Department for
Science, Innovation
& Technology

Rt Hon Peter Kyle MP
Secretary of State for Science, Innovation
and Technology
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Maya Forstater
CEO, Sex Matters
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Dear Maya,

I write further to multiple correspondences I have received following the Sex Matters campaign asking government to bring the Data Bill in line with the Sullivan Review. Firstly, I would like to thank the supporters of your campaign for their engagement on this important topic. I note their concerns about the 'information gateway' measures in the Data (Use and Access) Bill ('the Data Bill').

Part 2 of the Data Bill introduces a power for public authorities to disclose a person's information under the 'information gateway' for the purpose of identity or eligibility checks upon that person's request. However, as Lord Vallance set out in the House of Lords on Monday 12th May, "these measures do not change the evidence that individuals rely on to prove things about themselves. The measures simply enable that to be done digitally."

Digital verification services seek to provide the same level of accuracy and reliability that physical document checks provide. The introduction of this power does not create or prescribe new ways to determine a person's sex or gender. Digital verification services cannot be used to circumvent existing routes for updating how someone's sex or gender appears on an authoritative document.

If an organisation needs to know a person's biological sex, this Government are clear that a check cannot be made against passport data, as it does not capture biological sex. DVS could only verify biological sex using data that records that attribute specifically, not data that records sex or gender more widely.

Lord Vallance further stated, "The government accepts the recent Supreme Court judgment on the definition of sex for the purposes of equality legislation. We need to work through the effects of this ruling holistically and with care, sensitivity and kindness. In line with the law, we need to take care not to inappropriately extend its reach." We agree that public authority data, including data on sex, must be accurate for the purpose for which it's being used. We are working through how the recent Supreme Court judgement impacts the way in which public sector bodies process data relating to sex and are focused on getting this right.

It is for public authorities to decide if they wish to share data, which data they wish to share and to ensure that data is accurate for the purpose for which it is being used. All data sharing under the information gateway must comply with existing data protection legislation. The Government is also progressing work on developing data standards to help ensure the way data is organised, stored and shared is consistent between public authorities. This work will consider the Supreme Court judgment and the statutory Code of Practice the Equalities and Human Rights commission is updating to support service providers in light of this judgment.

POSITIVE ABOUT DISABLED PEOPLE

Please do share a copy of this letter with your supporters where possible. I hope this information serves to reassure you, and supporters of this campaign, that the information gateway data-sharing power that is included in the Data Bill is not creating a new system of gender self-ID.

Yours sincerely,

Rt Hon Peter Kyle MP
Secretary of State for Science, Innovation and Technology