



**Clann Project Opening Statement to the Committee on Children, Disability,  
Equality and Integration on the General Scheme of the Birth Information and  
Tracing Bill 2021  
29<sup>th</sup> June 2021**

Good afternoon Chairperson and Committee members. Thank you for the invitation to Dr Maeve O'Rourke and myself to attend today's hearing. The Clann Project welcomes the publication of the General Scheme of the Birth Information and Tracing Bill. However, we have identified a number of major problems, which we outline in detail in our [submission](#). The following is a summary of the main issues.

**Birth Certificates**

This Bill does not provide unconditional access to birth certificates. It imposes a mandatory Information Session on adopted people (and adopted people only) whose natural parents have registered a 'no contact' preference. Birth registrations have been public records in Ireland since 1864. Any restrictions on access to these public documents will serve to further stigmatise and marginalise adopted people; simply put, it will make matters worse.

**Information Session**

The Information Session is discriminatory and in breach of the equal rights and freedoms of adopted people. It is envisaged a social worker will inform the adopted person of the natural parent's privacy rights and 'the importance of respecting their contact preferences'.

Instead, it is more than sufficient to simply notify the adopted person of their natural parents' contact preferences. Adopted people are entirely capable of respecting 'no contact' preferences without further explanation and it is deeply offensive to suggest

otherwise. The right to information about oneself and contact with natural family members are separate issues. No adopted person is demanding the right to a relationship with natural family members.

As set out in our submission and amendments, notification of contact preference should be in written booklet form at the same time as records are produced, and this notification should apply to all those requesting records—not just a particular group of adopted people.

An Information Session should be an optional service. And it must be carried out by archivists, not social workers or psychologists. The optional Information Session should also be framed as a *service* to assist affected people, rather than a disciplining measure to ensure they understand the concept of privacy.

### **Access to Records and Information**

We are extremely concerned at the extent to which GDPR rights are being restricted under this Bill. Entire categories of mixed personal data are explicitly excluded without justification, notably information about the care provided to a person by adoptive and natural parents, and the identity of one's siblings. The information rights of natural mothers and relatives and the identity of siblings are also completely ignored. The Bill must provide all affected people, including relatives of the deceased, with a clear pathway for immediate access to their records and to administrative files. The Bill must recognise, too, that mixed personal data *is* personal data—as confirmed by the Court of Justice of the EU.

This Bill runs the risk of perpetuating the culture of shame and secrecy that pervades the Irish adoption system. For too long, the Irish State has held an erroneous presumption that adopted people and natural mothers are on opposing sides. Natural mothers have largely remained silent, but we must be careful about what we read into that silence. The historic and continued human rights violations associated with this system are deeply embedded, and the State's efforts to protect itself amount to a complex gaslighting project that renders many stakeholders silenced and paralysed. The Scheme's publicity campaign presents a unique opportunity to let mothers know that they no longer need to bear the burden of secrecy and shame, to let adopted

people know that they are equal in the eyes of the law, to let relatives of the deceased know that they can finally learn what became of their family member.

It is clear that Minister O’Gorman is committed to equality for all Irish citizens. We are committed to working with him and with this Committee to improve the legislation to ensure it represents a true measure of justice and a major milestone in our nation’s efforts to address so-called ‘historical’ abuses. We will not accept anything less.

Dr O’Rourke and I will be glad to answer any questions and thank you for your time.