| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1269Responded to: 14 May 2025 |
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Your recent request for information is replicated below, together with our response.

**If an individual suspected of rape provides a DNA sample to Police Scotland and their preferred gender identity is the opposite to the sex indicated by the DNA sample, would Police Scotland record the individual's sex in accordance with the DNA sample or their preferred gender identity?**

**If an individual suspected of sexual assault provides a DNA sample to Police Scotland and their preferred gender identity is the opposite to the sex indicated by the DNA sample, would Police Scotland record the individual's sex in accordance with the DNA sample or their preferred gender identity?**

**What guidance and / or policies do Police Scotland adhere to when recording the sex and gender of individuals suspected of criminal activity?**

**Can you please disclose a copy of this guidance and / or policies which Police Scotland adhere to which relates to how Police Scotland should record the sex and gender of individuals suspected of criminal activity?**

**Do Police Scotland have a written policy that prioritises a suspects preferred gender identity over their biological sex when recording personal information relating to the sex of a suspect?**

There is no set policy on the gender and pronouns used by Police Scotland when a suspect/criminal is transgender.

There are also no set policies to answer the questions listed above, therefore the information sought is not held by Police Scotland and section 17 of the Act applies.

Police Scotland recognises that gender self-identification is a sensitive area of public policy.

Police Scotland’s procedures on the identification and recording of sex and gender is evidence-led, aligns to legislative and operational requirements and is in keeping with our values of policing with integrity, fairness and respect, and upholding human rights.

The purpose of policing in Scotland is to improve safety and wellbeing, Police Scotland take a victim centred approach to investigating crime. Improving the experiences of victims is at the heart of everything we do.

At this time Police Scotland deals with each incident on a case-by-case basis.

We are conducting a full review of Police Scotland’s use of sex and gender to consider any improvements to the terminology, recording practices and use of data, ensuring they are current, comply with relevant legislation and provide clear guidance to aid operational practice. This important review work will now also consider the recent Supreme Court judgment on the subject.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.