| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0306  Responded to: 24 February 2025 |
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Your recent request for information is replicated below, together with our response. Please accept my apologies for the slight delay in responding.

## With reference to the following statement made by DCC Spiers in a letter to the Criminal Justice Committee on 24 September:

## *"The Committee should be absolutely assured that a man who commits rape or serious sexual assaults will be recorded as a male."* [https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2024/gender-self-identification-letter-from-police-scotland-24-september-2024.pdf](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.parliament.scot%2F-%2Fmedia%2Ffiles%2Fcommittees%2Fcriminal-justice-committee%2Fcorrespondence%2F2024%2Fgender-self-identification-letter-from-police-scotland-24-september-2024.pdf&data=05%7C02%7Cfoi%40scotland.police.uk%7Ce3a19f760ed9499842ba08dd3a41ffb0%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638730777479021995%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=JceZNvxgXd2hpyuaO4Np7Xz3zvlAzAZYgeCQ%2Fy6Tqkw%3D&reserved=0)

## Please provide information on when this change in recording policy was communicated to officers/staff, and how.

## For context, when previously asked about recording sex/gender of the offender in an FOI request, Police Scotland stated on 1 April 2021:

## *'If the male who self-identifies as a woman were to attempt to or to penetrate the vagina, anus or mouth of a victim with their penis, Police Scotland would record this as attempted rape or rape and the male who self-identifies as a woman would be expected to be recorded as a female on relevant police system*s.’

I can advise that Police Scotland does not hold the above requested information.

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Police Scotland have not adopted any change in policy, we still refer to a positional statement from 2019.

To be of assistance, I would ask that you note that we are conducting a full review of Police Scotland’s use of sex and gender to consider any improvements to the terminology, recording practices and use of data, ensuring they are consistent with best practice across the Service.

As part of this work, we will be engaging with a diverse range of groups to fully understand the impact of our recommendations to align our legal and operational requirements with our organisational values.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.