adoption records, only limited information may be available to adoptive families. Adoptive families do have an important role to play, however, in supporting an adopted person accessing their records, with that person's consent.

When a child is being placed for adoption today, it is common practice for detailed information regarding their circumstances and birth family to be shared with the adopters. This would be shared with the adopted child at appropriate times throughout their childhood and adolescence. Historically, it is acknowledged that this rarely happened, with very little information being shared with adopters. Sometimes little or no information was shared with the adopted child, many of whom did not find out they were adopted until they reached adulthood—this was-a traumatising experience for many adopted people. Since the 1980s it has been expected that adoptive families are open about the circumstances of their adoption with their children and share the information they have been given by the Adoption Agency about biological families. This will reflect information held within Adoption Agency and other records. Support and advice in sharing information will be provided if requested by members of adoptive families.

6. When Adopted Persons or their Relatives are Deceased

Deceased Biological Relatives

Sometimes adopted persons wait to request access to their information or to make contact with biological relatives until their adoptive parents have died, out of a desire to limit any potential distress for their adoptive parents. Waiting can increase the risk of finding that their biological parents have died, creating a further sense of loss. Those who do not have the support of their adoptive families at this time may find this overwhelming. In such a situation the support of family and friends can be helpful for some.

While it would be unusual, it can sometimes happen, that an adopted person learns of the death of their biological parents/relatives from the Adoption Agency records. It is more likely that this information will become known later when the adopted person requests, and is working with, an intermediary service.

Those who have been adopted may also request an intermediary service after learning difficult or tragic information about their biological relatives.

Learning of a biological relative's death may trigger a range of emotions, thoughts, and questions for the adopted person about their adoption and biological family which may be very unsettling. In these circumstances, it is not unusual for an adopted person to be overcome with feelings of profound loss and rejection. At any stage during the process, unresolved issues around the original adoption may arise. It is important that social workers do not underestimate how devastating this can be and that they acknowledge the loss that is likely to be felt by the adopted person in these situations.

Deceased Adopted Persons

In the course of enquiries by biological relatives or at the point of making contact, it may be discovered that an adopted person has died. The social worker will need to acknowledge that making contact in such circumstances is likely to stir up painful and sad feelings for all concerned. This needs to be managed sensitively and compassionately with consideration given as to how best to tell the biological relatives.

The death of the adopted person is likely to come as a great shock to biological relatives, in particular to biological mothers, who are likely to experience compounded feelings of loss and separation. At this stage, unresolved issues around the original adoption may arise and these feelings may be overwhelming. They may include memories and feelings about the other biological parent, who could be their current partner.

Additionally, feelings of anger towards the biological mother's parents/family and the Adoption Agency may also arise, particularly if a mother felt pressurised into having her child adopted. In some circumstances, these feelings may be similar for the biological father, but other emotions may also come to the fore.

The social worker will need to help the biological relative deal with the shock and grief of learning of the adopted person's death. The social worker will also need to consider whether and how to approach the adoptive parents or other adoptive relatives about the enquiry. It is likely that biological relatives will need enhanced support in situations where the adoptive parents or other adoptive relatives feel unable to engage or share information.

Deceased Persons- Implications for Adoptive Families

In the course of enquiries or at the point of making contact it may be discovered that the adoptive person has sadly died. The social worker should initially acknowledge the pain for the adoptive family and their feelings of loss.

It can be stressful for an adoptive family to deal with an enquiry about an adopted person who has died, and it is important for the social worker and relevant biological relative making the enquiry to respect the adoptive family's feelings. It may be possible to work with the adoptive parents or some members of the adoptive family to open channels of communication with which they are comfortable. Some adoptive relatives may feel able to communicate with the relevant biological relative. Adoptive families could be encouraged to share photographs, letters, and other information, and perhaps meet with the relevant biological relative.

7. Future Direction in respect of Descendants and Prescribed Relationships

There is growing acknowledgement that the experience of adoption can have impacts across multiple generations. While access to Adoption Agency records by descendants or other relatives of adopted persons is not yet automatically available within the current legislation, the post adoption service provided by the agencies may be able to assist relatives in their quest for information.

The Adoption and Children Act (Northern Ireland) 2022 received Royal Assent on 27 April 2022. Implementation of the Act will require secondary legislation (Regulations), and it is proposed to develop and consult on draft Regulations over a five-year period.

There are a number of sections of the Act which deal with access to/ disclosure of information and with facilitation of contact.

Sections 55 to 64 of the Act will only apply to adoptions that take place after these sections have been implemented and, consequently (at this stage), relate to future rather than historical adoptions. They will, when commenced, empower the Department to prescribe in Regulations the information that adoption agencies must keep in relation to a person's adoption, the form it must take and the manner in which it must be kept. They will also introduce new provisions on the information that adoption agencies must disclose to adopted adults on request, the information that courts must release to adopted adults on request and the information that adoption agencies may release to adopted adults, birth parents and others. The information kept will be about the adopted person, their birth parents and siblings, adoptive parents and siblings, other relatives, and social workers' reports, including health reports.

These provisions cover two main types of information:

- protected information – that is, information about an adopted person or any other person which is or includes identifying information about the person in question (section 56 of the Act); and
- information which is not protected (section 57 of the Act).

The Act establishes a new system for access to protected information about adopted persons and others involved in their adoption. Currently information about an adopted person is held by three sources: the adopted person's Adoption Agency, which would normally hold case details and other information; the Registrar General, who holds birth records and basic information about the adopted person's adoption, such as their adoptive name and the names of their adoptive parents; and the court, which will hold reports submitted to it and records of the adoption proceedings. Under the new provisions, whilst the Registrar General will retain the duty to maintain the Adopted

Children Register and the Adoption Contact Register, the Adoption Agency will be the main "gateway" for access to all protected information.

Detail on the type of information to be disclosed, the manner in which it may be disclosed and to whom, will be set out in regulations, which will be subject to consultation.

The arrangements for access to information about those adopted prior to the date of coming into operation of sections 55 to 64 will be provided for by section 102 of the Act.

Regulations may be made under section 102 of the Act to make provision for assisting adopted persons and their birth parent(s) to obtain information about that adoption; and for facilitating contact between them and their relatives. Regulations may also enable intermediary services to be provided for the purpose of facilitating contact between people with a prescribed relationship [see below] to an adopted person and the adopted person's natural relatives.

It is intended that regulations will provide for a system in which Adoption Agencies may, on application by an adult who was adopted before the commencement of the relevant sections of the Act, their natural relative, or a person with a prescribed relationship to an adopted person, act as intermediaries and, with the informed consent of the adopted person, facilitate contact between the adopted person and their relatives. It is also important to note that, under section 79 of the Act, birth relatives will also be able to register a wish for "no contact" on the Adoption Contact Register.

Again, the detail of regulations made under section 102 of the Act, including the definition of "prescribed relationship", will be subject to consultation. However, it is anticipated that any proposals to be consulted on will closely follow English regulations, in which a "prescribed relationship" is defined as a person who is related to the adopted person (a) by blood (including half-blood), marriage or civil partnership; or (b) by virtue of the adopted person's adoption.

Regulations made under section 102 may also impose conditions on the disclosure of information, so that identifying information is properly protected, for example to ensure that the appropriate consent is in place before any disclosure is made.

Further Guidance will be necessary to support implementation of the Adoption and Children Act and associated Regulations, and it is expected that the principles outlined in this Practice Guidance will guide future practice under that Act. In relation to enquiries made by descendants and other relatives of an adopted person, it will be important that they are dealt with as more than a genealogical enquiry.

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