



Opinion by letter No 15 on the draft law to establish a Storage and Management Institute for Donor Data

*Request for opinion dated 14 December 2022 from the President
of the Chamber*

*Admissibility of the request: Committee plenary session of 9
January 2023*

*Adoption of the opinion by letter: Committee plenary session of
27 March 2023*

Preliminary Warning:

*The committee's opinions are drafted in Dutch and French. Please consider these two
language versions as official, even if translations in other languages are available.*

05/04/2023

Mrs. Eliane Tillieux
President of the Chamber of Representatives
of Belgium
Palace of the Nation
1008 Brussels

contact person
Bertrand Sophie
our reference

telephone
02/524 91 84

e-mail
sophie.bertrand@health.fgov.be

your reference
SG/PH/CD/AVIS/430-22

Your request for an opinion dated 14 December 2022 regarding the draft law to establish a Storage and Management Institute for Donor Data

Madam President,

By letter dated 14 December, you, as President of the Chamber, requested the opinion of the Advisory Committee on Bioethics in connection with the draft law to establish a Storage and Management Institute for Donor Data.

The Committee issued a letter opinion on the anonymity of gamete donors on 5 December 2022¹. In this opinion, the Committee suggests a three-track policy where both candidate parent(s) and donors make a choice to be known, identifiable or anonymous. This opinion also makes a number of recommendations regarding data management and support.

In the opinion, the Committee suggests that information regarding the individuals involved and their choice of one of the three options be stored in a central database. This ensures continual access to information. Fertility centres are required to pass this information on to the central bank. Donor children can contact the central database from the age of 12 to request the non-identifying information on the donor. That does not mean that such requests can be made exclusively through the central database. The individuals involved may also contact the fertility centre directly.

When at the age of 16-18 a donor child requests the identity of the donor, the fertility centre - possibly after a request from the central database - will contact the donor. Even if the donor is anonymous, he will be asked if he is willing to provide more information than the non-identifiable information that is always made available and/or if he is willing to have some form of personal contact (anonymously through the fertility centre, by phone, by mail).

The anonymous donor may also consent to the waiving of anonymity on that occasion. However, if the anonymous donor still wishes to remain anonymous, only non-identifiable

¹ Belgian Advisory Committee on Bioethics. Letter Opinion No. 14 regarding sperm donation and revision of Opinion No. 27 of 8 March 2004.
www.belgiumnationalbioethicscommittee.be

information will be released. The fact that the donor wishes to remain anonymous will also be communicated to the donor child so that the latter knows that if they were to seek identity through any other means, the response may be negative.

The Committee recommends that fertility centres provide psychosocial guidance and support to the individuals involved (and their possible contacts with each other). These centres already have both medical expertise (information on possible genetic disorders) and psychological expertise and have established trusting relationships with donors and recipients.

At the time of a donation, the donor must indicate his preferred method of contact. Any contact must be made discreetly, so that the donor's immediate social circle (family, partner) is not inadvertently informed that he is a donor. Indeed, the decision whether or not to inform the social circle (including when and how) is part of the donor's autonomy. Inadvertently informing one's partner or family poses risks to the well-being and interrelationships of all involved.

In summary, the central database is a collection and contact point that refers to fertility centres. It ensures that information on individuals involved in gamete donation provided by fertility centres is stored. Only non-identifying information regarding the donor, which all donor children can obtain, may be provided by the central database itself. For all other information and for contacts between the individuals involved, the central database refers to the fertility centres.

The Committee believes that this proposal strikes a balance between the interests of all involved.

Yours sincerely,

Paul Cosyns, President

This letter opinion was drawn up by the select committee "anonymity of sperm donation" consisting of: Guido Pennings (chair), Paul Cosyns (Bureau representative), Jacinthe Dancot, Martine Dumont-Dagonnier, Cathy Herbrand, An Ravelingien, Véronique Van Asch and Veerle Provoost.