

Our ref: Fol/19/01278

P Macgregor  
[request-576693-c71c20f9@whatdotheyknow.com](mailto:request-576693-c71c20f9@whatdotheyknow.com)

10 June 2019

Dear P Macgregor,

### **Request under the Freedom of Information (Scotland) Act 2002 (FOISA)**

Thank you for your request on 16 May 2019 under the Freedom of Information (Scotland) Act 2002 (FOISA).

#### Your request

You asked:

“Please provide details of all individuals and organisations consulted on the development of questions on sex and gender identity/transgender status for the 2021 census since 1 October 2018 and the nature of any consultation, e.g. involvement with cognitive testing, reviewing NRS draft questions.

Please provide details of meetings held by NRS with these individuals/organisations, and all correspondence between NRS and these individuals/organisations on this topic since 1 October 2018.”

#### Response to your request

National Records of Scotland (NRS) does not have the information you have asked for because the development of questions for sex and gender identity/transgender status was completed before 1 October 2018.

This is a formal notice under section 17(1) of FOISA that NRS does not have the information you have requested.

Consultation continues with interested groups around privacy, confidentiality and guidance. NRS are planning on testing 3 versions of the sex question over the summer in order to understand investigate and quantify the impact of any changes to the sex question from 2011, including changes to the guidance, on the ability of respondents to answer the question, census completion and data quality. The testing will investigate any impact on data quality of the inclusion of the 2011 binary self-identified sex question; a non-binary sex question; and a binary sex question based

on legal sex in the 2021 Census. The testing will also look at how each of the questions interacts with the new questions for trans status and sexual orientation.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to:

Information Governance Team  
National Records of Scotland  
Ladywell House  
Ladywell Road  
Edinburgh  
EH12 7TF  
Email: [foi@nrscotland.gov.uk](mailto:foi@nrscotland.gov.uk)

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at:  
<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely,

Esta Clark

Head of Statistical Design  
Scotland's Census 2021