



'Over a hundred years of connecting people.'

What can be shared with Adopted People?

An adopted person can legally access adoption records which includes their original birth certificate and, from the age of 16 in Scotland, the Court Process Papers and their social work records.

An adopted person can obtain their Original Birth Entry from the National Records of Scotland by contacting the Adoption Unit at adoptions@nrscotland.gov.uk. They will be provided with a form with their birth details and then have the option of purchasing a copy of the certificate.

Court Process Papers are held at the court which processed the adoption for around 25 years (though this varies) and are then archived at the National Records of Scotland in Edinburgh. After the age of 16, an adopted person can access these either at the court or National Records of Scotland.

If you are an adopted person and would like to access your Court Process Papers but cannot attend in person at the National Records of Scotland in Edinburgh, Birthlink are able to provide this service. Please contact mail@birthlink.org.uk.

Information contained within adoption records that can be shared with adopted people over the age of 16 includes any information on the adopted person themselves, the circumstances that led to the adoption, relevant medical information, and information on birth parents. Information on adoptive parents is considered third party information and cannot be shared.

For those under age 16, "an adoption agency may disclose the information, which it has relating to that person's adoption, to that adopted person if the agency thinks it appropriate to do so". In making this decision, the agency must consider:

- the views of the adopted person, taking into account the person's age and maturity
- the views of the adopted person's adoptive parents, if practicable to obtain
- the welfare of the adopted person
- However, they must not provide information that could identify the adopted person's birth parents or relatives.

Relevant legislation:

Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 <https://www.legislation.gov.uk/ssi/2009/268/made>

Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland)) Act 2007) 2009
<https://www.legislation.gov.uk/ssi/2009/284/contents/made>

Adoption and Children (Scotland) Act 2007
<https://www.legislation.gov.uk/asp/2007/4>

What can be shared with a Birth Parent or Birth Relative?

Birth parents and relatives have no automatic right to access Court Process Papers or adoption records (which includes information on themselves as these records are subject to data protection exemptions).

Birth parents and relatives are allowed to access the Original Birth Certificate of an adopted person and would need this information to progress a service such as registering on the Adoption Contact Register for Scotland or accessing an intermediary/non-disclosure agreement service through an agency like Birthlink or Local Authority.

Birth parents and some birth relatives are also entitled to an assessment of adoption support services from their Local Authority if they ask for it.

Relevant Legislation:

Data Protection Act 2018 Schedule 4 Exemptions
<https://www.legislation.gov.uk/ukpga/2018/12/schedule/4/enacted>

Adoption and Children (Scotland) Act 2007
<https://www.legislation.gov.uk/asp/2007/4>

What can be shared with a Descendant of an Adopted Person?

Descendants of adopted people do not have an automatic right to access any information on their adopted parent/relative. Currently the only way that they can access the original birth information of the adopted person is to appeal to the Sheriff Court that processed the adoption. It is at the discretion of the Sheriff to grant or decline access.

Adopted people should be aware that if they pass away before accessing their original birth information, even if it is only their original birth certificate, there is no guarantee that their children or descendants will gain access as the Court Process Papers which include the original birth information must be sealed for 100 years.

If descendants are successful in gaining the original birth information, they can access Birthlink services such as the Adoption Contact Register for Scotland and search and mediation services.

Relevant legislation:

Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland)) Act 2007) 2009 <https://www.legislation.gov.uk/ssi/2009/284/contents/made>