

Our Ref: IM-FOI-2018-1789
Date: 27 August 2018



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1) Can you please tell me what is you police force's gender policy on recording crime incidents - in terms of do you record the individual involved in a crime incident by their preferred gender or the gender of their birth?

2) If the recording of crime incidents is by preferred gender, when was this policy introduced?

Depending on the legacy crime recording system being used, this information will either be recorded as one of the binary male or female options or within a free text area, where available. Police Scotland recognises and acknowledges that a person may not feel it appropriate for them to be assigned the binary options of male or female, but at this time many of our systems only have capacity to record those two options. We still utilise a number of IT systems from legacy Forces, so there are disparities across police recording systems. Wherever possible, however, we will utilise free text areas to better define how they personally identify, if it is appropriate or significant to do so in terms of policing.

To clarify, we require no evidence or certification as proof of biological sex or gender identity other than a person's self-declaration, unless it is pertinent to any criminal investigation with which they are linked and it is evidentially critical that we legally require this proof. We would look for the most sensitive way to acquire this information. Where someone does not identify as male or female i.e. non-binary, gender fluid or a-gendered for instance, we would ask how they chose to identify when applying for a passport or drivers licence or in any other situation where only binary options are currently available.

Therefore in response, in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

The Scottish Government is currently in the process of carrying out consultation linked to the Gender Recognition Act which includes "Options for the legal recognition of non-binary people – people who do not identify as male or female". Police Scotland await the outcomes of the Scottish Government consultation.

Should you require any further assistance please contact Information Management – Highland & Islands Divisional Headquarters on 01463 720508 quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

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Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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