

The (Very Brief) Case For Mandatory Identity Release

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1. Non-Identifying Info. Inadequate

- Substantial % eligible DCP request ID info. (Scheib (2017))
- Non-ID info. inadequate to satisfy info. needs (Scheib (2017))
 - Most requesting DCP want to learn more about donor as a person
 - Most requesting DCP interested in contacting donor
- ID info. can be critical to obtaining updated/important family medical history
- **Why mandatory? Don't know which DCP will request info.**

2. DTC DNA Testing Has Made Anonymity Illusory

- Past 5 years: growth of DTC DNA testing has made anonymity illusory
- Donors should understand and accept this before donating
- DCP should not have to resort to DNA test to ID the donor

Most White Americans' DNA Can Be Identified Through Genealogy Databases

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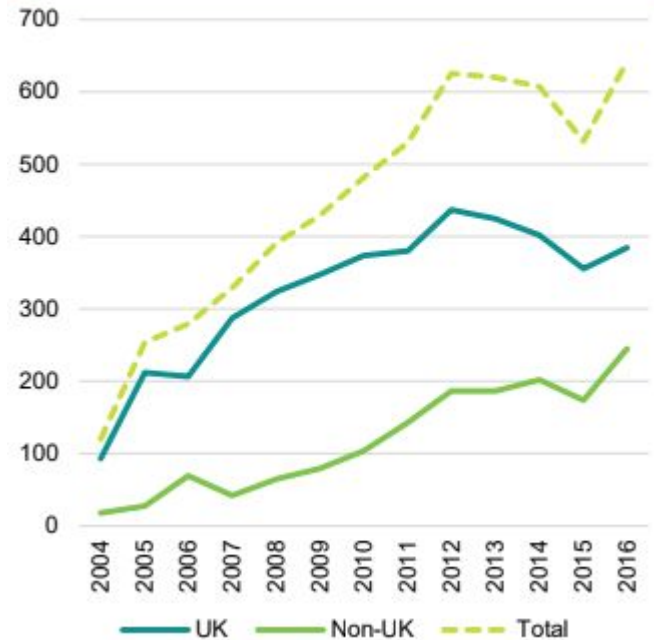


Only two percent of the population needs to have done a DNA test to identify nearly everyone else, researchers found. Leonard Lessin/Science Source

3. Mandatory ID Release Will Not Destroy Supply

- Several sperm banks and some egg banks have ID-release donors
- Most egg donors prefer identity release (Tober (2021))
- No long-term decrease in countries with mandatory ID release
 - Australia (Adams (2016))
 - U.K. (HFEA statistics)

Figure 3: Newly-registered sperm donors



4. Mandatory ID Release is Legal

- Doesn't infringe on parents' rights b/c ID release occurs at adulthood and at the DCP's request
- Doesn't infringe on donors' rights b/c prospective donors have to consent
- SCOTUS has never held fundamental right to procreate includes right to use/provide third party "donor" gametes or procreate via donor conception. See *Morrissey v. U.S.*, 871 F.3d 1269 (11th Cir. 2017).
- Regardless, compelling reasons for mandatory ID release

5. Opt-Out Contrary to International Law/Norms

- Several other democracies require mandatory ID release
 - Australian states, New Zealand, U.K., several E.U. countries (Austria, Denmark, France, Germany, Sweden)
- Article 8 of Convention on the Rights of the Child
 - “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations”
 - *Rose v. HFEA* (2002) (Article 8 engaged)