



Department
for Education

Increasing the retention period for adoption records

Government consultation

Launch date 2 July 2026

Respond by 25 September 2026

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Introduction

We want to make sure that everyone with a personal connection to adoption has the best possible access to important information about their past. At the moment, adoptee case records for people adopted between 26 November 1976 and 29 December 2005 must be kept for at least 75 years, while adoptee case records for those adopted on or after 30 December 2005 are kept for 100 years. Earlier records may not have been retained beyond 25 years, though many have been kept.

This difference can make it harder for some people to find the information they need later in life. We are proposing to increase the statutory retention period for adoptee case records from 1976 to 2005 from 75 years to 100 years, to align with case records from 30 December 2005 onwards. This means that as many records as possible which relate to an adoptee would be kept for the same minimum period regardless of when the adoption order was made. This change will improve fairness, support consistency across agencies, and help protect vital information for people who may wish to access adoptee case records at different stages throughout their lives and beyond.

We are also consulting on whether updated statutory guidance should recommend that adoptee case records made before 26 November 1976 should be retained for 100 years, where they exist.

Who this is for

- Adoptees
- Birth parents
- Family members
- Local authorities
- Regional adoption agencies
- Voluntary adoption agencies
- Adoption support agencies
- Other organisations which hold adoption records

Issue date

The consultation was issued on 2 July 2026.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team:

adoptionrecords.consultation@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email at coordinator.consultations@education.gov.uk, by telephone on 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the department's response will be [published on GOV.UK](#) in autumn 2026.

About this consultation

This consultation document makes two proposals:

- Increase the retention period for adoptee case records, where the adoption order was made before 30 December 2005, from 75 years to 100 years.
- Consult on whether updated statutory guidance should recommend that adoptee case records made before 26 November 1976 should be retained for 100 years, where they exist.

The document sets out:

- The reasons for proposing this change. It is important to note that this consultation is on proposals for change and, as yet, no decision has been made on whether to implement the proposals.

We would like to hear your views on these proposals.

Respond online

To help us analyse the responses, please use the online system wherever possible. Visit [DfE consultations on GOV.UK](#) to submit your response.

Other ways to respond

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may request an alternative format of the response form.

By email

- adoptionrecords.consultation@education.gov.uk

By post

Gladys Mugugu
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Deadline

The consultation closes on 25 September 2026.

Proposal 1: Extending the retention period for adoptee case records, where the adoption order was made between 26 November 1976 and 29 December 2005, from 75 years to 100 years

Background

Adoptee case records play an essential role in helping adopted people, birth families and adoption agencies understand a person's history and support their lifelong connection to their identity. Under current legislation there is a difference in how long these case records must be kept: for people adopted between 26 November 1976 and 29 December 2005, adoptee case records must be kept for at least 75 years, while for those adopted on or after 30 December 2005, regulations require a 100-year retention period. We want to align the earlier system with the current system to remove this inconsistency.

Proposal and rationale

We propose to increase the minimum retention period for adoptee case records created between 26 November 1976 and 29 December 2005 from 75 years to 100 years. This would bring older case records into line with the period already required for more recent adoptions and reflect the importance of access to adoption information, no matter when the adoption took place. Evidence shows that adopted people may wish to revisit their case records at different stages of their lives, and relatives may also seek information many decades after an adoption has taken place. Retaining these case records for at least 100 years supports these needs, acknowledges increased life expectancy, and reflects modern expectations around transparency and identity. Although adoption agencies have already been encouraged to keep case records for 100 years, making this requirement statutory will help to prevent vital information from being lost or destroyed, ensuring that adopted people and their families have fair, consistent protection regardless of when the adoption occurred.

Technical detail of our proposal

This proposal would change the minimum time that adoptee case records must be kept for adoptions made between 26 November 1976 and 29 December 2005. We propose that these records should be kept for at least 100 years instead of 75 years. In this section we explain the rules that apply to adoption agency case records about the adopted person, the adoptee.

The law on adoption has developed over a long period of time, and record-keeping requirements have not always been the same. For example, the Adoption of Children Act 1926 did not set a specific minimum time for keeping adoption agency case records. Because of this, very old records may not exist or may be held in different places, for example in court files, local archives or other historic records, rather than within an adoption agency's own case record.

Over time, different sets of regulations have specified the minimum period for retention of case records. The minimum period has depended on when the adoption took place:

- The Adoption Agencies Regulations 1959: records had to be kept for at least 25 years.
- The Adoption Agencies Regulations 1976: records have to be kept for at least 75 years.
- The Adoption Agencies Regulations 1983: revoked the 1976 Regulations but maintained the requirement for records to be kept for at least 75 years.
- The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005: records have to be kept for at least 100 years.

In practice, many adoption agencies, local authorities and other organisations already keep historic adoptee case records for longer periods, but approaches can vary.

For this consultation, the key current requirements are:

- The Adoption Agencies Regulations 1983 require adoption agencies to keep relevant adoptee case records for at least 75 years.
- For adoptions made on or after 30 December 2005, the minimum retention period is 100 years.
- For much older records, including those made before 26 November 1976, there is no single clear minimum retention period set out, but records may nevertheless still be retained.

For adoptions made before 30 December 2005, the 75-year minimum retention period is set out in regulation 14 of the Adoption Agencies Regulations 1983, which is the rule we propose to change. The 1983 Regulations came into force in May 1984 and apply to adoption agency case records created under that framework.

For adoptions made on or after 30 December 2005, a newer set of regulations applies. These rules set out what information adoption agencies must keep, how it must be stored securely, and that the minimum retention period is 100 years from the date of the adoption order.

This proposal is only about the minimum time adoption agencies must keep adoptee case records. It is not about changing what records look like, how people access them, or covering other types of historic records that may be held in different places.

We are also consulting on whether updated statutory guidance should recommend that adoptee case records made before 26 November 1976 should be retained for 100 years, where they exist.

The proposed change would specify that adoption agencies, local authorities and any other bodies holding adoptee case records should apply the same approach to data storage, management and long-term archiving. The proposal does not require changes to how case records are created, accessed or shared, and does not alter eligibility for access under existing legislation. Instead, it focuses solely on the duration for which case records must be securely preserved, recognising the increasing importance of these documents in supporting identity, heritage and personal information rights throughout a person's life and beyond.

Consultation questions for Proposal 1

1. Do you agree that the statutory retention period for adoptee case records, where the adoption order was made between 26 November 1976 and 29 December 2005, should be increased from 75 years to 100 years?
2. What benefits do you think this change would deliver?
3. What risks or unintended consequences, if any, do you think could arise from increasing the statutory retention period to 100 years?
4. What practical, operational or cost impacts do you think this change would have for organisations that hold adoptee case records?
5. Do you have any further views or evidence you would like to share to inform this proposal?

Proposal 2: Updated statutory guidance on retention of adoptee case records made before 26 November 1976

Background

For adoptee case records made before 26 November 1976, there is no equivalent statutory minimum retention period to that which applies to later adoption agency case records. As a result, practice in relation to these older records has developed inconsistently over time.

Where pre-1976 adoptee case records do exist, they can still be of significant importance to adoptees, birth family members and others with a personal connection to adoption, who may seek access many decades after an adoption took place. However, these records may be incomplete, held in legacy formats, or stored outside current adoption agency case-record systems, reflecting the different legal and administrative frameworks in place at the time they were created.

Because it is not possible to impose new legal duties in respect of records that may already have been destroyed, and because the circumstances in which records made before 26 November 1976 are held vary widely, we are consulting on whether updated statutory guidance should set out recommended practice on their retention, where they exist and are held by adoption agencies or local authorities.

Proposal and rationale

We are consulting on whether to issue updated statutory guidance recommending that, where adoptee case records made before 26 November 1976 exist and are held by adoption agencies or local authorities, they should be retained for at least 100 years, so far as this is feasible and consistent with wider legal duties.

The guidance would set out recommended practice, using the word “should”. It would not create a new legal duty. The aim is to promote greater consistency in how existing pre-1976 records are protected over the long term.

Consultation questions for Proposal 2

1. Do you agree that updated statutory guidance should recommend that adoptee case records made before 26 November 1976 should be retained for 100 years, where they exist?
2. What practical barriers, if any, would organisations face in retaining adoptee case records made before 26 November 1976 for 100 years?
3. What would be the benefits, in your view, of recommending 100-year retention for adoptee case records made before 26 November 1976?
4. Do you have any further views on how guidance on adoptee case records made before 26 November 1976 should be framed?
5. Do you have any further views or evidence you would like to share to inform Proposal 2?
6. Would you like to add any further comments that have not been covered by other questions?



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