

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-02995

Keyword: Organisational Information/Governance

Subject: Sex / Gender Recording

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1) (a) of the Act we can confirm that the Police Service of Northern Ireland (PSNI) does hold information to which your request relates. The decision has been taken to disclose the following.

Request 1

Could you please tell me how your force deals with recording the Sex/Gender identification of individuals who come into contact with the Police?

For instance, if a person is arrested or charged with a crime, will the official record state the gender they choose to identify as, their legal sex as recorded on their birth certificate, or something else?

Answer

In regards to PSNI's Call Management Centre (101 / 999 calls) there is no policy on gender recording. In almost every case the call taker does not ask the caller their gender, but makes an assumption from the caller's voice and name. Call takers record gender on the computer system from one of the four drop down options, these being;

- Male,
- Female,
- Transgender,
- Unknown.

Anyone brought into police custody will be recorded as they seek to present themselves. On a custody record there are four options;

- Male,
- Female,
- Transgender,
- Unknown.

If 'Transgender' is selected, an additional pop – up will appear to record the details of the persons' previous name and gender, and their current name and gender.

PSNI record what the detainee wishes (this is subject to some basic challenges if the person is trying to frustrate the process). PSNI will respect how any detainee declares their gender identity. If the gender of the detainee is relevant to the case, expert testimony may be sought. PSNI are not qualified to challenge assumed gender identity and have no power to request medical records or birth certificates. Individual police officers are responsible for ensuring the correct information relating to all aspects of individuals involved in their investigations is accurate and relevant. PSNI can only record information that (a) they ask to clarify or (b) are told by the individual.

Request 2

Could you clarify in particular if this would apply in the case of a person arrested or charged with rape or sexual assault?

Answer

The same process is followed for anyone charged with any offence. Irrespective of whether the offence is one of rape or sexual assault or any other offence, it is not going to affect how gender is recorded. This applies to all persons under the General Data Protection Regulation (UK GDPR) and the Data Protection Act.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF', or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

In most circumstances, the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out however, the Commissioner has the option to investigate the matter at their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.