



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UCHTÁLA (FÉINIÚLACHT AGUS FAISNÉIS), 2014 —AN COISTE

### ADOPTION (IDENTITY AND INFORMATION) BILL 2014 —COMMITTEE STAGE

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 2

1. In page 6, line 35, after “the” where it secondly occurs to insert the following:

“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 ”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

2. In page 7, to delete lines 3 and 4 and substitute the following:

“(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,”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

3. In page 7, line 5, to delete “is placed” and substitute “is, was or has been placed”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

4. In page 7, line 5, after “2001” to insert “or equivalent legislation”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

5. In page 7, line 6, to delete “has been placed” and substitute “is, was or has been placed”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

6. In page 7, to delete lines 21 to 25 and substitute the following:

“ “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;”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

[SECTION 2]

7. In page 7, line 28, after “2010),” to insert “former and surviving spouse, former and surviving civil partner, former and surviving cohabitant,”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 3

8. In page 8, line 20, to delete “person.” and substitute the following:

“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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 4

9. In page 8, between lines 29 and 30, to insert the following:

“(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;”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 5

10. In page 9, between lines 6 and 7, to insert the following:

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

5. (1) In this section—

“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;

“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
- (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

[SECTION 5]

a correct or true record of the circumstances or facts therein recorded,

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 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—
  - (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
  - (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.
- (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.
- (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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

11. In page 9, line 32, after “relations” to insert the following:

“and protect, as a right, access for adopted persons to their birth family’s relevant medical history”.

—*Senator David Cullinane.*

[SECTION 5]

12. In page 11, between lines 19 and 20, to insert the following:

“(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 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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 6

13. In page 12, line 7, after “address” to insert “(other than an address listed for a natural parent in the relevant entry in the register of births)”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

14. In page 12, line 8, to delete “or a” and substitute “and a”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

15. In page 12, between lines 11 and 12, to insert the following:

“(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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 7

16. In page 12, lines 19 and 20, to delete “adoptive parents” and substitute “adoptive family”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

17. In page 12, line 26, to delete “adoptive parents” and substitute “adoptive family”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 8

18. In page 13, between lines 18 and 19, to insert the following:

“(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,”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

[SECTION 9]

SECTION 9

19. In page 16, between lines 9 and 10, to insert the following:

“(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) 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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

SECTION 10

20. In page 16, line 24, to delete “data” and substitute “data held in respect of the adopted person”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

21. In page 16, line 33, to delete “adopted person” and substitute “natural parent”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

22. In page 16, line 35, to delete “adopted person” and substitute “natural parent”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

23. In page 16, line 36, to delete “adopted person” and substitute “natural parent”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

24. In page 17, line 4, to delete “or a” and substitute “and a”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

25. In page 17, line 5, to delete “identity.” and substitute the following:

“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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*

26. In page 17, between lines 5 and 6, to insert the following:

“(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.”.

—*Senators Averil Power, Jillian van Turnhout, Fidelma Healy Eames.*