

For immediate release

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Experts warn “dystopian” approach to data collection on sex and gender must end

New guidance urges organisations to focus on sex rather than “gender identity”

Dr Michael Biggs: “It’s hard to overstate how dire things will be for evidenced-based analysis in future years if organisations continue to routinely and deliberately compromise data on sex.”

Human-rights campaign group Sex Matters has published its much-anticipated guidance on collecting data on sex for official statistics and employment, public-sector, school and university records. The guidance aims to provide clear, workable advice on the collection of data about sex and transgender identification in line with current legislation, including the UK General Data Protection Regulation (GDPR), the Equality Act 2010 and the Human Rights Act 1998.

The guidance comes after years of contention, confusion and fear within public, private and voluntary-sector organisations on how to record information on sex. In 2019, the Equality and Human Rights Commission (EHRC) submitted advice to the Scottish government which misrepresented the law regarding data collection, telling organisations that they should record data only on self-identified gender, and not on sex.

Many organisations currently ask for “gender” or “gender identity” instead of sex. A shocking example is the NHS Mental Health dataset, which records people as “Male (including trans man)”, “Female (including trans woman)”, “Non-binary” or “Other”. (Note that “trans men” are women who identify as men, and are therefore female, while “trans women” are men who identify as women, and are therefore male.)

Other organisations offer a wide selection of “gender identity” options, including the Information Commissioner’s Office, which asked job applicants to select from a dropdown menu that included “Male”, “Female”, “Transgender”, “Agender”, “Aporagender”, “Bigender”, “Demiboy” and several other novel gender identities. Oxfam asks staff if they are “man-identified”, “woman-identified” or “non-binary/gender queer”.

Earlier this year, an inquiry was launched into how sex and gender was handled in the 2021 Census in England and Wales, after an analysis showed that those who speak English poorly were five times more likely to be recorded as transgender.

Maya Forstater, executive director of Sex Matters, said:

“From official statistics to HR records, the collection of data on sex and gender has bordered on dystopian for several years now thanks to lobbying from transactivist groups.

“Recording sex accurately is crucial, particularly when it comes to issues such as safeguarding and service provision.

“We’ve had endless approaches from organisations who are trying to do the right thing and we hope this guidance will help lead a return to common sense when it comes to data collection.”

Sex Matters’ guidance starts from the premise that information on people’s sex is needed for many purposes, including safeguarding, healthcare and medical records, eligibility for sports competitions, service provision, social statistics and the prevention, investigation and prosecution of crime.

Sex Matters advises that data on whether people identify as transgender is sensitive and should only be collected when there is good reason and using a question that is clear to everyone. Among the potential reasons for asking people about transgender identity are operational (i.e. to identify transgender people as a population with specific needs), for social statistics (i.e. to know how many people identify as trans in a particular population) and for equality monitoring.

More than 500 organisations and individuals have registered for a webinar this evening on the guidance, which will be led by Maya Forstater and Sex Matters director of advocacy Helen Joyce, with Michael Biggs, associate professor of sociology at the University of Oxford, and Lucinda Platt, professor of Social Policy and Sociology at the London School of Economics.

Dr Biggs, whose analysis revealed the widespread confusion among respondents to the 2021 census question on gender identity, said:

“Wanting to appear inclusive or wanting respondents to feel seen are not good reasons to confuse sex with gender identity.

“It’s hard to overstate how dire things will be for evidenced-based analysis in future years if organisations continue to routinely and deliberately compromise data on sex.

“Imagine being a decision-maker in 2030 faced with designing and allocating resources in a given sector without credible data on sex, as that is where things are heading.

“This guidance is an important step towards tackling an ideologically driven attack on truth and evidence-gathering.”

Journalists who would like to interview anyone quoted here, please contact Press Officer Sally Parkin at press@sex-matters.org or 07956 316 248.

To subscribe to the Sex Matters weekly memo on news about sex and gender, or to receive our press notices, please [sign up here](#).

Notes for editors

Links and resources:

- *Data matters* guidance, October 2023: <https://sex-matters.org/wp-content/uploads/2023/10/Data-matters.pdf>
- *Sex matters in data collection* webinar, Tuesday 24th October 7.30pm: <https://sex-matters.org/posts/updates/data-collection-webinar/>
- *Data matters* blog post, 19th October 2023: https://sex-matters.org/posts/updates/data-matters-actions/?mc_cid=fadd9f7de3&mc_eid=cd4aa5ead0
- Woman's Place UK (2020). 'EHRC misrepresents the law on collecting sex data': <https://womensplaceuk.org/2020/12/11/ehrc-misrepresents-the-law-on-collecting-sex-data>
- Census 'hugely overstated' trans population, Edward Malnick, *The Sunday Telegraph*, 23rd September 2023: <https://www.telegraph.co.uk/politics/2023/09/23/census-hugely-overstated-trans-population/>

About Sex Matters

Sex Matters is a human-rights organisation co-founded in 2021 by Maya Forstater, who is its director, to campaign for sex-based rights. It lobbies for clarity on sex in law and institutions; publishes research, guidance and analysis; supports and mobilises people to speak up; and holds organisations accountable.

About Maya Forstater

Maya Forstater is co-founder and executive director of Sex Matters. In 2019 she lost her job as a researcher with the European arm of American think-tank Center for Global Development, after tweeting and writing about sex and gender. She was the claimant in the landmark test case which established that the protected characteristic of belief in the Equality Act covers gender-critical beliefs. Her website is forstater.com and she tweets @MForstater.

About Helen Joyce

Helen Joyce is a journalist and author of *Trans: When Ideology Meets Reality*, an Amazon top ten bestseller, and *Times of London* and *Spectator* book of the year (recently reissued as *Trans: Gender Identity and the New Battle for Women's Rights*). She was a staff journalist at *The Economist* between 2005 and 2022, holding several senior positions, including International editor, Finance editor and Britain editor. She is director of advocacy for Sex Matters. Her newsletter can be found at thehelenjoyce.com.

About Michael Biggs

Michael Biggs is Associate Professor of Sociology at the University of Oxford and Fellow of St Cross College. His primary research focuses on social movements and political sociology. In the area of sex and gender, he has published on various subjects. One is on the evidence for puberty suppression in children experiencing gender dysphoria. He has acted as an expert witness in legal cases in England, Australia, and the United States. Another subject is the influence of queer theory

on prison policy. Most recently he discovered serious errors in the gender-identity question used by the 2021 Census of England and Wales. He is a member of Sex Matters' board of directors.

About Lucinda Platt

Lucinda Platt is Professor of Social Policy and Sociology at the London School of Economics and Political Science. A quantitative sociologist, she focuses on social mobility and economic and social inequalities between different groups, with a particular emphasis on ethnicity and migration. She is a panel member of the IFS Deaton Review of Inequality, and has long-standing interests in data collection. She is co-investigator on *Understanding Society*, the UK Household Longitudinal Study, and was formerly director of the Millennium Cohort Study. In 2020–21 she was a member of the UK Statistics Agency's Inclusive Data Taskforce.

Sex Matters is a human-rights organisation campaigning for clarity about sex in law, policy and language | sex-matters.org