



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

S White

request-680821-75620b84@whatdotheyknow.com

1 September 2020

Dear S White,

Freedom of Information Request - RFI20201106

Thank you for your request to the BBC of 31 July 2020 seeking the following information under the Freedom of Information Act 2000 ('the Act'):

1. *I note that your organisation is a Stonewall Diversity Champion. It is your organisation's policy that if someone's gender identity is not the same as their biological sex that person may use the toilets, showers and changing rooms in your buildings that match their gender identity?*
2. *How is your organisation making it clear to all staff and visitors that your gender identity policy makes all your toilets, showers and changing rooms open to both sexes regardless of the signs on the door?*
3. *Was an equality impact assessment carried out on your gender identity policy, particularly in relation to the impact on those with other relevant protected characteristics, especially those of sex and religion and belief?*
4. *Was a health and safety assessment carried out on the impact of prioritising gender identity over biological sex, particularly in relation to the hazard of allowing men into the toilets, showers and changing rooms designated for women?*
5. *What organisations were consulted in the development of your gender identity policy?*
6. *Were any women's groups consulted?*
7. *Were the unions or staff representatives consulted?*
8. *Were any organisations concerned with the protection of free speech consulted?*
9. *Were any organisations concerned with freedom of and from religion and belief consulted?*
10. *Were the police consulted?*
11. *What legal advice have you taken about your liability should a crime of indecent exposure, voyeurism, covert filming, sexual assault or rape arise having been facilitated by your policy of mixed-sex toilets, showers and changing rooms?*
12. *If your gender identity policy requires people to obey their colleagues' requests to be addressed by a pronoun that is biologically inappropriate and to act as though that person has changed sex, what legal advice have you taken and from whom about the legality of that requirement?*

- 13. Does your policy state that the denial/refusal to accept someone's gender identity is unacceptable?*
- 14. Does it state that such denial/refusal will be subject to disciplinary action?*
- 15. If so what legal advice have you taken on how such a policy tallies with the undertaking given by Lord Filkin during the passage of the Gender Recognition Act: "The noble Baroness also asked whether people who refuse to call a gender-changed man by the changed gender would be open to action. No, they would not, unless they had information about the person's gender history in an official capacity and they disclosed it otherwise than is allowed for by Clause 21." [Hansard, Lords 29/1/04 col. 411]*

Response

Question 1

We do not have a specific policy on this, and many of our toilet facilities are gender neutral. In addition, all sites have wheelchair accessible facilities which are gender neutral should staff feel more comfortable using those facilities.

Questions 2, 3, 4, 5 and 6

We do not have a gender identity policy or a toilet policy.

Question 7

Our diversity and inclusion policies were agreed with our joint unions.

Question 8, 9 and 10

Not applicable.

Question 11

We do not have such a policy in place and therefore no legal advice was required.

Questions 12, 13 and 14

Our diversity and inclusion policy makes it clear that any such act to "purposefully, persistently and intentionally use an incorrect pronoun could amount to bullying and/or harassment in contravention of BBC policy" and would be dealt with appropriately. All such policies have been agreed with our in house legal team.

Question 15

Not applicable

Appeal Rights

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. A request for an internal review must be made within 40 working days of receiving the BBC's response to your original request.

If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely

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BBC Legal