

Police Scotland submission of 3 November 2022

PE1876/AA: Accurately record the sex of people charged or convicted of rape or attempted rape

I refer to your correspondence of 23 September 2022 to Police Scotland in respect of the above petition and your request to provide a response. Police Scotland provided a response to the initial petition on 22 November 2021 and the original response can be found here.

https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-citizen-participation-and-public-petitions-committee/correspondence/2021/pe1876_t-submission-from-police-scotland-of-22-november-2021.

As detailed in the response on 22 November 2021 officers from Police Scotland do not routinely ask the gender or sex of people with whom they interact and the records created on our IT systems will be based on how the person presents to officers at the time of engagement. This recording practise is applicable for all crimes and offences and is not limited or exclusive to crimes of a sexual nature.

Police Scotland currently obtains DNA samples from all individuals accused of a sexual offence and from this sample a DNA profile will be obtained that will indicate the person's biological sex. This profile, and biological sex, is retained on the Scottish DNA Database and is available to be searched against crime scene samples to aid historic and future investigations. The taking and retention of DNA samples is governed by the Criminal Procedure (Scotland) Act 1995. An EqHRIA regarding this operational procedure is in place.

Police Scotland has a number of publicly available documents which explain clearly how the data obtained by the organisation is held, why it is held and for how long. The retention of such information is governed by GDPR and the Data Protection Act 2018. Full details can be located at <https://www.scotland.police.uk/access-to-information/data-protection/>