

13 July 2018

Nicola Williams
nicolawilliams@fairplayforwomen.com

Dear Nicola Williams

Freedom of Information Request - Reference No: 20181092

REQUEST

The Home Secretary has statutory powers to routinely request data from every police force in England and Wales. The Annual Data Requirement (ADR) stipulates a list of all the categories of data that may be requested, which individual forces must provide.

I wish to know the following under Freedom of Information:

- 1) What is the explanatory guidance that has been given to South Yorkshire police about what information to record in the 'gender' category of the ADR?**
- 2) In the gender category of the ADR does your police force record a victim or suspects natal sex (the sex they were assigned at birth), their legal sex (the sex on their birth certificate), or their self-declared gender identity?**
- 3) If a male-born person self-identifies as female will this be recorded by you in the ADR as female or male?**
- 4) If a male-born person self-identifies as non-binary will this be recorded by you in the ADR as female or male or something else?**
- 5) If someone is transgender (identifies as a different gender to the sex assigned at birth) is this recorded by you separately in the ADR.**
- 6) If a male-born person self-identifies as female and is arrested/convicted for the crime of rape will you record the gender of the suspect/perpetrator in the ADR as male or female.**

RESPONSE

I approached our Crime Management Data Returns Officer for assistance with your request. She has advised the following in response to Question 1 above:

We report and submit data to the Home Office based upon the Home Office Annual Data requirement.

In line with this requirement we provide Hate crime data to the Home Office, this collection requires offences aggravated by hate or prejudice based on the 5 strands outlined below -

*Racial
Religion
Sexual Orientation
Transgender
Disability*

In the case of 'Transgender' the collection is based upon the aggravating factor being applied to the crime and not how the victim's gender is recorded.

For further guidance regarding the data requirements please refer to the below link

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683617/police-annual-data-requirement-1819.pdf

In light of this response, I contacted our Fairness, Inclusion and Equality Lead for further guidance on this and the remaining questions:

- 1. SYP has received no explanatory guidance on how to record gender for ADR purposes*
- 2. Their self-declared gender identity is the one recorded*
- 3. A person self-identifying as female will be recorded as female*
- 4. A person self-identifying as non-binary can be recorded as neither male nor female. The victim field can record a person as male, female, unknown or unspecified.*
- 5. Transgender status is not recorded separately in the ADR. The only exception to this is where a victim, having been attacked or victimised because of a transgender status, can be shown to be the victim of transgender hate.*
- 6. In these circumstances the person will be recorded according to the gender in which they self-identify.*

If you are unhappy with the way your request for information has been handled, you can request a review by following the advice contained in the separate notice enclosed with this correspondence:

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:
The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire, SK9 5AF.
Telephone: 08456 306060 or 01625 545745
Website: www.ico.gov.uk

Yours sincerely

Lucy Moore

Information Compliance Clerk
South Yorkshire Police
Information Compliance Unit
Professional Standards Department
Unit 20 Sheffield 35A Business Park
Churchill Way
Sheffield
S35 2PY

Please note that police forces in the United Kingdom are routinely required to provide information and statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons this forces response to your questions should not be used for the comparison purposes with any other response you may receive.

South Yorkshire Police provides you the right to request a re-examination of your case under its review procedure (copy enclosed). If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

The South Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, South Yorkshire Police, Police Headquarters, 5 Carbrook Hall Road, Sheffield, S9 2EG

Appeal Process for Freedom of Information

Using this process will not affect your right to appeal directly to the Information Commissioner. However, it will usually be quicker if matters can be resolved locally using this process.

Who can appeal?

Anyone who has requested information from the Force in writing can appeal within 20 working days from the date of the response provided. If you have requested information and you are not satisfied with the way we have dealt with your request, you can use the appeal process to have it looked at again. If someone who requested information would like to appeal but cannot do so themselves you can appeal on their behalf, but it will help us if you make it clear that you are doing so.

What can I appeal about?

You can appeal about the range, amount and format of information we have sent following a request. You can also appeal about the way a request was handled – for example, the time it took to respond, or the way letters were worded.

How do I appeal?

You can appeal by writing, emailing or faxing your appeal/complaint to the address below. To deal with your appeal as quickly as possible, it will help if you can give us as much

information as you can about the request made, such as the reference number, and the reason for your appeal/ complaint.

What happens to my appeal?

Once we have enough details to identify the request you are concerned about, a qualified person, other than the initial decision maker, will deal with the internal review.

How long does it take?

Whatever their conclusion, you will be informed of the result as soon as possible, and in any case within 20 days of submitting your appeal.

If you are still not satisfied, you may then appeal to the Information Commissioner.

Appeal Address

**Information Compliance Unit South Yorkshire Police Professional Standards
Department Unit 20 Sheffield 35A Business Park Churchill Way Sheffield S35 2PY**

Email foi@southyorks.pnn.police.uk