

# Donor Anonymity: Asking Questions About Identity Disclosure and Information Registries



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**SYMPOSIUM  
REFERENCE RE: ASSISTED HUMAN  
REPRODUCTION ACT  
IMPLICATIONS OF THE SUPREME COURT'S  
DECISION**

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# Donor Anonymity: Legal Developments



- ***Reference re Assisted Human Reproduction Act*, 2010 SCC 61**
  - Sections 14-19 of the *AHRA* declared unconstitutional
- ***Pratten v. British Columbia (Attorney General)*, 2011 BCSC 656**
  - Section 7 *Charter* claims dismissed
  - Certain provisions of the *Adoption Act* contravene section 15 of the *Charter* and are not saved by section 1

# Methodology



- **Speaking with:**
  - individuals who have direct experience with gamete donation: sperm or egg donors; parents or intended parents; donor conceived offspring; and
  - arm's length stakeholders
- **about:**
  - their experiences;
  - whether anonymous egg and sperm donation should continue; and
  - information collection, use and disclosure.

# Preliminary Results



- **Who have we spoken to?**
  - Lesbian couples who have used donor sperm
  - Single women who have used donor sperm
  - Heterosexual couples who have used donor egg
  - Arm's length stakeholders including counselors, advocates, health care providers

# Should donor anonymity continue?



- **Three categories:**
  1. Continue anonymous sperm and egg donation
  2. Release identifying information where certain restrictions or limitations exist
  3. Identifying information should be released from the outset

# Support anonymity



- concerned about:

- **choice:**

- ✦ “I think there should be the **choice** between open and closed identity donors...I should get to choose the parameters of that family”

- **supply:**

- ✦ decrease in egg and sperm donors reduces choice and may lead to exploitation elsewhere
- ✦ BUT “we are not making widgets in a factory here, these are human lives, why should supply enter into it?”

# Releasing information with restrictions



- **voiced concerns about:**
  - the “parameters” of the family
  - emphasis on “biosupremacy”
  - “legally there isn’t an adequate way of recognizing all of the people who are involved in raising a family”

# Openness from the outset



- “right to know who their donor parent is”
- potential harms to offspring:
  - secrecy
  - “who are we to deny such basic information to [donor conceived offspring] about themselves”



# Information collection, use and disclosure



- **Significant consensus**
- **Should include:**
  - health information
  - Some psychosocial information
- **Favoured a registry system**
- **Age of disclosure?**
- **Concerns include:**
  - Accuracy
  - Enforceability
  - Importance of privacy protections

# Next steps



- More data collection: donor conceived offspring, anonymous gamete donors, and others
- If you are interested in participating please contact:
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