



Ministry  
of Defence

Air Command Secretariat  
Spitfire Block  
Headquarters Air Command  
Royal Air Force  
High Wycombe  
Buckinghamshire  
HP14 4UE

Ref: FOI2021/13958

[REDACTED]

[REDACTED]

15 December 2021

Dear [REDACTED]

Thank you for your e-mail of 16 November 2021 in which you requested the following information:

*I have concerns that the Air Cadet Organisation has been wrongly advised by external agencies regarding the aforementioned Guidance.*

- 1. Who were the external agencies that advised Air Cadet Organisation re. Air Cadet Publication 20 (PI104 Annex D) - Non-binary and Transgender Equality Guidance?*
- 2. Why does 'Royal Air Force Air Cadet Consent Certificate' request the cadets 'gender' and 'pronouns' ? Neither 'Gender' nor 'Gender Identity' is a Protected characteristic under the Equality Act 2010 and is not defined in the Act. 'Sex' is the protected characteristic and the only two possible options for sex are 'Female' and 'Male' as defined in the Act and consistent with biology. Asking about a personal characteristic such as 'gender' that is not a protected characteristic under the Act, may be in breach of the GDPR by processing personal - and potentially Special Category - data without a lawful basis.*
- 3. I'd like to know if Staff, Cadets and Parents have been made aware of and been provided access to 'Air Cadet Publication 20 (PI104 Annex D) - Non-binary and Transgender Equality Guidance' and if not, why not? If RAFAC believes this guidance to be robust then why would all persons that it might affect not be made aware?*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed, and I can confirm that some information in scope of your request is held.

Information relating to external agencies that advised the Royal Air Force Air Cadets (RAFAC) in relation to the Non-binary and Transgender Equality Guidance contained within Air Cadet Publication 20 (APC) (PI104 Annex D) is not held.

The information you have requested on the reason the RAFAC requests gender and pronouns on the RAFAC Consent Certificate is contained within Form 3822. Please see below the relevant extract from the form for ease:

*Gender and ethnicity information is collated for the purpose of statistical reporting to the Ministry of Defence, but all personal identifiers are removed from this data before reporting takes place. Completion of Section 1a is taken as your consent to this additional use of this personal data.*

In relation to your questions marked as 3. Section 1 of FOIA gives the applicant the right to access recorded information held by public authorities at the time the request is made and does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information. I can confirm that the RAFAC holds no recorded information that would provide an answer to your questions.

Under section 16 of FOIA (advice and assistance), it may be useful for you to know that the Non-binary and Transgender Equality Guidance was informed by research conducted within the RAFAC organisation and by engagement with an existing RAF LGBT network of reps. Published documentation available from specialist organisations, such as, Stonewall, Gender Identity Research and Education Society and the World Health Organisation were also used as research tools. The policy contained within ACP 20 is accessible on all Air Cadet Squadrons by individuals within the RAFAC organisation using their RAFAC web accounts.

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

If you are not satisfied with this response or wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for 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.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint 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 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,

[Original signed]

Air Command Secretariat