



STAFFORDSHIRE
POLICE

Our Ref: FOI 22669
Your Ref: FOI 22572
Date: 16 March 2026

Internal Review

Re: Request for internal review of response to application for information under the provisions of the Freedom of Information Act 2000, original request first notified to Staffordshire Police (SP) on 23/02/2026.

SP refer to the above request which was expressed in the following terms:

For the purposes of this request, special category data includes data revealing or relating to gender, gender identity, legal gender recognition, gender history, and any previously used names.

1. Policy, Procedure & Guidance (Special Category Data)

Please provide copies of any:

- Written force policies
- Standard Operating Procedures
- Internal guidance
- National guidance
- Instruction documents that govern the rectification, amendment, or updating of gender marker data on the Police National Computer (PNC) following a person's legal gender recognition, including guidance specific to special category data.

2. Staff Guidance & Training (Special Category Data)

Please provide copies of any guidance, training materials, briefings, or internal instruction provided to:

- Professional Standards Teams
- Data Protection Officers / IG Teams
- Records/PNC administrators
- Custody and detention staff
- Vetting or Disclosure teams
- that covers processing requests to correct gender marker or special category data on PNC.

3. Statistical Information (2016–2026)

Where centrally recorded, please provide in computer readable format (e.g., CSV, Excel, database export):

- a) Number of requests received to rectify or amend gender marker / special category data on PNC.
- b) Number of requests actioned and rectified.
- c) Number of requests refused or not actioned.
- d) Any recorded reasons for refusal or non action.

If these requests are recorded but not coded specifically as “gender marker” requests, please advise how they are recorded and provide equivalent statistics.

4. Complaints & Legal Escalations

For the period 2016–2026:

- a) Number of formal complaints received relating to failure to rectify gender marker or special category data on PNC.
- b) Number of times your force has engaged in specialist legal action or formal legal review to address gender marker/special category data correction requests.
- c) Any recorded outcomes of such actions.

5. Recording & Categorisation

Please confirm whether your force records requests for gender marker/special category data correction as a distinct category or code in case management, CRM, records, or reporting systems, and provide details of how these are categorised.

6. Operational & Safeguarding Guidance

Please provide:

- a) Policies or guidance that officers, custody staff, and other personnel must follow when encountering a person whose PNC gender marker does not reflect their legal gender.
- b) Any training or guidance on handling such discrepancies safely and respectfully.
- c) Records, summaries, or statistics of incidents where discrepancies between an individual's legal gender and PNC gender markers resulted in safeguarding concerns, operational errors, or harm.
- d) Current mechanisms for urgent correction or override of gender marker data to prevent harm.
- e) Escalation protocols or processes followed when systemic failures in PNC gender marker or other special category data are identified.

Please provide this information in electronic, computer readable form where possible.

7. Information Not Held

If your force does not hold any of the requested information, please confirm this in writing and advise whether the information is held centrally by another policing body (e.g., NPCC, ACRO).

8. Response Timeframe & Acknowledgement

In accordance with the applicable Freedom of Information legislation, I request a response within the statutory timeframe of 20 working days. If I receive an automated acknowledgement, I will accept this as the formal receipt date for the purposes of calculating the statutory response period.

If any part of this request is refused, please cite the precise exemption under the Freedom of Information Act and provide reasons for refusal.

Further to the above, SP also note the following comments made within your request for Internal Review.

While the response cites Section 12(1) of the Freedom of Information Act 2000 due to the estimated cost of reviewing complaints and legal files for Question 4, the exemption appears to have been applied to the request as a whole.

However, the majority of the questions (including those relating to policies, procedures, guidance, system capability, and data governance) do not appear to require a manual review of complaints or legal case files and should therefore fall well within the statutory cost limit.

I would therefore ask that the request be reconsidered and that all information falling outside the Section 12 cost exemption be processed and disclosed.

If certain elements are not held, I would appreciate clarification as to which specific national body holds the information, particularly in relation to governance of the Police National Computer.

SP Response

Upon review of your request for information under the Freedom of Information provision referenced above and all corresponding communication, SP are of the opinion that the response issued, alongside all clarification provided, fully answers the terms of your request.

SP also confirm that the application of all exemptions outlined within this response are fully justified, and that the explanations and rationale for their application conveyed clearly and unequivocally.

However, in order to provide a rationale for SP's response, please find below some further clarification.

Whilst Section 12 was cited in regard to the data for Q4 alone, Information Commissioners Office (ICO) guidance states:

'Where a request raises concerns over cost your overall approach should be to estimate whether the cost would exceed the appropriate limit. If it would, you should refuse it under section 12. When doing so, you can provide advice and assistance, possibly using the calculations on which you based your estimate. This should allow the applicant to understand how and why their original request would exceed the appropriate limit. They should then be well placed to make a fresh request for a more limited amount of information, but targeting the information they are most interested in.'

'As a matter of good practice, you should avoid providing the information found through any searches already conducted and then claiming section 12 for the remainder of the information. Instead, inform the applicant that section 12 is engaged for all of the request. You can then offer advice and assistance which should enable the applicant to make a fresh request, targeting the information which they are most interested in from that which could be provided within the limit.'

‘Therefore, in practice, as soon as you recognise that you are going to exceed the appropriate limit, it makes sense to stop searching and inform the applicant. This avoids the risk of unnecessary work.

The Commissioner may find that you are still obliged to provide advice and assistance to the applicant and deal with any fresh request, despite having already searched up to the appropriate limit, if you did not initially provide such advice and give the applicant an opportunity to seek the information of most value to them.’

As per the above guidance, and SP’s obligation under Section 16 of the Act (the requirement to offer advice and assistance), our rationale outlined the basis upon which your request exceeded the time and cost threshold prescribed by the Act and advice was provided outlining how the request could be refined to allow it to fall under this threshold.

Should you now require any information outlined as not exceeding this threshold, a new refined request should be submitted.

Please be advised that all FOI requests and response letters are published on the Staffordshire Police website although personal details are not included.

If you are not content with the outcome of the review, you may apply directly to the Information Commissioner to investigate. The Information Commissioner can be contacted at:

<https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

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