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**Ed Humpherson, Director General for Regulation**

Alastair McAlpine  
Chief Statistician  
Scottish Government  
(by email)

29 February 2024

Dear Alastair

**Regulatory guidance on collecting and reporting data about sex and gender identity in official statistics**

Today we published [new guidance](#) on collecting and reporting data about sex and gender identity in official statistics. This guidance updates and supersedes the OSR previous draft guidance on collecting and reporting data about sex in official statistics, published in 2021.

This guidance is intended to support official statistics producers in applying the principles of the Code of Practice for Statistics when making decisions about the collection and reporting of statistics and data about sex and gender identity. All official statistics producers have a responsibility to ensure that their statistics continue to be useful, easy to access, remain relevant, and that they support understanding of important issues.

The key message of this guidance is that official statistics producers should have a strong understanding of their own data collections and of how these meet the needs of their users, they are clear about what information they are collecting and why, and that they explain this information as straightforwardly as possible both to respondents and data users.

As Chief Statistician, you play a key role in leading work in this area within Scotland. In this role you have the responsibility for advising statistical and analytical teams on statistical practices, for making decisions on approaches, and for ensuring coherence across statistical outputs.

In 2021 the Scottish Government published guidance for public bodies on the data collection and publication of sex, gender identity, trans status. We recognise the positive steps that Scottish Government took to fill a gap in guidance on this topic for public bodies and statistics producers.

We consider that the core principles of both sets of guidance align and that therefore they can be used together. However, in reflecting on the two sets of guidance, we want to highlight some areas in the Scottish Government guidance which may benefit from being clarified to further support official statistics producers in Scotland. We recommend you take account of these points in a future revision of your guidance.

As Chief Statistician for the Scottish Government you have the authority to publish definitions and to advise on when they should be used. To help producers use your guidance, we recommend that you provide more information or practical examples on when the collection of each of the definitions of sex set out may be useful or necessary. This should include clarifying the position, reflecting developments since your guidance was published, on when the privacy considerations relating to the collection of biological sex should be applied and when they will not be relevant. You should also provide practical advice to help producers put this into practice. This information will help statistics producers in Scotland to make informed decisions about what they should be collecting and will help ensure the guidance is not misinterpreted.

The Scottish Government guidance plays an important role in providing harmonised questions that public bodies in Scotland can choose to adopt. These questions align with those used in Scotland's Census 2022 and have undergone question testing as part of the census programme. It is important however that statistics producers have a strong understanding of their own respondent and user needs and that when making a change it may be appropriate to undertake their own proportionate question testing and user engagement. We consider that the guidance could be expanded to further encourage and support these activities.

I ask that you use and promote the OSR guidance to all official statistics producers in Scotland. In doing so, it may be helpful for you to share additional information on how you consider the two sets of guidance can be best used in tandem.

I have also written to the Chief Statisticians of [Wales](#) and [Northern Ireland](#) setting out my expectations for them in a similar way. Additionally I have written to [Emma Rourke](#), Deputy National Statistician to set out a number of recommendations for the Government Statistical Service (GSS), these are based on feedback from producers for the need for more practical support and harmonised standards. Given your knowledge and experience in developing Scotland guidance we encourage you to support the GSS in delivering these recommendations.

We recognise that this is an evolving area and we will keep this guidance under review and update when appropriate. We welcome feedback on this guidance from statistics producers and others at any time – please email [regulation@statistics.gov.uk](mailto:regulation@statistics.gov.uk).

Yours sincerely



Ed Humpherson  
Director General for Regulation