



Statutory Document No. 22/03

THE DATA PROTECTION ACT 2002

**THE DATA PROTECTION (SUBJECT ACCESS EXEMPTIONS)
(ADOPTION ETC.) ORDER 2003**

Approved by Tynwald

18th February 2003

Coming into operation

1st April 2003

Whereas the Council of Ministers considers it necessary for the safeguarding of the interests of data subjects or the rights and freedoms of other individuals that the prohibitions or restrictions on disclosure contained in the enactments and instruments listed in the Schedule ought to prevail over section 5 of the Data Protection Act 2002¹:

In exercise of the powers conferred on the Council of Ministers by section 35(1) of the Data Protection Act 2002, and of all other enabling powers, and after consultation with the Isle of Man Data Protection Supervisor, the following Order is hereby made:—

1. Citation and commencement

This Order may be cited as the Data Protection (Subject Access Exemptions) (Adoption etc.) Order 2003 and, subject to section 61(1) of the Data Protection Act 2002, shall come into operation on the 1st April 2003.

2. Exemptions from subject access provisions

Personal data consisting of information the disclosure of which is prohibited or restricted by the following enactments are exempt from section 5 of the Data Protection Act 2002 —

- (a) sections 38 and 39 of the Adoption Act 1984² (including those sections as modified by the Parental Orders Regulations 2001³);
- (b) rules 7, 10, 11 and 21 of the Adoption Rules 1985⁴.

¹ 2002 c.2

² 1984 c.14

³ SD 737/01

⁴ GC 195/85

MADE 30th January 2003

Mary Williams

Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order exempts adoption records and reports, and records and reports relating to parental orders, from the data subject's right of access to personal data under section 5 of the Data Protection Act 2002.