

Introduction to our donor program and the HART Act

This information sheet is for prospective donors and prospective guardians.

Please see the definitions at the end of this form to make sure this form is relevant for you.

INTRODUCTION

There are many people who will not be able to have children without the generous help of someone else. Deciding to be a donor or use a donor is a decision that requires thoughtful consideration. This document will provide an overview of the Human Assisted Reproductive Technology Act (HART) 2004 and how it applies to prospective donors and recipient parents/guardians.

The counselling team are here to help guide you and answer any queries you may have.

WHAT IS HART ACT 2004?

The Repromed donor program is regulated by the Human Assisted Reproductive Technology Act (HART) 2004. The Act affects all people involved in egg, sperm and embryo donation. An underpinning principle of the Act is that people conceived from donor gametes (eggs, sperm or embryos) have the right to knowledge regarding their genetic origins.

The HART Act determined that egg, sperm, and embryo donors are to be identifiable. This enables a person conceived from donor gametes to gain information about their genetic origins, and provides the potential for contact between the donor and the donor conceived person and/or their parents/ guardians.

The HART Register holds information about children born as a result of treatment through fertility clinics using donated eggs, sperm or embryos. It has operated since 2005. The register is maintained by the Registrar-General of Births, Deaths and Marriages, within the Department of Internal Affairs. In addition, Repromed as a provider is required to maintain records relating to donors and donor offspring.

INFORMATION GATHERING

Detailed below is a description of what information is required to be gathered under the HART Act:

- Parents/guardians whose children are conceived from donations must inform Repromed within two weeks of their baby's birth, and provide the baby's name, gender, date and place of birth.
- Repromed is required to maintain a record of specific details about donors, including their name, address, gender, date, place and country of birth, height, colour of hair and eyes, ethnicity and relevant cultural affiliation, whanau, hapu and iwi of Maori donors, and significant medical history of the donor and their family members (parents/grandparents/children/siblings).
- Repromed must also obtain and keep information about a donor's reasons for donating, and accept from the donor any updating or correcting information.
- If a child is born from donated gametes, Repromed must provide information to the Registrar-General of Births, Deaths and Marriages. This information includes, the child's name, gender, and date and place of birth; the names and addresses of the child's guardians; and the donor's name, address, and date, place, and country of birth. As some of the

information may change over time, donors are encouraged to provide Repromed with updated information. Repromed's donor coordinator will contact donors annually to check that information is current.

All information obtained will be passed to the Registrar-General of Births, Deaths and Marriages, which keeps it indefinitely. Repromed also retains this information for 50 years.

REQUESTS FOR INFORMATION

Detailed below is a description on what information the HART Act provides that can be shared with donors and donor offspring (and their parents/guardians):

In all instances, the information must be released unless Repromed (or the Register-General) is satisfied, on reasonable grounds, that to do so is likely to endanger any person.

Repromed and the Registrar-General of Births Deaths and Marriages strongly recommend that parents/ guardians and/or donor-conceived people meet with one of the clinic counsellors to discuss the exchange of information.

The purpose of counselling is to provide an opportunity to consider the implications of exchanging information (including the possibility of positive and negative outcomes) and ensure requests are compliant with legislation and regulation. Counselling provides you with an opportunity to ask questions and counsellors will be guided by your individual needs.

DONOR OFFSPRING

Once a donor-conceived person is aged 18 years they can request identifying information about their donor, and/or whether the donor has requested information about them, from Repromed or the Registrar-General of Births, Deaths and Marriages.

If a donor-conceived person is aged under 18 they can request non-identifying information about their donor, and/or whether the donor has requested information about them, from

Repromed or the Registrar-General of Births, Deaths and Marriages.

In special circumstances, information may be released to donor-conceived persons aged 16 or 17 years. This can only occur after an order has been obtained from the Family Court on the basis that it is in the best interests of the child. Again, this information can be requested (pursuant to the court order) from Repromed or the Registrar-General of Births, Deaths and Marriages.

Donor-conceived people may request to have the existence of other people conceived from the same donor confirmed, by Repromed or the Registrar-General of Births, Deaths and Marriages.

A person conceived from donor gametes may consent in writing to identifying information being released to another person conceived from the same donor. They may also vary or withdraw their consent in writing. In this respect, the HART Act gives provision for potential contact between people conceived from the same donor.

PARENT/GUARDIANS OF DONOR OFFSPRING

Parents/guardians of donor-conceived children aged under 18 may request information (including identifying information) about their child's donor from Repromed or Registrar-General about the donor.

Parents/guardians of donor-conceived children aged under 18 may request to have the existence of other people conceived from the same donor confirmed from Repromed or Registrar-General about the donor.

Parents/guardians of donor-conceived children aged under 18 may consent in writing to identifying information being released to another person conceived from the same donor. They may also vary or withdraw their consent in writing.

DONORS

Donors must be informed prior to identifying information being provided to a donor-conceived child or their parent/guardian.

Upon request, the HART Act requires Repromed (or the Registrar-General) to tell donors of the number and gender of children born as a result of their donation(s).

Upon request, Repromed (or the Registrar-General) must tell the donor if a donor-conceived child has asked for non-identifying information about the donor.

Neither Repromed nor the Registrar-General can disclose any information about donor-conceived people to the donor without the prior written consent of the donor offspring (having reached the age of 18).

OTHERS

Information relevant for the purposes of providing medical treatment or medical advice to a person, can be requested by a medical practitioner who produces a certificate signed by two medical practitioners, which states that access to the information should be obtained for those purposes.

DEFINITIONS

Set out below are some useful definitions from the HART Act which are referred to in this leaflet:

Donor: means a person from whose cells (eggs or sperm) a donated embryo is formed or from whose body a donated cell is derived.

Donor offspring: means a donor-conceived person; being, a person formed from a donated embryo, or a donated cell, that is derived wholly or partly from a donor's body.

Guardian: means an adult who is responsible for looking after a child – including their care and upbringing. Persons named on a child's birth certificate are automatically the child's guardian. Where a child has been adopted, the adoptive parents obtain guardianship rights for the child, which in turn extinguishes the guardianship rights of the birth parents. Other adults can be made a child's guardian by the Family Court. Guardianship, in the context of the HART Act, ends when a child turns 18.

Human Assisted Reproductive Technology Act (HART) 2004: NZ legislation that ensures the health and well-being of children born as a result of an assisted reproductive procedure. Under the HART Act, there is a register for donors and donor offspring and people conceived from donated embryos, sperm or eggs will have the chance to find out about their genetic origins.

Identifying information: means a person's name, address, or contact details; and includes any information that is likely to enable another person to ascertain that person's name, address, or contact details.

Non-identifying information: means all other information that is not identifying.

If you have any queries on this information sheet, please don't hesitate to contact the Repromed counsellors.

