

Crown Office and Procurator Fiscal Service submission of 20 October 2022

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

I refer to your Clerk's letter dated 23 September 2022 to the Lord Advocate. As your letter relates to the statistical approach of the Crown Office and Procurator Fiscal Service, I will respond to the letter on behalf of COPFS.

The sex of an accused person forms part of the personal data that COPFS receives from reporting agencies, including the Police Service of Scotland. This will include those accused persons who have been charged with rape or attempted rape. Sex is a protected characteristic in terms of the Equalities Act 2010.

In compliance with our statutory obligations under section 44 of the Data Protection Act 2018 and the UK General Data Protection Regulations (GDPR), COPFS does have a publicly available [privacy notice](#) on the COPFS website which provides members of the public with information in relation to the processing of their personal data, including protected characteristics in terms of the Equalities Act 2010. I attach a copy of this privacy notice for your information.

The privacy notice has not been equality impact assessed as it is not a COPFS policy. It is a statutory requirement which sets out how COPFS will comply with the statutory obligations in processing data in terms of section 44 of the Data Protection Act 2018 and the GDPR