

WILTSHIRE POLICE



Via email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 04/08/2023

Your ref: FOI

Our ref: **FOI 2023/686**

Reply contact name is:

Dear ,

I write in connection with your request for information dated 06/07/2023 concerning gender recording.

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 I am not obliged to supply the information you have requested.

You wrote:

Note: Although I refer to "sex", your data recording systems may have the data field labelled "gender". Where this is the case, please interpret the following questions accordingly.

1. What explanatory guidance has been provided to your police force on how you should record the sex of suspects? Please provide a copy of the guidance.
2. What explanatory guidance has been provided to your police force on how you should record the protected characteristic "gender reassignment" in respect of suspects? Please provide a copy of the guidance.
3. If a male-born suspect has obtained a Gender Recognition Certificate signifying that this individual has obtained legal recognition of an acquired female gender, will the entry in the "sex" data field of the crime and incident report be recorded as male or as female?
4. If a male-born suspect self-identifies as a woman/female but has NOT obtained a Gender Recognition Certificate, will the entry in the "sex" data field of the crime and incident report be recorded as male or as female?
5. If a male-born suspect identifies as nonbinary, how will the "sex" data field of the crime and incident report be completed?

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6. If a suspect identifies as a different gender to the sex observed at birth and has obtained a Gender Recognition Certificate, is this recorded separately by your force in crime and incident reporting?
7. If a suspect identifies as a different gender to the sex observed at birth but has NOT obtained a Gender Recognition Certificate, is this recorded separately by your force in crime and incident reporting?
8. If a male-born suspect has obtained a Gender Recognition Certificate signifying that this individual has obtained legal recognition of an acquired female gender and is arrested on suspicion of/charged with rape, will the entry in the "sex" data field of the crime and incident report be recorded as male or as female?
9. If a male-born suspect self-identifies as a woman/female but has NOT obtained a Gender Recognition Certificate and is arrested on suspicion of/charged with rape, will the entry in the "sex" data field of the crime and incident report be recorded as male or as female?

Response:

Section 21: Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

Whilst under s1(1)a of the Act 2000 Wiltshire Police can confirm that they hold the requested information, it is exempt by virtue of s21 (Information easily Accessible Elsewhere).

Please use the following links for a previous FOI request and the PNC user manual, which also contains relevant information:

[foi-2021-547---gender_recording.pdf \(wiltshire.police.uk\)](#)

PNC User manual : [Microsoft Word - PNC Manual, v20.01 \(Redacted v4\).docx \(whatdotheyknow.com\)](#)

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Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 21: Information accessible to applicant by other means.

Please contact me if you would like to discuss the withheld information.

Yours sincerely

Force Disclosure Decision Maker



The 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

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.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 FoI 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.

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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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>