



Our Ref: 000455/21

Your Ref:

Address Correspondence to: Information Management

Date 08 March 2021

Freedom of Information Act 2000

I write further to your request for information received 08/02/2021.

I note you seek access to 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 a 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 identity as transgender who do not hold a GRC?*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

A & B

I can confirm, pursuant to s1(1)(a) of FOIA that this Force does hold the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b)

specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption(s) applicable relate to your request are as follows:

- Section 40 (2) – Personal Information
- Section 44 (1)(a) – Prohibitions on Disclosure

Sections 40 and 44 are absolute exemptions which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Section 40 (2) – Personal Information

Section 40(2) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure. In this case it would not be fair to process confidential information which could lead to the identification of an individual, therefore the first principle of the Data Protection Act would be breached.

Section 44 (1)(a) – Prohibitions on Disclosure

Section 44(1)(a) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. Leicestershire Police can however confirm that this exemption is applied by virtue of [Gender Recognition Act 2004 \(legislation.gov.uk\)](https://legislation.gov.uk).

C&D

c. Officers who identify as transgender can opt out of searching where appropriate.

d. No, Leicestershire Police do not restrict the duties of officers who identify as transgender who do not hold a GRC.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

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