

[REDACTED]

---

From: [REDACTED]@equality-network.org>  
Sent: 12 September 2019 18:50  
To: [REDACTED]  
Subject: FW: Letter to the Scotsman

Dear all,

Below is a letter we have sent to the Scotsman in response to a news piece today about the letter from 8 academics, that Joan McAlpine referred to in this morning's meeting.

All the best,



Equality Network  
30 Bernard Street  
Edinburgh  
EH6 6PR  
Telephone: 0131 467 6039  
[www.equality-network.org](http://www.equality-network.org)

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-----Original Message-----

From: [REDACTED]  
Sent: 12 September 2019 19:50  
To: 'lettersts@scotsman.com' <lettersts@scotsman.com>  
Subject: Letter for letters page

Equality Network  
30 Bernard St

Edinburgh  
EH6 6PR

Tel [REDACTED]

12th September 2019

Dear Editor,

You report today (page 22) that a group of academics has written to MSPs opposing "proposed changes" to the 2021 Census question about a person's sex. But no change is being proposed. In the last Census, government guidance told trans people that they could answer the question with the sex that they live as (regardless of the sex that was registered for them at birth). In previous Censuses, there was no official guidance, but trans people were similarly able to do that.

It is the group of academics who are proposing a change, to force trans people to write in the sex on their current birth certificate, even if it's the opposite to the sex they live in and are known as, and the opposite to the sex shown on their passport, their driving licence and all their other documents.

The academics say this is because your current birth certificate shows your "legal sex". But there are questions in the Census about your race and religion for example. What is a person's legal race? Their legal religion? There is no such thing, but these questions work well.

The academics say that there will be implications for other statistical sources. That's true - other sources, including the Scottish Household Survey, the Scottish Social Attitudes Survey, and employer diversity monitoring for example, allow trans people to specify their sex as the sex they live as, and consistency with those is important.

The Census should continue with the practice that previous experience shows works well, allowing trans people to answer as the sex they live as. This will give data that is consistent with previous Scottish Censuses, consistent with the way the 2021 Census will be done in the rest of the UK, and consistent with other data sources.

Yours sincerely,

[REDACTED]  
Equality Network

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[REDACTED]

---

**From:** [REDACTED]@equality-network.org>  
**Sent:** 12 September 2019 11:35  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: The Census and the Equality Act

Dear [REDACTED] and colleagues,

The email below, which we have sent to Donald Cameron following one of his questions to you this morning, goes into more detail about why a lived sex question is compatible with the Equality Act.

All the best,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 12 September 2019 11:19  
**To:** Donald.Cameron.msp@parliament.scot  
**Subject:** The Census and the Equality Act

Dear Mr Cameron,

I am emailing on behalf of the Equality Network and Scottish Trans Alliance, an organisation working for equality for LGBT people, about a question that arose in this morning's CTEEA Committee meeting.

This is the question of the compatibility of the Census sex question with the Equality Act 2010. The EA protects people from discrimination that happens "because of sex", and from harassment "related to sex", and of course that means that the protection goes wider than just protecting people on grounds of their "legal sex" (which is usually defined as, for most people, their original birth certificate sex, but for those trans people who have obtained gender recognition, that recognised sex).

The EA also protects people who are discriminated against because of their perceived sex, and that includes trans people who do not have gender recognition, but who live in their transitioned sex and are treated by others as doing so. For example, many trans people are fully transitioned at work, and their work colleagues do not know that they are trans, but they do not have gender recognition, for a



variety of reasons. The EA protects them from discrimination that happens because of their lived sex, since that is their perceived sex, even though it is not their legal sex.

[REDACTED]

The EA protects people against harassment that is related to a protected characteristic, regardless of whether they actually have that characteristic, and including when the harasser knows that the harassed person does not have that characteristic (see for example the sexual orientation case *English v Thomas Sanderson Blinds Ltd*). So again, for example, a trans person who lives as a woman but has not obtained gender recognition is protected against misogynistic harassment, even if the harasser knows that she does not have gender recognition.

All this means that the set of people protected by the Equality Act from misogynistic discrimination and harassment aligns more closely with the set of people who live and present as women, than it does with the set of people whose current birth certificate (as in some cases modified by gender recognition) says female. Similarly for discrimination and harassment aimed at men. The EA rightly protects people from discrimination and harassment that is based on any of: their biological sex characteristics, their current birth certificate sex, and their perceived sex.

This is one reason (one of several) why we consider that it is very important that the Census continues to allow the less than 1% of the population who are trans to answer the sex question in their lived sex, as they have been able to do for previous Censuses. The guidance for the sex question makes no difference at all to the 99+% who are not trans, but for those who are trans, keeping the question as a lived sex question, as previously, aligns best with their way they are protected by the Equality Act, as well as the way they are treated across a wide range of public services (for example a trans person can change the sex on their passport, their driving licence, their NHS records etc, without getting gender recognition). Other reasons why we think it is so important that trans people continue to be able to answer the sex question with their lived sex are set out in our letter to the CTEEA Committee members dated 10<sup>th</sup> September.

I hope that is useful, and we'd be very happy to meet with you to answer any questions or to discuss this further, if you wish.

With best wishes,

[REDACTED]

[REDACTED]

Director





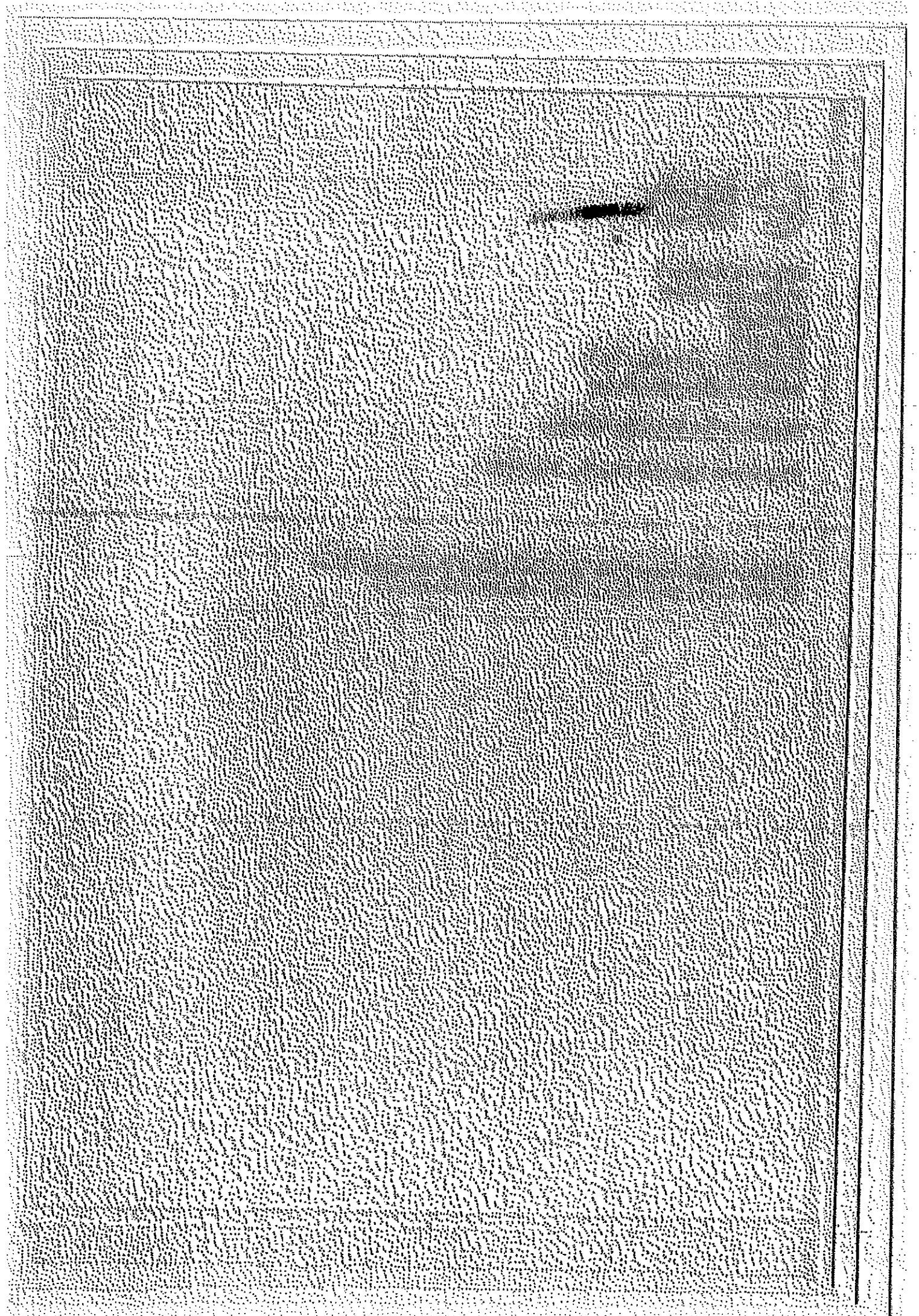
Equality  
Network

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[REDACTED]

---

**From:** [REDACTED]@equality-network.org>  
**Sent:** 12 September 2019 10:35  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** CTEEA Committee  
**Sensitivity:** Confidential

Dear [REDACTED] and colleagues,

Thanks very much for this morning, and for answering all those detailed and sometimes leading questions about the sex question.

In regard to Annabelle Ewing's question about Q3 and Q4, and why Q4 says "sex registered at birth" while Q3 guidance does not, the answer is surely that they are measuring two different things. Q4 is asking whether your identity now is at odds with your originally registered sex; Q3 is asking what your sex is now (however defined); there is of course no "legal inconsistency".

In terms of international comparisons, as far as we are aware, Ireland, Canada, Australia and New Zealand all allow trans people to answer the sex question in their lived sex, which of course is the matter at contention. Of course the trans status and equivalent questions vary a lot from country to country.

Joan McAlpine was of course entirely wrong to suggest that a lived sex question is inconsistent with the current state of the Equality Act, because the EA also protects trans people from discrimination because of their perceived sex – it does not only protect "biological" or "legal" women from misogynistic discrimination or harassment, but all trans women who face such discrimination / harassment because they are perceived as women. So the EA does not, as Joan McAlpine claimed, define sex discrimination as something that depends on a person's legal sex. The EA rightly protects people from discrimination on the basis of their biological sex characteristics, their legal sex, and their perceived sex.

All the best,

[REDACTED]

[REDACTED]





Equality  
Network

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[REDACTED]

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**From:** [REDACTED]@equality-network.org>  
**Sent:** 10 September 2019 16:19  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Letter to the CabSec  
**Attachments:** CTEEA Committee members 10,9,19.pdf

**Sensitivity:** Confidential

Dear [REDACTED]

We sent a letter to the members of the CTEEA Committee in advance of your evidence session on Thursday – It's fairly similar to the letter we sent the CabSec last week, and I have attached a copy to this email.

All the best for Thursday,

[REDACTED]

[REDACTED]



**Equality  
Network**

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[Redacted]  
[Redacted] <[Redacted]@equality-network.org>  
Sent: 08 September 2019 11:05  
To: [Redacted]  
Cc: [Redacted]  
Subject: Letter to the CabSec  
Attachments: Fiona Hyslop 2.9.19.pdf  
Sensitivity: Confidential

Dear [Redacted]

In case you haven't seen it yet, attached to this email is a letter we and other LGBT organisations emailed to the CabSec yesterday explaining why it is so important to trans people that the Census sex question remains on a lived sex basis for them.

All the best,

[Redacted]

[Redacted]



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30 Bernard Street  
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[REDACTED]

---

**From:** [REDACTED]@equality-network.org>  
**Sent:** 05 September 2019 11:05  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Letter to the CabSec  
**Attachments:** Fiona Hyslop 2.9.19.pdf

**Sensitivity:** Confidential

Dear [REDACTED]

In case you haven't seen it yet, attached to this email is a letter we and other LGBT organisations emailed to the CabSec yesterday explaining why it is so important to trans people that the Census sex question remains on a lived sex basis for them.

All the best,

[REDACTED]

[REDACTED]



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[REDACTED]  
From: [REDACTED]  
Sent: 03 October 2019 16:46  
To: [REDACTED]  
Subject: Fw: Census Bill amendments

Sensitivity: Confidential

From: [REDACTED]  
Sent: 30 April 2019 22:08  
To: [REDACTED]@equality-netw  
Cc: [REDACTED]@equality-network.org> [REDACTED]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [REDACTED] appreciated.

From: [REDACTED]@equality-network.org>  
Sent: 30 April 2019 16:26  
To: [REDACTED]  
Cc: [REDACTED]@equality-network.org> [REDACTED]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Hi [REDACTED]

Here is the final version, from ourselves, Stonewall Scotland and LGBT Youth Scotland. It's just going off to Committee members now.

From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>  
Sent: 30 April 2019 11:36  
To: [REDACTED]@equality-network.org>  
Cc: [REDACTED]@equality-network.org> [REDACTED]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [REDACTED] have sent it on. Please could you share final version so I can add to the briefing pack for Thursday. Appreciated.

From: [redacted]@equality-network.org  
Sent: 30 April 2019 10:26  
To: [redacted]@nrscotland.gov.uk  
Cc: [redacted]@equality-network.org; [redacted]@equality-network.org  
Subject: Re: Census Bill amendments  
Sensitivity: Confidential

Yes that would be fine!

Sent from my iPhone

On 30 Apr 2019, at 10:08, [redacted]@nrscotland.gov.uk wrote:  
[redacted]@nrscotland.gov.uk

Thanks [redacted] that's really helpful. We have been reviewing the two other amendments, very interesting thoughts on the report. The detail will need to be considered now. Are you happy for me to share this with Ms Hyslop?

From: [redacted]@equality-network.org  
Sent: 30 April 2019 09:05  
To: [redacted]@nrscotland.gov.uk  
Cc: [redacted]@equality-network.org  
Subject: Census Bill amendments  
Sensitivity: Confidential

Hi [redacted]

I have attached to this email a draft briefing we have prepared for members of the CTEEA Committee, about the stage 2 amendments for the Census Bill. The briefing may still be tweaked a bit before it goes to members later today, and it may go as a joint briefing with Stonewall Scotland, but it shows our position on the amendments.

I hope that's useful

All the best,  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]



[REDACTED]

---

From: [REDACTED]  
Sent: 03 October 2019 09:15  
To: [REDACTED]  
Subject: FW: Census Bill amendments

Sensitivity: Confidential

From: [REDACTED]  
Sent: 07 May 2019 12:51  
To: [REDACTED]@equality-network.org  
Cc: [REDACTED]@equality-network.org; [REDACTED]@equality-network.org  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Hi [REDACTED]

Thanks for this. I have checked with Party colleagues – have received confirmation that this change will happen after Stage 3. This is a process thing for printing. Hope this reassures you (has reassured me).

Thanks  
[REDACTED]

From: [REDACTED]@equality-network.org  
Sent: 08 May 2019 14:59  
To: [REDACTED]@nrscotland.gov.uk  
Cc: [REDACTED]@equality-network.org; [REDACTED]@equality-network.org  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Hi [REDACTED]

This may be a stupid question – does line 3 of the bill (the title of section 1) need to be explicitly amended (it still says gender identity in the reprinted bill)?

[REDACTED]

[REDACTED]

<image001.png>

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Tha am post-d seo (agus faidhle neo ... )han neach neo tuohid ...  
mhàin. Chan eil e co-dalichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach  
còraichean, foillseachadh neo sgaoladh, gun ohead. Ma 's e is gun d'fhuair sibh seo gun  
fhlàsd', bu chòir our às dhan phost-d agus lethbhreac sam bith air an t-siostam agalbh agus  
fios a leigeil chun neach a sgaoll am post-d gun dàil.  
Dh'fhaodadh gum bi teachdalrachd sam bith bhò Rìghaltas na h-Alba air a chlàradh neo air  
a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson  
adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri  
beachdan Rìghaltas na h-Alba.

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From: [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk>  
 Sent: 30 April 2019 22:03  
 To: [redacted]@equality-network.org>  
 Cc: [redacted]@equality-network.org [redacted]@equality-network.org>  
 Subject: RE: Census Bill amendments  
 Sensitivity: Confidential

Thanks [redacted] appreciated.

From: [redacted]@equality-network.org>  
 Sent: 30 April 2019 16:26  
 To: [redacted]@nrscotland.gov.uk> [redacted]@nrscotland.gov.uk>  
 Cc: [redacted]@equality-network.org [redacted]@equality-network.org>  
 Subject: RE: Census Bill amendments  
 Sensitivity: Confidential

Hi [redacted]

Here is the final version, from ourselves, Stonewall Scotland and LGBT Youth Scotland. It's just going off to Committee members now.

From: [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk>  
 Sent: 30 April 2019 11:18  
 To: [redacted]@equality-network.org>  
 Cc: [redacted]@equality-network.org [redacted]@equality-network.org>

Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [redacted] have sent it on. Please could you share final version so I can add to the briefing pack for Thursday, Appropriated.

[redacted]  
From: [redacted]@equality-network.org>  
Sent: 30 April 2019 10:26  
To: [redacted]@nrscotland.gov.uk>  
Cc: [redacted]@equality-network.org> [redacted]@equality-network.org>  
Subject: Re: Census Bill amendments.  
Sensitivity: Confidential

Yes that would be fine!

Sent from my iPhone

On 30 Apr 2019, at 10:05, [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk [redacted]

Thanks [redacted] that's really helpful. We have been reviewing the two other amendments, very interesting thoughts on the report. The detail will need to be considered now. Are you happy for me to share this with Ms Hyslop?


[redacted]  
From: [redacted]@equality-network.org>  
Sent: 30 April 2019 09:05  
To: [redacted]@nrscotland.gov.uk>  
Cc: [redacted]@equality-network.org> [redacted]@equality-network.org>  
Subject: Census Bill amendments  
Sensitivity: Confidential

Hi [redacted]

I have attached to this email a draft briefing we have prepared for members of the OTEEA Committee, about the stage 2 amendments for the Census Bill. The briefing may still be tweaked a bit before it goes to members later today, and it may go as a joint briefing with Stonewall Scotland, but it shows our position on the amendments.

I hope that's useful

All the best,  
[redacted]  
[redacted]



<Image001.png>

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EH6 6PR

Telephone: 0131 467 6039

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhios, bu chòir obrachadh às dhan phost-d agus lethbhreac sam bith air an t-siostam agalbh agus fìos a leigell chun neach a sgaoill am post-d gun dàil.  
Dh'fhaodadh gum bi teachdaireachd sam bith bho Rìghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan agus a' phost-d seo co-ionann ri beachdan Rìghaltas na h-Alba.

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[REDACTED]

---

From: [REDACTED]  
Sent: 03 October 2019 09:16  
To: [REDACTED]  
Subject: FW: Census Bill amendments

Sensitivity: Confidential

From: [REDACTED]  
Sent: 30 April 2019 11:36  
To: [REDACTED] <[REDACTED]@equality-network.org>  
Cc: [REDACTED] <[REDACTED]@equality-network.org> [REDACTED] <[REDACTED]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [REDACTED] have sent it on. Please could you share final version so I can add to the briefing pack for Thursday. Appreciated.

[REDACTED]

From: [REDACTED] <[REDACTED]@equality-network.org>  
Sent: 30 April 2019 10:26  
To: [REDACTED] <[REDACTED]@nrscotland.gov.uk>  
Cc: [REDACTED] <[REDACTED]@equality-network.org> [REDACTED] <[REDACTED]@equality-network.org>  
Subject: Re: Census Bill amendments  
Sensitivity: Confidential

Yes that would be fine!

[REDACTED]

Sent from my iPhone

On 30 Apr 2019, at 10:08, [REDACTED] <[REDACTED]@nrscotland.gov.uk> [REDACTED] <[REDACTED]@nrscotland.gov.uk> wrote:

Thanks [REDACTED] that's really helpful. We have been reviewing the two other amendments, very interesting thoughts on the report. The detail will need to be considered now. Are you happy for me to share this with Ms Hyslop?

[REDACTED]

From: [REDACTED] <[REDACTED]@equality-network.org>  
Sent: 30 April 2019 09:05  
To: [REDACTED] <[REDACTED]@nrscotland.gov.uk>  
Cc: [REDACTED] <[REDACTED]@equality-network.org> [REDACTED] <[REDACTED]@equality-network.org>  
Subject: Census Bill amendments  
Sensitivity: Confidential

Hi [redacted]

I have attached to this email a draft briefing we have prepared for members of the CTEEA Committee, about the stage 2 amendments for the Census Bill. The briefing may still be tweaked a bit before it goes to members later today, and it may go as a joint briefing with Stonewall Scotland, but it shows our position on the amendments.

I hope that's useful

All the best,

<Image001.png>

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[REDACTED]

---

From: [REDACTED]  
Sent: 03 October 2019 09:16  
To: [REDACTED]  
Subject: FW: Census Bill amendments

Sensitivity: Confidential

---

From: [REDACTED]  
Sent: 30 April 2019 10:09  
To: [REDACTED]@equality-network.org  
Cc: [REDACTED]@equality-network.org; [REDACTED]@equality-network.org  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thank [REDACTED] that's really helpful. We have been reviewing the two other amendments, very interesting thoughts on the report. The detail will need to be considered now. Are you happy for me to share this with Ms Hyslop?

[REDACTED]

From: [REDACTED]@equality-network.org  
Sent: 30 April 2019 09:05  
To: [REDACTED]@nrsotland.gov.uk  
Cc: [REDACTED]@equality-network.org; [REDACTED]@equality-network.org  
Subject: Census Bill amendments  
Sensitivity: Confidential

---

Hi [REDACTED]

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I hope that's useful

All the best,  
[REDACTED]

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-  
mhàin. Chan eil e ceadachd a' chleachdadh ann an dòigh sam bith, a' toirt a-steach  
còraichean, foillseachadh neo sgaolteachd, gun chead. Dh'fhuair sibh seo gun  
fhios, bu chòir oir às dhan phost-d agus lethbhreag sam bith a' t-siostam agalbh agus  
fios a' leigeil dhùin neach a' sgaol am post-d gun dèiligeadh. Dh'fhaodadh gum bi  
teachdalreachd sam bith bho Rìaghaltais na h-Alba air a' chlàradh neo air  
a' sgrùdadh airson dearbhadh gu bhith an siostam ag obair gu h-èifeachdach neo airson  
adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri  
beachdan Rìaghaltais na h-Alba.

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**From:** [REDACTED]  
**Sent:** 03 October 2019 09:17  
**To:** [REDACTED]  
**Subject:** Fw: Census Bill  
**Attachments:** Scottish Trans Alliance & Equality Network - Census Bill briefing.pdf

**Sensitivity:** Confidential

---

**From:** [REDACTED] <[REDACTED]@equality-network.org>  
**Sent:** 09 June 2019 14:22  
**To:** [REDACTED] <[REDACTED]@nrscotland.gov.uk> [REDACTED] <[REDACTED]@nrscotland.gov.uk>  
[REDACTED] <[REDACTED]@nrscotland.gov.uk> [REDACTED] <[REDACTED]@nrscotland.gov.uk>  
[REDACTED] <[REDACTED]@stonewallscotland.org.uk>  
[REDACTED] <[REDACTED]@stonewall.org.uk> [REDACTED] <[REDACTED]@lastyouth.org.uk>  
**Cc:** [REDACTED] <[REDACTED]@equality-network.org> [REDACTED] <[REDACTED]@equality-network.org>  
**Subject:** Census Bill  
**Sensitivity:** Confidential

Dear all,

For info, I have attached to this email the briefing that Scottish Trans Alliance and Equality Network have sent to all MSPs, for stage 3 of the Census Bill.

All the best,

[REDACTED]

[REDACTED]



**Equality Network**  
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Edinburgh  
EH6 6PR  
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[REDACTED]  
[REDACTED]  
From: [REDACTED]  
Sent: 09 October 2019 09:11  
To: [REDACTED]  
Subject: FW: Census Bill amendments  
  
Sensitivity: Confidential

From: [REDACTED]@equality-network.org  
Sent: 08 May 2019 14:58  
To: [REDACTED]@hrsc  
Cc: [REDACTED]@equality-network.org; [REDACTED]@equality-network.org  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Hi [REDACTED]

This may be a stupid question – does line 3 of the bill (the title of section 1) need to be explicitly amended (it still says gender identity in the reprinted bill)?



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From: [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk>  
Sent: 30 April 2019 22:03  
To: [redacted]@equality-network.org>  
Cc: [redacted]@equality-network.org> [redacted]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [redacted] appreciated.

From: [redacted]@equality-network.org>  
Sent: 30 April 2019 16:20  
To: [redacted]@nrscotland.gov.uk>  
Cc: [redacted]@equality-network.org> [redacted]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Hi [redacted]

Here is the final version, from ourselves, Stonewall Scotland and LGBT Youth Scotland. It's just going off to Committee members now.

From: [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk>  
Sent: 30 April 2019 14:36  
To: [redacted]@equality-network.org>  
Cc: [redacted]@equality-network.org> [redacted]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [redacted] have sent it on. Please could you share final version so I can add to the briefing pack for Thursday. Appreciated.

From: [redacted]@equality-network.org>  
Sent: 30 April 2019 10:26  
To: [redacted]@nrscotland.gov.uk>  
Cc: [redacted]@equality-network.org> [redacted]@equality-network.org>  
Subject: Re: Census Bill amendments  
Sensitivity: Confidential

Yes that would be fine!

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Dh'fhaodadh gum bi teachd air a' chlàr sam bith bho Rìghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bhith ann siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Rìghaltas na h-Alba.

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Sent from my iPhone

On 30 Apr 2019, at 10:08 [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk> wrote:

Thanks [redacted] that's really helpful. We have been reviewing the two other amendments, very interesting thoughts on the report. The detail will need to be considered now. Are you happy for me to share this with Ms Hyslop?

[redacted]

From: [redacted]@equality-network.org>

Sent: 30 April 2019 09:05

To: [redacted]@nrscotland.gov.uk>

Cc: [redacted]@equality-network.org; [redacted]@equality-network.org>

Subject: Census Bill amendments

Sensitivity: Confidential

[redacted]

I have attached to this email a draft briefing we have prepared for members of the CTEEA Committee, about the stage 2 amendments for the Census Bill. The briefing may still be tweaked a bit before it goes to members later today, and it may go as a joint briefing with Stonewall Scotland, but it shows our position on the amendments.

I hope that's useful

All the best,

[redacted]

[redacted]

<image001.png>

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Edinburgh

EH6 6PR

Telephone: 0131 467 6039

[www.equality-network.org](http://www.equality-network.org)

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[Redacted]

From: [Redacted]  
Sent: 03 October 2019 09:17  
To: [Redacted]  
Subject: FW: Census Bill amendments  
Attachments: Census (Amendment) Bill stage 2 briefing.docx  
  
Sensitivity: Confidential

From: [Redacted] <[Redacted]@equality-network.org>  
Sent: 30 April 2019 16:26  
To: [Redacted]  
Cc: [Redacted] <[Redacted]@equality-network.org>; [Redacted] <[Redacted]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Hi [Redacted]

Here is the final version, from ourselves, Stonewall Scotland and LGBT Youth Scotland. It's just going off to Committee members now.

From: [Redacted] <[Redacted]@nrscotland.gov.uk>; [Redacted] <[Redacted]@nrscotland.gov.uk>  
Sent: 30 April 2019 11:36  
To: [Redacted] <[Redacted]@equality-network.org>  
Cc: [Redacted] <[Redacted]@equality-network.org>; [Redacted] <[Redacted]@equality-network.org>  
Subject: RE: Census Bill amendments  
Sensitivity: Confidential

Thanks [Redacted] have sent it on. Please could you share final version so I can add to the briefing pack for Thursday. Appreciated.

From: [Redacted] <[Redacted]@equality-network.org>  
Sent: 30 April 2019 10:26  
To: [Redacted] <[Redacted]@nrscotland.gov.uk>  
Cc: [Redacted] <[Redacted]@equality-network.org>; [Redacted] <[Redacted]@equality-network.org>  
Subject: Re: Census Bill amendments  
Sensitivity: Confidential

Yes that would be fine!

Sent from my iPhone

On 30 Apr 2019, at 10:08, [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk wrote:

Thanks [redacted] that's really helpful. We have been reviewing the two other amendments, very interesting thoughts on the report. The detail will need to be considered now. Are you happy for me to share this with Ms Hyslop?

From: [redacted]@equality-network.org  
Sent: 30 April 2019 09:05  
To: [redacted]@nrscotland.gov.uk  
Cc: [redacted]@equality-network.org  
Subject: Census Bill amendments  
Sensitivity: Confidential

Hi [redacted]

I have attached to this email a draft briefing we have prepared for members of the CTEEA Committee, about the stage 2 amendments for the Census Bill. The briefing may still be tweaked a bit before it goes to members later today, and it may go as a joint briefing with Stonewall Scotland, but it shows our position on the amendments.

I hope that's useful

All the best,

<image001.png>

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[www.equality-network.org](http://www.equality-network.org)

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 October 2019 09:17  
**To:** [REDACTED]  
**Subject:** FW: Census Bill amendments  
**Attachments:** Census (Amendment) Bill stage 2 briefing.docx

**Sensitivity:** Confidential

---

**From:** [REDACTED] <[REDACTED]@equality-network.org>  
**Sent:** 30 April 2019 09:05  
**To:** [REDACTED] <[REDACTED]@nrsotland.gov.uk>  
**Cc:** [REDACTED] <[REDACTED]@equality-network.org>; [REDACTED] <[REDACTED]@equality-network.org>  
**Subject:** Census Bill amendments  
**Sensitivity:** Confidential

Hi [REDACTED]

I have attached to this email a draft briefing we have prepared for members of the CTEEA Committee, about the stage 2 amendments for the Census Bill. The briefing may still be tweaked a bit before it goes to members later today, and it may go as a joint briefing with Stonewall Scotland, but it shows our position on the amendments.

I hope that's useful

All the best,

[REDACTED]

[REDACTED]



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Dh'fhaodadh gum bi teachdalreachd sam bith bhò Rìghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dèarbhadh gu bhèil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Rìghaltas na h-Alba.  
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Fab thanks [REDACTED]

Yes thank goodness. Hope yours is relaxing when it comes. [REDACTED]

From [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>  
Sent: 18 September 2019 11:34  
To: [REDACTED]@equality-network.org; [REDACTED]@nrscotland.gov.uk  
Subject: RE: ONS guidance on the sex question

Hi [REDACTED]  
Link to ONS guidance published earlier this week  
<https://www.ons.gov.uk/census/censustransformationprogramme/questiondevelopment/genderidentity/guidanceforquestionsonsexgenderidentityandsexualorientationforthe2021census>

Hope you are well -- it's nearly the weekend!

[REDACTED]

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Follow ScotStat on Twitter: @ScotStat | <http://twitter.com/ScotStat>

From [REDACTED]@equality-network.org>

Sent: 18 September 2019 11:15

To: [REDACTED]@nrscotland.gov.uk [REDACTED]

[REDACTED]@nrscotland.gov.uk>

Subject: ONS guidance on the sex question

Hi both,

Hope your Fridays are treating you well.

We noticed yesterday in the evidence session with the CTEEA committee that it was mentioned that ONS have confirmed their position that the guidance for their sex question in 2021 will be lived sex. Is there something public you can point me to about this, that is more recent than the letter to Baroness Barker back in May? I'm not having much luck with google!

Thanks very much for any help you can give me.

Best Wishes,  
[REDACTED]



Scottish  
Trans

Scottish Trans  
30 Bernard Street  
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EH6 6PR

Telephone: 0131 467 6039  
[www.scottishtrans.org](http://www.scottishtrans.org)



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Dear [REDACTED] and colleagues,

The email below, which we have sent to Donald Cameron following one of his questions to you this morning, goes into more detail about why a lived sex question is compatible with the Equality Act.

All the best,

[REDACTED]

---

From: [REDACTED]  
Sent: 12 September 2010 11:19  
To: [Donald.Cameron.msp@parliament.scot](mailto:Donald.Cameron.msp@parliament.scot)  
Subject: The Census and the Equality Act

Dear Mr Cameron,

I am emailing on behalf of the Equality Network and Scottish Trans Alliance, an organisation working for equality for LGBT people, about a question that arose in this morning's CTEEA Committee meeting.

This is the question of the compatibility of the Census sex question with the Equality Act 2010. The EA protects people from discrimination that happens "because of sex", and from harassment "related to sex", and of course that means that the protection goes wider than just protecting people on grounds of their "legal sex" (which is usually defined as, for most people, their original birth certificate sex, but, for those trans people who have obtained gender recognition, that recognised sex).

The EA also protects people who are discriminated against because of their perceived sex, and that includes trans people who do not have gender recognition, but who live in their transitioned sex and are treated by others as doing so. For example, many trans people are fully transitioned at work, and their work colleagues do not know that they are trans, but they do not have gender recognition, for a variety of reasons. The EA protects them from discrimination that happens because of their lived sex, since that is their perceived sex, even though it is not their legal sex.

The EA protects people against harassment that is related to a protected characteristic, regardless of whether they actually have that characteristic, and including when the harasser knows that the harassed person does not have that characteristic (see for example the sexual orientation case *English v Thomas Sanderson Blinds Ltd*). So again, for example, a trans person who lives as a woman but has not obtained gender recognition is protected against misogynistic harassment, even if the harasser knows that she does not have gender recognition.

All this means that the set of people protected by the Equality Act from misogynistic discrimination and harassment aligns more closely with the set of people who live and present as women, than it does with the set of people whose current birth certificate (as in some cases modified by gender recognition) says female. Similarly for discrimination and harassment aimed at men. The EA rightly protects people from discrimination and harassment that is based on any of: their biological sex characteristics, their current birth certificate sex, and their perceived sex.

This is one reason (one of several) why we consider that it is very important that the Census continues to allow the less than 1% of the population who are trans to answer the sex question in their lived sex, as they have been able to do for previous Censuses. The guidance for the sex question makes no difference at all to the 99+% who are not trans, but for those who are trans, keeping the question as a lived sex question, as previously, aligns best with their way they are protected by the Equality Act, as well as the way they are treated across a wide range of public services (for example a trans person can change the sex on their passport, their driving licence, their NHS records etc without getting gender recognition). Other reasons why we think it is so important that trans people continue to be able to answer the sex question with their lived sex are set out in our letter to the CTEEA Committee members dated 10<sup>th</sup> September.

I hope that is useful, and we'd be very happy to meet with you to answer any questions or to discuss this further, if you wish.

With best wishes,





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Dear [REDACTED]

In case you haven't seen it yet, attached to this email is a letter we and other LGBT organisations emailed to the CabSec yesterday explaining why it is so important to trans people that the Census sex question remains on a lived sex basis for them.

All the best,



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[REDACTED]

Thanks for this. Let me know how if we can help at all with recruiting people for question testing – am happy to be put in touch with someone from ScotCen if that's easier for you.

Best Wishes,

[REDACTED]

From: [REDACTED]@nrscotland.gov.uk <[REDACTED]@nrscotland.gov.uk>

Sent: 21 August 2019 17:28

To: [REDACTED]@nrscotland.gov.uk

Subject: Update on Scotland's Census 2021 - Sex question development

### Update on Scotland's Census 2021 - Sex question development

Many thanks for attending the Update on Scotland's Census 2021 event last week. We hope that you found the updates on the legislative process and question testing informative. We really appreciate the discussions held around the questions and guidance and based on the feedback you provided we have updated the guidance that will be included in the forthcoming question testing. Given the timescales we are working to, the guidance that will be included in the testing is now fixed, but if you have any further feedback or comments on the guidance, please do get in touch and we will consider these along with the feedback from testing.

Please find attached the presentation from the event and a copy of the updated questions and guidance.

If you have any further questions, please get in touch:  
[scotlandscensus@nrscotland.gov.uk](mailto:scotlandscensus@nrscotland.gov.uk)

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]@nrscotland.gov.uk | [www.nrscotland.gov.uk](http://www.nrscotland.gov.uk) | [www.scotlandscensus.gov.uk](http://www.scotlandscensus.gov.uk) | [contact@SCOTLAND-BSL](mailto:contact@SCOTLAND-BSL)

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Dear all,

For info, I have attached to this email the briefing that Scottish Trans Alliance and Equality Network have sent to all MSPs, for stage 3 of the Census Bill.

All the best,



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[REDACTED]

Thanks very much for sending this through – It's great to see that the guidance is going to continue to be clear that it's a lived sex question, as it has always been! We were a little unsure after the content of the actual debate in the Lords.

Of course, retaining a binary sex question will continue the problem of how non-binary people should respond – which is why we think the approach you're taking to developing the question is much better. Using a non-binary sex question in the next Census is the only way to ensure that everyone can answer.

Hope you have a good weekend when it comes,

[REDACTED]

From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk  
Sent: 28 May 2019 14:11  
To: [REDACTED]@equality-network.org  
Subject: Sex question in E&W guidance letter

[REDACTED]

You probably seen this but just thought I'd send you the link to the letter that Lord Young recently sent to Baroness Barker clarifying the guidance for the 2021 sex question in England and Wales.

[http://data.parliament.uk/DepositedPapers/Files/DEP2019-0575/Lord Young to Baroness Barker on the Census Bill.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2019-0575/Lord%20Young%20to%20Baroness%20Barker%20on%20the%20Census%20Bill.pdf)

Thanks

[REDACTED]

From: [REDACTED]  
Sent: 15 May 2019 14:16  
To: [REDACTED]@equality-network.org>  
Subject: RE: Feedback from meeting on 28.03

Hi [REDACTED]

Apologies for late reply. Thanks so much for pulling together all the feedback into one document – that's really helpful and will be of use. I have passed this on to everyone who was at the meeting from NRS so that the evidence can be used in the legislative process when required.

Since the meeting, the decision was taken that for rehearsal the trans status question will be asked of the population who are 16 and over. This decision is only for the rehearsal and the evidence from your feedback and also from cognitive testing will be considered in order to make a decision in relation to any age limit for the question in 2021.

Finally the Census (Return Particulars and Removal of Penalties) Bill was presented in the House of Lords on 13<sup>th</sup> May.  
[https://hansard.parliament.uk/lords/2019-05-13/debates/94B76DAD-8DC0-453E-A673-1A2A2F6C4C2A/Census/ReturnParticularsAndRemovalOfPenaltiesBill\(HL\)](https://hansard.parliament.uk/lords/2019-05-13/debates/94B76DAD-8DC0-453E-A673-1A2A2F6C4C2A/Census/ReturnParticularsAndRemovalOfPenaltiesBill(HL))

I will be in touch with any updates, but in the meantime please get in touch if you have any questions.

Kind regards  
[REDACTED]

From: [REDACTED]@equality-network.org>  
Sent: 06 May 2019 16:43  
To: [REDACTED]@nrscotland.gov.uk>  
Subject: Feedback from meeting on 28.03.

Hi [REDACTED]

Hope you're well? Sorry this has taken so long to get back to you – it proved a little time consuming to coordinate everyone's feedback into one coherent response.

Attached are the thoughts of all of the stakeholders from March's meeting (ourselves and Equality Network, LGBT Youth Scotland, Stonewall Scotland) on the topics discussed that day.

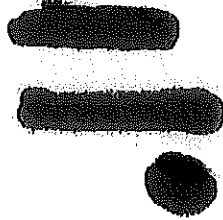
Hope it's of use!

Best Wishes,  
[REDACTED]  
[REDACTED]



Scottish  
Trans

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Dh'fhaodadh gum bi teachdalraeachd sam bith bhò Rìaghaltais na h-Alba air a' chlàradh seo air a sgrìobhadh airson dearbhadh gu bhèill an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Rìaghaltais na h-Alba.

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[Redacted area]

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[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Fabulous, thank you!

[REDACTED]  
From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>  
Sent: 21 May 2019 16:43  
To: [REDACTED]@equality-network.org>  
Subject: RE: ONS guidance for trans respondents to the sex question in 2011

Hi [REDACTED]

Here is a link to it:  
<https://webarchive.nationalarchives.gov.uk/20110324104243/http://help.census.gov.uk/england/help/help-and-information/about-the-questions/individual-questions-1-to-15/topics/question-2-your-sex-U0002B.html>

[REDACTED]  
From: [REDACTED]@equality-network.org>  
Sent: 21 May 2019 14:45  
To: [REDACTED]@nrscotland.gov.uk>  
Subject: RE: ONS guidance for trans respondents to the sex question in 2011

Hey [REDACTED]

Great thanks – although obviously please don't spend an age or interrupt your afternoon loads!

[REDACTED]  
From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>  
Sent: 21 May 2019 14:43  
To: [REDACTED]@equality-network.org>  
Subject: RE: ONS guidance for trans respondents to the sex question in 2011

Hi [REDACTED]

I'm sure it was the same because I think GROS took the 2011 guidance that ONS developed.  
I will see if I have any record or can find a link to it anywhere.

[REDACTED]  
From: [REDACTED]@equality-network.org>  
Sent: 21 May 2019 14:39  
To: [REDACTED]@nrscotland.gov.uk>  
Subject: ONS guidance for trans respondents to the sex question in 2011

Hi [REDACTED]

Hope you're keeping ok?

I wondered if you have a record of the wording of the guidance that ONS used for the E&W Census in 2011 for the sex of trans people? Trying to comb through some of the ONS-stuff I've had on this but can't seem to find it anywhere. I'm presuming it was the same, but it would be good to know for sure!

Thanks,



Scottish  
Trans

Scottish Trans

30 Bernard Street

Edinburgh

EH6 6PR

Telephone: 0131 467 6039

[www.scottishtrans.org](http://www.scottishtrans.org)



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còraichean, foillsachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun  
fhiosd', bu chòir our às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus  
fios a lèigell chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bhò Rìaghaltais na h-Alba air a chlàradh neo air  
a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson  
adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri  
beachdan Rìaghaltais na h-Alba.

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Hi [redacted]

Sure, the people coming are:

[redacted]

Top three are EN/STA people, [redacted] are from Stonewall and [redacted] from LGBT Youth Scotland.

See you next week!

From: [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk  
Sent: 18 March 2019 15:27  
To: [redacted]@equality-network.org  
Subject: Meeting with Equality Groups - 28th March 2019

Hi [redacted]

I have booked the Robertson Wing in General Register House from 10am – 12pm on the 28<sup>th</sup> March.

General Register House, 2 Princes Street, Edinburgh, EH1 3YY

I would be grateful if you could send me the names of who's coming so that I can inform reception. I will meet you all at reception at 10am.

Looking forward to seeing you all next week.

[redacted]

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mhàin. Chan eil e ceadaichte a ohleachdadh ann an dòigh sam bith, a' toirt a-steach  
còraichean, foillsachadh neo sgaoiladh, gun chead. Ma 's e is gun d'fhuair sibh seo gun  
fhios, bu chòir our às dhan phost-d agus lethbhreac sam bith air an t-siostam agallh agus  
fios a feigeil ohun neach a sgaoil am post-d gun dèil.

Dh'fhaodadh gum bi teachdairachd sam bith bho Riaghaltas na h-Alba air a ch  
a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo  
adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ic  
beachdan Riaghaltas na h-Alba.

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Many thanks

Kind regards

[/@nrscotland.gov.uk](mailto:info@nrscotland.gov.uk) | [www.nrscotland.gov.uk](http://www.nrscotland.gov.uk) |  
[www.scotlandscensus.gov.uk](http://www.scotlandscensus.gov.uk) | [contact@SCOTLAND.BSL](mailto:contact@SCOTLAND.BSL)

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From: [@equality-network.org](mailto:info@equality-network.org)>  
Sent: 26 February 2019 11:46  
To: [@nrscotland.gov.uk](mailto:info@nrscotland.gov.uk)>  
Subject: Equality Network/STA stage one Census Bill briefing

Hi

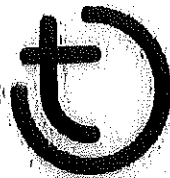
Attached is the briefing we provided to all MSPs yesterday, for your reference!

Best Wishes,

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Hi both,

Hope you're keeping well and had a good break over the new year! Just wanted to let you know we've issued the following news release about the report coming tomorrow!



Scottish  
Trans



Equality  
Network

News release – EMBARGO until 00:01 Thursday 7<sup>th</sup>  
February 2019

## Scottish Trans Alliance welcomes MSPs' report on the Census (Amendment) Bill

Scottish trans equality organisation the Scottish Trans Alliance, together with its parent LGBTI charity the Equality Network, welcome the Scottish Parliament report on the Census (Amendment) (Scotland) Bill today (Thursday 7<sup>th</sup> Feb).

The report is the "stage 1 report", from the Parliament's Culture, Tourism, Europe and External Affairs Committee, about the general principles of the bill. It follows written and oral evidence-taking by the Committee over several weeks.

The Census (Amendment) Bill allows for voluntary questions on a person's sexual orientation, and on whether they are transgender, to be included in the 2021 Scottish Census. The Committee's report supports these proposals.

The Committee also reports that there was insufficient consultation on the detail of the bill, and they support amendments to the bill proposed by the Equality Network / Scottish Trans Alliance, to clarify the language. The Committee strongly recommends wide consultation over the next year on the detailed wording of the census questions on sex, sexual orientation and trans status, including with women's organisations, LGBT organisations and intersex organisations, and the Scottish Trans Alliance agrees with this.

**Vic Valentine, Policy Officer at the Scottish Trans Alliance, said** "We welcome that the Committee supports the general principles of the bill, that there should be voluntary questions on sexual orientation and on a person's trans status, in the 2021 Census. We also welcome the Committee's support for our proposal to amend the bill's language on trans status, to remove confusion. We agree that there needs to be wide consultation during the preparation of the Census questions, over the next year, and that that should include consultation with women's organisations, and with intersex organisations, as well as LGBT organisations.

"However we disagree with the Committee's recommendation that the compulsory census question asking the person's sex should be restricted

to male and female answers only, because that means that, once again, non-binary people like myself will not be able to answer the question correctly and honestly."

The general principles of the Census (Amendment) Bill are due to be debated by the whole Parliament on Thursday 28<sup>th</sup> February.

**ENDS**

For further information, please contact the Scottish Trans Alliance's  
Policy Officer [REDACTED]  
[REDACTED]@equality-network.org

**Notes to editors:**

1. The Equality Network is a national charity working for lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights in Scotland: [www.equality-network.org](http://www.equality-network.org)
2. The Scottish Trans Alliance is the Equality Network project working for gender identity and gender reassignment equality, rights and inclusion in Scotland: [www.scottishtrans.org](http://www.scottishtrans.org)
3. More information about the Census (Amendment) (Scotland) Bill can be found here:  
<https://www.parliament.scot/parliamentarybusiness/Bills/109595.aspx>

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Dear all,

Please see email below that I have just sent to members of the Parliament's CTEEA Committee (plus Patrick Harvie who was substituting for Ross Greer at today's Committee meeting). It is self-explanatory I think, but I felt it was a really important point to make promptly. Happy to answer any questions!

All the best and have a great holiday,



Equality Network  
30 Bernard Street  
Edinburgh  
EH6 6PR  
Telephone: 0131 467 6039  
[www.equality-network.org](http://www.equality-network.org)

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From: 

Sent: 20 December 2013 12:18

To: 'Joan.McAlpine.msp@parliament.scot' <[Joan.McAlpine.msp@parliament.scot](mailto:Joan.McAlpine.msp@parliament.scot)>  
'Claire.Baker.msp@parliament.scot' <[Claire.Baker.msp@parliament.scot](mailto:Claire.Baker.msp@parliament.scot)>;  
'Annabelle.Ewing.msp@parliament.scot' <[Annabelle.Ewing.msp@parliament.scot](mailto:Annabelle.Ewing.msp@parliament.scot)>;  
'Kenneth.Gibson.msp@parliament.scot' <[Kenneth.Gibson.msp@parliament.scot](mailto:Kenneth.Gibson.msp@parliament.scot)>; 'Greene J (Jamie),  
MSP' <[Jamie.Greene.msp@parliament.scot](mailto:Jamie.Greene.msp@parliament.scot)>; 'Greer R (Ross), MSP'  
<[Ross.Greer.msp@parliament.scot](mailto:Ross.Greer.msp@parliament.scot)>; 'Stuart.McMillan.msp@parliament.scot'  
<[Stuart.McMillan.msp@parliament.scot](mailto:Stuart.McMillan.msp@parliament.scot)>; 'Scott T (Tavish), MSP'  
<[Tavish.Scott.msp@parliament.scot](mailto:Tavish.Scott.msp@parliament.scot)>; 'Alexander.Stewart.msp@parliament.scot'  
<[Alexander.Stewart.msp@parliament.scot](mailto:Alexander.Stewart.msp@parliament.scot)>; 'Harvie P (Patrick), MSP'  
<[Patrick.Harvie.msp@parliament.scot](mailto:Patrick.Harvie.msp@parliament.scot)>

Subject: Statement following today's CTEEA Committee meeting

Dear member of the CTEEA Committee,

Towards the end of the item on the Census Bill, in today's CTEEA Committee meeting, the Convener noted that some women's and LGBTI groups that have submitted evidence on the bill receive Scottish Government funding, and implied that that funding might influence those groups' evidence.

I would like to make clear that the Equality Network absolutely refutes any suggestion that our funders have any influence our policy positions, our evidence, or our campaign work,

We are, and have been for over 21 years, a fiercely independent organisation. Our policy positions are entirely based on consultation with LGBTI people to find out their needs. We oppose Scottish Government policy when we think they have got it wrong – as members of the Committee know, that includes, but is certainly not limited to, suggesting amendments to legislation where we think it can be improved.

The Scottish Government have never attempted to influence our policy positions. We think that they understand that it is in their interests to hear the genuine views of LGBTI people, whether they like what they hear or not. If a funder ever did try to influence our policy, we would make it clear in no uncertain terms that their funding did not buy them that right. If, as a result, we lost that funding, we would be proud to do so.

With best wishes and all the best for the holidays,

[Redacted signature]

[Redacted name]



Equality  
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30 Bernard Street  
Edinburgh  
EH6 6PR  
Telephone: 0131 467 6039  
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Hi both,

Hope you're keeping well! I'm attaching the additional supplementary evidence that EN/STA have submitted to the Committee today, in response to some of the evidence presented at the last session. I've also attached the submission the national women's orgs have made to the Committee, which hasn't been published yet but should be over the next few days.

Give me a shout if you have any questions!

Best Wishes,



**Scottish Trans**  
30 Bernard Street  
Edinburgh  
EH6 6PR  
Telephone: 0131 467 6039  
[www.scottishtrans.org](http://www.scottishtrans.org)



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Hi [REDACTED]

No worries! Hope you're holding up ok. We're also working on a position paper on the Census that we can share more publicly, and I came across this in ONS' qualitative report on gender identity: phase 1 summary from September 2017:

We would also recommend that a question specifically about sex at birth, or one that forces an answer indicating a trans identity, should not be mandatory given the needs of trans people living with disclosure concerns.

They obviously didn't test the same suite of questions as you have, but that was their pretty clear finding on things they did test, including insisting on changing the sex question to a sex at birth one. Obviously I know you will have seen the report at the time, but just wanted to flag up for you this very succinct coverage of the issue!

[REDACTED]  
From [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>  
Sent: 11 December 2018 15:09  
To: [REDACTED]@equality-network.org>  
Subject: RE: Supplementary evidence submitted to the CTEEA Committee

Hi [REDACTED]

Thanks so much for sending this to us. I have passed this on to [REDACTED] and [REDACTED] at NRS who are leading on the Bill process.

[REDACTED]  
From [REDACTED]@equality-network.org>  
Sent: 10 December 2018 16:46  
To: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>  
Subject: Supplementary evidence submitted to the CTEEA Committee

Hi both,

I'm attaching the supplementary evidence that we are submitting to the committee about the Census evidence – they've not been published yet, but should be in the next day or two!

Give me a shout if you want to discuss any of it,

[REDACTED]  
[REDACTED]  
[REDACTED]  
 Scottish  
Trans

**Scottish Trans**  
30 Bernard Street  
Edinburgh  
EH6 6PR  
Telephone: 0131 467 6039  
[www.scottishtrans.org](http://www.scottishtrans.org)



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Rìghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Rìghaltas na h-Alba.

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Hi [redacted]

Yes thanks very much to you and [redacted] for arranging it - really useful to get a bit more of a sense of your perspective on the parliamentary process and how that fits in to the question design.

Oh great, if I'm able to sneak in at the break rather than come right from the morning that would be super usefull

I will see you tomorrow,

From [redacted] <[redacted]@nrsotland.gov.uk>  
Sent: 20 November 2018 12:46  
To: [redacted] <[redacted]@equality-network.org>  
Subject: 2021 Census Edinburgh Event

Hi [redacted]

Good to see you at the meeting yesterday.

I have checked the agenda for the event on Thursday and the sex, trans status and sexual orientation presentation is from approx 11.30am - 12.20pm

Break is at 11.15pm so come along for coffee first.

See you on Thursday

[redacted]  
[redacted]  
National Records of Scotland | Ladywell House | Edinburgh EH12 7TF  
[redacted] <[redacted]@nrsotland.gov.uk> | [www.nrsotland.gov.uk](http://www.nrsotland.gov.uk) |  
[www.scotlandscensus.gov.uk](http://www.scotlandscensus.gov.uk) | [contact@SCOTLAND-BSL](mailto:contact@SCOTLAND-BSL)

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còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gu  
fhiosd, bu chòir ort às dhan phost-d agus lethbhreac sam bith air an t-siostam agallbh agus  
fios a leigell dhun neach a sgaoil am post-d gun d'fàil.  
Dh'fhaodadh gum bi teachdaireachd sam bith bho Rìaghaltais na h-Alba air a chlàradh neo air  
a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson  
adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri  
beachdan Rìaghaltais na h-Alba.

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Yeah sure that's no problem.

[REDACTED]  
From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk  
Sent: 07 November 2018 12:10:02  
To: [REDACTED]  
Subject: RE: Meeting to discuss sex, trans and sexual orientation questions for 2021 Census

Hi [REDACTED]

Would it be possible to meet at the same time but at New Register House in the centre of town?

New Register House  
3 West Register Street  
Edinburgh  
Scotland  
EH1 3YT

Many thanks [REDACTED]

[REDACTED]  
From: [REDACTED]@equality-network.org  
Sent: 06 November 2018 14:58  
To: [REDACTED]@nrscotland.gov.uk [REDACTED]@equality-network.org  
Subject: RE: Meeting to discuss sex, trans and sexual orientation questions for 2021 Census

Hi [REDACTED]

Yes we're both available on the 19<sup>th</sup> at 1-2pm, so that would be great!

Look forward to seeing you then,

[REDACTED]  
From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk  
Sent: 06 November 2018 14:57  
Subject: RE: Meeting to discuss sex, trans and sexual orientation questions for 2021 Census

Hi [REDACTED]

I'm afraid that [REDACTED] isn't available at the times you suggested but we are all available from 1-2pm on the 19<sup>th</sup> November.  
If you are not free then, would it be possible to meet [REDACTED] on the 14<sup>th</sup>?

Many thanks [REDACTED]

From: [REDACTED]@equality-network.org>  
Sent: 06 November 2018 14:48  
To: [REDACTED]@nrscotland.gov.uk; [REDACTED]@equality-network.org>  
Subject: RE: Meeting to discuss sex, trans and sexual orientation questions for 2018

Hi [REDACTED]

I'm not free then although [REDACTED] - so if there isn't another good date in the next couple of weeks then should probably stick with that although I'd like to be there if possible!

All-day Tuesday, Thursday morning and Friday after 2pm we're both free on that week,

But if none of them work for you and colleagues that's not a problem.

Thanks,

From: [REDACTED]@nrscotland.gov.uk; [REDACTED]@nrscotland.gov.uk>  
Sent: 06 November 2018 14:42  
To: [REDACTED]@equality-network.org; [REDACTED]@equality-network.org>  
Subject: Meeting to discuss sex, trans and sexual orientation questions for 2018

At our last meeting we thought it would be a good idea to meet again to give you more information about the legislative process.

Would you be free to meet with myself, [REDACTED] and [REDACTED] who is the Head of Census and Registration Services on Wednesday 14<sup>th</sup> November at 10.30am at Ladywell House?

Kind regards

[REDACTED]  
[REDACTED]  
National Records of Scotland | Ladywell House | Edinburgh EH12 7TF  
[REDACTED]@nrscotland.gov.uk | www.nrscotland.gov.uk |  
www.scotlandscensus.gov.uk | contact@SCOTLAND-BSL

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From: [REDACTED]@equality-network.org>  
Sent: 08 October 2018 12:59



To: [redacted]@nrscotland.gov.uk [redacted]  
network.org>

Subject: RE: Meeting to discuss [redacted] sexual orientation questions [redacted]

Hi [redacted]

Yep sounds good! Look forward to seeing you then.

Best Wishes,  
[redacted]

---

From: [redacted]@nrscotland.gov.uk [redacted]@nrscotland.gov.uk>

Sent: 08 October 2018 12:57

To: [redacted]@equality-network.org> [redacted]@equality-network.org>

Subject: RE: Meeting to discuss sex, trans and sexual orientation questions for 2021 Census

Hi [redacted]

Would 2pm on Tuesday 23<sup>rd</sup> at your office work for you?

Many thanks  
[redacted]

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[redacted]@nrscotland.gov.uk | www.nrscotland.gov.uk |  
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From: [redacted]@equality-network.org>

Sent: 08 October 2018 12:52

To: [redacted]@nrscotland.gov.uk> [redacted]@equality-network.org>

Subject: RE: Meeting to discuss sex, trans and sexual orientation questions for 2021 Census

Hi [redacted]

That would be great! We're only available on the Tuesday 23<sup>rd</sup>, but anytime between 11-8 is fine.  
Would it be ok if you could come to our office?

Best Wishes,  
[redacted]

From: [redacted]@nrsotland.gov  
Sent: 09 October 2018, 12:14  
To: [redacted]@equality-network.org; [redacted]@equality-network.org  
Subject: Meeting to discuss sex, trans and sexual orientation questions for 2021 Census

Hi [redacted]

It was good to talk to you last week. As discussed, I think it would be good for us to meet and catch up on the current proposed questions and give you some background to the testing and reasons for some of the decisions we have made. We then intend to do a final round of testing and then meet with a broader range of stakeholders to show them the proposed questions and outputs to get their feedback.

[redacted] on holiday for the next 2 weeks so do you have availability to meet on Tuesday 23<sup>rd</sup> October between 11am and 3pm, or Thursday 25<sup>th</sup> October between 12 and 3pm,

Thought it would be good to get something in the diary now. We are happy to come over to Leith or you are very welcome to visit us at Ladywell House.

Many thanks

[redacted]  
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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dh'ann naach neo luchd-àithneichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach o-drathann, foillseachadh neo sgoilleadh, gun chead. Ma 's e is gun d'fhios, bu chòir cur às dh'ann phost-d agus lethbhreac sam bith air an t-siostam againn agus fios a leigeil oinn na [redacted] gun dàil.  
Dh'fhaodadh gun bi teachdaireachd sam bith bhò Rìghaltas na h-Alba air a chleachdadh neo air a sgoilleadh airson dearbhadh gu bheil an t-siostam ag obair gu h-dìfheachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann [redacted] beachdan Rìghaltas na h-Alba.

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[REDACTED]

[REDACTED]

[REDACTED]

H [REDACTED]

Thanks for the reassurance - we were hoping that was the case.

Cheers,

[REDACTED]

---

From: [REDACTED] <[REDACTED]@nrsotland.gov.uk>  
Sent: 28 August 2018 12:27  
To: [REDACTED] <[REDACTED]@equality-network.org>  
Cc: [REDACTED] <[REDACTED]@nrsotland.gov.uk>  
Subject: RE: Census questions 2021

[REDACTED]

Having reread your email, I would just like to make clear that NRS were simply wanting to clearly understand the full implications of any definitions used in Census as we consider the legal and parliamentary processes, particularly in order to be clear in what the Census is doing and clearly demonstrating the reasons for the decisions made.

Please do not think this is a suggestion that NRS are taking a different approach to the work we have taken forward .. just simply making sure everything is clearly evidenced as we move forward through the formal processes. I did appreciate that it was a slightly unusual conversation from your perspective, but for NRS to be able to demonstrate the views of stakeholders is a particularly important part of the process at each step.

Thanks,

[REDACTED]

[REDACTED]  
[REDACTED]@natrecotland.gov.uk | www.scotlandscotland.esi | [REDACTED]@natrecotland.gov.uk  
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From: [REDACTED]  
Sent: 29 August 2018 12:15  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Census questions 2021

[REDACTED]

Thank you, The input from yourself and [REDACTED] continues to be invaluable as we move forward with the question development.

[REDACTED] | [contacts@NATRECORDS-BSL.nrs.scotland.gov.uk](mailto:contacts@NATRECORDS-BSL.nrs.scotland.gov.uk)  
[www.nrs.scotland.gov.uk](http://www.nrs.scotland.gov.uk) | [www.scotlandsoeneus.gov.uk](http://www.scotlandsoeneus.gov.uk)

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From: [REDACTED] <[\[REDACTED\]@equality-network.org](mailto:[REDACTED]@equality-network.org)>

Sent: 23 August 2018 11:30

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Census questions 2021

No problem, always happy to chat! I thought it might be useful to put some of our conversation in writing in case it helps you going forward on what our position is.

So as we discussed, there were several reasons why a "legal sex" question would be unacceptable:

- 1) The majority of trans people will continue to answer this question with how they identify,
- 2) Large numbers will be unhappy and complain about, or not answer the question at all, when realising there is an attempt to insist on categorising them by what is on their birth certificates and not who they are,
- 3) It will do nothing to improve non-binary people's ability to answer in a way that reflects who they are,
- 4) For any trans men and women who feel obligated to respond with their legal sex where this doesn't correspond with their identity, this will be a regression in their rights to answer the Census in a way that reflects how they live and identify. There has been clear guidance for the last two Censuses from both NRS and ONS that trans men and women should answer in line with their identity, not with what is recorded on their birth certificates,
- 5) For any trans people who feel obligated to respond with their legal sex where this doesn't correspond with their identity, they will be reported on throughout all Census reports in a way that misgenders them. This will be sending a message to trans people that they are seen as "male" or "female" by NRS, regardless of their gender identity.
- 6) It is out of step with current approaches to equality across Scotland. In particular, it is not in line with:
  - a. The Scottish Government's position on collecting sex demographic information – which it now does in a way that reflects how people live and identify, and in a non-binary inclusive manner, across its household surveys.
  - b. Legislation such as the Gender Representation on Public Board's Bill, which makes it clear that trans women without Gender Recognition Certificates are to be treated as women.

- c. The accepted position on trans equality throughout public bodies in Scotland and protected through the Equality Act 2010 that trans people's identities should be treated with respect and dignity regardless of whether or not they have a GRC – particularly considering the current onerous and difficult process for obtaining gender recognition.
- 7) If there is a move to a question that captures "legal sex" it may be the case that between the Census being finalised and published, a third non-binary legal sex is recognised in Scotland, which would then render anyone who received gender recognition as a non-binary person completely unable to answer the question, either truthfully or untruthfully!
- 8) It is a fundamental misunderstanding to think that the data collected by the "sex" question is changing, particularly given the guidance for trans men and women over at least the past two Censuses. Trans people are a very small proportion of the population. For 99% of people (probably slightly more), biological sex, legal sex and self-identified sex are identical. Many trans people will view their biological sex as in line with their self-identified sex, and some trans people have a legal sex that corresponds with their self-identified sex. Acknowledging that less than 1% of the population have a slightly more complex relationship with the term "sex" than the majority does not dilute the quality of the data collected. The overall purpose and usefulness of collecting sex data is not impacted by being inclusive and respectful of the reality of trans people's lives.

All of the above would also apply to a move to collect "biological sex", with the addition that asking people their "biological sex" in a way that was explained as being defined as their sex assigned at birth may be unlawful given current Gender Recognition Act privacy protections.

I got the impression from our conversation that it was "legal sex" that was being touted as a more acceptable version of the two – to be clear we are entirely opposed to either. Any question that is designed to pressure trans people to answer, or record them as, something other than their self-identified sex is totally unacceptable. It would reflect a major setback in trans rights, and be entirely out of sync with the current Government's approach to trans equality.

As always, we are very happy to be included in any meetings where we can help clarify any of the above, or to meet with yourself and colleagues at NRS again anytime. We will certainly be happy to help recruit people for further question testing in the future as well – just let us know when future testing is coming up and we'll make sure to share it through our networks.

Best Wishes,

From: [redacted]@nrsotland.gov.uk [redacted]@nrsotland.gov.uk>

Sent: 22 August 2018 10:02

To: [redacted]@equality-network.org; [redacted]@equality-network.org>

CC: [redacted]@nrsotland.gov.uk

Subject: RE: Census questions 2021

Thank you for your time yesterday – it was very helpful to hear your position. While I appreciate my questions may have appeared a little unusual given the work you have supported us with to date, I would like to stress that the conversation was simply so the NRS

had a clear view of the landscape and therefore how we can approach the legal and legislative processes for Census. This is particularly important for Census, as there are penalties associated with Census non-completion.

The points you raised yesterday were important in NRS being able to rule out some potential options for how we take this through the necessary processes. While the concerns you raised were not surprising, it was useful to have them reiterated again yesterday.

As things move forward with these questions, it is likely NRS will need to undertake further testing. This is simply because any changes we make to questions must be fully tested before they can be included in Census. The testing last week was very positive, but again did provide evidence where we may need to make some further small changes to the questions.

So this is simply a heads up that if you are able to support us with [redacted] move forward that would be greatly appreciated, as the development work on these questions would not be as far advanced as it currently is without the input from James and yourself.

Many thanks,

[redacted]

[redacted]  
National Records of Scotland | Ladywell House | Edinburgh | EH12 7TF  
[redacted] [contactSCOTLAND-BSL@nrscotland.gov.uk](mailto:contactSCOTLAND-BSL@nrscotland.gov.uk)  
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From: [redacted]@equality-network.org  
Sent: 21 August 2018 14:40  
To: [redacted]  
Cc: [redacted]  
Subject: RE: Census questions 2021

Hi [redacted]

Yes sure - I'm on [redacted]

[redacted]

From: [redacted]@nrscotland.gov.uk  
Sent: 21 August 2018 14:36  
To: [redacted]@equality-network.org  
Cc: [redacted]@nrscotland.gov.uk  
Subject: RE: Census questions 2021

[redacted]

Thank you for getting back to me. Are you available just now? If so, if you pass on your phone number I can give you a quick call just now.

Thanks,

[redacted]

[redacted]

[REDACTED]  
National Records of Scotland | Ladywell House | Edinburgh | EH12 7TF  
[REDACTED] | [contactSCOTLAND-BSL@nrscotland.gov.uk](mailto:contactSCOTLAND-BSL@nrscotland.gov.uk)  
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From: [REDACTED]@equality-network.org]

Sent: 21 August 2018 13:58

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Census questions 2021

Hi [REDACTED]

Unfortunately both [REDACTED] and I were out of the office this morning. I'm around this afternoon, or alternatively looking at our diaries James may be available tomorrow afternoon and we both have fairly decent availability Thursday [REDACTED] - let me know if there's any [REDACTED] work for you this week and we can try and firm up something for definite?

Best Wishes,  
[REDACTED]

From: [REDACTED]@nrscotland.gov.uk [REDACTED]@nrscotland.gov.uk>

Sent: 21 August 2018 11:06

To: [REDACTED]@equality-network.org> [REDACTED]@equality-network.org>

Cc: [REDACTED]@nrscotland.gov.uk

Subject: Census questions 2021

[REDACTED]  
[REDACTED]  
I appreciate this is very short notice, but I wonder if either or both of you would be available for a telephone meeting this morning. In preparation for Census 2021, NRS are currently exploring the existing legal framework, and penalty provisions. There are implications for the sex and trans status question development you [REDACTED] reported us with, and [REDACTED] are careful consideration.

I would like a quick discussion to get a sense of your views. [REDACTED]

Thanks,  
[REDACTED]

[REDACTED]  
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[REDACTED] | [contactSCOTLAND-BSL@nrscotland.gov.uk](mailto:contactSCOTLAND-BSL@nrscotland.gov.uk)  
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Dh'fhaodadh gum bi teachdalreachd sam bith bhò Rìghaltas na h-Alba air a' chlàradh seo air a sgrùdadh ann an dòigh gubheillean s'istam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo cò-lonann ri beachdan Rìghaltas na h-Alba.

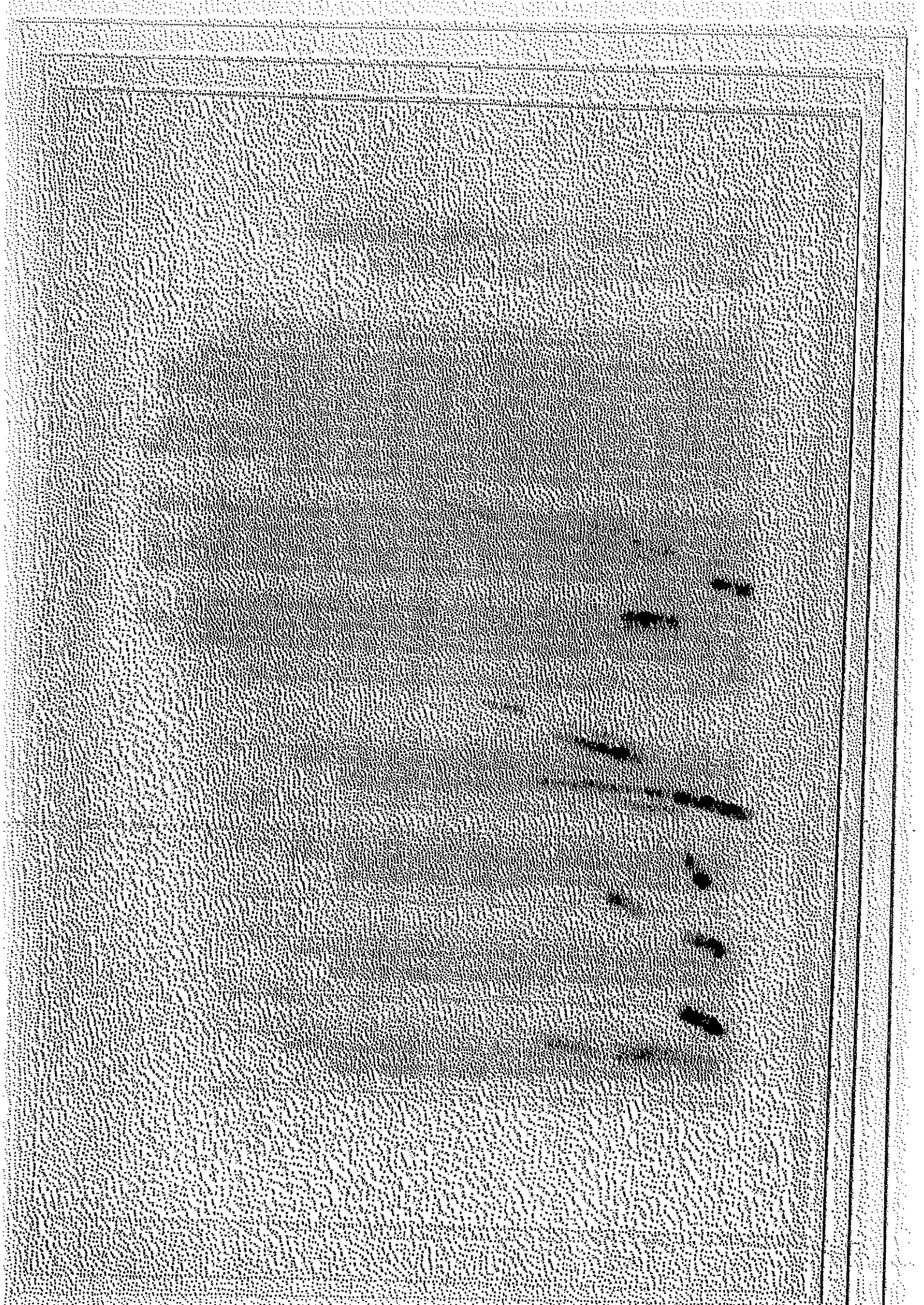
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From:  
Sent:  
To:  
Subject:

[REDACTED] equality-network.org>  
06 February 2019 14:52

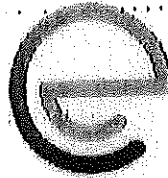
[REDACTED]  
[News release] Scottish Trans Alliance welcomes MSPs' report on the Census (Amendment) Bill

Hi both,

Hope you're keeping well and had a good break over the new year! Just wanted to let you know we've issued the following news release about the report coming tomorrow!



Scottish  
Trans



Equality  
Network

**News release – EMBARGO until 00:01 Thursday 7<sup>th</sup> February 2019**

## **Scottish Trans Alliance welcomes MSPs' report on the Census (Amendment) Bill**

Scottish trans equality organisation the Scottish Trans Alliance, together with its parent LGBTI charity the Equality Network, welcome the Scottish Parliament report on the Census (Amendment) (Scotland) Bill, published today (Thursday 7<sup>th</sup> Feb).

The report is the "stage 1 report", from the Parliament's Culture, Tourism, Europe and External Affairs Committee, about the general principles of the bill. It follows written and oral evidence-taking by the Committee over several weeks.

The Census (Amendment) Bill allows for voluntary questions about a person's sexual orientation, and on whether they are transgender, to be included in the 2021 Scottish Census. The Committee's report supports these proposals.

The Committee also reports that there was insufficient consultation on the detail of the bill, and they support amendments to the bill proposed by the Equality Network / Scottish Trans Alliance, to clarify the language. The Committee strongly recommends wide consultation over the next year on the detailed wording of the census questions on sex, sexual orientation and trans status, including with women's organisations,

LGBT organisations and intersex organisations, and the Scottish Trans [REDACTED] with this.

[REDACTED] Policy Officer at the Scottish Government, said "We welcome that the Committee supports the general principles of the bill, that there should be voluntary questions on sexual orientation and on a person's trans status, in the 2021 Census. We also welcome the Committee's support for our proposal to amend the bill's language on trans status, to remove confusion. We agree that there needs to be wide consultation during the preparation of the Census questions, over the next year, and that that should include consultation with women's organisations, and with intersex organisations, as well as LGBT organisations.

"However we disagree with the Committee's recommendation that the compulsory census question asking the person's sex should be restricted to male and female answers only, because that means that, once again, non-binary people like myself will not be able to answer the question correctly and honestly."

The general principles of the Census (Amendment) Bill are due to be debated by the whole Parliament on Thursday 28<sup>th</sup> February.

**ENDS**

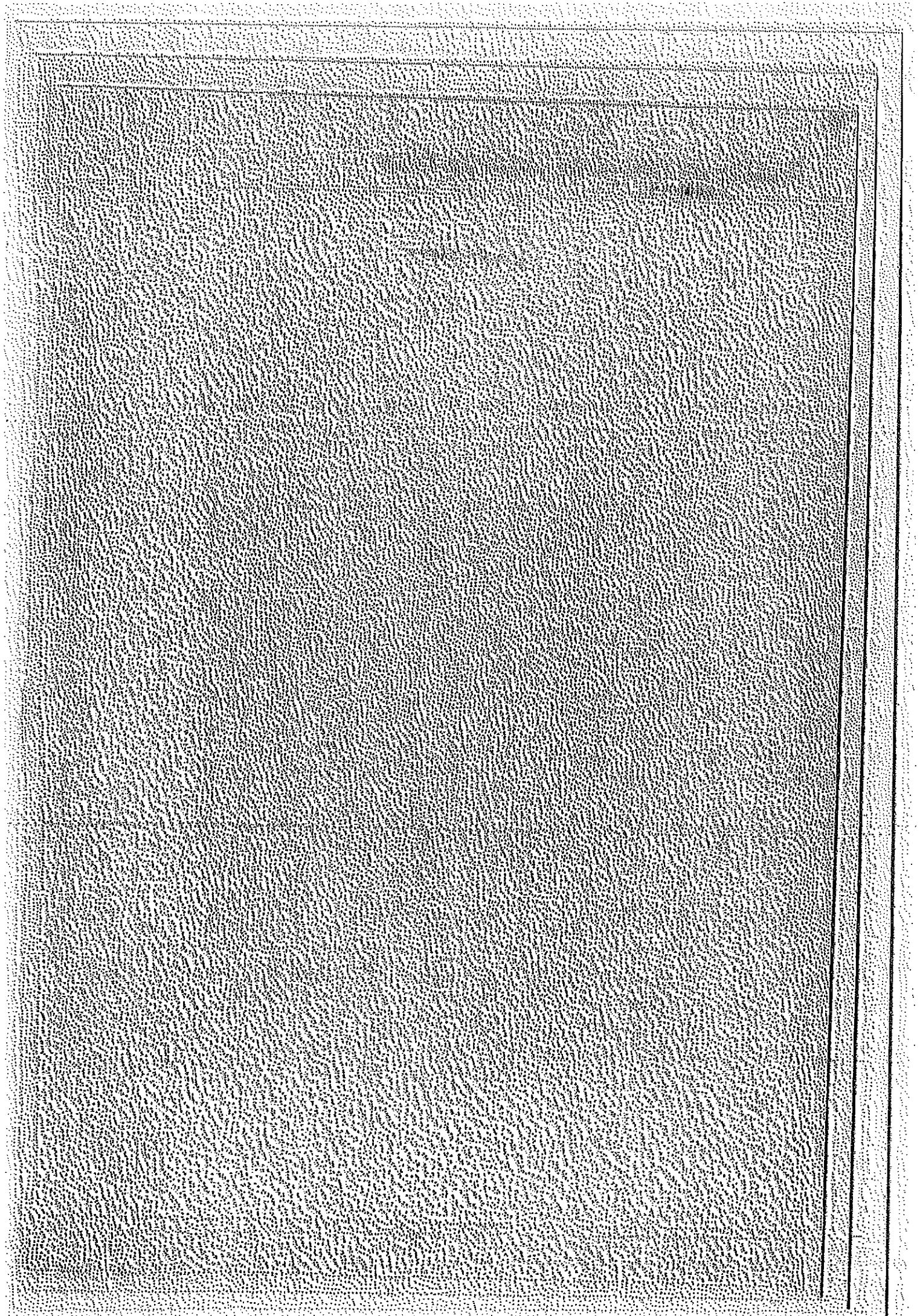
For further information, please contact the Scottish Trans Alliance's Policy Officer [REDACTED] [\[REDACTED\]@equality-network.org](mailto:[REDACTED]@equality-network.org).

**Notes to editors:**

1. The Equality Network is a national charity working for lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights in Scotland:  
[www.equality-network.org](http://www.equality-network.org)
2. The Scottish Trans Alliance is the Equality Network project working for gender identity and gender reassignment equality, rights and inclusion in Scotland:  
[www.scottishtrans.org](http://www.scottishtrans.org)
3. More information about the Census (Amendment) (Scotland) Bill can be found here: <https://www.parliament.scot/parliamentarybusiness/Bills/109595.aspx>.



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[REDACTED]

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**From:** [REDACTED] <[REDACTED]@equality-network.org>  
**Sent:** 10 December 2018 16:46  
**To:** [REDACTED]  
**Subject:** Supplementary evidence submitted to the CTEEA Committee  
**Attachments:** STA supplementary evidence.docx; Supplementary evidence - [REDACTED].docx

Hi both,

I'm attaching the supplementary evidence that we are submitting to the committee about the Census evidence - they've not been published yet, but should be in the next day or two!

Give me a shout if you want to discuss any of it,



**Scottish  
Trans**

**Scottish Trans**  
30 Bernard Street  
Edinburgh  
EH6 6PR  
Telephone: 0131 467 6039  
[www.scottishtrans.org](http://www.scottishtrans.org)



Scottish Trans project is part of the Equality Network  
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[REDACTED]



[REDACTED]  
[REDACTED]  
From: [REDACTED]  
Sent: 12 September 2019 14:23  
To: [REDACTED]  
Subject: FW: The Census and the Equality Act

[REDACTED]  
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[REDACTED]  
From: [REDACTED]@equality-network.org>  
Sent: 12 September 2019 11:35  
To: [REDACTED]@nrscotland.gov.uk; [REDACTED]@nrscotland.gov.uk>  
[REDACTED]@nrscotland.gov.uk>  
[REDACTED]@equality-network.org> [REDACTED]@equality-network.org>  
Subject: FW: The Census and the Equality Act

Dear [REDACTED] and colleagues,

The email below, which we have sent to Donald Cameron following one of his questions to you this morning, goes into more detail about why a lived sex question is compatible with the Equality Act.

All the best,

[REDACTED]  
From: [REDACTED]  
Sent: 12 September 2019 11:19  
To: [Donald.Cameron.msp@parliament.scot](mailto:Donald.Cameron.msp@parliament.scot)  
Subject: The Census and the Equality Act

Dear Mr Cameron,

I am emailing on behalf of the Equality Network and Scottish Trans Alliance, an organisation working for equality for LGBT people, about a question that arose in this morning's CTEEA Committee meeting.

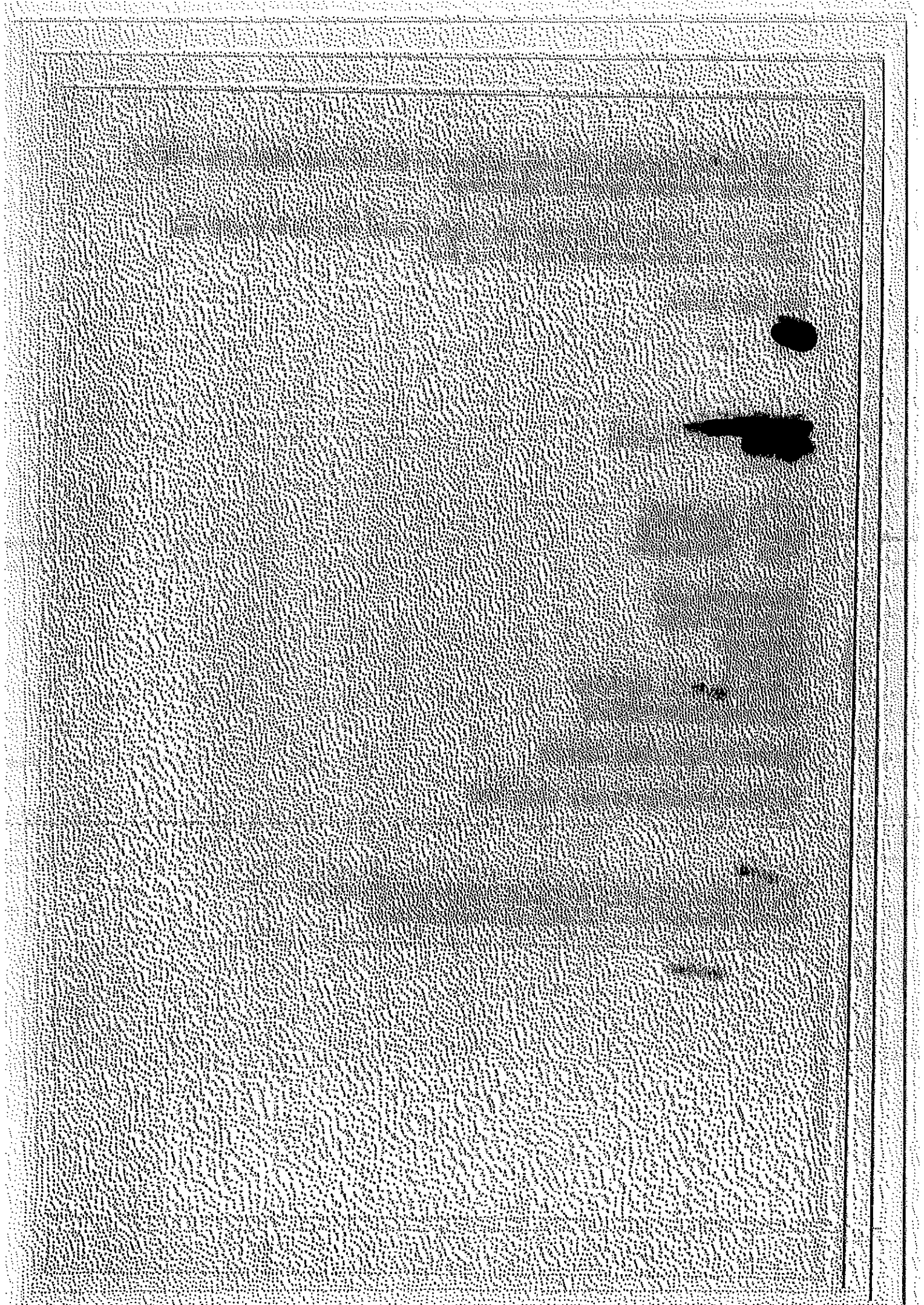
This is the question of the compatibility of the Census sex question with the Equality Act 2010. The EA protects people from discrimination that happens "because of sex", and from harassment "related to sex", and of course that means that the protection goes wider than just protecting people on grounds of their "legal sex" (which is usually defined as, for most people, their original birth certificate sex, but for those trans people who have obtained gender recognition, that recognised sex).

The EA also protects people who are discriminated against because of their perceived sex, and that includes trans people who do not have gender recognition, but who live in their transitioned sex and are treated by others as doing so. For example, many trans people are fully transitioned at work, and their work colleagues do not know that they are trans, but they do not have gender recognition, for a variety of reasons. The EA protects them from discrimination that [redacted] use of their lived sex, since that is their perceived sex, even though it is not their legal sex.

The EA protects people against harassment that is related to a protected characteristic, regardless of whether they actually have that characteristic, and including when the harasser knows that the harassed person does not have that characteristic (see for example the sexual orientation case *English v Thomas Sanderson Blinds Ltd*). So again, for example, a trans person who lives as a woman but has not obtained gender recognition is protected against misogynistic harassment, even if the harasser knows that she does not have gender recognition.

All this means that the set of people protected by the Equality Act from misogynistic discrimination and harassment aligns more closely with the set of people who live and present as women, than it does with the set of people whose current birth certificate (as in some cases modified by gender recognition) says female. Similarly for discrimination and harassment aimed at men. The EA rightly protects people from discrimination and harassment that is based on any of their biological sex characteristics, their current birth certificate sex, and their perceived sex.

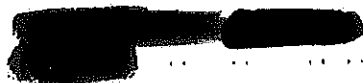
This is one reason (one of several) why we consider that it is very important that the Census continues to allow the less than 1% of the population who are trans to answer the sex question in their lived sex, as they have been able to do for previous Censuses. The guidance for the sex question makes no difference at all to the 99+% who are not trans, but for those who are trans, keeping the question as a lived sex question, as previously, aligns best with their way they are protected by the Equality Act, as well as the way they are treated across a wide range of public services (for example a trans person can change the sex on their passport, their driving licence, their NHS records etc, without getting gender recognition). Other reasons why we think it is so important that trans people continue to be able to



answer the sex question with their lived sex are set out in our letter to the CTEEA Committee members dated 10<sup>th</sup> September.

I hope that is useful, and we'd be very happy to meet with you to answer any questions or to discuss this further, if you wish.

With best wishes,



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**From:** [REDACTED] <[REDACTED]@equality-network.org>  
**Sent:** 17 December 2016 16:22  
**To:** [REDACTED]  
**Subject:** Further supplementary evidence  
**Attachments:** Scottish Trans Alliance supplementary evidence 17.12.16.docx; Supplementary evidence - Equally Network 17.12.16.docx; Scottish women's sector submission to the Culture Tourism Europe and External Affairs Committee on the census v2.docx

Hi both,

Hope you're keeping well! I'm attaching the additional supplementary evidence that EN/STA have submitted to the Committee today, in response to some of the evidence presented at the last session. I've also attached the submission the national women's orgs have made to the Committee, which hasn't been published yet but should be over the next few days.

Give me a shout if you have any questions!

Best Wishes,

[REDACTED]



**Scottish  
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**Equality  
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