

Our ref: Fol/19/01963

Name: H Swan

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11 September 2019

Dear H Swan

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

Thank you for your request 18 August 2019 under the Freedom of Information (Scotland) Act 2002 (FOISA).

#### Your request

You asked for:

1. Please list all individuals and organisations consulted on the 2021 census sex and gender identity/transgender status questions, between 1 January 2015 and 17 August 2019.
2. For the same period, please provide a list of all meetings to discuss these questions, stating which individuals/organisations attended, and on what date.
3. For each meeting listed, please state which census question was discussed (sex, transgender identity, or both). Please also indicate the main purpose of each meeting (for example, to discuss draft questions).
4. For the same period, please provide copies of all correspondence between NRS and these individuals/organisations on this topic.

#### Response to your request

The answer to your questions are:

1. Individuals and organisations who responded to the 2015 Topic Consultation and their responses can be found at the following link <https://consult.gov.scot/national-records-of-scotland-survey/scotlands-census-2021-topic-consultation/>

NRS have also had meetings with the following groups/organisations in relation to the sex, gender identity and trans status questions.

DSD Families

Equality Network

For Women Scotland

LGBT Youth Scotland

Murray Blackburn Mackenzie

PAMS – Population and Migration Statistics User Group

Scottish Trans Alliance

Stonewall Scotland

Scottish Women

2, 3.

Date	Meeting/event description	Question(s)	Purpose
24/1/2017	Sexual orientation and gender identity stakeholder meeting	Sex, gender identity	<a href="#">Sexual Orientation and Gender Identity - Stakeholder Meeting</a>
19/4/2017	Meeting with Equality Network	Sex, gender identity, trans status	Follow up meeting to discuss issues raised at January stakeholder meeting
6/9/2017	Meeting with Equality Network, STA and Stonewall	Sex, gender identity and trans status	Discussion of testing, privacy and confidentiality
22/11/2018	Census questions and outputs event – Edinburgh Public event	All questions including sex and trans status	Update on question development following

29/11/2018	Census questions and outputs event – Aberdeen Public event		publication of Plans for Scotland's Census 2021
5/12/2018	Census questions and outputs event – Glasgow Public event		
17/1/2019	MBM Policy, Scottish Women, For Women Scotland	Sex and trans status	Discussion of concerns following Stage 1 of Census (Amendment) (Scotland) Bill
24/1/2019	DSD Families	Sex and trans status	Discussion of concerns following Stage 1 of Census (Amendment) (Scotland) Bill
28/1/2019	Engender	Sex and trans status	Update on question development and legislative process
28/3/2019	Equality Network/Scottish Trans Alliance (STA), LGBT Youth Scotland, Stonewall Scotland	Sex and trans status	Legislation update and question guidance
24/1/2019	For Women Scotland	Sex and trans status	Discussion of sex question at request of For Women Scotland
1/5/2019	Population and Migration Statistics (PAMS)	Sex and trans status	Update on question development

30/5/2019	MBM Policy	Sex and trans status	Discussion of proposed question testing at request of MBM Policy
3/6/2019	DSD Families	Sex and trans status	Feedback on question guidance
14/8/2019	Update on Scotland's Census 2021 – Sex question  Public event	Sex and trans status	Update on legislative process, update on question testing, stakeholder feedback on question guidance for testing.
16/8/2019	Update on Scotland's Census 2021 – Sex question  Public event	Sex and trans status	Update on legislative process, update on question testing, stakeholder feedback on question guidance for testing.

4. While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because the cost of locating, retrieving and providing this information would be greater than £600. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12. We estimate that the cost of preparing this information for release would occupy 166 hours of staff time.

This includes the time needed to carry out redactions of personal information. An exemption under section 38(1)(b) of FOISA (personal information) will apply to the personal data of third parties because disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we would not be required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

You may wish to consider reducing the scope of your request in order that the costs can be brought below £600, by for example requesting correspondence with specific organisations or narrowing the timeframe. Please be aware, however, that additional exemptions may apply to any correspondence we locate and retrieve in response to subsequent requests you may make. This is likely to be the case if information was provided to enable a free and frank exchange of views for the purposes of deliberation, or if the release of the information would cause substantial prejudice to the effective conduct of public affairs.

#### 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,

Amy Wilson

Head of Statistical Services  
National Records of Scotland