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**An Bille Uchtála (Féiniúlacht agus Faisnéis), 2014**  
**Adoption (Identity and Information) Bill 2014**

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*Mar a ritheadh ag Seanad Éireann*

*As passed by Seanad Éireann*

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Data Protection (Amendment) Act 2003 (No. 6)

Data Protection Act 1988 (No. 25)

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AN BILLE UCHTÁLA (FÉINIÚLACHT AGUS FAISNÉIS), 2014  
ADOPTION (IDENTITY AND INFORMATION) BILL 2014

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# Bill

*entitled*

An Act to allow adopted persons to obtain a certificate of birth and to access information relating to their identity, origins and the circumstances of their birth, subject to reasonable safeguards to address the position of the natural parents and of the adoptive parents of such adopted persons; to allow natural parents a right to access certain information, subject to the wishes of the adopted person, and to require certain bodies and persons to deliver records to the Adoption Authority. 5  
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**Be it enacted by the Oireachtas as follows:**

## PART 1

### PRELIMINARY AND GENERAL MATTERS

#### **Short title and commencement**

1. (1) This Act may be cited as the Adoption (Identity and Information) Act 2015. 15
- (2) This Act shall come into operation on the day or days that the Minister may appoint by order either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (3) Notwithstanding *subsection (2)*, the Minister shall bring all of the provisions of this Act into operation no later than 6 months after the day on which it is enacted. 20

#### **Interpretation**

2. In this Act—

“Act of 2004” means the Civil Registration Act 2004;

“Act of 2010” means the Adoption Act 2010;

“adopted” means being or having been an adopted person (as defined by this section); 25

“adopted informally” means taken into the indefinite care of a person by means of an informal adoption (as defined by this section);

“adopted person” means—

- (a) any person who was or has been adopted by virtue of an adoption order made under the Adoption Acts 1952 to 1998 or the Act of 2010,
  - (b) any person who was adopted informally in the State, or
  - (c) any person who was adopted outside the State, either by formal or informal means, 5
- and whose birth or adoption was registered in the State;
- “adoption” means—
- (a) an adoption by virtue of an adoption order made under the Adoption Acts 1952 to 1998 or the Act of 2010,
  - (b) an informal adoption, and 10
  - (c) an adoption, whether formal or informal, effected outside the State;
- “adoptive parent” includes—
- (a) a person who has adopted an adopted person in the State by means of an adoption order made under the Adoption Acts 1952 to 1988 or the Act of 2010 or by informal adoption, 15
  - (b) a person who, outside the State, has adopted an adopted person born in the State, either by formal or informal means, and
  - (c) a person resident in the State who has adopted an adopted person born outside the State where that adoption has been registered in the Register of Intercountry Adoptions established and maintained under Part 10 of the Act of 2010; 20
- “adoptive parents” means any two persons each of whom are an adoptive parent of the same adopted person;
- “an tArd-Chláraitheoir” has the same meaning as it has in section 7 of the Civil Registration Act 2004;
- “certificate of adoption” means a certified copy of an entry in the Adopted Children Register established and maintained under Part 10 of the Act of 2010 and shall include also a certified copy of an entry in the Register of Intercountry Adoptions established and maintained under Part 10 of the Act of 2010; 25
- “certificate of birth” means a certified copy of an entry in the register of births established and maintained under section 13(1)(a) of the Act of 2004; 30
- “counsellor” means an accredited member of the Irish Association for Counselling and Psychotherapy (but does not include an affiliate member or student member thereof) or of an equivalent body as prescribed in regulations made by the Minister;
- “data relating to the birth, placement for adoption, procurement of adoption, and adoption of the adopted person” shall (subject to *sections 7 and 11*) include the name (or, if the person has been known during his or her life by more than one name, current and former names), date of birth and contact details, where known, of a person as well as information relating to an enquiry made by a person regarding the identity or contact details of a person and information relating to an attempt to make contact with a person, “person” meaning an adopted person, natural parent or any other person with a *bona fide* 35 40



interest in the adoption;

“informal adoption” means an arrangement whereby a child who is not the subject of an adoption order is or has been, on an indefinite basis, taken into the care of an adult person or persons who are not his or her natural parents, other than—

- (a) where the child is, was or has been placed (including placement in foster care) with a person or body under the Child Care Act 1991 or equivalent legislation, 5
- (b) where the child is, was or has been placed in detention under the Children Act 2001 or equivalent legislation, or
- (c) where the child is, was or has been placed in an institution for the purpose of medical (including psychiatric) care; 10

“Minister” means the Minister for Children and Youth Affairs;

“natural father” means the person who is or is believed with reasonable cause to be the natural father of the adopted person and, in particular, includes (but is not limited to) the person named as the adopted person’s father in the register of births;

“natural mother” means the woman who gave birth to the adopted person; 15

“natural parent” means the natural mother or natural father of the adopted person;

“natural parents” means the natural mother and natural father of the adopted person;

“personal data” has the same meaning as it has in section 1 of the Data Protection Act 1988 as amended by the Data Protection (Amendment) Act 2003 and shall include data relating to the birth, placement for adoption, procurement of adoption, and adoption of the adopted person, provided that the personal data does not include the Personal Public Service number of any person. In particular, “personal data” for the purpose of this Act; 20

“personal data held in respect of the adopted person” includes personal data relating to the birth, placement for adoption, procurement of adoption or adoption of the adopted person that identifies the adopted person, natural parent or parents or adoptive parent or parents of an adopted person. It also includes, subject to the provisions of this Act, the name (or, if the person has been known during his or her life by more than one name, current and former names), date of birth and contact details of the adopted person and natural parent or parents, where available; 25

“relative” means a spouse, civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010), cohabitant (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010), former and surviving spouse, former and surviving civil partner, former and surviving cohabitant, child, grandchild, great-grandchild, great-grandparent, grandparent, parent, brother, sister, uncle, aunt, niece, nephew, or cousin, and includes relatives of the half-blood as well as the whole blood, step-relatives, and relatives of the spouse, civil partner or cohabitant of an adopted person, adoptive parent or natural parent; 30 35

“social worker” means a person registered in the Register of Social Workers maintained by the Social Workers Registration Board under the Health and Social Care Professionals Act 2005 or such other person as is prescribed in regulations made by the Minister; and 40

“the Authority” means the Adoption Authority of Ireland.

## PART 2

### PROVISIONS RELATING TO ADOPTED PERSONS

#### **Right of an adopted person to access his or her certificate of birth**

3. (1) In this section “certificate of birth” means a certified copy of an entry in the register of births established and maintained under section 13(1)(a) of the Act of 2004. 5
- (2) Subject to *subsection (3)*, and notwithstanding any provision to the contrary in any enactment other than this Act, an tArd-Chláraitheoir shall on application by an adopted person aged 18 or over give to that person his or her certificate of birth.
- (3) An tArd-Chláraitheoir shall not provide a certificate of birth to an adopted person under *subsection (2)* unless and until the conditions contained in *sections 6* and *8* have been satisfied. 10
- (4) A provision of this Act requiring an tArd-Chláraitheoir to provide to the adopted person a certificate of birth shall not be satisfied by the production of a copy of the relevant entry in the Adopted Children Register maintained by an tArd-Chláraitheoir under section 84 of the Act of 2010 or a copy of the relevant entry in the Register of Intercountry Adoptions maintained under section 90 of the Act of 2010 or by the production of a certificate referred to in section 89 of the Act of 2010. 15
- (5) For the avoidance of any doubt, a certificate of birth issued to an adopted person under *subsection (2)* shall include, in all cases, all of the particulars that would be contained in a certificate of birth issued to a person who is not an adopted person, including, but not limited to, the date of birth, occupation and address of each natural parent where these details are listed in the register of births, but not including the Personal Public Service number of a natural parent. 20
- (6) Without prejudice to the generality of *subsection (2)*, section 86(2) of the Act of 2010 shall not apply to an application made by an adopted person under this section. 25

#### **Access to personal data**

4. (1) Subject to *subsection (2)* and *section 7*, and notwithstanding any provision to the contrary in any enactment other than this Act, an adopted person aged 18 or over shall be entitled to apply for and on application shall be given any and all personal data held in respect of the adopted person by any one or more of the following: 30
- (a) the Adoption Authority;
- (b) an “accredited body” as defined by section 3 of the Act of 2010;
- (c) a body of persons or society that was, at any time, an “accredited body” as defined by section 10 of the Act of 2010 or that was, at any time, a body of persons or society registered in the Adoption Societies Register maintained under section 35 of the Adoption Act 1952; 35
- (d) the Child and Family Agency;
- (e) the Health Service Executive; and
- (f) any body or person that holds records relating to the birth, placement for

adoption, procurement of an adoption, or adoption of one or more adopted persons.

- (2) The bodies and persons named in *subsection (1)* shall not provide any personal data to an adopted person that would allow the adopted person to identify a natural parent of the adopted person unless and until the conditions contained in *sections 6 and 8* have been satisfied. 5
- (3) This section shall not apply in respect of records relating to an adopted person held by—
- (a) an adopted person in relation to his or her own adoption,
  - (b) a natural parent in relation to the adoption of his or her natural child, 10
  - (c) an adoptive parent in relation to the adoption of his or her adopted child, or
  - (d) a person who holds records relating to an adoption of or by a relative of that person or relating to the adoption of the child of a relative of that person.

### **Duty to notify the Adoption Authority of certain matters**

5. (1) In this section— 15
- “a person to whom this section applies” means any natural person who has information, whether in writing, stored electronically or otherwise (including information known to the person but not recorded in any durable medium) relating to the birth, placement for adoption, procurement of an adoption, or adoption of one or more adopted persons and includes, but is not limited to, any person who was employed by, was an agent of or worked for or on behalf of the Child and Family Agency, the Health Service Executive, or for or on behalf of any body or person that is or was an accredited body as defined by section 3 of the Act of 2010 or a body registered in the Adoption Societies Register maintained under section 35 of the Adoption Act 1952. This section shall not apply to information held by an adopted person or by the natural parent of an adopted person insofar as that information relates specifically to that adopted person; 20 25
- “the Authority” means the Adoption Authority.
- (2) Where a person to whom this section applies—
- (a) has information that he or she knows or believes might be of material assistance to the Adoption Authority, an adopted person or natural parent in determining the identity and whereabouts of an adopted person, natural parent, or both, or 30
  - (b) knows or believes that any personal data relating to an adopted person, a natural parent, or both, and held by a body or person to which *section 4(1)* applies, is not a correct or true record of the circumstances or facts therein recorded, 35
- it shall be the positive duty of such person to notify the Authority of the true facts and circumstances known to that person and to give to the Authority such information as is available to or known to that person.
- (3) Without prejudice to the generality of *subsection (2)*, where a person to whom this section applies knows or believes that the age, date of birth or address of a natural parent, adopted person or adoptive parent has been recorded incorrectly, whether 40

deliberately, negligently or inadvertently, in any records held by any body or person to which *section 4(1)* applies, the person shall notify the Authority of the true facts and circumstances known to that person and shall give to the Authority such information as is available to or known to that person.

- (4) Where a person to whom this section applies provides information to the Authority under this section, the Authority shall— 5
- (a) produce a memorandum setting out the information provided to it,
  - (b) include the memorandum in any file held by the Authority relating to the adopted person to whom the information relates and in any file held by the Authority relating to the natural parent or parents and adoptive parent or parents of that adopted person, and 10
  - (c) require that any body or person to whom *section 4(1)* applies shall include a copy of the memorandum in any file held by that body or person relating to the adopted person to whom the information relates and in any file held by that body or person relating to the natural parent or parents and adoptive parent or parents of that adopted person. 15
- (5) Where a natural parent of an adopted person knows or believes that any personal data relating to an adopted person, a natural parent, or both, and held by a body or person to which *section 4(1)* applies, is not a correct or true record of the circumstances or facts therein recorded, the natural parent may notify the Authority of the true facts and circumstances known to him or her and give to the Authority such information as is available to or known to him or her. 20
- (6) For the purpose of *subsection (5)*, a natural parent shall be entitled to consult such information as is held by a body or person to which *section 4(1)* applies as relates to the adoption of the natural parent's adopted child, provided that the contact details of the adopted person and personal data that identifies the adopted person shall not be made available to the natural parent otherwise than in compliance with *Part 3* of this Act. 25

#### **Steps to be taken by the Authority - relating to adopted persons**

6. (1) Where an application is made under *section 3* an tÁrd-Chláraitheoir shall, within 14 days of the application, notify the Authority in writing of the application. 30
- (2) Where an application is made under *section 4*, the body or person to which such an application is made (unless it is the Authority) shall, within 14 days of the application, notify the Authority in writing of the application.
- (3) Where the Authority receives an application under *section 4* or receives notification of an application under *subsections (1)* or *(2)* or both, it shall, within 30 days of such application or notification being delivered to the Authority, take reasonable steps to— 35
- (a) ascertain, in consultation with the Department of Social Protection, the identity and current address of the natural mother and, where known, the natural father of the adopted person, 40
  - (b) contact the natural mother and, where known, the natural father of the adopted person,

- (c) inform the natural mother and, where known, the natural father of the adopted person of the application under *sections 3 or 4* or (where relevant) both sections and inform the natural mother and, where known, the natural father that the Authority proposes to allow the adopted person to access records relating to his or her birth and adoption, including (where relevant) his or her certificate of birth, 5
- (d) emphasise to the natural mother and, where known, the natural father of the adopted person the benefit to the adopted person of knowing his or her identity and having knowledge of his or her origins,
- (e) emphasise to the natural mother and, where known, the natural father of the adopted person the particular benefit for the adopted person of being given medical information about his or her blood relations and protect, as a right, access for adopted persons to their birth family's relevant medical history, 10
- (f) inform the natural mother and, where known, the natural father of the adopted person that the natural mother and natural father have a right to privacy in respect of the adoption, but that this right is not absolute and must be balanced against the adopted person's right to know his or her identity and origins, 15
- (g) offer support and counselling to the natural mother and, where known, the natural father in respect of the matter,
- (h) include a notice, in plain and intelligible language, informing the person to whom it is addressed that the identification of a person as an adopted person or natural parent and any contact made between an adopted person and natural parent— 20
  - (i) shall not alter the legal status of the adopted person as the child of the adoptive parent or adoptive parents,
  - (ii) shall not affect or change in any way the existing legal rights and responsibilities of the adopted person, the natural parents or adoptive parents (other than the right to information conferred by this Act), 25
  - (iii) shall not confer upon the adopted person any rights or responsibilities in respect of the property or person of the natural parents, and
  - (iv) shall not confer upon the natural parent any rights or responsibilities in respect of the property or person of the adopted person, 30
- and
- (i) give to the natural mother and, where known, the natural father a document in a form to be prescribed by the Minister that will allow the natural parent to make known his or her wishes regarding contact with the adopted person, in accordance with *section 7*. 35
- (4) In contacting a person under this section, the Authority shall make every effort to ensure that the privacy of the natural parents, of the adopted person and of the adoptive parents is respected.
- (5) (a) The Authority shall not attempt and shall not be required to attempt to contact a person whom it knows, on reliable information, to be deceased. 40
- (b) Where the Authority has determined, on reliable information, that a person is

- deceased, it shall be deemed for the purpose of *subsection (3)* to have taken reasonable steps to contact that person.
- (6) For the purpose of *sections 3* and *4*, the conditions contained in this section shall be deemed to have been satisfied in respect of an application made by an adopted person where— 5
- (a) the Authority has taken or is deemed under *subsection (5)* to have taken the reasonable steps set out in *subsection (3)*, and
  - (b) 6 months have passed since the Authority received or was notified of the application by the adopted person made under *sections 3* or *4*.
- (7) For the purpose of *sections 3* and *4* and *subsection (6)*, where— 10
- (a) the Authority, having taken reasonable steps to do so, has not succeeded in identifying either one or both natural parents,
  - (b) the Authority, having taken reasonable steps to do so, has not succeeded in contacting either one or both natural parents, or
  - (c) in a case where the Authority has made contact with one or both natural parents, one or both of the natural parents do not respond to the Authority, 15
- the Authority shall, notwithstanding, be deemed to have taken reasonable steps as required by this section provided 6 months have passed since the Authority received or was notified of the application by the adopted person made under *sections 3* or *4*.
- (8) As soon as reasonably possible after the conditions set out in *subsection (6)* have been satisfied or are deemed to have been satisfied, the Authority shall, in writing, inform— 20
- (a) an tArd-Chláraitheoir, or
  - (b) where relevant, the body or person to whom an application under *section 4* was made (other than the Authority itself), 25
- and the person who made the application that the Authority has complied with this section.
- (9) Notwithstanding any other provision in this Act, where an adopted person has made an application under *section 3*, and the Authority has not satisfied the conditions set out in this section within 6 months after it was first notified of the application under *section 3*, the requirement to comply with this section shall no longer apply in respect of the application made by the adopted person under *section 3*. 30
- (10) Notwithstanding any other provision in this Act, where an adopted person has made an application under *section 4*, and the Authority has not satisfied the conditions set out in this section within 6 months after it first received the application or (where relevant) was first notified of the application under *section 4*, the requirement to comply with this section shall no longer apply in respect of the application made by the adopted person under *section 4*. 35
- (11) Where an adopted person wishes to communicate in writing with his or her natural parent or where a natural parent wishes to communicate in writing with the adopted person, the Authority shall make arrangements for the exchange of such 40

communications, provided that in making such arrangements for the specific purpose of this subsection, the Authority shall not release to either the adopted person or the natural parent any information other than that which the writer of the communication has included in the communication.

- (12) For the purpose of *subsection (11)*, a communication may include medical information or a request for medical information relating to the adopted person, natural parent or relatives of the natural parent. 5

### **Wishes of the natural parent regarding contact**

7. (1) Where the Authority has contacted a natural parent, and the natural parent has informed the Authority in writing that he or she— 10
- (a) wishes to make contact with the adopted person,
  - (b) wishes to make contact with the adopted person but subject to stated conditions,
  - (c) does not wish to be contacted by the adopted person but wishes to obtain certain information from or make certain information (including medical information) known to the adopted person, 15
  - (d) does not wish to be contacted by the adopted person until further notice, or
  - (e) does not wish to be contacted by the adopted person,
- the Authority shall make the natural parent’s wishes known to the adopted person.
- (2) For the avoidance of any doubt, subject to *subsection (3)*, the wishes of the natural parent shall not preclude an adopted person from obtaining a certificate of birth under *section 3* or information under *section 4*, provided the conditions set out in *section 6* and *8* have been satisfied. 20
- (3) Notwithstanding any provision of this Act, where, within 6 months of the date on which the Authority received an application or notification of an application under *sections 3* or *4*, a natural parent has informed the Authority in writing that he or she— 25
- (a) does not wish to be contacted by the adopted person but wishes to obtain certain information from or make certain information known to the adopted person or both,
  - (b) does not wish to be contacted by the adopted person until further notice, or
  - (c) does not wish to be contacted by the adopted person, 30
- neither the Authority nor any other person or body to which *section 4* of this Act applies shall give to an adopted person the contact details of that natural parent.
- (4) In this section “contact details” means information that would allow a person to contact the natural parent either directly or through a third party, including (but not limited to) a current or former mailing address (other than an address listed for a natural parent in the relevant entry in the register of births), a current or former telephone or fax number, a current or former electronic mail address and a current or former social media address, handle or identity, but otherwise shall not include personal data that would allow the adopted person to identify the natural parent without making contact with him or her. 35 40

- (5) For the avoidance of any doubt, nothing in this section shall prevent the release to a person under *section 4* of any particulars contained in an entry in respect of that person in the register of births.

**Advisory meeting with social worker or counsellor - adopted person**

8. (1) An adopted person who wishes to obtain a certificate of birth under *section 3* or personal data under *section 4* shall first, as a precondition to receiving a birth certificate or personal data under this Act, attend an advisory meeting with a social worker or counsellor at a date agreed with the adopted person. 5
- (2) At this meeting, the social worker or counsellor shall discuss the following with the adopted person: 10
- (a) the potential impact on the adopted person, the natural parents and the adoptive family and any other relevant person, of exercising the rights conferred by *sections 3* and *4*;
- (b) the potential impact on the privacy rights of the natural mother, of the natural father (where relevant), and of any other relevant person of exercising the rights conferred by *sections 3* and *4*; 15
- (c) the potential impact (emotional and otherwise) on the adopted person, the natural parents and the adoptive family and any other relevant person, of approaching, making contact with or attempting to make contact with the natural mother, natural father or any other person following the exercise of the rights conferred by *sections 3* and *4*; and 20
- (d) the desirability of respecting any concerns or wishes (including concerns or wishes relating to privacy) that the natural mother, natural father or any other relevant person has expressed or may have or express in relation to a proposal by the adopted person to make contact with any person following the exercise of rights conferred by *sections 3* and *4*. 25
- (3) At this meeting, the social worker or counsellor and the adopted person may discuss any other matter either person believes to be relevant.
- (4) As soon as reasonably possible after this meeting, and where the conditions of *subsections (1)* and *(2)* have been satisfied in full, the social worker or counsellor shall inform an tArd-Chláraitheoir and the Authority in writing that the adopted person has met the social worker or counsellor and discussed with him or her the matters referred to in *subsection (2)*. 30
- (5) Where an application has been made under *section 4*, and where the conditions of *subsections (1)* and *(2)* have been satisfied in full, the social worker or counsellor shall give to the adopted person a written document certifying that the adopted person has met the social worker or counsellor and discussed with him or her the matters referred to in *subsection (2)*. 35
- (6) The document to which *subsection (5)* refers shall be taken as proof, unless the contrary is established, that the conditions in this section have been satisfied. 40



PART 3

PROVISIONS RELATING TO NATURAL PARENTS

**Right of a natural parent to information regarding his or her natural child**

9. (1) Subject to *subsections (2), (3), (4), (5), (6) and (7)* and *section 11*, and notwithstanding any provision to the contrary in any enactment other than this Act or in any agreement entered into by the natural parent, a natural parent aged 18 or over shall be entitled to apply for and on application shall be given any and all personal data held by any one or more of the following in respect of the birth, placement for adoption, procurement of adoption, and adoption of a child of the natural parent— 5
- (a) an tArd-Chláráitheoir, 10
  - (b) the Adoption Authority,
  - (c) an “accredited body” as defined by section 3 of the Act of 2010,
  - (d) a body of persons or society that was, at any time, an “accredited body” as defined by section 10 of the Act of 2010 or that was, at any time, a body of persons or society registered in the Adoption Societies Register maintained under section 35 of the Adoption Act 1952, 15
  - (e) the Child and Family Agency,
  - (f) the Health Service Executive, and
  - (g) any body or person that holds records relating to the birth, placement for adoption, procurement of an adoption, or adoption of one or more adopted persons. 20
- (2) For the purpose of this section “personal data” shall include—
- (a) personal data relating to the natural parent making the application, and
  - (b) personal data relating to an adopted person (including the certificate of adoption of the adopted person) in respect of whom the applicant is a natural parent, provided always that the adopted person is aged 18 or over at the time the application is made and provided that the personal data does not include the Personal Public Service number of any person. 25
- (3) For the purpose of this section “child” means an adopted person aged 18 or over in respect of whom the natural parent is a natural parent whether or not he or she is also or has also been a legal parent of that child. 30
- (4) (a) The bodies and persons named in *subsection (1)* shall not provide any personal data to a natural parent that would allow him or her to identify an adopted person unless and until the conditions contained in *sections 10 and 12* have been satisfied. 35
- (b) Personal data relating to an adopted person aged under the age of 18 shall not be released under this section to any person.
- (5) A body or person named in *subsection (1)* shall not provide any personal data to a natural parent that would allow him or her to identify an adopted person if the

adopted person has informed the Authority in writing within 6 months of the Authority receiving or being informed of an application under this section that he or she does not wish such personal data to be made available to the natural parent.

- (6) A body or person named in *subsection (1)* shall not provide any personal data to a natural parent that would allow him or her to make contact with an adopted person if the adopted person has informed the Authority in writing within 6 months of the Authority receiving or being informed of an application under this section that he or she does not wish to be contacted by or to make contact with the natural parent. 5
- (7) This section shall not apply in respect of records relating to an adopted person held by— 10
- (a) an adopted person in relation to his or her own adoption,
  - (b) a natural parent in relation to the adoption of his or her natural child,
  - (c) an adoptive parent in relation to the adoption of his or her adopted child, or
  - (d) a person who holds records relating to an adoption of or by a relative of that person or relating to the adoption of the child of a relative of that person. 15

#### **Steps to be taken by the Authority - relating to natural parent**

10. (1) Where an application is made under *section 9*, the body or person to which such an application is made (unless it is the Authority) shall, within 14 days of the application, notify the Authority in writing of the application.
- (2) Where the Authority receives an application under *section 9* or receives notification under *subsection (1)* it shall, within 30 days of such notification, take reasonable steps to— 20
- (a) ascertain, in consultation with the Department of Social Protection, the identity and current address of the adopted person,
  - (b) contact the adopted person, 25
  - (c) inform the adopted person of the application under *section 9* and inform the adopted person that the Authority proposes to allow the natural parent to access records relating to the adopted person's birth and adoption including (where relevant) his or her certificate of adoption,
  - (d) emphasise to the adopted person the benefit to him or her of knowing his or her identity and having knowledge of his or her origins, 30
  - (e) emphasise the benefit for the adopted person of being given medical information about his or her blood relations,
  - (f) inform the adopted person that he or she has a right to privacy in respect of the adoption, 35
  - (g) offer support and counselling to the adopted person,
  - (h) include a notice, in plain and intelligible language, informing the person to whom it is addressed that the identification of a person as an adopted person or natural parent and any contact made between an adopted person and natural parent—

- (i) shall not alter the legal status of the adopted person as the child of the adoptive parent or adoptive parents,
  - (ii) shall not affect or change in any way the existing legal rights and responsibilities of the adopted person, the natural parents or adoptive parents (other than the right to information conferred by this Act), 5
  - (iii) shall not confer upon the adopted person any rights or responsibilities in respect of the property or person of the natural parents, and
  - (iv) shall not confer upon the natural parent any rights or responsibilities in respect of the property or person of the adopted person,
- and 10
- (i) give to the adopted person a document in a form to be prescribed by the Minister which would allow the adopted person to make known his or her wishes regarding the release of information to the natural parent and contact with the natural parent, in accordance with *section 11*.
- (3) In contacting a person under this section, the Authority shall make every effort to ensure that the privacy of the natural parents, of the adopted person and of the adoptive parents is respected. 15
- (4) (a) The Authority shall not attempt and shall not be required to attempt to contact a person whom it knows, on reliable information, to be deceased.
- (b) Where the Authority has determined, on reliable information, that a person is deceased, it shall be deemed for the purpose of *subsection (2)* to have taken reasonable steps to contact that person. 20
- (5) For the purpose of *section 9*, the conditions contained in this section shall be deemed to have been satisfied where—
- (a) the Authority has taken or is deemed under *subsection (4)* to have taken the reasonable steps set out in *subsection (2)*, and 25
  - (b) 6 months have passed since the Authority received or was notified of the application under *section 9*.
- (6) For the purpose of *section 9* and *subsection (5)*, where—
- (a) the Authority, having taken reasonable steps to do so, has not succeeded in identifying the adopted person, 30
  - (b) the Authority, having taken reasonable steps to do so, has not succeeded in contacting the adopted person, or
  - (c) in a case where the Authority has made contact with the adopted person, he or she does not respond to the Authority, 35
- the Authority shall, notwithstanding, be deemed to have taken reasonable steps as required by this section provided 6 months have passed since the Authority received or was notified of the application by the natural parent made under *section 9*.
- (7) As soon as reasonably possible after the conditions set out in *subsection (5)* have been satisfied or are deemed to have been satisfied, the Authority shall, in writing, inform 40

the person who made the application and the relevant body or person to whom the application under *section 9* was made (other than the Authority itself) that the Authority has complied with this section.

- (8) Notwithstanding any other provision in this Act, where a person has applied under *section 9*, and the Authority has not satisfied the conditions set out in this section within 6 months after it first received or was first notified of the application under *section 9*, the requirement to comply with this section shall no longer apply in respect of the application made by the natural parent under *section 9*. 5
- (9) Where an adopted person wishes to communicate in writing with his or her natural parent or where a natural parent wishes to communicate in writing with the adopted person, the Authority shall make arrangements for the exchange of such communications, provided that in making such arrangements for the specific purpose of this subsection, the Authority shall not release to either the adopted person or the natural parent any information other than that which the writer of the communication has included in the communication. 10 15
- (10) For the purpose of *subsection (9)*, a communication may include medical information or a request for medical information relating to the adopted person, natural parent or relatives of the natural parent.

#### **Wishes of the adopted person regarding identification and contact**

11. (1) Where the Authority has contacted an adopted person, and the adopted person has informed the Authority in writing that he or she— 20
- (a) wishes to make contact with the natural parent,
  - (b) wishes to make contact with the natural parent but subject to stated conditions,
  - (c) wishes his or her identity to be made known to the natural parent,
  - (d) does not wish to be contacted by the natural parent but wishes to obtain certain information (including medical information) from or make certain information known to the natural parent, 25
  - (e) does not wish to be contacted by the natural parent until further notice,
  - (f) does not wish to be contacted by the natural parent, or
  - (g) does not wish his or her identity to be made known to the natural parent, 30
- the Authority shall make the adopted person's wishes known to the natural parent.
- (2) A body or person named in *subsection (1) of section 9* shall not provide any personal data held in respect of the adopted person to a natural parent that would allow him or her to identify or contact an adopted person if the adopted person has informed the Authority in writing, within 6 months of the date on which the Authority received an application or notification of an application under *section 9*, that he or she does not wish such personal data to be made available to the natural parent. 35
- (3) Notwithstanding any provision of this Act, where, within 6 months of the date on which the Authority received an application or notification of an application under *section 9*, an adopted person has informed the Authority in writing that the or she— 40

- (a) does not wish to be contacted by the natural parent but wishes to obtain certain information from or make certain information known to the natural parent, or both,
  - (b) does not wish to be contacted by the natural parent until further notice,
  - (c) does not wish to be contacted by the natural parent, or 5
  - (d) does not wish his or her identity to be made known to the natural parent, neither the Authority nor any other person or body to which *section 9* of this Act applies shall give to a natural parent the contact details of that adopted person.
- (4) In this section “contact details” means information that would allow a person to contact the adopted person either directly or through a third party, including (but not limited to) a current or former mailing address, a current or former telephone or fax number, a current or former electronic mail address and a current or former social media address, handle or identity, but otherwise shall not include personal data that would allow the natural parent to identify the adopted person without making contact with him or her unless the adopted person has indicated in accordance with this Act that he or she does not wish to be identified to the natural parent. 10 15
- (5) In this section “contact details” do not include any such particulars as are contained in an entry in the register of adoptions in respect of an adopted person, unless the adopted person has indicated in accordance with this Act that he or she does not wish to be identified to the natural parent, in which case *subsection (2)* applies. 20

**Advisory meeting with social worker or counsellor - natural parent**

12. (1) A natural parent who wishes to obtain personal data under *section 9* shall first, as a precondition to such access, attend an advisory meeting with a social worker or counsellor at a date agreed with the natural parent.
- (2) At this meeting, the social worker or counsellor shall discuss the following with the natural parent— 25
- (a) the potential impact on the adopted person, the natural parents and the adoptive parents and any other relevant person, of exercising the right conferred by *section 9*;
  - (b) the potential impact on the privacy rights of the adopted person, the natural mother, of the natural father (where relevant), and of any other relevant person of exercising the right conferred by *section 9*; 30
  - (c) the potential impact (emotional and otherwise) on the adopted person, the natural parents and the adoptive parents and any other relevant person, of approaching, making contact with or attempting to make contact with the adopted person or any other person following the exercise of the right conferred by *section 9*; and 35
  - (d) the desirability of respecting any concerns or wishes (including concerns or wishes relating to privacy) that the adopted person, natural mother, natural father or any other relevant person has expressed or may have or express in relation to a proposal by the natural parent to make contact with any person following the exercise of the right conferred by *section 9*. 40

- (3) At this meeting, the social worker or counsellor and the natural parent may discuss any other matter either person believes to be relevant.
- (4) As soon as reasonably possible after this meeting, and where the conditions of *subsections (1) and (2)* have been satisfied in full, the social worker or counsellor shall inform the Authority in writing that the natural parent has met with the social worker or counsellor and discussed with him or her the matters referred to in *subsection (2)*. 5
- (5) Where an application has been made under *section 9*, and where the conditions of *subsections (1) and (2)* have been satisfied in full, the social worker or counsellor shall give to the natural parent a written document certifying that the natural parent has met with the social worker or counsellor and discussed with him or her the matters referred to in *subsection (2)*. 10
- (6) The document to which *subsection (5)* refers shall be taken as proof, unless the contrary is established, that the conditions in this section have been satisfied.

#### PART 4

15

##### DUTY TO DELIVER RECORDS TO THE ADOPTION AUTHORITY

#### **Relevant bodies and persons to deliver records to Adoption Authority**

- 13. (1) As soon as is practicable after this section comes into operation, and no later than 1 year after that date, every relevant body or person shall give to the Authority a copy of all records held by that body or person in respect of any birth, placement for adoption, procurement of an adoption, or adoption of any adopted person. 20
- (2) For the purpose of this section, a “relevant body or person” means—
  - (a) an “accredited body” as defined by section 3 of the Act of 2010,
  - (b) a body or person which was at any time recognised as a registered adoption society under Part IV of the Adoption Act 1952, whether or not it is or has been an “accredited body” as defined by section 3 of the Act of 2010, 25
  - (c) the Child and Family Agency,
  - (d) the Health Service Executive, and
  - (e) any body or person that holds records relating to the birth, placement for adoption, procurement of an adoption or adoption of one or more adopted persons. 30
- (3) This section shall not apply in respect of records relating to an adopted person held by—
  - (a) an adopted person in relation to his or her own adoption,
  - (b) a natural parent in relation to the adoption of his or her natural child, 35
  - (c) an adoptive parent in relation to the adoption of his or her adopted child,
  - (d) a person who holds records relating to an adoption of or by a relative of that

- person or relating to the adoption of the child of a relative of that person, and
- (e) an tArd-Chláraitheoir.

## PART 5

### FINAL PROVISIONS

#### **Additional duties of the Authority**

5

- 14.** In fulfilling its functions under this Act, the Authority shall make every reasonable effort to ensure that the health (including psychiatric health) and emotional and social welfare of the adopted person, the natural parents and the adoptive parents is safeguarded.

#### **Effect of this Act**

- 15.** (1) Nothing in this Act shall affect the validity of any adoption order, or change the status in law of any adopted person, adoptive parent or natural parent. 10
- (2) Without prejudice to the generality of *subsection (1)*, nothing in this Act shall affect the operation of Part 8 of the Act of 2010 and in particular, section 58 thereof.

#### **Regulations**

- 16.** (1) The Minister may make regulations— 15
- (a) prescribing any matter or thing referred to in this Act as prescribed or to be prescribed, and
- (b) generally for the purpose of giving effect to this Act.
- (2) Regulations made under this Act may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient. 20

An Bille Uchtála (Féiniúlacht agus Faisnéis),  
2014

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# BILLE

(mar a ritheadh ag Seanad Éireann)

*dá ngairtear*

Acht dá cheadú do dhaoine uchtaithe deimhniú breithe a fháil agus rochtain a fháil ar fhaisnéis a bhaineann lena bhféiniúlacht, lena mbunadh agus le himthosca a mbreithe, faoi réir cosaintí réasúnacha do dhéanamh beart maidir le staid thuismitheoirí nádúrtha agus thuismitheoirí uchtála na ndaoine uchtaithe sin; do cheadú do thuismitheoirí nádúrtha ceart a bheith acu rochtain a fháil ar fhaisnéis áirithe, faoi réir mhianta an duine uchtaithe, agus dá cheangal ar chomhlachtaí agus ar dhaoine áirithe taifid a sheachadadh ar an údarás uchtála.

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*Ritheadh ag Seanad Éireann,*

*18 Feabhra, 2015*

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Adoption (Identity and Information) Bill  
2014

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# BILL

(as passed by Seanad Éireann)

*entitled*

An Act to allow adopted persons to obtain a certificate of birth and to access information relating to their identity, origins and the circumstances of their birth, subject to reasonable safeguards to address the position of the natural parents and of the adoptive parents of such adopted persons; to allow natural parents a right to access certain information, subject to the wishes of the adopted person, and to require certain bodies and persons to deliver records to the adoption authority.

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*Passed by Seanad Éireann,*

*18th February, 2015*

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BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
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