



Ministry of Defence Police

Freedom of Information Manager

Room 126 Building 1070

MDP Wethersfield

Braintree CM7 4AZ

United Kingdom

Telephone: +44 (0)1371 85[REDACTED]

E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI 2021/01352

RFI:047/21

Date: 4 March 2021

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: GENDER RECOGNITION CERTIFICATES.

We refer to your email dated 4 February 2021 to the Ministry of Defence Police which was acknowledged on the 5 February 2021.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

According to PACE (Police and Criminal Evidence Act 1984) Annex L5, Chief officers are responsible “for providing corresponding operational guidance and instructions for the deployment of transgender officers and staff under their direction and control to duties which involve carrying out, or being present at, any of the searches and procedures described in paragraph 1. The guidance and instructions must comply with the Equality Act 2010 and should therefore complement the approach in this Annex.”

Given this guidance in addition to Annex L Section 1 which states that “searches and other procedures may only be carried out by, or in the presence of, persons of the same sex as the person subject to the search,” can you confirm the following:

- a. How many officers serving in your force have a GRC?**
- b. How many officers under your jurisdiction identify as transgender who do not hold GRC?**
- c. Does your chief officer restrict police officers with a GRC who are legally recognised as female to carry out duties as described above in PACE Annex L5?**

d. Does your chief officer restrict the duties of officers who identify as transgender who do not hold a GRC?

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

How many officers serving in your force have a GRC?

How many officers under your jurisdiction identify as transgender who do not hold a GRC?

I am exempting the response to the two questions above in accordance with S40(2) Personal Information, and S44(1)(a) Prohibitions on disclosure (by virtue of [Gender Recognition Act 2004 \(legislation.gov.uk\)](#)).

Both Section 40 Personal Information and Section 44 Prohibitions on disclosure are absolute exemptions and therefore not subject to a public interest test. FOIA Section 40(2) states that personal data which is not the personal data of the requester (ie third-party personal data) should not be disclosed if this would contravene the data protection principles. Section 44(1)(a) exempts information where its disclosure is prohibited by other legislation.

Does your chief officer restrict police officers with a GRC who are legally recognised as female to carry out duties as described above in PACE Annex L5?

No

Does your chief officer restrict the duties of officers who identify as transgender who do not hold a GRC?

No

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office