

Dear Mr Halliday,

Thank you for the opportunity to comment on this draft guidance. I would like to make the following points:

1. I welcome the thought that has been put into this guidance which acknowledges that this can be a contentious area with conflicting views and interests.
2. I also welcome the recommendation that the starting point for all organisations should be to question whether such data is needed at all, and if so which of sex, gender or trans status is important.
3. It is clear that these terms need to be clearly defined. Sex and gender can no longer be used interchangeably because increasingly they mean very different things to different people.
4. Sex should always be defined as 'sex at birth' as this is the only reliable way of distinguishing between male bodied and female bodied people. This distinction matters hugely in key areas such as health and medical care (eg. cervical cancer or prostate cancer), discrimination in employment due to pregnancy/maternity; in health and safety where equipment must be designed around the specifics of the male or female body; in crime and justice where the overwhelming majority of sexual assaults are carried out by men on women. This is also in line with the 2010 Equalities Act.
5. Sex at birth is also the question that must be asked in the Census for consistency with previous data, clearly this is what has always been meant by this question. If we allow people to 'self-define' their sex it becomes meaningless. Do we ask people what age they are, or what age they feel? Clearly the latter would be useless from a Census data point of view, even if it might be a more sensitive thing to ask a minority of people who are not comfortable with the age they are. We need accurate data to make accurate policy and legislation for the whole of the population.
5. For most other purposes, legal sex would be acceptable and allows for sensitivities around asking trans people with a GRC their birth sex.
6. Trans status is an increasingly important piece of data as more people identify as such. It is really important that we can disaggregate this from sex data if we are to properly understand and meet the needs of the trans community. As you highlight, this is particularly from the point of view of intersectionality - it seems likely that the experiences and needs of female born trans/non-binary people may well be different from those born male.
6. Gender and gender identity are very nebulous terms which seem to have a very wide range of definitions. I know this is important to a growing number of people and I would be guided by them as to how to word this question. However, it is worth noting that the vast majority of people would not regard themselves as having a 'gender identity' therefore any question that asks this must be optional and/or should include the option of 'None'.

I hope my comments are helpful.

Regards
REDACTED