



## Freedom of Information Response

Our reference: FOI 24-0645

Responded to: 23 April 2024

Your recent request for information is replicated below, together with our response. Please accept my apologies for the delay in responding.

**1. Your force policy and /or any directions to staff and officers regarding the circumstances in which they may request to see a Gender Recognition Certificate (GRC) from a member of the public.**

**3. As at 1. but relating to the provision of a GRC from a person charged/to be charged with an offence.**

Police Scotland's position statement advises there is no requirement for evidence or certification as proof of biological sex or gender identity other than a person's self-declaration, unless it is pertinent to any investigation with which they are linked as a victim, witness or accused and it is evidentially critical that we legally require this proof, or there is reason for further enquiry based on risk.

There is a current policy specific to the Criminal History System whereby the sex value on a person's record will only be changed with the production of a GRC. As outlined in the position statement Police Scotland currently have a number of different recording practices on operational systems. Work is ongoing to establish a consistent data recording standard across all systems.

**2. As at 1. but relating to provision of a GRC from a person in custody.**

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

This information can be found at public source.

By way of explanation, the above requested information is available on Page 30 of Police Scotland’s Care and Welfare of Persons in Police Custody Standard Operating Procedure, which is publicly available - [Standard Operating Procedures C - Police Scotland](#)

**4. As at 1. but relating to the provision of a GRC FROM a police officer or staff member.**

**5. Any training documentation provided to staff on the Gender Reform Act 2004.**

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, a search of our recording systems has not identified any relevant material.

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](#) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalarnock, 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](#), by [email](#) 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](#) 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.