

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

Scottish Courts and Tribunals Service written submission, 19 January 2026

Dear Convener

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

Thank you for the letter of 17 December 2025 seeking confirmation that the Scottish Courts and Tribunals Service (the SCTS) will follow Police Scotland's lead to not retrospectively alter any record of a person's sex (other than where it is made clear that biological sex has been incorrectly recorded for them by Police Scotland).

As previously indicated by Eric McQueen in his response to the Committee of 2 November 2021:

"In terms of our operational processes, given that information relating to sex is not displayed on court papers, nor confirmed by the clerk in court, it is difficult, at present, to envisage circumstances in which a member of court staff would amend or update records in relation to the sex of an individual as part of those proceedings."

I am of the view that this is still the case.

In the circumstances outlined above, I can confirm that the SCTS will make the commitment sought by the Committee and will issue guidance to SCTS staff to the effect that the record of a person's sex is not to be altered unless there is proper authority to do so. For example, where directed to do so by the judiciary during proceedings or where an individual exercises their right to rectification¹ of data we hold and can provide evidence to support their request.

It would be of assistance if the Committee could indicate that they are content with our commitment whereupon I will arrange for appropriate guidance to be issued to court staff.

Yours sincerely

Malcolm Graham

Chief Executive

¹ Please see the [SCTS Privacy Note](#)