Draft Order laid before Parliament under section 66(3) of the Children Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CHILDREN AND YOUNG PERSONS, ENGLAND

The Information Sharing Index (England) Regulations 2006

Made - - - -	*2006*
Coming into force - -	*2006*

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 12(4)(f) and (h), (5), (6) and (11) and 66(1) of the Children Act 2004(**1**), makes the following Regulations, a draft of which was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 66(3) of that Act:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Information Sharing Index (England) Regulations 2006 and come into force on the seventh day after the day on which they are made.

(2) These Regulations apply in relation to the establishment and operation of one or more information sharing indexes.

(3) In these Regulations—

"the Act" means the Children Act 2004;

"information sharing index" means any database established or operated, or to be established and operated, under section 12 of the Act;

"specialist or targeted service" means any service which is not normally provided to all persons in a particular age group; and

"the Secretary of State" means the Secretary of State for Education and Skills except in relation to information provided under section 12(9) of the Act, where a reference to information provided by a Secretary of State is a reference to information provided by any of Her Majesty's Principal Secretaries of State.

Required disclosure of information to the Secretary of State

2.—(1) Within twenty-eight days of receiving a request from the Secretary of State, a children's services authority in England shall provide to the Secretary of State such of the information—

(**1**) 2004 c. 31.

(a) referred to in the Schedule to these Regulations; and

(b) held by, or on behalf of, that authority,

as is requested.

(2) Nothing in this regulation shall be taken as imposing a duty on a children's services authority in England to create, obtain or disclose information which is not already held by, or on behalf of, that authority at the time of the request.

Permitted disclosure of information by the Secretary of State

3. The Secretary of State may disclose any information disclosed under these Regulations, or information provided by a Secretary of State under section 12(9) of the Act, to a person or body authorised by her to process the information on her behalf.

General provision in respect of disclosure of information

4. Any—

(a) disclosure of information under regulation 3; or

(b) provision of information by a Secretary of State under section 12(9) of the Act,

may be made notwithstanding any rule of common law which prohibits or restricts the disclosure of information.

Conditions of processing information

5.—(1) Information disclosed under these Regulations, or information provided by a Secretary of State under section 12(9) of the Act, may only be processed for the purpose of assessing the accuracy and quality of that information.

(2) The Secretary of State shall not request information which is excessive in relation to the purpose specified in paragraph (1).

(3) Information disclosed under these Regulations, or information provided by a Secretary of State under section 12(9) of the Act, in respect of any person to whom arrangements specified in section 12(1) of the Act relate, may not be processed—

(a) to support measures or decisions with respect to that person; or

(b) in such a way that substantial damage or substantial distress is, or is likely to be, caused to that person.

Retention of information

6. Information disclosed under these Regulations, or information provided by a Secretary of State under section 12(9) of the Act, may be retained for no more than three years from the date on which the Secretary of State obtained it.