

PNC – Trans & Gender Reassigned Marker

GPMS for the proposed document - Not Protectively Marked

Procedure details.

The Gender Recognition Act 2004 allows a person who has made the transition from their birth gender to their preferred gender and is living permanently in in their acquired gender to apply for a Gender Recognition Certificate (GRC). The GRC has the effect of lawfully changing the person's gender. This will have an impact on PNC.

In line with national guidelines if at any point during detention the detainee informs the police that they are in possession of a new birth certificate then, subject to documentary confirmation, the National Intelligence Service (NIS) must be contacted by way of email with the following information – Full Name, Date of Birth, Change of gender, CRO No./PNCID Number and confirmation that the subject has produced a GRC to show their change of gender, Driving licence number and passport no in the reassigned gender (if available). NIS has the responsibility for updating the PNC records to reflect the gender change.

NIS will then undertake to:

1. Add a Gender Reassigned (GR) Information Marker.
2. Change the gender marker as required.
3. Change the file name to reflect the person's new name.
4. Record their former filename as an Alias Name.

The GR Marker is simply to indicate why the PNC subject might have a different entry in a different male or female name. The new name/gender will become the main record and the previous name/gender will become the alias, therefore, creating the link between the two records. The notifying force will be shown as the 'owner' of the information. All original associated records such as fingerprints, court records etc, will remain in the person's original name. All new records will be in the person's new name.

If a person with a criminal record voluntarily attends a police station to notify the police of a change of gender, and they supply the necessary documentation (a new birth certificate), their PNC record will be updated by notification to NIS in exactly the same way as an arrested person.

Disclosure

The Gender Recognition Act provides legal protection in relation to information relating to a person's gender recognition application or gender reassignment history. It is a criminal offence for anyone who on acquiring this information in an official capacity discloses it (without the persons permission) except in the following circumstances:

- the information does not enable the person to be identified

- the person making the disclosure genuinely does not know or believe that a full gender recognition certificate has been issued
- the disclosure is in accordance with an order of a court or tribunal
- the disclosure is for the purpose of instituting proceedings before a court or tribunal
- the disclosure is for the purpose of preventing or investigating crime
- the disclosure is made to the Registrar General for England and Wales, the Registrar General for Scotland or the Registrar General for Northern Ireland
- the disclosure is made for the purpose of the social security system or a pension scheme
- the disclosure is in accordance with the provisions made through regulations which the Secretary of State is permitted to make under the Gender Recognition Act.

The law does not apply to information which originates outside of an official setting for example through social contact

It is vital, therefore that gender change information is handled sensitively and professionally, and is **not communicated** to any person inappropriately, where the purpose of the disclosure is not in accordance with the legislation above. This will be particularly important where communication is made over airwaves or other insecure method, or where printouts are used. .

FOI, Human Rights & Equality Impact Assessment Indicators.

FOI indicator.

Release to Public

S21 Information Accessible by Other Means

S22 Information intended for future publication

S23 Information supplied by, or relating to, bodies dealing with security matters

S24 National Security

S26 Defence

S27 International Relations

S28 Relations within the United Kingdom

S29 The economy

S30 Investigations and proceedings conducted by a public authority

S31 Law enforcement

S32 Court Records

S33 Audit functions

S34 Parliamentary Privilege

S35 Formulation of Government Policy

S36 Prejudice to the effective conduct of Public Affairs

S37 Communications with Her Majesty

S38 Health and Safety

S39 Environmental information

S40 Personal Information

S41 Information provided in confidence

S42 Legal Professional Privilege

S43 Commercial Interests

S44 Prohibitions on Disclosure

Human Rights articles engaged by this policy related procedure.

No Articles

Article 2 Right To Life

Article 3 Prohibition of Torture

Article 5 Right to Liberty and Security

Article 6 Fair Trial

Article 7 No Punishment without Law

Article 8 Right to respect for Private and Family life
Article 9 Freedom of Thought, Conscience and Religion
Article 10 Freedom of Expression
Article 11 Freedom of Assembly and Association
Article 14 Prohibition of Discrimination
Protocol, Article 1 - Protection of Property