

**Fact Sheet on Disclosure of Information  
Related to Provision of Reproductive Technology Procedure**

**Keeping of Register A**

1. Under section 33 of the Human Reproductive Technology Ordinance (Cap. 561) (the Ordinance), the Council on Human Reproductive Technology (the Council) shall keep and maintain a register, namely Register A.
2. Information contained in Register A shall be kept for 80 years.

**Information contained in Register A**

3. The register shall contain -
  - (a) information related to the provision of a RT procedure where a child born or intended to be born in consequence of the procedure involving donated gametes or donated embryos; and
  - (b) identifying information of the child born, the parties to a marriage who will be the parents of the child and any individual whose gametes have been used.

**Disclosure of Information**

4. Under section 34(2) & (3) of the Ordinance, disclosure of any information contained or required to be contained in Register A is allowed in the following circumstances -
  - (a) disclosure to a member of the Council, a member of its Committees or a designated public officer designated by the Secretary for Food and Health (the Secretary) is allowed;
  - (b) disclosure to the following persons for the purposes of performing their functions in such capacities is allowed -
    - (i) the licensee who is holder of a licence, which permits the licensee to carry out activities which consist of or involve provision of a RT procedure, conducting of embryo research or handling, storing or disposing of a gamete or embryo used or intended to be used in the RT procedure or embryo research;
    - (ii) the person responsible under a licence;
    - (iii) any person designated in a licence or in a notice duly given to the Council by the persons in (i) and (ii) above; and
    - (iv) any person acting under the direction of the person responsible or of any person so designated;
  - (c) disclosure may be allowed where no individual to whom the information relates can be identified;
  - (d) any adult (age 16 or above) may request the Council to state whether or not the information contained in Register A shows that -
    - (i) a person other than his/ her parents, would or might be his/ her parent; and if yes then
    - (ii) a person whom the adult proposes to marry, would or might be

- related;
- (iii) any information that the Council is required to give pursuant to regulations made by the Secretary. However, no information that identifies the donors of gametes or embryos shall be given if such information was provided at a time when the Council could not have been required to give such information;
  - (e) disclosure is allowed when it is made pursuant to a court order made in the interests of justice, in any proceeding where the court has to determine whether a person is or is not the parent of a child by virtue of sections 9, 10 and 11 of the Parent and Child Ordinance (Cap. 429). However, such an order may not require the Council to disclose any information which may identify the donor(s) whose gamete(s) was/were used in the RT procedure;
  - (f) the Council shall disclose to the Registrar of Births and Deaths or any deputy registrar of births and deaths upon their notice requesting the Council to disclose whether any information in Register A tends to show that a man may be the father of a child by virtue of section 10 of the Parent and Child Ordinance and, if so, disclose that information;
  - (g) disclosure concerning an individual who undergoes a RT procedure may be made pursuant to consent in writing given by him/her before the provision of the procedure;
  - (h) disclosure concerning an individual who undergoes a RT procedure may be made if -
    - (i) he/she gives a permission in writing before the provision of the procedure that he/ she may be contacted after the provision of the procedure to ascertain whether he/ she will consent to a disclosure of information relating to the provision of the procedure to him/ her, either generally or in circumstances specified in the permission; and
    - (ii) consent in writing is obtained from the individual in accordance with the said permission in writing;
  - (i) disclosure is allowed in any proceedings relating to application for a parental order under section 12(1) of the Parent and Child Ordinance for establishing whether -
    - (i) the child has been carried by a surrogate mother; or
    - (ii) the gametes of either or both the parties to the marriage were used to bring about the creation of the embryo.