



An Bille Uchtála (Faisnéis agus Lorgaireacht), 2016
Adoption (Information and Tracing) Bill 2016

Mar a tionscnaíodh

As initiated



**AN BILLE UCHTÁLA (FAISNÉIS AGUS LORGAIREACHT), 2016
ADOPTION (INFORMATION AND TRACING) BILL 2016**

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ACTS REFERRED TO

Adoption Act 1952 (No. 25)
Adoption Act 2010 (No. 21)
Child and Family Agency Act 2013 (No. 40)
Child Care Act 1991 (No. 17)
Civil Registration Act 2004 (No. 3)
Civil Registration Acts 2004 to 2015
Data Protection Act 1988 (No. 25)
Data Protection Acts 1988 and 2003
Medical Practitioners Act 2007 (No. 25)



**AN BILLE UCHTÁLA (FAISNÉIS AGUS LORGAIREACHT), 2016
ADOPTION (INFORMATION AND TRACING) BILL 2016**

Bill

entitled

An Act to provide for the acquisition and maintenance by the Adoption Authority of Ireland of records relating to the adoption, incorrect registration or placement in informal care arrangements of children; to provide for the establishment and maintenance of a register to be known as the Register of Adoption Contact Enquiries; to provide for the making available by the Child and Family Agency of a service for the tracing of certain persons, their birth relatives and other persons, and of a service for the provision of information to and facilitation of contact between such persons; to amend the Adoption Act 2010; to amend the Child and Family Agency Act 2013; and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

PART 1 15

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Adoption (Information and Tracing) Act 2016.
- (2) This Act comes into operation on such day or days as the Minister may appoint by order or orders, either generally or with reference to any particular purpose or provision, and different days may be appointed for different purposes or different provisions. 20

Interpretation

2. (1) In this Act—
 - “accredited body” has the same meaning as it has in the Act of 2010; 25
 - “Act of 2010” means the Adoption Act 2010;
 - “adopted child” means an adopted person who has not attained the age of 18 years;
 - “adopted person” means a person—

- (a) adopted under an adoption order,
 - (b) born in the State and placed for adoption outside the State by An Bord Uchtála, a person who was at the time a registered adoption society, the Authority or the Agency, and whose adoption was effected outside the State, or
 - (c) otherwise adopted in accordance with the law in force in the State at the time of that adoption; 5
- “adoption order” has the same meaning as it has in the Act of 2010;
- “adoptive parent” means, in relation to an adopted child, a person who has adopted him or her, and includes a person who is, for the time being, a guardian of the adopted child; 10
- “Agency” means the Child and Family Agency;
- “application under *Part 5*” means an application under *section 23(1), 23(2), 30(1), 32(1), 33(1), 34(1), 35(1), 36(1), 37(1), 38(1) or 39(2)*;
- “authorised officer” means an authorised officer appointed under *section 13(9)*;
- “Authority” means the Adoption Authority of Ireland; 15
- “birth certificate information” means, in relation to a person—
- (a) his or her forename and surname at the time of his or her birth,
 - (b) the date of his or her birth,
 - (c) the place at which he or she was born, and
 - (d) the forename and surname of the person’s birth mother at the time of the birth mother’s birth; 20
- “birth father” means, in relation to a person, the man who, at the time of the person’s birth, was his or her father;
- “birth mother” means, in relation to a person, the woman who gave birth to him or her; 25
- “birth parent” means, in relation to a person, his or her birth mother or birth father;
- “birth parent information” means, in relation to a person, the following information relating, at the time of the person’s birth, to a birth parent of the person:
- (a) his or her age;
 - (b) his or her civil status (within the meaning of section 2(1) of the Civil Registration Act 2004); 30
 - (c) in the case of the person’s birth mother, and where applicable, the date of her entry into, and discharge from, the place at which the birth took place;
 - (d) the county in Ireland in which he or she resided;
 - (e) the county or counties in Ireland in which he or she resided before the birth; 35
 - (f) the places outside the State in which he or she resided before the birth;
 - (g) his or her nationality, religion (if of any religion), race and ethnicity;

- (h) the education and training received by him or her;
 - (i) his or her occupation;
 - (j) his or her talents, hobbies and special interests;
 - (k) his or her physical appearance, including his or her height, hair colour and eye colour; 5
- “birth relative” means, in relation to a person—
- (a) a relative of his or her birth mother or birth father, or
 - (b) a person who would, but for the adoption of any person, be a relative of his or her birth mother or birth father;
- “birth relative information” means, in relation to a person, the following information: 10
- (a) whether the person has a birth relative, whether living or deceased;
 - (b) where the person has a birth sibling—
 - (i) the sex of the birth sibling, and
 - (ii) whether the birth sibling is older or younger than the person;
- “birth sibling” means, in relation to a person, a person who shares the same birth mother or birth father, or both, as him or her; 15
- “child” means a person who is under the age of 18 years;
- “early life information”, subject to *subsection (2)*, means, in relation to a person, information that relates to him or her in the period following his or her birth and includes— 20
- (a) the place at which he or she resided and the person who was in charge of that place,
 - (b) where applicable, the date and place of his or her baptism or any other ceremony of a religious or spiritual nature performed in the period in respect of him or her,
 - (c) where applicable, any person who made arrangements for his or her adoption, whether or not an adoption was effected in respect of him or her, 25
 - (d) where applicable, the date on which he or she was made the subject of a foster care arrangement or placed with prospective adopters;
- “incorrect registration” means the incorrect registration under the Civil Registration Acts 2004 to 2015 in the register of births of the birth of a child, where either or both of the following occurs: 30
- (a) the name of a person who is not a birth parent of the child is entered in the register of births as a parent of the child;
 - (b) the name of the birth mother of the child is not entered in the register of births as the mother of the child; 35
- “informal care arrangement” means an arrangement, other than a foster care arrangement or a private foster care arrangement, pursuant to which a child is placed in the long term care or custody of a person other than—

(a) a birth parent or guardian of the child, or	
(b) a person who is, or becomes, the adoptive parent of the child;	
“information source” means—	
(a) the Agency,	
(b) the Department of Foreign Affairs and Trade,	5
(c) any person who is, or has been, an accredited body,	
(d) a registered adoption society, and	
(e) a person prescribed under <i>section 7</i> to be an information source;	
“medical information” means, in relation to a person, information relating to his or her medical history,	10
“medical information relating to a birth relative” means, in relation to a person, information relating to the medical history of a birth relative of the person, which the Agency is satisfied, having regard to any guidelines issued under <i>section 40(8)</i> , is, or is likely to be, of relevance to the maintenance or management of the physical or mental health of the person or of a relative of the person;	15
“Minister” means the Minister for Children and Youth Affairs;	
“National Adoption Contact Preference Register” means the National Adoption Contact Preference Register maintained by the Authority prior to the coming into operation of <i>section 14</i> ;	
“personal data” has the meaning assigned to it by section 1 of the Data Protection Act 1988;	20
“prescribed” means prescribed by the Minister by regulations under this Act;	
“private foster care arrangement” has the meaning it has in Part IVB of the Child Care Act 1991;	
“provided items” means letters, photographs, mementoes or other documents or objects held by the Agency or the Authority that have been provided, whether to the Agency, Authority or any other person, by or on behalf of a birth parent of a relevant person for the purpose of their being made available to the relevant person in the event that they were to be sought by or on behalf of him or her, whether the items have been so provided before, on or after the date on which—	25
(a) this section comes into operation, or	30
(b) the relevant person became a relevant person;	
“record” means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means;	35
“register” means the Register of Adoption Contact Enquiries established under <i>section 14</i> ;	

“register of births”, means a register of births maintained by An tArd-Chláraitheoir under section 13(1)(a) of the Civil Registration Act 2004, as amended, or under the repealed enactments (within the meaning of that Act);

“registered adoption society” means a person who was a registered adoption society within the meaning of section 3 of the Adoption Act 1952; 5

“registered medical practitioner” has the same meaning as it has in the Medical Practitioners Act 2007;

“relative” means, in relation to a person, a parent, guardian, spouse, civil partner, grandparent, son, daughter, grandchild, brother, sister, uncle or aunt of the person—

- (a) whether the relationship is of the whole blood or half blood, or by marriage, 10
- (b) whether or not the relationship depends on the adoption of a person, and
- (c) whether the relationship is traced through the mother or the father or, as the case may be, the birth mother or the birth father;

“relevant guardian” means, in relation to an adopted person, the person who, at the time of the adoption of the adopted person, was his or her guardian and— 15

- (a) consented, in accordance with section 26 of the Act of 2010, to the making of an adoption order in respect of the adopted person, or
- (b) otherwise, and in accordance with the law in force in the State at the time of the adoption, consented to the adoption;

“relevant information” means, in relation to a person— 20

- (a) birth relative information,
- (b) birth parent information,
- (c) early life information,
- (d) medical information,
- (e) medical information relating to a birth relative, 25
- (f) provided items,
- (g) birth certificate information, and
- (h) the forename and surname of his or her birth father;

“relevant person” means—

- (a) an adopted person, 30
- (b) a person who is or has been the subject of an incorrect registration, or
- (c) a person who has been the subject of an informal care arrangement;

“relevant record” means a record—

- (a) relating to the circumstances which led to a person becoming a relevant person,

- (b) relating to any communication or enquiry made to the Authority, the Agency, an accredited body or any other person in relation to the placing of a child for adoption, or
 - (c) containing relevant information in relation to a relevant person,
- and includes— 5
- (i) any information relating to the National Adoption Contact Preference Register, and
 - (ii) any record relating to the matters referred to in *paragraph (a), (b) or (c)* that is obtained by the Agency, the Authority or an accredited body in the performance by it of its functions under *Part 2, 3, 4 or 5*. 10
- (2) For the purpose of the definition of “early life information” in *subsection (1)*, the period referred to in that definition shall, in the case of an adopted person, be deemed to end on the date on which he or she became an adopted person.
- (3) A reference in this Act to the making of arrangements for the adoption of a child shall be construed in accordance with sections 4 and 5 of the Act of 2010. 15
- (4) The jurisdiction conferred on the Circuit Court by *Part 5* shall be exercised by a judge of the Circuit Court for the time being assigned to the Dublin Circuit.

Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed. 20
- (2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (3) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under it. 25

Expenses

4. The expenses incurred by the Minister in the administration of this Act are, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, to be paid out of moneys provided by the Oireachtas. 30

Allocation of moneys for performance of functions by Agency and Authority

5. (1) The Agency shall, in each financial year, out of such moneys as are available to it for that financial year from moneys provided by the Oireachtas, allocate such amount as the Minister determines, with the consent of the Minister for Public Expenditure and Reform, for the operation and administrative costs arising from its obligations under this Act. 35

- (2) The Authority shall, in each financial year, out of such moneys as are available to it for that financial year from moneys provided by the Oireachtas, allocate such amount as the Minister determines, with the consent of the Minister for Public Expenditure and Reform, for the operation and administrative costs arising from its obligations under this Act. 5

Person may authorise another to make application under *section 12(2)* or *Part 5*

6. (1) A person who is entitled to make an application under *section 12(2)* or *Part 5* may authorise, in writing and in such manner as may be specified by the Agency, another person, being a person who has attained the age of 18 years, to make the application on his or her behalf and, for the purposes of that application, to act on his or her behalf. 10
- (2) The Agency and the Authority, in performing their functions under this Act in relation to an application to which *subsection (1)* applies, shall satisfy themselves as to the identity of a person authorised under this section to act on behalf of the applicant.
- (3) A person who has given an authorisation under *subsection (1)* may, at any time and in such manner as may be specified by the Agency, withdraw the authorisation. 15
- (4) The withdrawal under *subsection (3)* of an authorisation is without prejudice to anything previously done under it.

PART 2

SAFEGUARDING RELEVANT RECORDS

20

Minister may prescribe person to be information source

7. The Minister may, for the purposes of *paragraph (e)* of the definition in *section 2(1)* of “information source”, prescribe to be an information source a person who the Minister reasonably believes has, at any time, made or attempted to make arrangements for the adoption of a child. 25

Information source or other person to transfer relevant records where directed by Authority

8. (1) An information source shall, not later than 3 months after the date on which this section comes into operation, or the date on which the person is prescribed under *section 7* to be an information source, whichever is the later, furnish to the Authority a statement, in such form as may be specified by the Authority, of the relevant records in its possession. 30
- (2) Where an information source—
- (a) has furnished a statement in accordance with *subsection (1)*, and
- (b) subsequent to such furnishing, becomes aware that a relevant record was in its possession on the date of the statement but was not included in the statement, 35

it shall, as soon as practicable but in any event not later than 6 weeks after the date on which *paragraph (b)* applies, furnish to the Authority a statement, in such form as may be specified by the Authority, of the record and of the reasons why the record was not included in the statement under *subsection (1)*.

- (3) A statement under *subsection (1)* or *(2)* shall state, in relation to the relevant record concerned, its nature, current location and condition. 5
- (4) Where the Authority receives a statement under *subsection (1)* or *(2)*, it shall, not later than 6 months following such receipt and in accordance with *subsection (5)*, issue to the information source concerned a direction in writing, directing it to transfer to the Authority, on the date specified in the direction, the relevant records specified in the direction. 10
- (5) The date specified in a direction under *subsection (4)* shall be—
 - (a) not later than 6 months after the date of the direction, or
 - (b) where the Authority is not satisfied that it will be in a position to take the relevant records concerned into its charge by a date referred to in *paragraph (a)*, such later date as is approved by the Minister. 15
- (6) The Authority may issue to a person, being a person other than an information source, who is in possession of a relevant record, a direction in writing directing the person to transfer to the Authority, on the date specified in the direction, the relevant records specified in the direction. 20
- (7) The Authority shall make all necessary arrangements in respect of the transfer to it of records pursuant to a direction under this section or pursuant to *section 9*, including all necessary arrangements to ensure safe receipt by it of the records concerned.

Information source or other person may transfer relevant record

9. (1) An information source, other than the Agency, may transfer a relevant record to the Authority, notwithstanding that the Authority has not issued it with a direction under *section 8(4)* in respect of the record concerned. 25
- (2) A person, other than an information source, who is in possession of a relevant record, may transfer the relevant record to the Authority, notwithstanding that the Authority has not issued it with a direction under *section 8(6)* in respect of the record concerned. 30

Authority to retain and obtain relevant records

10. (1) The Authority shall, insofar as such records are held by it, retain relevant records in respect of each person who is the subject of an adoption order made before the date on which this section comes into operation.
- (2) Where, on or after the date on which this section comes into operation, the Authority makes an adoption order— 35
 - (a) the Authority shall, insofar as such records are available to it, obtain and retain relevant records in respect of the adopted child who is the subject of the order, and

- (b) an information source shall, not later than 3 months after the date on which the adoption order was made, transfer to the Authority all relevant records relating to the adoption concerned that are in the possession of the information source.
- (3) Where the Agency, in the performance of its functions under this Act, creates or obtains a relevant record relating to a person who is or was the subject of an incorrect registration or was the subject of an informal care arrangement, it shall transfer the information to the Authority. 5

Authority to maintain relevant records

- 11. (1) The Authority shall maintain, in accordance with this section, all relevant records—
 - (a) held by it on the date on which this section comes into operation, 10
 - (b) transferred to it pursuant to *section 8*,
 - (c) transferred to it under *section 9*,
 - (d) retained or obtained by it under *section 10(1)* or *(2)*, or
 - (e) transferred to it under *section 10(2)(b)* or *(3)*.
- (2) The Authority shall ensure that— 15
 - (a) an index of the records referred to in *subsection (1)* is prepared, and
 - (b) a searchable electronic database of the records is created and maintained.
- (3) The Minister may, at any time, issue guidelines in writing to the Authority in relation to the performance by it of its functions under this section, and the Authority shall comply with such guidelines. 20

Access to relevant records held under *section 11*

- 12. (1) Subject to this section, the Authority shall grant access to the relevant records held by it under *section 11(1)* and to the index and electronic database referred to in *section 11(2)* to the following persons only:
 - (a) persons (whether employees of the Authority or otherwise) authorised by the Authority to access the records, index and database for the purpose of performance by it of its functions under *section 11*; 25
 - (b) persons (whether employees of the Agency or otherwise) authorised by the Agency to access the records, index and database for the purpose of the performance by the Agency or an accredited body of its functions under *Part 4* or 30
5.
- (2) A person who, having applied under *Part 5* to the Agency for information, has been provided, in accordance with that Part, with information, may apply to the Authority, in such manner as may be specified by the Authority, for access, in accordance with this section, to the relevant records containing the information concerned that are held 35
by the Authority under *section 11(1)*.

- (3) The Authority, on receipt of an application under *subsection (2)*, shall, in consultation with the Agency, make arrangements for the provision to the applicant of the access concerned.
- (4) Nothing in *subsection (3)* shall be construed as authorising the Agency or the Authority to provide an applicant with access to a relevant record, or a part of such a record, that contains information that has not been provided under *Part 5* to the applicant. 5

Search powers

- 13. (1) An authorised officer may, for a purpose referred to in *subsection (12)*, do any of the following: 10
 - (a) subject to *subsections (3) and (5)*, enter and inspect any place, being a premises of a person referred to in *subsection (12)* at which the Authority has reasonable grounds to believe that a relevant record is being kept;
 - (b) at such place inspect and take copies of any relevant records (including records stored in non-legible form), or extracts therefrom, that he or she finds in the course of his or her inspection; 15
 - (c) require any person at any such place, including the owner or person in charge of the place, to produce to the authorised officer such records (and in the case of records stored in non-legible form, produce to him or her a legible reproduction thereof) that are in that person’s possession or procurement, or under that person’s control, as that authorised officer may reasonably require for the purposes of his or her functions under this section; 20
 - (d) subject to an order being obtained for such purpose from the District Court under *subsection (7)*, seize and retain any such records from such place and take any other steps which appear to the authorised officer to be necessary for preserving or preventing interference with such records; 25
 - (e) where there is data equipment at the place which the authorised officer reasonably believes is or has been used in connection with the production or storage of a relevant record, require any person—
 - (i) who uses the data equipment or on whose behalf the data equipment is used, 30
or
 - (ii) having charge of, or who is otherwise concerned with the operation of, such equipment,
to afford the authorised officer all reasonable assistance in relation to the operation of such equipment and any associated apparatus or material; 35
 - (f) require any person at the place concerned, including the owner or person in charge of that place, to give the authorised officer such information and assistance as the authorised officer may reasonably require for the purposes of his or her functions under this section.
- (2) Subject to *subsection (5)*, an authorised officer may use reasonable force, if necessary, to enter a place referred to in *subsection (1)(a)*, to exercise his or her powers under this section. 40

- (3) An authorised officer may enter and inspect a place under *subsection (1)*—
- (a) at any time during normal business hours with or without prior notice to the person in charge of the place where an authorised officer reasonably believes that relevant records are being kept at that place, and
 - (b) at any other time on reasonable notice to the person in charge of the place. 5
- (4) When performing a function under this section, an authorised officer may, subject to any warrant under *subsection (6)*, be accompanied by such number of other authorised officers or members of An Garda Síochána as he or she considers appropriate.
- (5) An authorised officer shall not enter a dwelling other than—
- (a) with the consent of the occupier, or 10
 - (b) pursuant to a warrant under *subsection (6)*.
- (6) Upon the sworn information of an authorised officer, a judge of the District Court may, for the purposes of enabling an authorised officer to carry out an inspection of a place at which the authorised officer has reasonable grounds for believing a relevant record is being kept, issue a warrant authorising a named authorised officer 15
accompanied by such other authorised officers or members of An Garda Síochána as may be necessary, at any time or times, before the expiration of one month from the date of issue of the warrant, to enter the place (if necessary by using reasonable force) and exercise the powers of an authorised officer under *subsection (1)*.
- (7) The District Court may, on application to it in that behalf by the authorised officer 20
concerned, make an order authorising that officer, accompanied by such other authorised officers or members of An Garda Síochána as may be necessary, to exercise his or her powers under *subsection (1)(d)* where the Court is satisfied it is necessary for the purposes referred to in that subsection.
- (8) The jurisdiction conferred on the District Court by this section shall be exercised by a 25
judge of the District Court assigned to the District Court district in which the place referred to in *subsection (1)* is situate.
- (9) The Authority may appoint in writing such persons or classes of person as it considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this section. 30
- (10) An authorised officer appointed under *subsection (9)* shall be furnished with a warrant of his or her appointment and, when exercising a function conferred on him or her as an authorised officer, shall, if requested by a person affected, produce the warrant, or a copy of it, to that person.
- (11) An appointment under this section as an authorised officer shall cease— 35
- (a) if the Authority revokes the appointment,
 - (b) if the appointment is for a fixed period, on the expiry of that period, or
 - (c) in the case of a person who, on the date of the appointment, was a member of staff of the Authority, if he or she ceases to be a member of staff of the Authority.
- (12) The purposes referred to in *subsection (1)* are the purposes of ensuring compliance 40
by—

- (a) an information source with its obligations under this Act, or
 - (b) a person to whom a direction under *section 8(6)* is issued with the direction.
- (13) A reference in this section to a relevant record shall be construed, in the case of a person to whom *subsection (12)(b)* applies, as a reference to a relevant record specified in the direction referred to in that paragraph. 5
- (14) In this section, “place” includes—
- (a) a dwelling or a part thereof,
 - (b) a building or a part thereof, and
 - (c) a vehicle, whether mechanically propelled or not.

PART 3

10

REGISTER OF ADOPTION CONTACT ENQUIRIES

Register of Adoption Contact Enquiries

- 14.** (1) The Agency shall establish and maintain a register to be known as the Register of Adoption Contact Enquiries, and referred to in this Act as the “register”.
- (2) The purpose of the register shall be to— 15
- (a) record the name and contact details of persons to whom *subsection (3)* applies,
 - (b) record the statements made, or deemed to have been made, under *subsection (6)* by persons referred to in *paragraph (a)*,
 - (c) facilitate the Agency, and accredited bodies authorised under *section 21*, in the performance by them of their functions under *Parts 4* and *5*. 20
- (3) The following persons may apply, in accordance with this section, to have an entry made in the register in respect of him or her:
- (a) a person who is, or who believes himself or herself to be, a relevant person;
 - (b) a person who is, or who believes himself or herself to be, a birth parent of a relevant person; 25
 - (c) a person who is a relevant guardian in relation to an adopted person;
 - (d) the adoptive parent of an adopted child;
 - (e) a relative of a relevant person;
 - (f) a relative of a birth parent of a relevant person.
- (4) An application under *subsection (3)* shall be made in such manner, and accompanied 30 by such information, as the Agency, having regard to the matters referred to in *subsection (2)*, may specify.
- (5) A person may provide the Agency with a statement under *subsection (6)*—
- (a) when applying under *subsection (3)*, or

- (b) where there is an entry in the register in respect of him or her.
- (6) A person, in a statement under this subsection, may state, in relation to such person (“specified person”) as he or she may specify in the statement, whether he or she—
- (a) is seeking information in relation to the specified person and, if so, the nature of the information he or she is seeking, 5
 - (b) is willing to provide information to the specified person and, if so, the nature of the information he or she is willing to provide,
 - (c) is—
 - (i) seeking to have contact with the specified person,
 - (ii) willing to be contacted by the specified person, or 10
 - (iii) not willing to be contacted by the specified person.
- (7) The Agency, on receipt of an application made in accordance with *subsection (4)*, shall make an entry in the register in respect of the applicant concerned.
- (8) A person who makes an application under *Part 5* shall be deemed to have made an application to be entered in the register, and the Agency shall, on the basis of the information provided by the person in the application, make an entry in the register in respect of him or her. 15
- (9) Where, on the date on which this section comes into operation, an entry in the National Adoption Contact Preference Register in respect of a person who is a birth parent of a relevant person records that the birth parent does not wish to have contact with the relevant person— 20
- (a) the Agency shall make an entry in the register in respect of the birth parent concerned, and
 - (b) the wish of the birth parent shall be deemed to be, and shall be recorded in the entry in the register as, a statement made by him or her under *subsection (6)(c)(iii)*, in relation to the relevant person. 25
- (10) An entry in the register in respect of a person shall contain the following information:
- (a) his or her forename and surname (including any forename or surname previously used by him or her);
 - (b) his or her date of birth, if known to him or her; 30
 - (c) his or her address and such other contact details as the Agency may specify;
 - (d) the paragraph of *subsection (3)* that applies to him or her;
 - (e) any statement made by him or her under *subsection (6)*;
 - (f) such details relating to a person specified by him or her in his or her statement under *subsection (6)* as he or she may provide. 35
- (11) The person, in respect of whom there is an entry in the register, including an entry made under *subsection (8)* or *(9)*, may, in such manner as may be specified by the Agency, request the Agency to—

- (a) cancel the entry, or
 - (b) amend or remove any information, including a statement under *subsection (6)* contained in the entry.
- (12) The Agency shall comply with a request made in accordance with *subsection (11)*.
- (13) The information, including a statement referred to in *subsection (10)(e)*, contained in an entry in the register in respect of a person shall, for the purposes of this Act, be deemed to be accurate until the date on which the Agency receives a request in accordance with *subsection (11)* in relation to the information. 5

PART 4

TRACING 10

Interpretation (*Part 4*)

15. In this Part—

“accredited body” means an accredited body registered in the register of accredited bodies in respect of the activities referred to in section 4(k) of the Act of 2010;

“information” includes personal data. 15

Agency to provide tracing service

16. The Agency shall take all reasonable steps, in accordance with any guidelines under *section 19*, to locate a person where—

- (a) the person is specified in a statement made under *section 14(6)* (other than a statement under *paragraph (c)(iii)* of that subsection), 20
- (b) it is requested under *section 20* to facilitate contact between the person and a requester under that section,
- (c) the location of the person is required under *Part 5*, or
- (d) it considers it necessary to locate the person for the purpose of obtaining information relating to a person, for the purpose of the provision of this information, in accordance with *section 40*, to an applicant under *Part 5*. 25

Agency may request information

17. (1) Subject to *subsection (2)*, the Agency may request a person to provide it with, or with access to, information that is in the possession of, or under the control of, the person.

(2) A request under *subsection (1)* may be made only where the Agency reasonably requires the information concerned for the purposes of enabling it to— 30

- (a) perform the functions referred to in *section 16*, or
- (b) obtain information relating to a person for the purpose of the provision of this information, in accordance with *section 40*, to an applicant under *Part 5*.

- (3) Notwithstanding any enactment or rule of law, a person who receives a request made under *subsection (1)* shall comply with the request.
- (4) The Agency or an accredited body authorised under *section 21* shall not, other than as provided for by this Act, disclose information obtained by it pursuant to a request under *subsection (1)*.

5

Sharing of information

- 18.** (1) A relevant body may share a relevant record or other information with another relevant body if satisfied that the record or information is required by the other relevant body for the performance of its functions under this Act.
- (2) A relevant body that shares under *subsection (1)* a relevant record or other information shall do so in accordance with an agreement entered into under *subsection (3)* between it and the other relevant body concerned. 10
- (3) For the purposes of this section, there shall be entered into by a relevant body and each other relevant body with which it proposes to share information under *subsection (1)*, an agreement (“data exchange agreement”) which shall specify the procedures to be followed by each party to the agreement with respect to the sharing under that subsection of personal data. 15
- (4) A data exchange agreement may be varied by the parties to the agreement.
- (5) Where a relevant record or information is shared with a relevant body under *subsection (1)*, the relevant body shall not disclose that record or information other than in accordance with this Act. 20
- (6) The Data Protection Acts 1988 and 2003 shall apply to information shared under this section.
- (7) In this section “relevant body” means—
- (a) the Authority, 25
 - (b) the Agency,
 - (c) the Minister, and
 - (d) an accredited body that is authorised under *section 21*.

Guidelines (*Part 4*)

- 19.** (1) The Minister may issue guidelines for the purpose of providing practical guidance to the Agency in respect of the performance by it of its functions under this Part. 30
- (2) Guidelines under this section may include:
- (a) the procedures to be followed for the purpose of locating a person under *section 16*;
 - (b) the records, whether publicly available or otherwise, that are likely to be relevant for the purpose referred to in *paragraph (a)*. 35

Agency to facilitate contact between parties

- 20.** (1) A person (“requester”) may, in such manner as the Agency may specify, request the Agency to facilitate contact between him or her and a person (“specified person”) who he or she has specified in a statement made under *section 14(6)(c)(i)*.
- (2) The Agency, on receipt of a request under *subsection (1)*, shall, without undue delay, take all reasonable steps in accordance with any guidelines under *section 19* to locate the specified person concerned. 5
- (3) Where the Agency locates the specified person, it shall take all reasonable steps to ascertain from him or her, insofar as is practicable, whether or not he or she is willing to have contact with the requester. 10
- (4) Where the specified person informs the Agency that he or she is not willing to have contact with the requester, the Agency shall inform the requester of that fact.
- (5) Where a specified person informs the Agency that he or she is willing to have contact with the requester, the Agency shall take such action as it considers appropriate to facilitate such contact. 15

Agency may authorise accredited body to perform functions under *Part 4*

- 21.** (1) The Agency may authorise an accredited body to perform the functions of the Agency under this Part.
- (2) An accredited body may perform the functions of the Agency referred to in *subsection (1)* only where authorised under that subsection to do so. 20
- (3) A reference in this Part, other than *section 20(1)*, to the Agency includes a reference to an accredited body authorised under *subsection (1)*.

PART 5

PROVISION OF INFORMATION

Interpretation (*Part 5*) 25

- 22.** For the purposes of this Part, there are compelling reasons why an applicant under this Part should not be provided with information where the provision of the information, having regard to all the circumstances, is likely to endanger the life of a person.

Relevant person may apply for items and information

- 23.** (1) A person who has attained the age of 18 years and who is, or who reasonably believes himself or herself to be, a relevant person may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of any or all of the following that is or are held by the Agency or Authority and that relates or relate to him or her: 30
- (a) birth relative information; 35
- (b) birth parent information;

- (c) early life information;
 - (d) medical information;
 - (e) medical information relating to a birth relative;
 - (f) provided items;
 - (g) birth certificate information; 5
 - (h) the forename and surname of his or her birth father;
 - (i) a copy of an adoption order made in respect of him or her.
- (2) A person to whom *subsection (1)* applies may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of any information, not referred to in *paragraphs (a) to (i)* of that subsection, that relates to him or her, his or her birth parents or birth relatives or the circumstances in which he or she became a relevant person. 10

Agency to provide certain items and information on application under *section 23(1)*

24. (1) Where an application made in accordance with *section 23(1)* is for the provision to the applicant of information referred to in *paragraphs (a), (b), (c), (d) or (e)* of that section, the Agency shall provide the applicant with a statement in accordance with *section 40(1)*. 15
- (2) Where an application made in accordance with *section 23(1)* is for the provision to the applicant of provided items, the Agency shall provide the applicant with such items as are held by it or the Authority. 20

Application under *section 23(1)* for birth certificate information or adoption order

25. (1) Where an application made in accordance with *section 23(1)* is for the provision to the applicant of birth certificate information or a copy of an adoption order, the Agency shall comply with *subsection (2)* where—
- (a) it is satisfied that the applicant’s birth mother is deceased, or 25
 - (b) the applicant is an adopted person whose adoption was effected before the date on which this section comes into operation, and—
 - (i) there is no entry in the register in respect of the applicant’s birth mother, and
 - (ii) the applicant has given an undertaking, in accordance with *section 41*, in relation to the contacting of the birth mother. 30
- (2) Where *subsection (1)* applies, the Agency shall—
- (a) where the application is for birth certificate information, provide the applicant with a statement in accordance with *section 40(2)*, or
 - (b) where the application is for a copy of an adoption order made in respect of the applicant, provide the applicant with the document concerned. 35

Application under section 23(1) for birth certificate information or adoption order: consultation with birth mother

26. (1) Where an application made in accordance with *section 23(1)* is for the provision to the applicant of birth certificate information or a copy of an adoption order, the Agency shall comply with this section where— 5
- (a) there is an entry in the register in respect of the applicant’s birth mother, or
 - (b) the applicant is an adopted person whose adoption was effected on or after the date on which this section comes into operation.
- (2) Where *subsection (1)* applies, the Agency shall send the applicant’s birth mother a notification informing her of— 10
- (a) the making of the application, the information or order to which the application relates, and of the applicant’s entitlement under *section 45* to support and guidance,
 - (b) the effect of this section, including, in particular— 15
 - (i) her entitlement under *subsection (4)* to provide a statement referred to in that subsection,
 - (ii) that, in the event that she does not avail of her entitlement under *subsection (4)*, the information or order concerned shall, subject to this section, be provided to the applicant, and
 - (iii) that, if she informs the Agency that she does not wish to avail of her 20 entitlement under *subsection (4)*, the information or order concerned shall, subject to this section, be provided to the applicant, and may be so provided before the expiry of the period referred to in that subsection,
 - and
 - (c) her entitlement under *section 45* to support and guidance. 25
- (3) A notification under *subsection (2)* may be sent to the birth mother by sending it by post in a prepaid registered letter to—
- (a) where *subsection (1)(a)* applies, the address most recently entered in the register in respect of her, or
 - (b) where *subsection (1)(b)* applies and there is no entry in the register in respect of 30 the birth mother, the address last known to the Agency or the Authority in respect of her.
- (4) A birth mother to whom a notification under *subsection (2)* is sent, where she is of the view that there are compelling reasons why the information or order to which the application relates should not be provided to the applicant, may, within 12 weeks of 35 the date of the notification, provide the Agency with a statement in writing of her reasons for that view.
- (5) The Agency shall determine whether there are compelling reasons why the information or order to which the application relates should not be provided to the applicant and, for the purpose of its determination, shall consider— 40

- (a) any statement provided by the birth mother in accordance with *subsection (4)*, and
 - (b) any information otherwise available to it that is relevant to its determination.
- (6) Where the Agency determines under *subsection (5)* that there are compelling reasons why the information or order to which the application relates should not be provided to the applicant, it shall make an application to the Circuit Court seeking the approval of the Court of its determination. 5
- (7) An application under *subsection (6)* shall be accompanied by—
 - (a) a statement by the Agency of the reasons for its determination under *subsection (5)*, and 10
 - (b) a copy of the statement (if any) provided in accordance with *subsection (4)* by the birth mother.
- (8) The Circuit Court, on hearing an application by the Agency under *subsection (6)*, shall—
 - (a) where it is satisfied that there are compelling reasons why the information or order to which the application relates should not be provided to the applicant, approve the determination of the Agency under *subsection (5)*, or 15
 - (b) in any other case, decline to approve the determination.
- (9) Where—
 - (a) the birth mother has provided a statement in accordance with *subsection (4)*, and 20
 - (b) the Agency has determined under *subsection (5)* that there are no compelling reasons why the information or order concerned should not be provided to the applicant,

the Agency shall notify the birth mother of its determination, the effect of *subsections (14) to (16)*, and the birth mother’s entitlement under *subsection (10)*. 25
- (10) The birth mother may, within 28 days of the date of the notification under *subsection (9)*, appeal to the Circuit Court against the determination of the Agency referred to in that subsection.
- (11) The Circuit Court, on hearing an appeal under *subsection (10)*, shall—
 - (a) where it is satisfied that there are compelling reasons not to provide the applicant with the information or order concerned, allow the appeal, or 30
 - (b) in any other case, dismiss the appeal.
- (12) The—
 - (a) birth mother, where she has provided a statement in accordance with *subsection (4)*, and the Circuit Court makes a decision under *subsection (8)(b)* or *(11)(b)*, 35
 - (b) Agency, where the Circuit Court makes a decision under *subsection (8)(b)* or *(11)(a)*, or
 - (c) applicant, where the Circuit Court makes a decision under *subsection (8)(a)* or *(11)(a)*,

may, within 28 days of the decision concerned, appeal the decision to the High Court on a point of law and the decision of the High Court in respect of the point of law shall be final and conclusive.

- (13) An application under *subsection (6)*, and an appeal under *subsection (10)* or *(12)*, shall be heard in private. 5
- (14) The Agency shall comply with *subsection (15)*, where—
- (a) the—
 - (i) birth mother has not availed of her entitlement under *subsection (4)*, or has informed the Agency, in accordance with *subsection (2)(b)(iii)*, that she does not wish to do so, and 10
 - (ii) Agency has under *subsection (5)* determined that there are no compelling reasons why the information or order concerned should not be provided to the applicant,
 - (b) the Circuit Court has made a decision referred to in *subsection (8)(b)* or *(11)(b)* and the birth mother has not appealed, in accordance with *subsection (12)*, against the decision, or any such appeal has been withdrawn or abandoned, 15
 - (c) the Agency has made a determination referred to in *subsection (9)(b)* and the birth mother has not appealed, in accordance with *subsection (10)*, against that determination, or any such appeal has been withdrawn or abandoned, or
 - (d) the High Court, following an appeal under *subsection (12)*, affirms a decision of the Circuit Court under *subsection (8)(b)* or *(11)(b)*. 20
- (15) Subject to *subsection (16)*, the Agency shall comply with this subsection—
- (a) where the application is for birth certificate information, by providing the applicant with a statement in accordance with *section 40(2)*, or
 - (b) where the application is for a copy of an adoption order made in respect of the applicant, by providing the applicant with the document concerned. 25
- (16) Where—
- (a) the applicant is an adopted person whose adoption was effected before the date on which this section comes into operation, and
 - (b) the entry in the register in respect of the birth mother records that she is not willing to be contacted by the applicant, 30
- the Agency shall provide the applicant with the statement referred to in *subsection (15)(a)* or the adoption order concerned only where the applicant gives an undertaking, in accordance with *section 41*, in relation to the contacting of the birth mother. 35
- (17) The Agency shall notify the applicant of its refusal to provide him or her with the information or document concerned where—
- (a) the Circuit Court has made a decision referred to in *subsection (8)(a)* or *(11)(a)* and the Agency or, as the case may be, the applicant, has not appealed, in

accordance with *subsection (12)*, against that decision, or any such appeal has been withdrawn or abandoned, or

- (b) the High Court, following an appeal under *subsection (12)*, affirms a decision of the Circuit Court under *subsection (8)(a)* or *(11)(a)*.

Application under *section 23(1)* for forename and surname of birth father 5

27. Where an application made in accordance with *section 23(1)* is for the provision to the applicant of the forename and surname of the applicant's birth father, the Agency shall, provide the applicant with a statement in accordance with *section 40(2)* where—

- (a) it is satisfied that the applicant's birth father is deceased, or
- (b) where the applicant is an adopted person— 10
 - (i) the applicant's birth father was consulted under section 7E of the Adoption Act 1952 or section 17(2) of the Act of 2010 in respect of the adoption of the applicant,
 - (ii) there is no entry in the register in respect of the applicant's birth father, and
 - (iii) the applicant has given an undertaking, in accordance with *section 41*, in relation to the contacting of the birth father. 15

Application under *section 23(1)* for forename and surname of birth father: consultation with birth father

28. (1) Where an application made in accordance with *section 23(1)* is for the provision to the applicant of the forename and surname of the applicant's birth father, the Agency shall comply with this section where— 20

- (a) there is an entry in the register in respect of the applicant's birth father,
 - (b) the applicant is an adopted person whose adoption was effected on or after the date on which this section comes into operation, or
 - (c) where *paragraphs (a)* and *(b)* do not apply, the information sought in the application is, or appears to the Agency to be, contained in a relevant record held by the Agency or the Authority. 25
- (2) Where *subsection (1)(c)* applies, the Agency shall take all reasonable steps in accordance with any guidelines under *section 19* to locate, for the purposes of this section, the birth father concerned. 30
- (3) Where *subsection (1)* applies, but subject to *subsection (18)*, the Agency shall send the applicant's birth father a notification informing him of—
- (a) the making of the application, the information to which the application relates, and of the applicant's entitlement under *section 45* to support and guidance,
 - (b) the effect of this section, including, in particular— 35
 - (i) his entitlement under *subsection (5)* to provide a statement referred to in that subsection,

- (ii) that, in the event that he does not avail of his entitlement under *subsection (5)*, the information concerned shall, subject to this section, be provided to the applicant, and
 - (iii) that, if he informs the Agency that he does not wish to avail of his entitlement under *subsection (5)*, the information concerned shall, subject to this section, be provided to the applicant, and may be so provided before the expiry of the period referred to in that subsection, 5
- and
- (c) his entitlement under *section 45* to support and guidance.
- (4) A notification under *subsection (3)* may be sent to the birth father concerned by sending it by post in a prepaid registered letter to— 10
 - (a) where *subsection (1)(a)* applies, the address most recently entered in the register in respect of him,
 - (b) where *subsection (1)(b)* applies and there is no entry in the register in respect of him, the address last known to the Agency or the Authority in respect of him, or 15
 - (c) where *subsection (1)(c)* applies, and the Agency has succeeded in locating him under *subsection (2)*, the address at which he has been located.
- (5) A birth father to whom a notification under *subsection (3)* is sent, where he is of the view that there are compelling reasons why the information to which the application relates should not be provided to the applicant, may, within 12 weeks of the date of the notification, provide the Agency with a statement in writing of his reasons for that view. 20
- (6) The Agency shall determine whether there are compelling reasons not to provide the applicant with the information to which the application relates and, for the purpose of its determination, shall consider— 25
 - (a) any statement provided by the birth father in accordance with *subsection (5)*, and
 - (b) any information otherwise available to it that is relevant to its determination.
- (7) Where the Agency determines under *subsection (6)* that there are compelling reasons why the information to which the application relates should not be provided to the applicant, it shall make an application to the Circuit Court seeking the approval of the Court of its determination. 30
- (8) An application under *subsection (7)* shall be accompanied by—
 - (a) a statement by the Agency of the reasons for its determination under *subsection (6)*, and
 - (b) a copy of the statement (if any) provided in accordance with *subsection (5)* by the birth father. 35
- (9) The Circuit Court, on hearing an application by the Agency under *subsection (8)*, shall—

- (a) where it is satisfied that there are compelling reasons why the information to which the application relates should not be provided to the applicant, approve the determination of the Agency under *subsection (6)*, or
 - (b) in any other case, decline to approve the determination.
- (10) Where— 5
- (a) the birth father has provided a statement in accordance with *subsection (5)*, and
 - (b) the Agency has determined under *subsection (6)* that there are no compelling reasons why the information to which the application relates should not be provided to the applicant,
- the Agency shall notify the birth father of its determination, the effect of *subsections (15) and (16)*, and the birth father’s entitlement under *subsection (11)*. 10
- (11) A birth father may, within 28 days of the date of the notification under *subsection (10)*, appeal to the Circuit Court against the determination of the Agency referred to in that subsection.
- (12) The Circuit Court, on hearing an appeal under *subsection (11)*, may— 15
- (a) where it is satisfied that there are compelling reasons why the information concerned should not be provided to the applicant, allow the appeal, or
 - (b) in any other case, dismiss the appeal.
- (13) The—
- (a) birth father, where he has provided a statement in accordance with *subsection (5)*, and the Circuit Court makes a decision under *subsection (9)(b)* or *(12)(b)*, 20
 - (b) Agency, where the Circuit Court makes a decision under *subsection (9)(b)* or *(12)(a)*, or
 - (c) applicant, where the Circuit Court makes a decision under *subsection (9)(a)* or *(12)(a)*, 25
- may, within 28 days of the decision concerned, appeal the decision to the High Court on a point of law and the decision of the High Court in respect of the point of law shall be final and conclusive.
- (14) An application under *subsection (7)*, and an appeal under *subsection (11)* or *(13)*, shall be heard in private. 30
- (15) The Agency shall provide the applicant with a statement in accordance with *section 40(2)* where—
- (a) the—
 - (i) birth father has not availed of his entitlement under *subsection (5)*, or has informed the Agency, in accordance with *subsection (3)(b)(iii)* that he does not wish to do so, and 35
 - (ii) Agency has under *subsection (6)* determined that there are no compelling reasons why the information to which the application relates should not be provided to the applicant,

- (b) *subsection (18)* applies,
 - (c) the Circuit Court has made a decision referred to in *subsection (9)(b)* or *(12)(b)* and the birth father has not appealed, in accordance with *subsection (13)*, against the decision, or any such appeal has been withdrawn or abandoned,
 - (d) the Agency has made a determination referred to in *subsection (10)(b)* and the birth father concerned has not appealed, in accordance with *subsection (11)*, against that determination, or any such appeal has been withdrawn or abandoned, 5
 - (e) the High Court, following an appeal under *subsection (13)*, affirms a decision of the Circuit Court under *subsection (9)(b)* or *(12)(b)*.
- (16) Where— 10
- (a) the applicant is an adopted person whose adoption was effected before the date on which this section comes into operation, and
 - (b) the entry in the register in respect of the birth father records that he is not willing to be contacted by the applicant,
- the Agency shall provide the applicant with the statement referred to in *subsection (15)* only where the applicant gives an undertaking, in accordance with *section 41*, in relation to the contacting of the birth father. 15
- (17) The Agency shall notify the applicant of its refusal to provide him or her with the information concerned where—
- (a) the Circuit Court has made a decision referred to in *subsection (9)(a)* or *(12)(a)* and the Agency or, as the case may be, the applicant, has not appealed in accordance with *subsection (13)*, against that decision, or any such appeal has been withdrawn or abandoned, or 20
 - (b) the High Court, following an appeal under *subsection (13)*, affirms a decision of the Circuit Court under *subsection (9)(a)* or *(12)(a)*. 25
- (18) *Subsections (3) to (5)* shall not apply where the Agency takes the steps referred to in *subsection (2)* and—
- (a) is satisfied that the birth father concerned is deceased, or
 - (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information concerned. 30

Application under *section 23(2)*

29. (1) Where an application is made in accordance with *section 23(2)*, the Agency shall take all reasonable steps in accordance with any guidelines under *section 19* to locate, for the purposes of this section, the birth parent or other person to whom the information relates. 35
- (2) The Agency shall provide an applicant referred to in *subsection (1)* with a statement in accordance with *section 40(2)* where—
- (a) having taken the steps referred to in *subsection (1)*, it is satisfied that the birth parent or other person concerned is deceased, or

- (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information concerned.
- (3) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(3)* where the birth parent or other person concerned has consented in accordance with *section 42* to the provision of the information to the applicant. 5

Adopted person may apply for forename and surname of relevant guardian

- 30. (1) An adopted person who has attained the age of 18 years may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of the forename and surname of the person who is, in relation to him or her, a relevant guardian. 10
- (2) The Agency, on receipt of an application under *subsection (1)* shall provide the applicant with a statement in accordance with *section 40(2)* where—
 - (a) it is satisfied that the relevant guardian is deceased, or
 - (b) there is no entry in the register in respect of the relevant guardian and the applicant has given an undertaking, in accordance with *section 41*, in relation to the contacting of the relevant guardian concerned. 15

Application under *section 30(1)*: consultation with relevant guardian

- 31. (1) The Agency, on receipt of an application under *section 30(1)*, shall comply with this section where— 20
 - (a) there is an entry in the register in respect of the relevant guardian concerned, or
 - (b) the adoption of the applicant was effected on or after the date on which this section comes into operation.
 - (2) Where *subsection (1)* applies, the Agency shall send the relevant guardian a notification informing him or her of— 25
 - (a) the making of the application, the information to which the application relates, and of the applicant’s entitlement under *section 45* to support and guidance,
 - (b) the effect of this section, including, in particular—
 - (i) his or her entitlement under *subsection (4)* to provide a statement referred to in that subsection, 30
 - (ii) that, in the event that he or she does not avail of his or her entitlement under *subsection (4)*, the information concerned shall, subject to this section, be provided to the applicant, and
 - (iii) that, if he or she informs the Agency that he or she does not wish to avail of his entitlement under *subsection (4)*, the information concerned shall, subject to this section, be provided to the applicant, and may be so provided before the expiry of the period referred to in that subsection, 35
- and

- (c) his or her entitlement under *section 45* to support and guidance.
- (3) A notification under *subsection (2)* may be sent to the relevant guardian concerned by sending it by post in a prepaid registered letter to—
- (a) where *subsection (1)(a)* applies, the address most recently entered in the register in respect of him or her, or 5
 - (b) where *subsection (1)(b)* applies, and there is no entry in the register in respect of him or her, the address last known to the Agency or the Authority in respect of him or her.
- (4) A relevant guardian to whom a notification under *subsection (2)* is sent, where he or she is of the view that there are compelling reasons why the information to which the application relates should not be provided to the applicant, may, within 12 weeks of the date of the notification, provide the Agency with a statement in writing of his or her reasons for that view. 10
- (5) The Agency shall determine whether there are compelling reasons why the information to which the application relates should not be provided to the applicant and, for the purpose of its determination, shall consider— 15
- (a) any statement provided by the relevant guardian in accordance with *subsection (4)*, and
 - (b) any information otherwise available to it that is relevant to its determination.
- (6) Where the Agency determines under *subsection (5)* that there are compelling reasons why the information to which the application relates should not be provided to the applicant, it shall make an application to the Circuit Court seeking the approval of the Court of its determination. 20
- (7) An application under *subsection (6)* shall be accompanied by—
- (a) a statement by the Agency of the reasons for its determination under *subsection (5)*, and 25
 - (b) a copy of the statement (if any) provided in accordance with *subsection (4)* by the relevant guardian.
- (8) The Circuit Court, on hearing an application by the Agency under *subsection (6)*, shall— 30
- (a) where it is satisfied that there are compelling reasons why the information to which the application relates should not be provided to the applicant, approve the determination of the Agency under *subsection (5)*, or
 - (b) in any other case, decline to approve the determination.
- (9) Where— 35
- (a) the relevant guardian has provided a statement in accordance with *subsection (4)*, and
 - (b) the Agency has determined under *subsection (5)* that there are no compelling reasons why the information to which the application relates should not be provided to the applicant, 40

- the Agency shall notify the relevant guardian of its determination, the effect of *subsections (14) and (15)*, and the relevant guardian’s entitlement under *subsection (10)*.
- (10) The relevant guardian may, within 28 days of the date of the notification under *subsection (9)*, appeal to the Circuit Court against the determination of the Agency referred to in that subsection. 5
- (11) The Circuit Court, on hearing an appeal under *subsection (10)*, shall—
- (a) where it is satisfied that there are compelling reasons why the information concerned should not be provided to the applicant, allow the appeal, or
 - (b) in any other case, dismiss the appeal. 10
- (12) The—
- (a) relevant guardian, where he or she has provided a statement in accordance with *subsection (4)*, and the Circuit Court makes a decision under *subsection (8)(b) or (11)(b)*,
 - (b) Agency, where the Circuit Court makes a decision under *subsection (8)(b) or (11)(a)*, or 15
 - (c) applicant where the Circuit Court makes a decision under *subsection (8)(a) or (11)(a)*,
- may, within 28 days of the decision concerned, appeal the decision to the High Court on a point of law and the decision of the High Court in respect to the point of law shall be final and conclusive. 20
- (13) An application under *subsection (6)*, and an appeal under *subsection (10) or (12)*, shall be heard in private.
- (14) The Agency shall provide the applicant with a statement in accordance with *section 40(2)*, where— 25
- (a) the—
 - (i) relevant guardian has not availed of his or her entitlement under *subsection (4)*, or has informed the Agency, in accordance with *subsection (2)(b)(iii)*, that he or she does not wish to do so, and
 - (ii) Agency has under *subsection (5)* determined that there are no compelling reasons why the information to which the application relates should not be provided to the applicant, 30
 - (b) the Circuit Court has made a decision referred to in *subsection (8)(b) or (11)(b)* and the relevant guardian has not appealed, in accordance with *subsection (12)*, against the decision, or any such appeal has been withdrawn or abandoned, 35
 - (c) the Agency has made a determination referred to in *subsection (9)(b)* and the relevant guardian has not appealed, in accordance with *subsection (10)*, against that determination, or any such appeal has been withdrawn or abandoned, or
 - (d) the High Court, following an appeal under *subsection (12)*, affirms a decision of the Circuit Court under *subsection (8)(b) or (11)(b)*. 40

- (15) Where—
- (a) the applicant is an adopted person whose adoption was effected before the date on which this section comes into operation, and
 - (b) the entry in the register in respect of the relevant guardian records that he or she is not willing to be contacted by the applicant,
- the Agency shall provide the applicant with the statement referred to in *subsection (14)* only where the applicant gives an undertaking, in accordance with *section 41*, in relation to the contacting of the relevant guardian. 5
- (16) The Agency shall notify the applicant concerned of its refusal to provide him or her with the information or document concerned where— 10
- (a) the Circuit Court has made a decision referred to in *subsection (8)(a)* or *(11)(a)* and the Agency or as the case may be, the applicant, has not appealed, in accordance with *subsection (12)*, against that decision, or any such appeal has been withdrawn or abandoned, or
 - (b) the High Court, following an appeal under *subsection (12)*, affirms a decision of the Circuit Court under *subsection (8)(a)* or *(11)(a)*. 15

Birth parent of adopted person may apply for information

32. (1) A birth parent of an adopted person, or a person who is a relevant guardian in relation to an adopted person, may apply to the Agency in such manner as may be specified by the Agency for the provision to him or her by the Agency of information held by the Authority or the Agency that relates to the adopted person. 20
- (2) The Agency, on receipt of an application made in accordance with *subsection (1)*, shall take all reasonable steps in accordance with any guidelines under *section 19* to locate, for the purposes of this section, the adopted person concerned.
- (3) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(2)* where— 25
- (a) having taken the steps referred to in *subsection (2)*, it is satisfied that the adopted person is deceased, or
 - (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information concerned. 30
- (4) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(3)* where the adopted person has consented in accordance with *section 42* to the provision of the information to the applicant.
- (5) In this section, “adopted person” means an adopted person who has attained the age of 18 years. 35

Birth parent of adopted child may apply for information and items

33. (1) A birth parent of an adopted child may apply to the Agency, in such manner as may be specified by the Agency, for the provision to him or her by the Agency of information or items referred to in *subsection (6)* relating to the adopted child.

- (2) The Agency, on receipt of an application made in accordance with *subsection (1)*, shall take such action as is reasonable in the circumstances to—
- (a) inform an adoptive parent of the adopted child of the application, and
 - (b) request that the adoptive parent provide the Agency with the information or items to which the application relates, for the purpose of the transmission of these by the Agency to the birth parent concerned. 5
- (3) Where an adoptive parent, pursuant to a request under *subsection (2)(b)*, provides the Agency with information and items, the Agency shall arrange for the transmission of these to the birth parent.
- (4) The Agency may facilitate the implementation of an arrangement between a birth parent and an adoptive parent of an adopted child relating to the provision to the birth parent by the adoptive parent of information and items referred to in *subsection (6)*. 10
- (5) Nothing in this section shall be construed as—
- (a) obliging an adoptive parent to provide to a birth parent information or items referred to in *subsection (6)*, or 15
 - (b) authorising the Agency to disclose to a birth parent, without the consent of the adoptive parent concerned, the identity of the adopted child concerned or of the adoptive parent.
- (6) The information and items referred to in *subsections (1)* and *(4)* are—
- (a) information about the adopted child’s health, social and educational development and general well-being, 20
 - (b) letters, photographs or other mementoes relating to the adopted child, and
 - (c) any other information or items that an adoptive parent may wish to provide to the Agency for the purpose of its transmission to the birth parent.
- (7) In this section, a reference to a birth parent of an adopted child includes a reference to a person who is a relevant guardian in relation to the adopted child. 25

Birth parent of person the subject of incorrect registration or informal care arrangement may apply for information

34. (1) A person (“applicant”) who believes that—
- (a) a person who has attained the age of 18 years (“specified person”) has been the subject of an incorrect registration or an informal care arrangement, and 30
 - (b) he or she is the birth parent of the specified person,
- may apply to the Agency, in such manner as the Agency may specify, for the provision to the applicant of such information as is held by the Agency or Authority that relates to the specified person and to the incorrect registration or informal care arrangement concerned. 35
- (2) The Agency, on receipt of an application made in accordance with *subsection (1)*, shall conduct such enquiries as it considers necessary for the purpose of establishing

- whether the specified person concerned is or was the subject of an incorrect registration or was the subject of an informal care arrangement.
- (3) The Agency, having complied with *subsection (2)*, shall inform the applicant, in writing, of the fact where it—
- (a) is satisfied that the specified person is not or was not the subject of an incorrect registration, or was not the subject of an informal care arrangement, 5
 - (b) is unable to obtain the information to which the application relates, or
 - (c) is satisfied that the specified person is or was the subject of an incorrect registration, or was the subject of an informal care arrangement.
- (4) Where *subsection (3)(c)* applies, the Agency shall— 10
- (a) provide the applicant with a statement in accordance with *section 40(4)*, and
 - (b) take all reasonable steps, in accordance with any guidelines under *section 19*, to locate, for the purposes of this section, the requested person concerned.
- (5) The Agency shall provide the applicant with a statement in accordance with *section 40(2)* where— 15
- (a) having taken the steps referred to in *subsection (4)(b)* it is satisfied that the specified person is deceased, or
 - (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information concerned.
- (6) The Agency shall provide an applicant referred to in *subsection (1)* with a statement in accordance with *section 40(3)* where the specified person has consented in accordance with *section 42* to the provision of the information to the applicant. 20

Adoptive parent of adopted child may apply for information and items

35. (1) An adoptive parent may apply to the Agency, in such manner as may be specified by the Agency, for the provision to him or her by the Agency of information or items referred to in *subsection (6)* relating to his or her adopted child. 25
- (2) The Agency, on receipt of an application made in accordance with *subsection (1)*, shall take such action as is reasonable in the circumstances to—
- (a) inform a birth parent of the adopted child of the application, and
 - (b) request that the birth parent provide the Agency with the information or items to which the application relates, for the purpose of the transmission of the information or items by the Agency to the applicant. 30
- (3) Where a birth parent, pursuant to a request under *subsection (2)(b)*, provides the Agency with information or items, the Agency shall arrange for the transmission of the information or items to the adoptive parent concerned. 35
- (4) The Agency may facilitate the implementation of an arrangement between a birth parent and an adoptive parent of an adopted child relating to the provision to the adoptive parent by the birth parent of information or items referred to in *subsection (6)*.

- (5) Nothing in this section shall be construed as—
- (a) obliging a birth parent to provide to an adoptive parent information or items referred to in *subsection (6)*, or
 - (b) authorising the Agency to disclose to an adoptive parent, without the consent of the birth parent concerned, the identity of a birth parent. 5
- (6) The information and items referred to in *subsections (1)* and *(4)* are—
- (a) information relevant to the adopted child’s health, social and educational development and general well-being,
 - (b) letters, photographs or other mementoes, and
 - (c) any other information or items that a birth parent may wish to provide to the Agency for the purpose of its transmission to the adoptive parent. 10
- (7) In this section, a reference to a birth parent of an adopted child includes a reference to a person who is a relevant guardian in relation to the adopted child.

Adoptive parent of adopted child may apply for certain information

36. (1) An adoptive parent of an adopted child may apply to the Agency, in such manner as may be specified by the Agency, for the provision by the Agency to the adoptive parent of any or all of the following that is or are held by the Authority or the Agency and that relates or relate to his or her adopted child: 15
- (a) birth relative information;
 - (b) birth parent information; 20
 - (c) early life information;
 - (d) medical information;
 - (e) medical information relating to a birth relative;
 - (f) provided items.
- (2) Where an application made in accordance with *subsection (1)* is for the provision to the applicant of information referred to in *paragraph (a), (b), (c), (d)* or *(e)* of that subsection, the Agency shall provide the applicant with a statement in accordance with *section 40(1)*. 25
- (3) Where an application made in accordance with *subsection (1)* is for the provision to the applicant of provided items, the Agency shall provide the applicant with such provided items that relate to the adopted child as are held by it or the Authority. 30

Application by adoptive parent of adopted child for birth certificate information or adoption order

37. (1) An adoptive parent may apply to the Agency, in such manner as may be specified by the Agency, for the provision by the Agency to him or her of any or all of the following that relates to his or her adopted child: 35
- (a) birth certificate information;

- (b) a copy of an adoption order made in respect of the adopted child.
- (2) The Agency, on receipt of an application made in accordance with *subsection (1)*, shall take all reasonable steps, in accordance with any guidelines under *section 19*, to locate, for the purposes of this section, the birth mother of the adopted child concerned. 5
- (3) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(2)* or, as the case may be, a copy of the adoption order concerned, where—
 - (a) having taken the steps referred to in *subsection (2)*, it is satisfied that the birth mother is deceased, or 10
 - (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information or document concerned.
- (4) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(3)* or, as the case may be, a copy of the adoption order concerned where the birth mother has consented in accordance with *section 42* to the provision of the information or document to the applicant. 15

Application by adoptive parent of adopted child for forename and surname of birth father

- 38.** (1) An adoptive parent may apply to the Agency, in such manner as may be specified by the Agency, for the provision by the Agency to the adoptive parent of the forename and surname of the birth father of his or her adopted child. 20
- (2) The Agency, on receipt of an application made in accordance with *subsection (1)*, shall take all reasonable steps, in accordance with any guidelines under *section 19*, to locate, for the purposes of this section, the birth father of the adopted child.
 - (3) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(2)* where— 25
 - (a) having taken the steps referred to in *subsection (2)*, it is satisfied that the birth father is deceased, or
 - (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information concerned. 30
 - (4) The Agency shall provide an applicant under *subsection (1)* with a statement in accordance with *section 40(3)* where the birth father has consented in accordance with *section 42* to the provision of the information to the applicant.

Relative of relevant person or birth parent may apply for information

- 39.** (1) This section applies to a person who is a relative of a— 35
- (a) relevant person, or
 - (b) birth parent of a relevant person.
- (2) A person to whom this section applies may apply to the Agency, in such manner as may be specified by the Agency, for the provision to him or her by the Agency of

information held by the Authority or the Agency that relates to a person (“specified person”) referred to in *paragraph (a) or (b) of subsection (1)*, in respect of whom he or she is a relative.

- (3) The Agency, on receipt of an application made in accordance with *subsection (2)*, shall take all reasonable steps, in accordance with any guidelines under *section 19*, to locate, for the purposes of this section, the specified person. 5
- (4) The Agency shall provide an applicant under *subsection (2)* with a statement in accordance with *section 40(2)* where—
 - (a) having taken the steps referred to in *subsection (3)*, it is satisfied that the specified person is deceased, or 10
 - (b) the Minister has, under *section 43*, authorised the provision to the applicant of the information concerned.
- (5) The Agency shall provide an applicant under *subsection (2)* with a statement in accordance with *section 40(3)* where the specified person has consented in accordance with *section 42* to the provision of the information to the applicant. 15

Provision of information under *Part 5*

- 40.** (1) A statement referred to in *section 24(1) or 36(2)* shall be in writing and—
- (a) subject to this section, shall set out the information applied for by the applicant concerned that is contained in the relevant records held by the Agency and the Authority, 20
 - (b) shall include a statement as to the nature and likely accuracy of the relevant records referred to in *paragraph (a)*, and
 - (c) shall not contain information that would identify a birth parent or a birth relative of the applicant.
- (2) A statement referred to in *section 25(2), 26(15), 27, 28(15), 29(2), 30(2), 31(14), 32(3), 34(5), 37(3), 38(3) or 39(4)* shall be in writing and— 25
- (a) subject to this section, shall set out the information applied for by the applicant that is contained in the relevant records held by the Agency and the Authority, and
 - (b) shall include a statement as to the nature and likely accuracy of the relevant records referred to in *paragraph (a)*. 30
- (3) A statement referred to in *section 29(3), 32(4), 34(6), 37(4), 38(4) or 39(5)* shall be in writing and—
- (a) subject to this section, shall set out the information applied for by the applicant—
 - (i) that is contained in the relevant records held by the Agency and the Authority, and 35
 - (ii) to which the consent, referred to in the section concerned, applies, and

- (b) shall include a statement as to the nature and likely accuracy of the relevant records from which the information provided has been obtained.
- (4) A statement referred to in *section 34(4)(a)* shall be in writing and—
- (a) subject to this section, shall set out all of the information applied for that relates to the incorrect registration or, as the case may be, informal care arrangement concerned that is contained in the relevant records held by the Agency and the Authority, 5
- (b) shall include a statement as to the nature and likely accuracy of the relevant records referred to in *paragraph (a)*,
- (c) shall not contain information that would identify the specified person concerned, and 10
- (d) shall not contain personal data relating to a person (other than the applicant) that has been obtained by the Agency or an accredited body under *section 17*, unless the personal data concerned constitutes, in relation to the applicant—
- (i) birth relative information, or 15
- (ii) medical information relating to a birth relative.
- (5) A statement referred to in *subsection (1)* or *(2)* shall not contain personal data relating to a person (other than the applicant) that has been obtained by the Agency or an accredited body under *section 17*, unless the personal data concerned constitutes, in relation to the applicant— 20
- (a) birth certificate information,
- (b) birth relative information, or
- (c) medical information relating to a birth relative.
- (6) A statement provided under *section 24(1)*, *29(2)*, *32(3)*, *34(5)*, *36(2)* or *39(4)* shall not include medical information relating to a person other than the applicant concerned unless— 25
- (a) the Agency is satisfied that the information constitutes medical information relating to a birth relative, and
- (b) where the provision of the information has been authorised by the Minister under *section 43*, the statement does not contain information that would identify the person to whom the medical information relates. 30
- (7) Notwithstanding *subsections (1)* to *(6)*, where the information to be provided under this section includes—
- (a) medical information relating to the applicant, or
- (b) medical information relating to a birth relative, 35
- the Agency may, having regard to guidelines under *subsection (8)*, make arrangements for the provision of the information to the applicant by a registered medical practitioner, and not in a statement under this section.
- (8) The Agency shall issue guidelines in respect of the type of medical information—

- (a) that relates to a person and that is, or is likely to be, of relevance to the maintenance or management of the physical or mental health of another person, and
 - (b) that is to be provided to an applicant in accordance with *subsection (7)*.
- (9) In preparing guidelines under *subsection (8)*, the Agency shall consult with such persons, including persons with expertise in the area of hereditary medical conditions, as it considers appropriate. 5
- (10) A reference in *subsection (5), (6) or (7)* to an applicant shall, in the case of an application under *section 36(1)*, be construed as a reference to the adopted child to whom the application relates. 10

Undertaking not to contact person

41. (1) An undertaking referred to in *section 25(1)(b)(ii), 26(16), 27(b)(iii), 28(16), 30(2)(b) and 31(15)* is an undertaking given to the Agency by the applicant concerned that he or she will not—
- (a) contact, or attempt to contact, the birth mother, birth father or relevant guardian concerned, or 15
 - (b) make arrangements with any other person for that person to contact, or attempt to contact, the birth mother, birth father or relevant guardian concerned.
- (2) An undertaking under this section shall be in writing and in the form specified by the Minister. 20

Consent under Part 5

42. (1) The Agency, for the purposes of obtaining the consent of a person referred to in *section 29(3), 32(4), 34(6) or 37(4)*, shall comply with this section.
- (2) In seeking the consent referred to in *subsection (1)*, the Agency shall ensure that the person concerned is made aware of all of the information and each document that the Agency proposes to provide to the applicant concerned. 25
- (3) A person referred to in *subsection (1)*, where *subsection (2)* has been complied with, may—
- (a) consent to the provision to the applicant of the information or documentation concerned, 30
 - (b) consent to the provision to the applicant of part of the information or documentation concerned but not to the provision to the applicant of another part of the information or documentation, or
 - (c) refuse to consent to the provision to the applicant of the information or documentation concerned. 35
- (4) A person’s consent under this section shall be in writing and in such form as may be specified by the Agency.
- (5) A person may, at any time before the provision by the Agency to the applicant of the information to which the consent relates, withdraw his or her consent under this

section, and a reference in this Part to the consent of a person under this section shall not include a reference to a consent that has been so withdrawn.

Procedure where person cannot be located for purpose of Part 5

43. (1) Where the Agency, despite having made reasonable efforts, in accordance with any guidelines under *section 19*, to do so, has not succeeded in locating a person for the purposes of *section 28(2)*, *29(1)*, *32(2)*, *34(4)(b)*, *37(2)*, *38(2)* or *39(3)*, it may request the Minister to provide it with an authorisation under *subsection (3)*. 5
- (2) A request under *subsection (1)* shall be accompanied by a declaration—
- (a) setting out the steps that have been taken, in accordance with *Part 4*, to locate the person concerned, and 10
 - (b) stating that, in the opinion of the Agency, further efforts to locate the person are not likely to be successful.
- (3) The Minister may authorise the Agency to provide the information to which the application concerned relates where, having considered a request under *subsection (1)*, he or she is satisfied that— 15
- (a) all reasonable steps have been taken, in accordance with *Part 4*, to locate the person concerned, and
 - (b) further efforts to locate the person are not likely to be successful.

Referral to High Court

44. (1) The Agency may refer any question of law arising on an application under this Part for information to the High Court for determination. 20
- (2) A matter referred under this section to the High Court may be heard in private.

PART 6

MISCELLANEOUS

Agency to provide support and guidance

45. (1) The Agency shall provide support and guidance to a person— 25
- (a) who applies under *section 14* to have an entry made in the register in respect of him or her,
 - (b) who requests under *section 20* the facilitation of contact between him or her and a specified person, 30
 - (c) who makes an application under *Part 5*, or
 - (d) where an application under *Part 5* is for the provision to the applicant of information relating to the person.
- (2) The Agency, with the approval of the Minister, shall publish guidelines regarding the provision of support and guidance to persons under this section. 35

Offences

46. (1) A person who is an information source and who conceals, destroys, mutilates or falsifies a relevant record shall be guilty of an offence.
- (2) A person who is an information source and who fails to comply with a direction of the Authority under *section 8(4)* shall be guilty of an offence. 5
- (3) A person who fails to comply with a direction of the Authority under *section 8(6)* shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or 10
- (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years, or both.
- (5) Where an offence under this section is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 15

Amendment of section 14(a) of Act of 2010

47. Section 14(a) of the Act of 2010 is amended— 20
- (a) in subparagraph (iii), by the substitution of “guardian,” for “guardian, and”, and
- (b) by the insertion of the following subparagraph after subparagraph (iii):
- “(iia) the effect of *Parts 2, 3, 4 and 5 of the Adoption (Information and Tracing) Act 2016*, and”.

Amendment of section 17(2) of Act of 2010

48. Section 17(2) of the Act of 2010 is amended— 25
- (a) in paragraph (b), by the substitution of “adoption,” for “adoption, and”, and
- (b) by the insertion of the following paragraph after paragraph (b):
- “(ba) explaining to him the effect of *Parts 2, 3, 4 and 5 of the Adoption (Information and Tracing) Act 2016*, and”. 30

Amendment of section 37 of Act of 2010

49. Section 37 of the Act of 2010 is amended by the insertion of the following subsection after subsection (3):
- “(3A) The information, advice and counselling referred to in subsection (1) shall include information on the effect of *Parts 2, 3, 4 and 5 of the Adoption (Information and Tracing) Act 2016*.”. 35

Amendment of section 96(1) of Act of 2010

50. Section 96(1) of the Act of 2010 is amended—

(a) in paragraph (h) by the substitution of “section 91A(3);” for “section 91A(3).”,
and

(b) by the insertion of the following paragraph after paragraph (h): 5

“(i) performing the functions conferred on it by the *Adoption (Information and Tracing) Act 2016*.”.

Amendment of section 8 of Child and Family Agency Act 2013

51. Section 8 of the Child and Family Agency Act 2013 is amended—

(a) in paragraph (f), by the substitution of “request,” for “request, and”, 10

(b) in paragraph (g), by the substitution of “Agency, and”, for “Agency.”, and

(c) by the insertion of the following paragraph after paragraph (g):

“(h) perform the functions conferred on it by the *Adoption (Information and Tracing) Act 2016*.”.

Immunity

15

52. (1) A person to whom this subsection applies shall not be liable in damages in respect of any act done or omitted to be done by it or him or her in the performance, or purported performance, of its, his or her functions under *Part 2, 3, 4 or 5* or *section 45*, unless the act or omission concerned was done in bad faith.

(2) The State shall not be liable in damages in respect of any act done or omitted to be done by a person to whom *subsection (1)* applies, in the performance, or purported performance, by the person of its, his or her functions under *Part 2, 3, 4 or 5* or *section 45*, unless the act or omission concerned was done in bad faith. 20

(3) *Subsection (1)* applies to—

(a) the Authority, 25

(b) the Agency,

(c) the members or former members of the Board of the Authority,

(d) the members or former members of the Board of the Agency,

(e) the employees and former employees of the Authority, and

(f) the employees and former employees of the Agency. 30

An Bille Uchtála (Faisnéis agus
Lorgaireacht), 2016

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do dhéanamh socrú maidir le hÚdarás Uchtála na hÉireann d'fháil agus do chothabháil taifid a bhaineann le leanaí a uchtáil, a chlárú go mícheart nó a chur i socrúithe cúraim neamhfhoirmiúla; do dhéanamh socrú chun clár a bhunú agus a chothabháil ar a dtabharfar an Clár um Fhiosruithe Teagmhála Uchtála; do dhéanamh socrú maidir leis an nGníomhaireacht um Leanaí agus an Teaghlach do chur seirbhís ar fáil chun lorgaireacht a dhéanamh ar dhaoine áirithe, ar a ngaolta breithe agus ar dhaoine eile, agus do chur seirbhís ar fáil chun faisnéis a sholáthar do na daoine sin agus chun teagmháil idir na daoine sin a éascú; do leasú an Achta Uchtála, 2010; do leasú an Achta fán nGníomhaireacht um Leanaí agus an Teaghlach, 2013; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Seanadóir Diarmuid Ó Buitiméir a thíolaic thar
ceann An Aire Leanaí agus Gnóthaí Óige,*

23 Samhain, 2016

Adoption (Information and Tracing) Bill
2016

BILL

(*as initiated*)

entitled

An Act to provide for the acquisition and maintenance by the Adoption Authority of Ireland of records relating to the adoption, incorrect registration or placement in informal care arrangements of children; to provide for the establishment and maintenance of a register to be known as the Register of Adoption Contact Enquiries; to provide for the making available by the Child and Family Agency of a service for the tracing of certain persons, their birth relatives and other persons, and of a service for the provision of information to and facilitation of contact between such persons; to amend the Adoption Act 2010; to amend the Child and Family Agency Act 2013; and to provide for related matters.

*Presented by Senator Jerry Buttimer on behalf of the
Minister for Children and Youth Affairs,*

23rd November, 2016

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