

Date: 13 December 2021

Roger Halliday  
Chief Statistician  
The Scottish Government  
St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG

Dear Roger Halliday

I refer to your letter dated 22 September 2021 on data on sex and gender.

Audit Scotland is a statutory body established under the Public Finance and Accountability (Scotland) Act 2000. It is Scotland's national public sector audit agency which provides the Auditor General and the Accounts Commission with the services they need to carry out their duties. The Accounts Commission, the Auditor General for Scotland and Audit Scotland work together to deliver public audit in Scotland. We are committed to the promotion of equalities and the fulfilment of our obligations under our Public Sector Equality Duty.

Our [Equality Outcomes 2021-25](#) report sets out our commitment and approach to equalities. Our three outcomes are:

- Outcome 1: Our work supports the public sector to address inequalities including protected characteristics and socio-economic disadvantage, and to protect human rights. (Accounts Commission and Audit Scotland)
- Outcome 2: We will increase the diversity of people into Audit Scotland and their progression through every level of our organisation (Audit Scotland)
- Outcome 3: We will broaden our culture of diversity and inclusion, so all employees feel valued, engaged and contribute (Audit Scotland)

In carrying out our audit work we typically draw from existing data sets. As a result, the amount of primary data collection we undertake is relatively limited. When this does take place, the instances when we would gather personal information from individuals is even more limited. However, I can confirm that where this takes place, we apply good practice data collection, management and publication principles and will adopt the Sex, Gender, Trans Status Data collection and publication guidance in full where applicable. We will also implement the guidance in relation to the use and presentation of data drawn from existing data sets, where applicable and relevant, and signpost the guidance to our teams through training resources and guides.

As an organisation we do of course collect personal data in respect of our colleagues for human resource management and statutory reporting purposes. Some elements of this include data gathered in the recruitment and selection process for equalities monitoring and in personnel

records. I can confirm that the guidance referenced above will also be adopted in relation to this data.

In a practical sense this means that we will consider the additional data we might like to record through the use of a detailed equality impact assessment and data protection impact assessment during 2022. Our colleagues in the HR & OD team will also look to attend the suggested upcoming sessions recommended for those collecting, managing, publishing and sharing data. This will also be helpful for many of our colleagues who consider data collection as part of their work. If information about these sessions could be shared with us in due course that would be valuable.

I hope this information is helpful and please contact me if I can be of further assistance.

Yours sincerely

**Diane McGiffen**  
**Chief Operating Officer, Audit Scotland**



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8 October 2021

Roger Halliday  
Chief Statistician  
Scottish Government  
Sent via e-mail.

Dear Sir,

Thank you for your letter dated 22 September 2021. CMAL is fully committed to ensuring compliance with the Public Sector Equality Duty as well as the other requirements of equalities legislation and is currently undertaking a review to look at how we can more effectively monitor delivery of the programme of work. While we are keen to support the Scottish Government's initiative, our workforce is very small (fewer than 50 staff) and consequently the collection of data for equalities monitoring purposes is unlikely to help us effectively comply with our duties. Furthermore, having consulted our DPO, we would be very unlikely to be able to publish any data gathered, particularly in relation to special category personal data.

We are currently considering whether we can collect data in relation to some service users although, as CMAL does not interact with service users on a day-to-day basis, we need to carefully reflect on our purpose for the collection of data as well as what data should be collected and when. We will keep you informed of any relevant decisions as we progress the work. As you will be aware, collecting statistics about the protected characteristics is potentially very challenging for smaller organisations and we would welcome any additional guidance in relation to this.

Yours sincerely,

[Redacted]  
Caledonian Maritime Assets Ltd



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Rodger Halliday  
Chief Statistician

2 December 2021

Our Ref: PM/jd/kk

Dear Rodger

### **Data Collection and Publication Guidance- Sex, Gender Identity and Trans**

Thank you for your letter dated 24 September 2021 and for sharing the above guidance. We welcome this guidance and overall reminder of the vital role that data on protected characteristics can play in reducing inequalities and discrimination and will carefully consider how we can improve on our existing data collections and analyses about our workforce and across our reach as a public sector body.

We strongly support the proposed standardisation on the questions and the response set as this is an area that requires clarity and consistency. We contributed to the research for [The Public Sector- Understanding Equality Data Collection](#) and this also picked up on the need for some standards and definitions across the range of protected characteristics. The challenges around reporting sex and gender reassignment were highlighted in our discussions.

As a result of the guidance, we are currently reviewing our internal processes. This will cover; current and former employees, inspection volunteers, staff of care services (in our role as a data processor for the Scottish Social Services Council) and people who consent to sharing their data with us.

We will now take the following next steps:

- update questions in our self-service payroll and HR system, around sex and gender reassignment. We will await a decision from the non-binary working group before making any changes to the question on gender identity
- update our equal opportunities form for recruitment, around sex and gender reassignment
- update our inspection volunteer application form, around sex and gender reassignment
- consider our approach to data collections, surveys and annual returns to meet this guidance
- offer guidance/training to staff to improve the quality of online surveys to ensure colleagues are aware of when and why to capture data about protected characteristics (and are intentional about questions/ understand collecting data is to help better understand the

experiences and outcomes of people with these protected characteristics) and are aware of the required data standard.

As well as our meeting our legal obligations under the Equality Act (2010) through the Public Sector Duty we are also aware of our legal requirements in relation to the General Data Protection Regulations (GDPR) and will continue to data protection impact assess where appropriate. We are aware that when processing special category data (including sex, sexual orientation and gender reassignment). For diversity and equality monitoring, our privacy notice indicates, it will normally come under contract and employment (to fulfil our obligations to employees in ensuring there is equality and diversity). In addition, such monitoring could come under Public Task also under our improvement activities, underpinned by our powers under the Public Services Reform Scotland Act (2010) where we have a duty for 'the furthering improvement in the quality of social services.' We also collect such data where we have explicit consent from the subjects, for example for research purposes and for participation in our communication and engagement work.

Many thanks again for sharing this guidance and providing this clarification.

Yours sincerely

Peter Macleod  
Chief Executive

**Care Inspectorate**, Headquarters, Compass House, 11 Riverside Drive, Dundee, DD1 4NY We have offices across Scotland. You can find details at [careinspectorate.com](http://careinspectorate.com)

Roger Halliday,  
Chief Statistician  
Via Email

23 November 2021

Dear Rodger,

**Data on Sex and Gender**

I write in response to your letter dated 22 September 2021 which enclosed guidance to public bodies on the collection and management of data in relation to sex and gender in the workforce. In this letter you requested that bodies provide a summary of plans by the end of November to adopt this guidance into our approach to data collection in our workforce.

As a public body we are committed to promoting a diverse and inclusive workforce and concur with your statement that high quality data is essential to understanding our priorities in this area as an employer. We have therefore recently reviewed our approach to data collection in relation to protected characteristics in order to improve our understanding of our workforce.

The published guidance has therefore now been incorporated into the design of our data collection methods and we can confirm that your guidance has informed our approach to the collection of data on Sex, Gender Identity and Trans Status in Crown Estate Scotland.

Yours sincerely

Simon Hodge  
Chief Executive

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## Data collection and publication guidance - response

### Introduction

Healthcare Improvement Scotland welcomes the publication of the Chief Statistician's guidance and the proposed clarifications and language updates in relation to sex, gender and trans status. We note the extensive engagement, consultation and question testing this reflects.

Healthcare Improvement Scotland collects diversity monitoring data for the purposes of: 1) workforce equality monitoring and 2) monitoring the diversity of people involved in community engagement activities. In both cases, we seek to use the data we capture in order to identify under-represented groups and better target our activities.

### Workforce Equality Monitoring

In regards workforce equality monitoring, we use the NHSScotland eEES system (a single, national NHS Scotland approach to HR systems). The language within this system does not currently reflect the proposals of the Chief Statistician. Healthcare Improvement Scotland fully supports the use of best practice questions that have been thoroughly tested. However, within NHSScotland this falls outside the governance remit of any singular board.

### Community Engagement

[Healthcare Improvement Scotland - Community Engagement](#) has recently undertaken a review of our diversity monitoring question set for community engagement activities. The review aimed to:

- align with best practice, including that modelled in the 2022 Census Scotland question set;
- fully reflect Healthcare Improvement Scotland's duties and interests in relation to promoting equality and challenging health inequalities;
- consider the diversity of communities Healthcare Improvement Scotland is likely to engage.

For community engagement activities specifically, we broadly support the Chief Statistician's question set and guidance. In order to engage a diversity of people and communities in our activities, we may however use slight variations in relation to our questions about sex and trans status. When we undertake community engagement activities, we seek at a minimum to access

advice, but ideally to work in collaboration, with organisations who have expertise and good relations with the specific communities we are involving. This supports us to use the most respectful and easily understood language and to maximise engagement; as well as helping us meet the third need of the Public Sector Equality Duty (fostering good relations). We anticipate the following variations:

- **Sex** - We may include additional answer options, e.g. 'female', 'male', 'non-binary' and 'prefer not to say'. This ensures that people using non-binary terms to self-identify their sex (whether 'intersex' or 'non-binary') have a suitable answer option to select, including in a way that feels consistent with their trans status.

We are pleased to note that the Scottish Government's Working Group on Non-Binary Equality will consider how better recording, disaggregating and reporting of data could be used to improve equality for non-binary people and that the Chief Statistician's guidance will be reviewed in light of this. We will follow developments in this area and revisit our questions in light of any recommendations made by the working group

- **Trans status** - We would consider using a form of this question when engaging children and young people if this was appropriate to the context of engagement. For example, if we were supporting engagement with an LGBTI young person's group.

We note LGBT Youth Scotland support people between the ages of 13 and 25 years. Moreover, [NHSScotland information](#) for parents and carers of children and young people accessing gender identity services emphasises the importance of 'ensuring that language is respectful and inclusive'. It points out this 'is central to equality and anti-discriminatory practice' and that 'when certain words are used correctly, it is reassuring for transgender young people'.



**Chief Statistician**

Roger Halliday

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**Lindsey Ross**

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12 October 2021

## DATA ON SEX AND GENDER

Dear Roger,

Following the letter dated 22 September 2021, please find below details on the way data on sex and gender is collected and reported within Historic Environment Scotland (HES).

### Collation of data

Upon recruitment, all applicants are required to provide HES with their 'Sex' (or legal gender), as this is a requirement for our pension provider. This request is not phrased as a question but a drop-down list which applicants can choose from, and the options align with the guidance for Scotland's Census 2022: male and female. In October 2020, HES implemented a new HR and payroll system which allowed for the recording of 'Gender Identity' for the first time. The drop-down list available to colleagues is in line with good practice and includes the declaration for trans colleagues. All equality monitoring information held by HES offers colleagues the option of 'Prefer Not to Say'. This information is stored securely within our HR system which colleagues have self-service access to and can amend and update where applicable. It is HES protocol that an Equality Impact Assessment and a Privacy Impact Assessment are carried out in any projects which involve a change to this personal sensitive data or where it is stored.

In 2022-23, we will be implementing a new recruitment system which will enable HES to record the 'Gender Identity' of all applicants for our vacancies, not just the successful individuals.

### Reporting of data

The information collated by HES is used to provide demographic information on our workforce in the biennial Equality Mainstreaming Reports, responding to corporate requests, to help tailor our services, support and benefits to all colleagues but also to identify areas of under-representation within our workforce and where initiatives can be put in place to improve our diversity. Where data



provided has fewer than 5 returns, the information is presented as a percentage of the total or suppressed. In 2022, we will be able to publish our first report which will include 'Gender Identity'. To avoid bias and maximise responses, equality monitoring data is not shared with line managers as part of the recruitment process or part of day to day management.

### Promotion and Awareness Raising

During the recruitment process to HES, all applicants are provided access to our Privacy Notice which outlines what information we will capture, why we capture this and how this information will be used by the organisation throughout the individual's employment with us. To date, every two years we have undertaken an awareness raising campaign across HES to promote and encourage employee self-declaration on their equality monitoring information and as part of this work we provide clear narrative to employees on how the organisation uses this data, the obligations on the organisation under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 as well as providing assurances regarding the confidential handling of their data as a result, each year we see an increase in declaration statistics. With the introduction of employee self-service in October 2020, more control lies with the employees in maintaining their own data and we will continue to encourage declaration. Annually, HES asks colleagues to undertake a mandatory Equalities eLearning course, and all new start colleagues to the organisation are expected to undertake the training as part of their onboarding.

I trust the above answers your request but please do not hesitate to get in touch should you require further clarification.

Yours sincerely,

Lindsey Ross

People Director

## GUIDANCE ON COLLECTION OF DATA ON SEX AND GENDER (Nov 2021)

### Purpose

1. The purpose of this paper is to provide an update to the Chief Statistician, Scottish Government on the work ILF Scotland is planning to carry out with regard to gathering and publishing data on socio-demographic characteristics (including the protected characteristics in the Equality Act 2010). This follows the letter addressed to Chief Executives of Public Bodies dated 22<sup>nd</sup> September 2021 requesting responses from Public Bodies by end November 2021.

### Background

2. ILF Scotland is a Non Departmental Public Body (NDPB), governed by a Board of Directors, appointed by and accountable to Scottish Ministers. ILF Scotland operates as a discretionary fund providing financial awards to approx. 5,000 disabled people in Scotland and Northern Ireland to help them live independently. This funding enables individuals to pay for support so that they can live with control, choice and dignity in their homes and within their local communities. This includes the 2015 Fund, which provides a regular 4-weekly independent living payment and the Transition Fund for 16-25 year-olds, providing grants, for up to one year, to support young disabled people.

3. ILF Scotland employs 62 people: a team of four in Northern Ireland, and 58 across Scotland, made up of 35 support staff in the Livingston office, and 27 home-based assessors. We actively recruit colleagues with disabilities and long-term health conditions. In addition we have seven Board members, four of whom identify as disabled.

4. As a fair work organisation working with disabled people, we are regularly reviewing our working practices to ensure equality, diversity and inclusion is front and centre of decision making. Our Board and staff group are diverse and well informed and we will continue with this working strategy as we move through this pandemic and beyond.

5. Our organisational demography by the end of Q2 2021/22 was 69: staff (62) and Directors (7) (FTE: 52.736 (excl. Directors) )

Female: 76% - 47 (FTE : 38.785) / Male: 24% - 15 (FTE: 13.951)  
Female: Part-Time- 17 (11.33 FTE) / Male :Part-Time- 3 (1.95 FTE)  
18.84% of staff self-identified as disabled,  
4.34% BAME and  
1.5% LGBT.

## **Guidance for Public Bodies on Collecting Data on Sex and Gender**

6. It is a fundamental role for public service in Scotland to eliminate discrimination, foster good relations and advance equality in our society in line with our legal obligations in the Equality Act 2010 through the Public Sector Equality Duty.
7. ILF Scotland's Mainstreaming and Equalities Outcome Report outlines how we will work to deliver our equalities duties and achieve our vision that all disabled people, and those with a long-term health condition, can access what they need to lead an independent life. [ILF Scotland Equality Mainstreaming and Outcomes Report](#)
8. The Scottish Government has introduced guidance for Public Bodies on Data collection and publication in relation to Sex, Gender Identity and Trans Status.
9. This paper summarises what ILF Scotland requires to do from a Data Protection perspective.
10. ILF Scotland will complete a DPIA, which will be:

### **Necessary and Proportionate.**

#### **a. The Principle of Accountability:**

11. We must consider what data we are collecting and what we are going to use it for. How will that data inform service improvement or policy change?

Some permissible reasons might be:

#### **Staff:**

- Supporting operational decisions;
- Improvement of organisational management;
- Making us more accountable for our decisions;
- Use for wider research purposes (these reasons would need to be defined).

#### **Recipients & other Stakeholders:**

- Improved service delivery;

- More inclusive services – and monitoring measures;
- Evidence-based understanding of recipients' needs;
- Evidencing to the public what inroads we are making towards greater equality and diversity.

12. This data will most likely be gathered under the Lawful Basis of:

### **Legitimate Interest or Consent**

13. Both of these are problematic for Public Bodies and we have developed an Assessment of Legitimate Interest template which we have previously used for the Complaints and Misuse of Funds functions. This may be useful prior to completing a DPIA.

14. This is Special Category Data and we will provide an Article 9 condition for processing. In all cases where we currently rely upon Legitimate Interest, we cite the Article 9 condition as:

### **Explicit Consent**

15. This will be adequately assessed for adequacy (for this specific purpose) within the process of completing the DPIA.

### **b. Principle of Transparency:**

16. Where we have deemed it necessary and proportionate to gather this data, we will require to include guidance at the point of collection, to explain the reasons for requesting the data. This must include what we intend to use it for as well as who we intend to share it with and why.

17. As a result of requesting this data we will be required to (this is not exhaustive and is purely from a DP perspective):

- Update our Privacy Notices (staff and recipients/stakeholders);
- Notify in writing all who are affected;
- Update the Record of Processing Activity to reflect decision making;
- Update our publications schedule on the website to include publication of statistics gathered, making clear how we gathered the data.

18. We require to complete a DPIA ahead of requesting this data from people. These are co-produced by:

- Self-Directed Support Team;
- Senior Management Team;

- IT Product Development;
- Data Protection Officer

And are ultimately signed off by:

- SIRO
- CEO
- COO

19. A DPIA should follow the ILF Scotland Template DPIA format and include (in addition to a full assessment of associated risks):

- How this data will improve service delivery;
- An assessment of who we might share the data with to further improve service delivery;
- How we intend to publish the data we gather (i.e. in what format and context);
- How we would intend to investigate any surprising results.

20. Included in the DPIA will be reference to the principles of CIA, Confidentiality, Integrity and Availability. In pursuance of this, the source data will come from two secured environments, one internal and one external. The staffing data is held in a secure cloud based HR solution and has restricted multi-factor authentication and roles based access permissions. Reporting and reporting templates are restricted to four roles and are fully controlled by the data owner.

21. Recipient data is even further restricted and resides on a secure server within Scottish Government and protected by government grade firewalls and highly controlled access and segregation of duties permissions. As well as multi-factor authentication, the device identity is also controlled and access to this highly sensitive information is on a need to know basis.

22. For monitoring purposes, a series of standardised dashboards and template reports will be made available to all managers and the communications team for onwards publishing on our website. Requests for information and new dashboards is also controlled and will be approved by the data protection officer and passed to the IT Service Delivery Manager for development.

30 November 2021

[ChiefStatistician@gov.scot](mailto:ChiefStatistician@gov.scot)

## DATA ON SEX AND GENDER

Dear Roger,

Thank you for your letter of 22 September, and the accompanying guidance on collecting and publishing data in relation to sex, gender identity and trans status. We have considered the guidance carefully, and are writing to set out our response.

JABS has a statutory obligation to “have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office”. Understanding the demographic characteristics of our applicants is therefore essential for us, to help us identify where there may be groups facing barriers to joining the judiciary, and what work might be needed to help encourage greater diversity among recruits.

We are supported in fulfilling our diversity obligations by a Diversity Steering Group, which includes representatives from our Board, the Faculty of Advocates, the Judiciary, the Judicial Office and the Law Society of Scotland. The Group, which seeks to work by consensus, considers possible approaches to encouraging diversity in the range of applicants for judicial office.

When candidates apply for any recruitment competition JABS runs, we invite them to complete a diversity monitoring questionnaire. It is explained to them that the questionnaire will be separated from their application form, will not influence their application in any way, and that all of the questions are entirely voluntary. However, we encourage candidates to provide as much information as they can: we explain that diversity is a crucial element in ensuring that appointments are made solely on merit, uninfluenced by any other unrelated factor, and that we do not currently have sufficient background data to enable us to assess and measure progress and success in this area.

Our diversity monitoring questions cover a wide range of factors, given the broad scope of our statutory obligation. The only question we currently ask in relation to sex or gender is a binary question on gender:

What is your gender?

- Female
- Male
- Prefer not to say

In light of the new guidance, we are asking the Diversity Steering Group to consider – and report back to the Board on - how any adjustments to the questions used on JABS application forms could potentially support work across partners to encourage greater diversity among applicants for judicial office. JABS' diversity monitoring is only one part of the wider picture of promoting a diverse and representative judiciary, and we are keen to ensure that we consider how our work in this area aligns with work by key justice partners.

I hope that this has been helpful in setting out JABS' current approach to data on sex and gender, and our proposed next steps.

[Redacted]



Milestone	Task Name	Duration	Start	Finish	Predecessors
No	<b>LLTNP_Gender Identity Data Collection</b>	<b>241.35 days</b>	<b>Mon 06/12/21</b>	<b>Thu 17/11/22</b>	
No	<b>Stage 1 - Approve</b>	<b>13.1 days</b>	<b>Mon 06/12/21</b>	<b>Thu 23/12/21</b>	
No	Draft Business Case	2 days	Mon 06/12/21	Tue 07/12/21	
Yes	Business case submitted to SRO	0 days	Tue 07/12/21	Tue 07/12/21	3
No	SRO Feedback	0.1 days	Wed 15/12/21	Wed 15/12/21	4FS+5 days
No	Amendments to Business case and resubmission	1 day	Wed 15/12/21	Thu 16/12/21	5
Yes	Approval from SRO to proceed	0 days	Thu 23/12/21	Thu 23/12/21	6FS+5 days
No	<b>Stage 2 - Plan</b>	<b>12 days</b>	<b>Thu 23/12/21</b>	<b>Wed 19/01/22</b>	
No	<b>Communications</b>	<b>1.9 days</b>	<b>Thu 23/12/21</b>	<b>Tue 28/12/21</b>	
No	Identify Key Stakeholders	2 days	Thu 23/12/21	Mon 27/12/21	7
No	Develop Project RACI & Comms Plan	1 day	Mon 27/12/21	Tue 28/12/21	10
Yes	Comms Plan Initiated	0 days	Tue 28/12/21	Tue 28/12/21	11
No	<b>Project Plan &amp; Scoping</b>	<b>3.1 days</b>	<b>Mon 27/12/21</b>	<b>Mon 10/01/22</b>	<b>10</b>
No	Development of final project plan	5 days	Mon 27/12/21	Mon 03/01/22	7
No	Feedback on Plan from Stakeholders	2 days	Mon 03/01/22	Wed 05/01/22	14
Yes	Final Project Plan Released	0 days	Mon 10/01/22	Mon 10/01/22	15FS+3 days
No	<b>Project Risk &amp; Initiation</b>	<b>7 days</b>	<b>Mon 10/01/22</b>	<b>Wed 19/01/22</b>	
No	PID Template population	2 days	Mon 10/01/22	Wed 12/01/22	16
Yes	PID submitted to SRO	0 days	Wed 12/01/22	Wed 12/01/22	18
Yes	PID Approved by SRO	0 days	Wed 19/01/22	Wed 19/01/22	19FS+5 days
No	<b>Stage 3 - Execute</b>	<b>204.75 days</b>	<b>Wed 19/01/22</b>	<b>Tue 01/11/22</b>	
No	<b>Project Kick Off</b>	<b>0.5 days</b>	<b>Wed 19/01/22</b>	<b>Wed 19/01/22</b>	
No	Project Kick Off	0.5 days	Wed 19/01/22	Wed 19/01/22	20
Yes	Project Governance Implemented	0 days	Wed 19/01/22	Wed 19/01/22	23
No	<b>Process Review</b>	<b>90.25 days</b>	<b>Wed 19/01/22</b>	<b>Wed 25/05/22</b>	
No	Review existing data collection sources	20 days	Wed 19/01/22	Wed 16/02/22	23
No	Confirm additional data collection opportunities	10 days	Wed 16/02/22	Wed 02/03/22	26
No	Confirm which systems can be implemented by October 2022 (Phase 1)	0.25 days	Wed 02/03/22	Wed 02/03/22	27
No	Confirm which systems will be implemented post October 2022 (Phase 2)	0.25 days	Wed 02/03/22	Wed 02/03/22	28SS
No	Identify Processing Reasons	60 days	Wed 02/03/22	Wed 25/05/22	23,29

<b>No</b>	<b>Phase 1 - Internal Change Implementation</b>	<b>158 days</b>	<b>Wed 02/03/22</b>	<b>Mon 10/10/22</b>	
No	Confirm data changes required to systems	60 days	Wed 02/03/22	Wed 25/05/22	29
No	System Owners to instruct changes to systems	6 days	Wed 25/05/22	Thu 02/06/22	32
Yes	Systems Changes Commenced	0 days	Thu 02/06/22	Thu 02/06/22	33
No	Systems Changes In Progress	90 days	Thu 02/06/22	Thu 06/10/22	34
No	Prepare revised Privacy Policy	6 days	Thu 02/06/22	Fri 10/06/22	34SS
Yes	Systems Changes Live	0 days	Thu 06/10/22	Thu 06/10/22	35
No	Communicate change to Internal Stakeholders	2 days	Thu 06/10/22	Mon 10/10/22	37
<b>No</b>	<b>Phase 2 - External Change Implementation</b>	<b>158 days</b>	<b>Wed 02/03/22</b>	<b>Mon 10/10/22</b>	
No	Confirm data changes required to systems	60 days	Wed 02/03/22	Wed 25/05/22	32SS
No	System Owners to instruct changes to systems	6 days	Wed 25/05/22	Thu 02/06/22	40
Yes	Systems Changes Commenced	0 days	Thu 02/06/22	Thu 02/06/22	41
No	Systems Changes In Progress	90 days	Thu 02/06/22	Thu 06/10/22	42
No	Prepare revised Privacy Policy	6 days	Thu 02/06/22	Fri 10/06/22	42SS
Yes	Systems Changes Live	0 days	Thu 06/10/22	Thu 06/10/22	43
No	Communicate change to Internal Stakeholders	2 days	Thu 06/10/22	Mon 10/10/22	45
<b>No</b>	<b>Data Publication</b>	<b>18 days</b>	<b>Thu 06/10/22</b>	<b>Tue 01/11/22</b>	
No	Agree data aggregation & reporting process	6 days	Thu 06/10/22	Fri 14/10/22	37
No	Agree Publication frequency, location and process	2 days	Fri 14/10/22	Tue 18/10/22	48
No	Confirm data input into wider Park activity	10 days	Tue 18/10/22	Tue 01/11/22	49
<b>No</b>	<b>Stage 4 - Closure</b>	<b>11.5 days</b>	<b>Tue 01/11/22</b>	<b>Thu 17/11/22</b>	
<b>No</b>	<b>Lessons Learned</b>	<b>8 days</b>	<b>Tue 01/11/22</b>	<b>Fri 11/11/22</b>	
No	Compile all Lessons Learned and hold workshop to review with key project stakeholders	4 days	Tue 01/11/22	Mon 07/11/22	50
No	Prepare Lessons Learned Report	2 days	Wed 09/11/22	Fri 11/11/22	53FS+2 days
Yes	Lessons Learned report issued	0 days	Fri 11/11/22	Fri 11/11/22	54
<b>No</b>	<b>Project Closure Meeting</b>	<b>3.5 days</b>	<b>Fri 11/11/22</b>	<b>Thu 17/11/22</b>	
No	Review outstanding risks and ensure all are closed or transferred to BAU for mitigation and close out	3 days	Fri 11/11/22	Wed 16/11/22	50,55
No	Hold Project Closure Meeting	0.5 days	Wed 16/11/22	Thu 17/11/22	57
Yes	Project Approved as successfully delivered and complete	0 days	Thu 17/11/22	Thu 17/11/22	58

Resource Names
\$CorpPerformManager
\$CorpPerformManager
\$ExecSponsor
\$CorpPerformManager
\$ExecSponsor
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ExecSponsor
\$ProjectManager
\$ProjectManager
\$SystemsWorkGroup
\$SystemsWorkGroup
\$SystemsWorkGroup
\$SystemsWorkGroup
\$InformationManager

\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$InformationManager
\$ProjectManager
\$CommsManager
\$ProjectManager
\$InformationManager
\$ProjectManager
\$CommsManager
\$InformationManager
\$InformationManager
\$InformationManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager
\$ProjectManager

Roger Halliday  
Chief Statistician

By email:  
[ChiefStatistician@gov.scot](mailto:ChiefStatistician@gov.scot)

30 November 2021

Dear Roger,

## DATA ON SEX AND GENDER

Thank you for your letter dated 22 September 2021 and the 'Data collection and publication guidance' provided. I note the key questions set out in your guidance at section 12 and recognise these as relevant and helpful.

Scotland's Census 2022 will ask a range of questions covering all of the protected characteristics with the exception of pregnancy / maternity. The scale of the census will mean that the data it produces will be invaluable for equalities analyses.

As you are aware, Scotland's Census 2022 will ask a mandatory binary sex question with female / male response options. For the first time this question will be followed by a voluntary trans status or history question asked of those aged over 16 years. All of the questions to be asked in Scotland's Census were developed over a number of years through stakeholder feedback and testing, with the question set finalised following agreement of the census legislation by the Scottish Parliament.

Representatives from NRS are involved in the work of the Equality Data Improvement Programme and have recently conducted an audit of the equalities data that NRS uses to produce official and national statistics. For example, vital events publications use administrative sex data from registration while population and migration publications use administrative data sourced from ONS, NISRA and UK Government Departments.

NRS is responsible for the arrangements for registering births, deaths, marriages, civil partnerships and other life events. The collection of this data is regulated by legislation such as the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Marriage (Scotland) Act 1977, Civil Partnership Act 2004 and the Local Electoral Administration and Registration Services (Scotland) Act 2006. Any changes to the data collected during the registration processes would require amendment legislation.

I hope that this response is helpful.

Yours sincerely,

**PAUL LOWE**  
Chief Executive

Chief Statistician, Roger Halliday

By e-mail

23 November 2021

Our ref: CU/POD

Dear Mr Halliday

**GUIDANCE FOR PUBLIC BODIES ON COLLECTING DATA ON SEX AND GENDER**

Thank you for the opportunity to review the above guidance, and to provide you with an update on NatureScot's plans for adopting it.

NatureScot currently holds information for all employees relating to binary notions of 'sex', with a person's legal sex being determined by what is recorded on their birth certificate. This data is held in our HR system. It is dictated by our pensions' provider, who requires binary sex definitions of male and female for all employees. This is required to run a compliant UK payroll and drives Pension and HMRC functionality.

This data is also used for sex equality reporting to comply with the Public Sector Equalities Duty 2010 (PSED). We have previously used the terms gender and sex interchangeably in reporting therefore:

**Action 1: We will stop using the term "gender" in our equality reports, surveys and analyses and ensure we use sex where appropriate.**

In relation to gender pay gap reporting we will continue to report using the binary notions of sex. Until such time as the law on this changes, there is little flexibility in terms of what data we hold in our HR systems because we have to state either male or female in line with UK law.

We do request voluntary self-disclosure of the following information on our HR system:

1. Has your gender changed from your sex at birth?  
 Yes / No / Prefer not to say
2. What is your sex, as registered at birth?  
 Male / Female / Prefer not to say
3. Do you identify as  
 A woman / A man / Non-binary / In some other way – self describe\* /  
Prefer not to say

- \*there is a free text box for self-describe

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