

Adopted Children Register Privacy Notice

Introduction

This Privacy Notice tells you what happens to information passed to National Records of Scotland (NRS) when a child is adopted. It tells you what personal information we collect, why we collect it, how it can be accessed and your rights over it. NRS takes your trust and right to privacy seriously. This privacy notice reflects our commitment to the fair and transparent processing of your personal information.

Purpose and lawful basis for processing personal data

The Adopted Children Register (known as the ACR) is one of the civil registration records in Scotland. These records secure and protect basic human rights by providing individuals with a name and status and evidence of parentage.

The main law relating to the ACR is the Adoption and Children (Scotland) Act 2007. The Act requires the Registrar General of Births, Deaths and Marriages for Scotland to maintain the Register, to make an index of the information it contains, and to provide for entries to be searched and copied.

The Registrar General is the controller of the ACR and has a legal obligation to comply with the UK General Data Protection Regulation and the Data Protection Act 2018. The lawful basis for the Registrar General to collect, index, store and disclose personal data in the ACR under data protection law is the 'legal obligation' basis – because it is necessary for the Registrar General to process personal data in this way to comply with the Adoption and Children (Scotland) Act 2007.

Personal information passed to NRS

Every adoption order made by a court in Scotland includes an instruction to the Registrar General to register the adoption. The adoption order includes information about the adopted child, the child's birth parents and the adoptive parents.

The following information from the adoption order is entered into the ACR by National Records of Scotland on behalf of the Registrar General:

- the adopted name of the adopted child
- the sex, date of birth and country of birth of the adopted child
- the names and address of the adoptive parents
- the date of the adoption order

Access to information in the ACR

Neither the ACR nor the index to the information in the ACR is open to general inspection by members of the public.

Under adoption legislation, NRS can undertake a particular search of the ACR on behalf of a member of the public or an adoption service. A person or adoption service must provide the following personal information to NRS before a search can be undertaken:

- their name and contact details
- the adopted name of the adopted child
- the date of birth of the adopted child
- the names of the adoptive parents

NRS will issue a full extract or an abbreviated extract of an entry in the ACR following an authorised search on payment of the relevant fee. Extracts contain the following personal information:

- the adopted name of the adopted child
- the date and place of birth of the adopted child
- the sex of the adopted child
- the names of the adoptive parents (in full extracts only)

NRS updates the name of an adopted child in the National Health Service Central Register (known as the NHSCR) based on information entered into the ACR. Updated NHSCR entries for adopted children do not include information about an adopted child's identity at birth. The NHSCR privacy notice on our website describes how information held in the NHSCR is disclosed and accessed.

NRS may share personal information in the ACR with law enforcement agencies for the purposes of prevention, detection, investigation or prosecution of offences.

NRS also keeps a record of the connection between an entry for a child in the register of births and the corresponding entry in the ACR when that child is adopted. The information in this connecting record can only be disclosed under a court order, to the adopted person who has reached the age of 16 years or to a service providing a counselling service to an adopted person.

Data subject rights under data protection legislation

The right of access to personal information under data protection legislation does not apply to the ACR or to the record connecting the register of births to the ACR. Instead there are separate ways in which adoption information is made available. Please see the Access to information section of this privacy notice for further details.

There is a right to apply to the Registrar General to have an entry in the ACR corrected. There is also have a right to restrict the way the Registrar General handles personal information whilst we verify an application to have an entry corrected.

There is no right to have your personal information deleted from the ACR, the index to the ACR or from the record connecting the register of births to the ACR. The Registrar General is obliged by law to keep all the information in these records in perpetuity.

How to contact us

If you want to contact the NRS Data Protection Officer you can do so at:

NRS Data Protection Officer
National Records of Scotland
HM General Register House
2 Princes Street
Edinburgh
EH1 3YY

Email: dataprotection@nrscotland.gov.uk

If you are not satisfied with the way NRS has responded to your request or handled your information you should first ask us to conduct an internal review.

If you wish to complain to the Information Commissioner's Office

If you believe that NRS has not dealt with your complaint properly or if you believe your personal information is being processed in a way that does not comply with legislation you have the right to lodge a complaint with the Information Commissioner's Office. The ICO helpline number is 0303 123 1113, and website <https://ico.org.uk/concerns/>.

Changes to this privacy notice

This privacy notice was last updated on 3 January 2024. We keep the privacy notice under regular review.