



Force Disclosure Unit

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005

www.wiltshire.police.uk
disclosure@wiltshire.police.uk

Date: 6th August 2021

Your Ref: FOI

Our Ref: FOI 2021/547

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 27th June 2021 concerning gender recording. My apologies for the delayed response.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and after having consulted the Force Crime and Incident Registrar, the Performance Team, the PNC Bureau, the Force Policy Officer and the Equality, Diversity and Inclusion Team – I am now able to respond as follows.

You wrote and *our response*:

Please provide separate answers to the following 8 questions in respect of:

The Annual Data Requirement (ADR)
The Police National Database (PND)
The Police National Computer (PNC)
Crime & Incident Reporting

- 1.) What explanatory guidance has been provided to your police force on the information you should record in the 'gender/sex' category?

As examples, this might include guidance documents provided by: College of Policing, Home Office, ONS, or any other official body. Please provide me with a copy of the guidance document(s) in use.

- **Police National Database (PND) –**
PND does not offer any advice regarding gender as information is uploaded from force systems and the rules forces implement regarding identifying gender.
- **Police National Computer (PNC) –**
The PNC manual records gender/sex as Male/Female/Unknown. The gender/sex can be changed on production of a gender recognition certificate



INVESTOR IN PEOPLE

- **Annual Data Requirement (ADR) & Crime & Incident Reporting –**
No guidance has been provided. The force record management system records gender as Male/Female/Unknown.

2.) In the gender/sex category does your police force record a victim's or suspect's "natal sex" (their biological sex observed at birth), their "legal sex" (the sex on their birth certificate), or their "self-declared gender or gender identity"?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
PNC records their natal/legal sex. This can be changed as per the answers provided below.
- **Crime & Incident Reporting –**
If a person reports via online/telephone gender is recorded as per their declared gender. Recording of gender could differ where the person is observed.

3.) If a male-born person self-identifies as female will this be recorded by you as female or male?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
PNC would record this person as a male on PNC. PNC can be updated with an alias to show his new name and a marker added to say that person is now living as a female.
- **Crime & Incident Reporting –**
As per previous answer.

4.) If a male-born person self-identifies as non-binary will this be recorded by you as female or male or something else?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
PNC would record this person as a male on PNC. Currently, there is no advice available surrounding those who identify as non-binary.
- **Crime & Incident Reporting –**
If person reporting via online/telephone the gender would be recorded as unknown. Currently unable to document 'non-binary' gender. Through observation gender would be recorded as male.

5.) If someone is transgender (identifies as a different gender to the sex assigned at birth) and has obtained a Gender Recognition Certificate is this recorded by you separately?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
If this person contacts the Police and requests that their gender be changed, PNC would change the gender on PNC on production of the gender recognition certificate.
- **Crime & Incident Reporting –**
No as currently unable to record as GRC.

6.) If someone is transgender (identifies as a different gender to the sex observed at birth) but has not obtained a Gender Recognition Certificate is this recorded by you separately?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
No, PNC would still show their biological sex/legal sex as shown on their birth certificate. PNC can be updated with an alias to show his new name and a marker added to say that person is now living as a female.
- **Crime & Incident Reporting –**
No as currently unable to record as GRC.

7.) If a male-born person identifies as female, has obtained a Gender Recognition Certificate and is arrested for/charged with the crime of rape will you record the gender/sex of the suspect/perpetrator as male or female? Will transgender status also be recorded?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
If this person does not already have a PNC record it would depend on how the force records this persons gender/sex on the custody record which would then be used to create the PNC record. If the person already has a PNC record it would depend on what gender/sex was recorded for this person when the record was created, also if that person has requested the gender/sex to be changed and has produced the the gender recognition certificate, then the gender/sex would be shown as that on the gender recognition certificate.
- **Crime & Incident Reporting –**

This person's gender may well be recorded as 'female' but when considering a charge for rape this crime can only be committed by a person with male genitalia. Currently we are unable to record 'transgender'.

8.) If a male-born person identifies as female, has not obtained a Gender Recognition Certificate and is arrested for/charged with the crime of rape will you record the gender/sex of the suspect/perpetrator as male or female? Will transgender status also be recorded?

- **Annual Data Requirement (ADR) –**
ADR's are uploaded from Niche so will show the gender recorded on Niche.
- **Police National Database (PND) –**
PND is uploaded from Niche so will show the gender recorded on Niche.
- **Police National Computer (PNC) –**
The offender in this case would be recorded as a male. PNC can be updated with an alias to show his new name and a marker added to say that person is now living as a female.
- **Crime & Incident Reporting –**
The individual in this case would be recorded as a male.

9.) Additionally, please answer the following:

The College of Policing requirements for Information Management specify that each UK police force must have an Information Management Strategy (IMS):
<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.app.college.police.uk%2Fapp-content%2Finformation-management%2Fmanagement-of-police-information%2Fcommon-process%2F%23-common-process-at-force-level&data=04%7C01%7Cdisclosure%40wiltshire.police.uk%7C0b4d7339db494953a15708d939ff567a%7C4e5729cf852d4510921251157ca27e3e%7C0%7C0%7C637604591234927015%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjojV2luMzliLCJBTiI6lk1haWwiLCJXVCi6Mn0%3D%7C1000&data=UIViJQS%2F8CWJ%2FI9a23DXadnehkXURRDHvHIA55iXqd0%3D&reserved=0>

As you will know, the IMS should be made available to partners and the public, and I would therefore ask you to please provide me with a copy of your local police force IMS.

Please see attached the force's Information Management Policy which covers all of the areas required by the Information Management Strategy referred to in APP. The force does not have an Information Management Strategy as this was previously replaced by the Policy.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kay Moore
Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should

contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk