



CONFIDENTIAL ADOPTION IN THE DIGITAL AGE: A LEGAL APPRAISAL OF THE PRIVACY RIGHTS OF ADOPTED CHILDREN ON SOCIAL MEDIA IN NIGERIA

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ABSTRACT

This study examines the legal implications of social media disclosures for the privacy rights of adopted children in Nigeria against the backdrop of the increasing use of digital platforms to document and share personal and family experiences. While adoptive parents often post photographs, videos, personal stories, and details of adoption journeys to celebrate family life, promote adoption awareness, or encourage prospective adopters, such disclosures may unintentionally expose adopted children to risks including stigma, cyberbullying, identity theft, emotional harm, and the loss of control over their personal information. The permanence and wide accessibility of online content further challenge the traditional principle of adoption confidentiality, which is intended to protect the identity, dignity, and welfare of adopted children. This paper adopting a doctrinal research method, analyzed relevant constitutional provisions, statutory enactments, international human rights instruments, and selected comparative jurisdictions to evaluate the adequacy of Nigeria's legal framework in protecting the privacy of adopted children in the digital age. The study finds that although Nigerian law recognizes the right to privacy and upholds the best interests of the child as the paramount consideration in matters affecting children, it does not adequately address the unique challenges arising from the online disclosure of adoption-related information. It argues that the rapid digitalization of family life necessitates a reassessment of the traditional concept of adoption confidentiality to ensure effective protection of adopted children in the online environment. The study recommends legislative reforms and the development of clear regulatory guidelines.

KEYWORDS: Adoption, Confidentiality, Privacy and Social Media.

1. INTRODUCTION

The family has traditionally been regarded as a private sphere within which parents exercise considerable autonomy in making decisions concerning the upbringing and welfare of their children. However, the rapid advancement of information and communication technologies has significantly transformed family life, creating new opportunities and challenges regarding the protection of social media platforms such as Facebook, Instagram, TikTok, You Tube and Twitter have enabled individuals to document and share personal experiences with unprecedented ease and reach. While this platform facilitates communication, advocacy and social interaction, they have also generated complex legal and ethical concerns regarding privacy, data protection and the welfare of children.¹ One of the areas where these concerns have become increasingly pronounced is adoption. Historically, adoption proceeding has been treated as confidential in order to protect

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¹ S Livingstone and A Blum-Ross, *Parenting for a Digital Future: How Hopes and Fears About Technology Shape Children's Lives* (Oxford University Press 2020)1-12.



the welfare of the child, preserve family stability, safeguard sensitive personal information and prevent unnecessary interference in the lives of adoptive and biological families.² The confidentiality associated with adoption has therefore been long recognized as an important mechanism for protecting the dignity, identity, and best interests of adopted children. The emergence of social media has however, challenged traditional notions of adoption confidentiality. Adoptive parents now share photographs, videos, personal stories and details of adoption proceedings on digital platforms. In many instances such disclosures extend beyond ordinary family updates and include information relating to the child's biological origins, circumstances surrounding abandonment or relinquishment, medical history and pre-adoption experiences. Although such disclosure is often motivated with positive intentions but they raise important questions concerning the privacy rights of adopted children and the extent to which parents may disclose sensitive information about their children online.³ Information shared on social media can remain accessible indefinitely, creating long term privacy risks. Content posted during childhood can be copied, stored and widely disseminated potentially affecting an individual's future, education, employment, relationships and overall wellbeing.⁴ For the adopted children, these concerns are particularly acute because adoption related information frequently involves highly sensitive details concerning family identity, biological parentage and personal history.

This article examines therefore whether existing Nigerian legal frameworks adequately protect adopted children from privacy violation arising from social media exposure and proposes reforms to address emerging digital risks.

2. CONCEPTUAL CLARIFICATION

2.1 Adoption

Adoption is a legal process through which a person assumes the parental rights, duties, responsibilities, and status of another person, usually a child, thereby creating a permanent parent-child relationship between individuals who are not biologically related. The effect of an adoption order is to place the adopted child in substantially the same legal position as a biological child of the adoptive parents for purposes of custody, maintenance, inheritance, and other incidents of parenthood.⁵ Adoption is therefore not merely a social arrangement but a legal institution designed to promote the welfare and best interests of children who are unable to be adequately cared for by their biological parents. The primary objective of adoption is the promotion of child welfare. Modern adoption law has shifted from an adult centered approach to a child centered framework in which the best interests of the child constitute the paramount consideration. This principle is reflected in both domestic legislation and international instruments governing child's

² J H Hollinger, (ed), *Adoption Law and Practice* (LexisNexis Matthew Bender, 2022) 21.

³ S B Steinberg, 'Sharenting: Children's Privacy in the Age of Social Media' [2017] 66 *Emory Law Journal* 839,842-846.

⁴ V Mayer-Schonberger, *Delete: The Virtue of Forgetting the Digital Age* (Princeton University Press, 2009) 1-18.

⁵ E I Nwogugu, *Family Law in Nigeria* (3rd edn, HEBN Publishers Plc 2014) 315-317.



rights.⁶ Consequently, every aspect of the adoption process including the handling of information relating to the child, must be assessed through the lens of the child's welfare and long-term interests.

2.2 Confidentiality

Confidentiality under adoption refers to the protection of information relating to adoption proceedings, records and the identities of the parties involved. It is intended to safeguard the privacy, dignity and welfare of adopted children, biological parents and adoptive parents by preventing unauthorized disclosure of sensitive adoption related information.⁷ Traditionally, Adoption system maintained strict confidentiality through restricted access to adoption records, with the aim of protecting children from stigma and promoting stability within adoptive families.⁸

In the digital age adoption confidentiality extends beyond official records to include the protection of adoption related information shared online. This is particularly important because social media enables the rapid and permanent dissemination of personal information, potentially undermining the privacy and welfare of adopted children.⁹ consequently, adoption confidentiality remains an essential mechanism for protecting children's rights, identity and overall well-being.¹⁰

2.3 Privacy

Privacy is a multifaceted concept that generally refers to an individual's right to control access to personal information and to be free from unwarranted intrusion into private life.¹¹ Privacy protects human dignity, autonomy, identity, and personal development by enabling individuals to determine when, how, and to what extent information concerning them is communicated to others. Legal scholars have identified various dimensions of privacy, including physical privacy, decisional privacy, territorial privacy, and informational privacy.¹² Of particular relevance to this study is informational privacy, which concerns the collection, use, storage, dissemination, and protection of personal data. Informational privacy has become increasingly important in the digital era because technological developments facilitate the rapid processing and widespread distribution of personal information. The right to privacy is recognised under both domestic and international law. In Nigeria, section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees the privacy of citizens and their communications.¹³ At the international level, Article 16 of the United Nations Convention on the Rights of the Child and Article 10 of the African Charter on the Rights and Welfare of the Child protect children against arbitrary or unlawful interference

⁶ Child's Right Act 2003, s 1; United Nation Convention on the Rights of the Child 1989, art 3.

⁷ J H Hollinger (n2).

⁸ E J Sammuels, 'The idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records' (2001) 53 *Rutgers Law Review* 367,372-375.

⁹ V Mayer-Schonberger (n4).

¹⁰ Child's Right Act 2003, s 1; United Nations Convention on the Rights of the Child 1989, art 8 and 16.

¹¹ R Wacks, *Privacy and Media Freedom* (2nd edn, Oxford University Press 2013) 15.

¹² D J Solove, *Understanding Privacy* (Harvard University Press 2008) 12–18.

¹³ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 37.



with their privacy.¹⁴For adopted children, privacy rights assume particular significance because adoption records frequently contain sensitive information relating to biological parentage, medical history, family circumstances, and personal identity. The disclosure of such information may affect the child's emotional well-being, social relationships, and future autonomy. Accordingly, the protection of privacy constitutes an essential component of child welfare and adoption confidentiality.

2.4 Social Media

Social media refers to internet-based platforms and technologies that enable users to create, share, interact with, and exchange information, ideas, photographs, videos, and other forms of content through virtual communities and networks.¹⁵ Social media platforms have transformed communication by allowing individuals to disseminate information instantly to large and diverse audiences. Unlike traditional media, social media facilitates user-generated content and interactive communication. Popular platforms such as Facebook, Instagram, TikTok, YouTube, Snapchat, and X permit users to document personal experiences and share them with family members, friends, or the general public. These platforms have become important tools for social interaction, education, advocacy, entertainment, and community building.

The widespread use of social media by parents has created new challenges regarding children's privacy. Parents frequently post photographs, videos, personal stories, educational achievements, and other information concerning their children online. While such disclosures may appear harmless, they often generate permanent digital records that can be accessed and redistributed by others.¹⁶ In the context of adoption, social media provides opportunities for advocacy and awareness creation but also increases the risk of exposing sensitive adoption-related information to public scrutiny. Consequently, social media has become a central factor in contemporary debates concerning children's privacy rights and adoption confidentiality.

3. LEGAL FRAMEWORK

3.1 Constitutional of the Federal Republic of Nigeria 1999 (as amended)

The right to privacy occupies a prominent position within the Nigerian legal system and constitutes the primary constitutional basis for the protection of personal information. Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is

¹⁴ United Nations Convention on the Rights of the Child 1989, art 16; African Charter on the Rights and Welfare of the Child 1990, art 10.

¹⁵ A M Kaplan and Michael Haenlein, 'Users of the World, Unite! The Challenges and Opportunities of Social Media' [2010] 53(1) *Business Horizons* 59, 61.

¹⁶ S Livingstone and A Blum-Ross, *Parenting for a Digital Future: How Hopes and Fears About Technology Shape Children's Lives* (Oxford University Press 2020) 74–79.



hereby guaranteed and protected.¹⁷ Although the provision does not expressly refer to children or adopted persons, its protection extends to every citizen, including minors. The constitutional guarantee has acquired increased significance in the digital era where personal information can be collected, stored, processed, and disseminated through electronic platforms within seconds. Modern interpretations of privacy increasingly encompass informational privacy, which refers to an individual's right to control personal information and to be protected against unauthorized disclosure.¹⁸

For adopted children, the constitutional right to privacy provides a legal foundation for safeguarding sensitive information relating to adoption status, biological parentage, medical records, family history, and personal identity. Such information often constitutes highly personal data, the disclosure of which may affect the child's dignity, welfare, and social relationships. Consequently, the publication of adoption-related information on social media may raise constitutional concerns where it unnecessarily interferes with the child's legitimate expectation of privacy. The constitutional protection of privacy is closely linked to the broader concept of human dignity. Respect for privacy enables individuals to develop their personalities, maintain personal autonomy, and control information concerning their private lives.¹⁹ In the context of adoption, protecting privacy contributes to the preservation of the child's dignity and identity, both of which are essential components of child welfare.

However, section 37 was enacted long before the emergence of social media and does not specifically address the challenges posed by online disclosures by parents. While the constitutional provision provides a broad framework for privacy protection, additional statutory safeguards are necessary to address contemporary threats to children's informational privacy in digital environments.

3.2 The Child Rights Act 2003

The Child Rights Act 2003 represents the most comprehensive legislation governing the protection of children's rights in Nigeria. The Act incorporates fundamental principles contained in the United Nations Convention on the Rights of the Child and establishes a child-centred framework for safeguarding the welfare and interests of children.²⁰ The fundamental principle underpinning the Act is that the welfare and best interest of the child should be the foremost consideration in all action relating to children. The Act provides that in every action undertaken by an individual, public authority, court, administrative institution, or legislative body, the best interests of the child shall be of paramount importance.²¹ consequently, this principle serves as benchmark for evaluating

¹⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 37.

¹⁸ R Wacks, *Privacy and Media Freedom* (2nd edn, Oxford University Press 2013) 15–19.

¹⁹ R Gavison, 'Privacy and the Limits of Law' [1980] 89 *Yale Law Journal* 421, 438–440.

²⁰ A A Oba, 'The Child Rights Act 2003: A New Dawn for Child Protection in Nigeria' [2004] 8 *University of Benin Law Journal*, 67–70.

²¹ Child Rights Act 2003, s 1.



matters concerning children, including those relating to privacy rights and adoption confidentiality. The significance of the best interest's principle in the context of social media disclosures cannot be overstated. While adoptive parents may possess legitimate reasons for sharing adoption stories online, such disclosures must be assessed against their potential impact on the child's welfare. Where publication of adoption-related information exposes the child to stigma, discrimination, psychological distress, or future harm, questions may arise as to whether such disclosures genuinely serve the child's best interests.

The Child Rights Act also protects the dignity of the child. Section 11 guarantees every child the right to dignity and protection from physical, mental, and emotional injury, abuse, neglect, or degradation.²² Public dissemination of sensitive adoption-related information may undermine this right where the disclosure subjects the child to embarrassment, ridicule, or unwanted public attention. Furthermore, the Act recognizes the importance of protecting children's identities in legal proceedings. Section 205 prohibits the publication of information capable of identifying a child involved in child justice proceedings except in circumstances authorized by law.²³ Although the provision is directed primarily at juvenile justice matters, it reflects a legislative policy favoring the protection of children's identities from unnecessary public exposure. This policy provides persuasive support for extending similar protections to adopted children whose personal information is shared through social media.

The Child Rights Act contains detailed provisions governing adoption procedures in Nigeria. The Act regulates eligibility requirements, court procedures, consent requirements, and the legal consequences of adoption orders.²⁴ The adoption process is conducted under judicial supervision, to ensure that adoption decisions promote the welfare and best interests of the child. A notable feature of adoption law is the confidential treatment of adoption records and proceedings. Adoption files typically contain sensitive information relating to biological parents, adoptive parents, medical histories, and circumstances surrounding the adoption. Such records are maintained under official control and are not ordinarily accessible to the general public.²⁵ The confidentiality associated with adoption records serves several purposes. First, it protects adopted children from unnecessary intrusion into their private lives. Secondly, it safeguards biological parents who may have relinquished parental rights under difficult personal circumstances. Thirdly, it promotes family stability by protecting adoptive families from unwarranted interference.²⁶

Nevertheless, while the law protects official adoption records, it does not specifically regulate the disclosure of adoption-related information by adoptive parents through social media. Consequently,

²²CRA 2003, s 11.

²³ *ibid*, s 205.

²⁴ *ibid*, s 125–152.

²⁵ E I Nwogugu, *Family Law in Nigeria* (3rd edn, HEBN Publishers Plc 2014) 325–329.

²⁶ J H Hollinger (n2)



a child whose adoption history is publicly shared online may receive less practical protection than a child whose records remain confidential within official institutions. This gap reveals one of the major weaknesses in the current legal framework governing adoption confidentiality in Nigeria.

3.3 Nigeria Data Protection Act 2023

The enactment of the Nigeria Data Protection Act 2023 represents a significant development in Nigeria's privacy and data protection regime. The Act establishes a comprehensive legal framework governing the processing of personal data and seeks to protect the fundamental rights and freedoms of data subjects.²⁷ The Act defines personal data broadly as any information relating to an identified or identifiable natural person.²⁸ Information concerning an adopted child's identity, photographs, educational records, medical history, adoption status, family background, and location therefore fall's within the scope of protected personal data. One of the most important contributions of the Act is its recognition of the special vulnerability of children in data-processing activities. The Act imposes obligations on persons processing children's data and requires that such processing be conducted in a lawful, fair, and transparent manner.²⁹ These obligations reflect growing international recognition that children require enhanced protection within digital environments.

Several principles established under the Act are particularly relevant to adoption-related disclosures on social media. These include the principles of lawfulness, fairness, transparency, purpose limitation, data minimization, and accountability.³⁰ Collectively, these principles discourage excessive or unnecessary disclosure of personal information and encourage responsible handling of children's data. The relevance of the Nigeria Data Protection Act to adoption confidentiality lies in its emphasis on protecting personal information from misuse and unauthorized exposure. Although the Act was not specifically enacted to regulate adoption matters, its provisions provide important safeguards capable of protecting adopted children against excessive online disclosures. Nevertheless, uncertainty remains regarding the extent to which parental disclosures on social media fall within existing enforcement mechanisms.

3.4 International Human Rights Instruments

Nigeria's obligations under international human rights instruments provide additional protection for the privacy rights of adopted children. These instruments reinforce the principle that children are independent rights holders entitled to protection against arbitrary interference with their privacy and personal identity. Article 16 of the United Nations Convention on the Rights of the Child provides that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence and that every child has the right to legal protection against such

²⁷ Nigeria Data Protection Act 2023, s 1.

²⁸ *ibid*, s 65.

²⁹ *ibid*, s 24–31.

³⁰ Nigeria Data Protection Act 2023, s 24.



interference.³¹ The provision establishes privacy as a fundamental child right and imposes obligations on States to ensure its protection.

Similarly, the African Charter on the Rights and Welfare of the Child guarantees the child's right to privacy and protection against unlawful interference with family life.³² The Charter complements the UNCRC by emphasizing the importance of protecting children's dignity and welfare within African legal systems. The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption also recognizes the importance of protecting information relating to a child's origins and identity. The Charter requires participating States to preserve information concerning the child's background while ensuring appropriate safeguards regarding confidentiality and access to such information.³³ Although the Convention primarily addresses intercountry adoption, its principles are relevant to broader discussions concerning adoption confidentiality and privacy. Taken together, these international instruments demonstrate a clear commitment to protecting children's privacy and identity. They also provide persuasive authority for interpreting domestic laws in a manner that promotes the welfare and privacy interests of adopted children in contemporary digital environments.

4. SOCIAL MEDIA AND THE EROSION OF ADOPTION CONFIDENTIALITY

4.1 Digital Footprints and the Permanence of Online Information

One of the defining features of the digital age is the creation of permanent digital footprints. A digital footprint consists of the information and data associated with an individual through online activities or through information posted about that individual by others.³⁴ Unlike traditional forms of communication, digital content can be stored indefinitely, copied repeatedly, and disseminated globally with minimal effort. The permanence of online information presents unique challenges for adopted children. Information shared by adoptive parents may remain accessible through search engines, archived websites, screenshots, and third-party databases even after the original content has been deleted.³⁵ As a result, adoption-related disclosures may continue to affect individuals throughout their lives. The creation of digital footprints is particularly problematic because it limits an individual's ability to control personal information. Many adopted persons may wish to determine for themselves whether and when to disclose their adoption status. However, where such information has already been widely disseminated online, the opportunity to exercise such choice may be irretrievably lost. Moreover, digital footprints may expose adopted children to future scrutiny by employers, educational institutions, professional organizations, and members of the public. Information posted during childhood may be interpreted out of context years later, thereby

³¹ United Nations Convention on the Rights of the Child 1989, art 16.

³² African Charter on the Rights and Welfare of the Child 1990, art 10.

³³ Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993, arts 30–31.

³⁴ V Mayer-Schonberger(n4)

³⁵ *ibid*, 11-16.



creating reputational and emotional consequences that were never anticipated at the time of disclosure. The permanence of digital records therefore poses a direct challenge to the traditional objective of adoption confidentiality, which seeks to protect sensitive personal information from unnecessary public exposure.

4.2 Stigmatization and Social Discrimination

Despite significant progress in public attitudes toward adoption, social stigma remains a reality in many societies. Misconceptions concerning adoption, biological parentage, and family relationships continue to influence public perceptions and may result in discriminatory treatment of adopted persons.³⁶ In Nigeria, cultural emphasis on biological lineage and blood relationships may contribute to negative attitudes toward adoption in certain communities. Consequently, the public disclosure of adoption-related information may expose adopted children to prejudice, intrusive questioning, and social exclusion.³⁷

Particularly problematic are disclosures revealing sensitive details concerning the circumstances that led to adoption. Information relating to abandonment, poverty, parental misconduct, neglect, abuse, or orphanhood may become sources of stigma capable of affecting the child's self-esteem and social relationships. Such information may also expose children to stereotyping and unfair judgments based on factors beyond their control. The risk of stigmatization is amplified by the wide reach of social media platforms. Information initially shared with a limited audience may quickly reach individuals far beyond the adoptive family's immediate social network. Consequently, a disclosure intended as a positive adoption narrative may inadvertently subject the child to long-term social consequences. The possibility of stigma and discrimination reinforces the need for caution when sharing adoption-related information online and highlights the importance of safeguarding the child's privacy interests.

4.3 Cyberbullying and Online Harassment

Cyberbullying has emerged as one of the most serious threats facing children in contemporary digital environments. It involves the use of electronic communication technologies to intimidate, humiliate, threaten, ridicule, or harass individuals.³⁸ Children whose personal information is publicly available online are generally more vulnerable to cyberbullying because such information can be used by others to target, embarrass, or exploit them. Adopted children may be particularly susceptible where social media disclosures reveal details concerning their family backgrounds, biological origins, or adoption histories.

The consequences of cyberbullying may be severe and long-lasting. Studies have linked cyberbullying to anxiety, depression, emotional distress, social withdrawal, reduced academic

³⁶ V Mayer-Schonberger(n4) 11-16.

³⁷ Ibid, s11-16.

³⁸ E I Nwogugu, *Family Law in Nigeria* (3rd edn, HEBN Publishers Plc 2014) 329.



performance, and diminished self-esteem.³⁹ These consequences may be particularly harmful to adopted children who may already face complex issues relating to identity formation and belonging. The possibility that parental social media disclosures may facilitate cyberbullying underscores the need for greater legal and ethical responsibility in relation to adoption-related content. Protecting children from foreseeable harm requires careful consideration of how information shared today may be used by others in the future.

4.4 Identity Theft and Misuse of Personal Information

Another significant risk associated with social media disclosures is the misuse of personal information. Modern digital platforms encourage the sharing of photographs, names, birth dates, locations, educational records, and family details. When combined, these pieces of information may enable identity theft, fraud, impersonation, and other forms of exploitation.⁴⁰ Adopted children may face heightened risks where social media disclosures reveal detailed personal histories. Information relating to birth records, adoption proceedings, medical conditions, and family backgrounds may be particularly attractive to individuals seeking to exploit personal data for unlawful purposes.

The Nigeria Data Protection Act 2023 recognises the importance of protecting personal information and imposes obligations aimed at ensuring responsible processing of personal data.⁴¹ However, enforcement challenges remain where information is voluntarily disclosed by parents through social media platforms. Increasing commercial value of personal data further compounds these risks. Social media companies routinely collect, analyse, and monetise user information for advertising and other purposes. Consequently, information shared about adopted children may become part of extensive data ecosystems over which neither the child nor the parents exercise meaningful control.

4.5 Psychological and Emotional Consequences

The disclosure of adoption-related information may have significant psychological implications for adopted children. Adoption often involves complex emotional experiences relating to identity, belonging, family relationships, and personal history. The public exposure of such experiences may interfere with the child's emotional development and sense of self.⁴² Children and adolescents may experience embarrassment, frustration, or resentment where intimate details of their lives are shared online without their consent. They may also feel a loss of control over personal information and perceive such disclosures as violations of trust and autonomy.

³⁹ S Hinduja and J W Patchin, *Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying* (2nd edn, Corwin Press 2015) 36.

⁴⁰ *ibid* 58–63.

⁴¹ Nigeria Data Protection Act 2023, s 24–31.

⁴² D M Brodzinsky, Marshall D Schechter and Robin Marantz Henig, *Being Adopted: The Lifelong Search for Self* (Anchor Books 1993) 75–84.



Furthermore, social media may transform deeply personal experiences into public narratives open to commentary, criticism, and judgment by strangers. Such exposure may generate emotional distress and contribute to feelings of vulnerability or insecurity. For adopted children already navigating questions concerning identity and family relationships, these effects may be particularly significant. The psychological impact of online disclosures demonstrates that adoption confidentiality is not merely a procedural concern but an important component of child welfare and emotional well-being.

5. COMPARATIVE ANALYSIS OF ADOPTION CONFIDENTIALITY AND CHILDREN'S DIGITAL PRIVACY IN AUSTRALIA AND KENYA

Australia has developed one of the most comprehensive legal frameworks governing adoption confidentialities, although adoption law is primarily regulated by individual states and territories. Despite variations among state legislation, Australian adoption laws share the common objective of protecting the confidentiality of adoption proceedings and preserving the privacy of children involved in adoption. Historically, Australian adoption practice was characterized by closed adoption, under which identifying information relating to birth parents, adoptive parents, and adopted children was strictly protected. Although contemporary reforms have introduced greater access to adoption records in some circumstances, disclosure remains carefully regulated to ensure that the welfare and privacy of the adopted child are not compromised.⁴³ Beyond adoption legislation, Australia has strengthened the protection of children's personal information through the Privacy Act 1988 (Cth), which regulates the collection, storage, use, and disclosure of personal information by government agencies and many private organizations. The Australian Privacy Principles, established under the Act, require organizations handling children's personal information to implement appropriate safeguards against unauthorized disclosure. Although the Privacy Act does not specifically regulate social media disclosures by parents, it provides an important legal framework for protecting children's personal data against misuse by institutions and digital service providers.⁴⁴

Australia has also recognised the growing challenges posed by digital technologies and social media. The Office of the Australian Information Commissioner has consistently emphasized that children require enhanced privacy protection because they are particularly vulnerable to the long-term consequences of digital exposure. The Office of Australian Information Commission advocates a child-centred approach to data protection, encouraging organizations to minimise data collection and adopt privacy-by-design principles when processing children's information.⁴⁵ These measures reinforce the confidentiality traditionally associated with adoption by discouraging unnecessary disclosure of children's personal information in digital environments.

⁴³ Adoption Act 2000 (New South Wales) pts 7–8; Adoption Act 1984 (Victoria) VI.

⁴⁴ Privacy Act 1988 (Cth) sch 1 (Australian Privacy Principles).

⁴⁵ Office of the Australian Information Commissioner, *Children and Privacy* (Guidance, 2024).



Although Australian law does not expressly prohibit adoptive parents from sharing adoption-related information on social media, the legal emphasis on children's privacy has influenced professional practice. Adoption agencies routinely advise adoptive parents to exercise caution before publishing photographs, names, or personal histories of adopted children online. Such guidance reflects the recognition that digital disclosures may create permanent records capable of exposing adopted children to identity-related challenges, stigma, or unwanted public attention later in life.⁴⁶ Consequently, Australia's legal and policy framework demonstrates an evolving understanding that adoption confidentiality extends beyond official records to encompass responsible digital behaviour by families and institutions.

Kenya has similarly adopted a child-centered legal framework that integrates adoption confidentiality with constitutional privacy rights and modern data protection principles. The Constitution of Kenya 2010 guarantees every person the right to privacy, including protection against the unnecessary disclosure of personal information.⁴⁷ These constitutional guarantees are reinforced by the Children Act 2022, which places the best interests of the child at the center of all decisions affecting children. The Act further provides that adoption proceedings shall ordinarily be conducted in chambers, thereby excluding public access and ensuring that sensitive information concerning adopted children remains confidential.⁴⁸

The Children Act 2022 further requires that adoption records and information relating to adoption proceedings be treated as confidential except where disclosure is authorized by law or ordered by a competent court. These provisions recognize that the unauthorized disclosure of adoption-related information may adversely affect the child's dignity, emotional well-being, and family relationships. By protecting the confidentiality of adoption records, Kenyan law seeks to balance the child's right to identity with the need to safeguard privacy during childhood.⁴⁹

Kenya has also enacted the Data Protection Act 2019, which complements child protection legislation by regulating the processing of personal data. The Act recognizes personal information relating to children as deserving heightened protection and requires that personal data be processed lawfully, fairly, and transparently. Public institutions, adoption societies, and digital service providers are therefore expected to implement adequate safeguards against the unauthorized dissemination of children's personal information.⁵⁰ This statutory framework is particularly relevant in the digital age, where adoption-related information may be rapidly circulated through social networking platforms.

⁴⁶ P Parkinson, *Family Law and the Indissolubility of Parenthood* (Cambridge University Press 2011) 214–220.

⁴⁷ *ibid*, 214–220.

⁴⁸ Children Act 2022, s 8, 183–211.

⁴⁹ *ibid*, s 183–211.

⁵⁰ Data Protection Act 2019, s 25–33.



Compared with Australia, Kenya expressly links adoption confidentiality with statutory child protection and constitutional privacy rights. Nevertheless, challenges remain in the practical enforcement of these protections, particularly in relation to social media disclosures by private individuals. Neither jurisdiction has enacted legislation specifically regulating the online disclosure of adopted children's identities by adoptive parents. Instead, both rely on general principles of child welfare, privacy, and responsible parental conduct. This legislative gap highlights the need for clearer regulatory guidance concerning sharenting and the publication of adoption-related information on digital platforms.

6. LESSONS FOR NIGERIA

The comparative analysis of Australia and Kenya demonstrates that Nigeria can significantly strengthen its legal framework governing adoption confidentiality and the privacy rights of adopted children in the digital age. Although the Child Rights Act 2003 and the Nigeria Data Protection Act 2023 provide a general framework for the protection of children's welfare and personal data, neither statute expressly addresses the disclosure of adoption-related information on social media by adoptive parents, adoption agencies, or other private individuals.⁵¹ This legislative gap exposes adopted children to risks such as identity disclosure, cyberbullying, social stigma, and the creation of permanent digital footprints that may adversely affect their future autonomy and psychological well-being.⁵² Australia provides an important lesson on the integration of adoption law with privacy and data protection principles. While adoption legislation remains largely a matter for the states and territories, the Privacy Act 1988 (Cth) establishes national standards governing the collection, use, storage, and disclosure of personal information.⁵³ The Australian Privacy Principles further require organizations handling children's personal information to adopt appropriate safeguards against misuse and unauthorized disclosure. Although these provisions do not specifically regulate parental disclosures on social media, they reinforce the principle that children's personal information deserves heightened protection. Nigeria could adopt a similar approach by harmonizing its adoption laws with its data protection framework and by developing statutory guidelines governing the online disclosure of adoption-related information.⁵⁴

Kenya equally offers valuable lessons through its express statutory recognition of confidentiality in adoption proceedings. The Children Act 2022 requires adoption proceedings to be conducted in chambers and treats adoption records and related information as confidential except where disclosure is authorized by law or ordered by a court.⁵⁵ Coupled with the Data Protection Act 2019, Kenya's legal framework provides a clearer statutory basis for protecting the personal information of adopted children.⁵⁶ Nigeria could strengthen its legal regime by incorporating similar provisions

⁵¹Child Rights Act 2003, s 1; Nigeria Data Protection Act 2023, s 24–31.

⁵² V Mayer-Schönberger (4).

⁵³ Privacy Act 1988 (Cth) (Australia).

⁵⁴ Office of the Australian Information Commissioner, *Children and Privacy* (2024).

⁵⁵Children Act 2022 (Kenya), s 183–211.

⁵⁶ Data Protection Act 2019 (Kenya), s 25–33.



into the Child Rights Act or any future adoption legislation, expressly regulating access to adoption records and limiting the unauthorized disclosure of adoption-related information, particularly through digital platforms.⁵⁷

Another lesson from both jurisdictions is the recognition that legal protection alone is insufficient without effective institutional implementation. Australia has developed administrative guidance through the Office of the Australian Information Commissioner, while Kenya has strengthened institutional oversight through the Office of the Data Protection Commissioner and child protection authorities.⁵⁸ Nigeria should therefore empower the Nigerian Data Protection Commission and state child welfare agencies to issue practice guidelines, monitor compliance, and educate adoptive parents, adoption agencies, and the public on the importance of safeguarding the digital privacy of adopted children.⁵⁹ Finally, both Australia and Kenya demonstrate that the best interests of the child must remain the overriding consideration in determining whether adoption-related information should be disclosed.⁶⁰ Nigeria should therefore adopt a child-centred approach that balances parental freedom of expression with the child's rights to privacy, dignity, identity, and future autonomy. Legislative reform should specifically address the emerging phenomenon of sharenting by requiring adoptive parents to consider the long-term implications of publishing adoption stories, photographs, videos, or other identifying information on social media. Such reforms would modernize Nigeria's adoption law and ensure that the traditional principle of adoption confidentiality remains effective in the digital era.⁶¹

7. CONCLUSION

This article has examined the evolving tension between adoption confidentiality and the increasing exposure of adopted children to social media disclosures in Nigeria. It has demonstrated that while Nigerian law recognizes the right to privacy under the Constitution, provides child-centered protections under the Child Rights Act 2003, and strengthens personal data safeguards through the Nigeria Data Protection Act 2023, these frameworks were not designed to address the realities of digital parenting and social media dissemination of sensitive family information.

The study has further shown that adoption, as a legal institution, has historically been grounded in confidentiality to protect the dignity, identity, and welfare of the child, as well as the stability of the adoptive family. However, the rise of sharenting and digital storytelling has significantly weakened this protective structure by enabling adoptive parents to publicly disclose adoption-related narratives, images, and personal histories that may have lifelong consequences for the child. The

⁵⁷ Children Act 2022 (Kenya), s 183–211.

⁵⁸ Office of the Australian Information Commissioner, *Children and Privacy* (2024); Office of the Data Protection Commissioner (Kenya), *Guidance Note on Processing Children's Data* (2022).

⁵⁹ Nigeria Data Protection Act 2023, s 61–64.

⁶⁰ United Nations Convention on the Rights of the Child 1989, arts 3 and 16.

⁶¹ Child Rights Act 2003, s 1.



analysis reveals that such disclosures may expose adopted children to risks including stigmatization, cyberbullying, identity theft, psychological distress, and loss of informational autonomy. These risks are exacerbated by the permanence of digital footprints and the global reach of social media platforms, which make it difficult to contain or reverse online disclosures once made. Ultimately, the article argues that the current Nigerian legal framework, while conceptually supportive of child welfare and privacy, is insufficiently responsive to the challenges posed by the digital environment. There is therefore a need to recalibrate the balance between parental freedom of expression and the privacy rights of adopted children, with greater emphasis on the child's best interests, dignity, and future autonomy.

8. RECOMMENDATIONS

1. It is recommended that Nigerian lawmakers consider introducing explicit statutory provisions or subsidiary legislation addressing the disclosure of children's personal information on social media, particularly in adoption cases. Such provisions should define permissible and impermissible disclosures and establish clear standards for protecting adopted children's identities in digital environments.
2. The Nigeria Data Protection Commission should issue detailed sector-specific guidelines on the processing and publication of children's personal data, with particular attention to parental disclosures. These guidelines should clarify the application of data protection principles such as data minimization, purpose limitation, and consent in family and domestic contexts involving children.
3. The judiciary should develop interpretative guidelines on how the best interests of the child principle applies to online disclosures by parents and guardians. Courts should be encouraged to recognize that excessive or identifying publication of adoption-related information may constitute a violation of a child's privacy and dignity.
4. Where adoptive parents choose to share adoption-related stories for advocacy purposes, they should be encouraged to anonymize identifying details such as names, locations, images, and sensitive background information. A privacy-by-design approach should be promoted in all adoption-related digital storytelling.
5. In the digital age, adoption confidentiality can no longer be understood solely as a restriction on access to official records. It must also encompass protection against voluntary and widespread dissemination of sensitive adoption-related information through social media. A modern legal framework must therefore evolve to ensure that adopted children are not subjected to permanent digital exposure without consideration of their rights, welfare, and future autonomy.