

Equality Impact Assessment (EQIA)

The [public sector equality duty](#) (or general duty) in the Equality Act 2010 requires public bodies to have due regard to certain equality considerations when exercising their functions. This requires public bodies to have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities.

SPCB's duties

- The Scottish Parliamentary Corporate Body (SPCB) is covered by the general public sector equality duty under the Equality Act 2010.

Neither the SPCB or the Scottish Parliament are included under the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) which prescribes the specific duties under the Equality Act 2010 which listed public authorities are required to meet, including assessing the impact of any new policy or practice against the 'equality duty' and publishing the results of any such assessment.

The SPCB's Equality Impact Assessment (EQIA)

Whilst the SPCB is not covered by the specific duties under the 2012 Regulations, the SPCB uses an evidence-based approach to ensure its services, policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. In doing so, this helps the SPCB to meet its general duties under the Equality Act 2010.

The completion of the SPCB's EQIA tool involves systematically assessing the likely (or actual) effects of our activities and services on people in respect of protected characteristics defined in the Equality Act 2010 – see below. This includes looking for opportunities to promote equality that may have previously been missed or could be better used, as well as any negative or adverse impacts that can be removed and recording any required mitigating actions. If any negative or adverse impacts amount to unlawful discrimination, they must be removed.

The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Intersectionality

The SPCB's EQIA tool also considers how people can be impacted by the intersection of their different characteristics. We all have multiple characteristics, we have an age, ethnicity, sex, sexual orientation, etc. [Intersectionality](#) is about when for some people their protected characteristics come together to bring about multiple forms of inequality or disadvantage.

Benefits of undertaking an EQIA

- Gain a better understanding of those who may be impacted by the policy, practice, facility or service.
- Improve current services, policies, practices and plans and safeguard new ones.
- Better meet differing needs and become more accessible and inclusive.
- Enable planning for success – identifies potential pitfalls and unintended consequences before any damage is done.
- Enable improved planning that will make decisions proactive rather than reactive, avoid having to reverse decisions which could have cost and reputational implications.
- Demonstrate decisions are thought through and have considered the views of those affected.
- Enable us to manage expectations by explaining the limitations within which we are working (e.g., budget).
- Help avoid risks and improve outcomes for individuals.
- Remove inappropriate or harmful practices and eliminate institutional discrimination.

When should an EQIA be completed?

An EQIA should be an integral part of the planning process at an early stage of development and before a final decision is made to go ahead with the proposed activity to assess the actual impact of the implementation.

When more evidence becomes available the EQIA along with any associated recommendations should be updated.

Name of Activity	Personal data collection and publication
Name of person completing EQIA	Director of People, Communications and Inclusion • People, Communications and Inclusion
Date EQIA commenced	25/05/2026
Date of update	Click or tap to enter a date.

What type of activity are you planning?	(x)
Change to procedure	<input type="checkbox"/>
Event	<input type="checkbox"/>
New procedure	<input type="checkbox"/>
Office Plan/Budget	<input type="checkbox"/>
Policy	<input type="checkbox"/>
Project	<input type="checkbox"/>
Service	<input type="checkbox"/>
Other (free text box)	<input checked="" type="checkbox"/>

1. Describe the main aim or purpose of what it is you are planning to do?

The activities included for assessment are those conducted within the scope of the Scottish Parliamentary Corporate Body (SPCB).

The SPCB proposes to collect data with consent from Members of the Scottish Parliament (MSP) in relation to the protected characteristics of sex and gender reassignment (described as trans status in line with language used by Equality and Human Rights Commission - [EHRC: Statutory Code of Practice](#), p.29). Collecting this data provides accurate and transparent information on the demographical composition of parliament. The public has a legitimate interest in understanding the sex and as appropriate trans status of their elected representatives and collecting and publishing this data online will assist the public in being able to easily access this information.

[https://assets.publishing.service.gov.uk/media/6a0de69fe0994f7c13d7b411/EHRC Code of Practice for services public functions and associations 2 .pdf](https://assets.publishing.service.gov.uk/media/6a0de69fe0994f7c13d7b411/EHRC_Code_of_Practice_for_services_public_functions_and_associations_2.pdf)

Data Collection method

Data in relation to sex has been collected and is held within SPCB's payroll system. Members will be contacted to ask for confirmation that the information held is correct and to ask for their consent for this information to be used for additional purposes, including publication on the website (such as in relation to their MSP website profiles), external and internal reporting and in relation to SPCB's digital parliamentary systems that support these specific reporting and publishing functions.

Data published will provide searchable options of 'Male', 'Female' and 'Undisclosed'.

Data collected in relation to trans status will be via completion of response to Word Form. Members will be asked to provide information in relation to their trans status and, as appropriate, provide consent for use of the data and for its publication on the website. Data published will provide searchable options of 'No', '[self-described trans status]', 'Undisclosed'.

Data Purposes

Data collected will be used for purposes of:

Website/Open Data

Provides accurate and transparent information on diversity. Allows transparency on female representation at the Scottish Parliament (traditionally females are under-represented in Parliaments)/enables equality monitoring on the basis of Sex and Gender Reassignment (trans status). Publishing this data alongside current MSP information on the website assists constituents to identify which representatives they may wish to consult. Searchable information on the website about individual MSPs will be available to the public on the dedicated website page - [Current and previous Members of the Scottish Parliament \(MSPs\) | Scottish Parliament Website](#)

Statistics volume/aggregated data

Provision of summarised and aggregated data on diversity. Allows comparison of data over time from previously published information to identify longitudinal trends. It also allows progress, or stagnation and fallback, to be monitored over time, providing transparency and an evidence base to show whether further reforms and interventions are needed.

Data Protection and Privacy Considerations

The collection and publication of personal data relating to Sex and Gender Reassignment (trans status) involves the processing of normal category data. Depending on the information provided, when together with other publicly available information, this may reveal special category data. As such, the SPCB will ensure compliance with data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

Data will be:

- Collected on a voluntary basis with explicit, informed consent from MSPs
- Limited to the minimum information required to meet the stated purposes above
- Stored securely within SPCB systems and accessed only by authorised staff
- Retained only for as long as necessary in line with data retention policies

A clear Privacy Notice will be provided to all MSPs explaining:

- What data is being collected

- The lawful basis for processing
- How the data will be used, shared, and published
- The rights of individuals, including the right to refuse or withdraw consent

Where data is published, this will be restricted to pre-defined categories (e.g. Male, Female, Undisclosed; trans status options including self-description or undisclosed) to mitigate risks of unnecessary disclosure.

2. Who is likely to be affected by this policy, service or change?

- The MSPs providing the data and permission for its use will be affected. Where consent is provided, the information relating to data will become publicly available.
- Variety of users access the information available on the website including:
 - Constituents seeking information about MSPs who represent them
 - Stakeholders with interests in the representation by sex of MSPs in the Scottish Parliament
- Officials employed by the SPCB will use aggregate data for the purpose of internal and external reporting

Sections 3 and 4 (combined)

3. Do you have enough information to know what the potential impact might be on diverse groups and what that might look like?

The protected characteristics to consider are: Age, Disability, Gender Reassignment (trans status), Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.

It is important not to limit your thinking to just the protected characteristics listed above. For example, carer status, single parent, economic exclusion or people who use languages such as British Sign Language (BSL) or Gaelic. This question is broadening the EQIA out to be more inclusive.

Consider how the different characteristics intersect, for example, Sex with Age – what are the proportion of men and women in different age groups? It will also be helpful to consider these groups more widely alongside intersecting factors such as in relation to socio-economic status that includes such factors as educational attainment, occupation, income, wealth and social deprivation.

There are lots of sources of data to help answer this question. Guidance is available on the intranet EQIA page.

Provide information about what you know about the different potentially affected groups

4. Having analysed the relevant sources of information, what does the evidence tell you? Is there any evidence that the proposed changes will have an adverse, neutral or positive equality impact on any of these different groups of people?

- Please provide details of who the proposals affect, the adverse impacts and explain how you will minimise or remove the adverse impact. If you are unable to remove the adverse impact and decide to continue with the action/policy, you should provide detail of your justification
- Provide details of any evidence that the proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity. Describe how this will be promoted/evaluated

<p>Age</p> <p>refers to a person of a particular age or age range group.</p> <p>The Equality Act 2010 makes discrimination on the grounds of age in employment and education provision unlawful unless it can be objectively justified. An objective justification is defined as a proportionate means of achieving a legitimate aim, which means that different treatment can be justifiable if there is objective evidence to support this decision</p>	<p>The data collection will not include requests for information about age for monitoring or publication purposes.</p> <p>Potential Impact</p> <p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group.</p> <p>Mitigations</p> <p>N/A</p> <p>Recommendations</p> <p>Consider expanding data collection categories in future exercises</p>
<p>Disability</p> <p>A person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to- day activities.</p> <p>The Equality Act 2010 definition of disability does not only refer to people who may be visibly disabled, for example those who are blind or have mobility difficulties, like wheelchair users. It also includes a broad range of conditions like Depression,</p>	<p>It is intended for the data collected to be published on the Scottish Parliament website -</p> <p>The data collection will not include requests for information about disability for monitoring or publication purposes.</p> <p>Potential Impact</p> <p>Possibility of inaccessibility of request for some MSPs</p> <p>Possibility of inaccessibility of information for some user groups</p> <p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group</p>

<p>Diabetes, Dyslexia, Dyspraxia, Asperger's Syndrome.</p> <p>Under the Equality Act 2010 from the day a person is diagnosed with HIV infection, cancer or multiple sclerosis they are disabled.</p>	<p>Mitigations</p> <p>Request made through digital tools that are supported by assistive technology. Workplace adjustments on basis of disability made for MSPs. Support available through disability provision of Expenses Scheme.</p> <p>Information provided to be published on accessibility compliant Scottish Parliament website (https://www.legislation.gov.uk/uksi/2018/952/contents)</p> <p>Recommendations</p> <p>Consider expanding data collection categories in future exercises</p>
<p>Gender Reassignment</p> <p>The Equality Act 2010 defines gender reassignment as:</p> <p>“A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex”</p>	<p>The data collection exercise will include asking MSPs to respond about their trans status and request their permission to publish the information.</p> <p>In <i>For Women Scotland v Scottish Ministers</i> (2025) the Supreme Court ruled that a Gender Recognition Certificate does not change a person’s sex for the purposes of the Equality Act 2010, which is to be interpreted as their birth sex.</p> <p>Potential Impact</p> <p>There is potential negative impact for trans MSPs being more easily identifiable from the website search facility.</p> <p>The activity could identify individuals who have not previously shared their trans status.</p> <p>Potential for loss of privacy and increased public scrutiny or unwanted attention</p> <p>Potential for misuse or misinterpretation of data</p> <p>Mitigations</p>

	<p>Consideration will be given to the risk of indirect identification, particularly where small numbers of individuals may fall within specific categories</p> <p>For individuals who will be identifiable from the information they will be asked for consent to use and publish the data. This can be refused. Consent may also be withdrawn at a later date.</p> <p>Where consent is not provided, this information will be clearly displayed as “Undisclosed” and equally presented in all applicable cases</p> <p>Communications will clearly state how the data will be used.</p> <p>Recommendations</p> <p>Communications to MSPs to clearly indicate that provision of the data is voluntary and explicit consent to publish is being sought.</p> <p>Engagement with MSPs about the impact of publication and respond to concerns raised by individuals</p>
<p>Marriage and Civil Partnership</p> <p>Marriage is a union between a man and a woman or between a same-sex couple.</p> <p>Mixed sex and same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act)</p>	<p>The data collection will not include requests for information about marriage or civil partnership for monitoring or publication purposes</p> <p>Potential Impact</p> <p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group.</p> <p>Mitigations</p> <p>N/A</p> <p>Recommendations</p>

	Consider expanding data collection categories in future exercises
<p>Pregnancy and Maternity</p> <p>The Equality Act 2010 prohibits discrimination because of pregnancy and maternity in employment, education and in the provision of goods and services</p>	<p>The data collection will not include requests for information about pregnancy or maternity for monitoring or publication purposes</p> <p>Potential Impact</p> <p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group</p> <p>Mitigations</p> <p>N/A</p> <p>Recommendations</p> <p>Consider expanding data collection categories in future exercises</p>
<p>Race</p> <p>Under the Equality Act 2010 a person has the protected characteristic of race defined by colour, nationality (including citizenship) and ethnic or national origins of a racial group.</p> <p>A racial group can be made up of more than one distinct racial group</p>	<p>The data collection will not include requests for information about ethnicity for monitoring or publication purposes</p> <p>Potential Impact</p> <p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group</p> <p>Mitigations</p> <p>N/A</p> <p>Recommendations</p>

	Consider expanding data collection categories in future exercises
<p>Religion or Belief</p> <p>Religion or belief is a protected characteristic under the Equality Act 2010.</p> <p>Religion means any religion and includes a lack of religion.</p> <p>Belief means any religious or philosophical belief and includes a lack of belief</p>	<p>The data collection will not include requests for information about Religion or Belief for monitoring or publication purposes</p> <p>Potential Impact</p> <p>The publication of data on the basis of Sex and Trans status could positively impact people who for cultural reasons do not want to engage with an MSP of the opposite sex</p> <p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group</p> <p>Mitigations</p> <p>Communications will be carefully framed to minimise confusion</p> <p>Recommendations</p> <p>Consider expanding data collection categories in future exercises</p>
<p>Sex</p> <p>The Equality Act 2010 protects women and men from discrimination on the basis of the protected characteristic of sex.</p>	<p>https://assets.publishing.service.gov.uk/media/6a0de69fe0994f7c13d7b411/EHR_C_Code_of_Practice_for_services_public_functions_and_associations_2.pdf</p> <p>The data collection exercise will include asking MSPs to confirm their sex (as defined for the purposes of the Equality Act 2010) and request their permission to publish the information on the website.</p> <p>Potential Impact</p>

	<p>Potential positive impacts for people who want to be able to correspond with an MSP of a specific sex.</p> <p>There are potential negative impacts for individuals in the publication of their data where their gender identity is different from their sex at birth (albeit this information is only disclosed where there is consent from the individual concerned – see below).</p> <p>Mitigations</p> <p>Communications will clearly state how the data will be used and where made available</p> <p>Data collected will not be published without explicit consent from the individual concerned. This consent can be refused or withdrawn at a later date.</p> <p>Where consent is not provided, this information will be clearly displayed as “Undisclosed” and equally presented in all applicable cases.</p> <p>Recommendations</p> <p>Communications to MSPs clearly indicate that provision of the data is voluntary and explicit consent to publish is being sought. Consent may also be withdrawn at a later date.</p> <p>Engagement with MSPs about the impact of publication and respond to concerns raised by individuals</p>
<p>Sexual Orientation</p> <p>The Equality Act 2010 protects on the basis of whether a person's sexual orientation is towards persons of the</p>	<p>The data collection will not include requests for information about Sexual Orientation for monitoring or publication purposes</p> <p>Potential Impact</p>

<p>same sex, the opposite sex or of either sex</p>	<p>Data to consider impacts on the basis of this characteristic and intersectional impacts unavailable in relation to MSP group</p> <p>Potential for sexual orientation becoming identifiable by jigsaw identification if an individual's sex or trans status becomes known and is combined with information about their personal life which may be in the public domain</p> <p>Mitigations</p> <p>Data collected will not be published without explicit consent from the individual concerned. This consent can be refused or withdrawn at a later date.</p> <p>Where consent is not provided to publish data in relation to sex or trans status, information will be clearly displayed as "Undisclosed" and equally presented in all applicable cases.</p> <p>Recommendations</p> <p>Communications to MSPs clearly indicate that provision of the data is voluntary and explicit consent to publish is being sought. Consent may also be withdrawn at a later date.</p> <p>Consider expanding data collection categories in future exercises</p>
<p>Economic/Social/Geographic</p>	<p>Data will not be collected in relation to economic/ social/geographic factors</p> <p>Potential Impact</p> <p>Data to consider impacts in relation to these factors and intersectional impacts unavailable in relation to MSP group</p> <p>Mitigations</p>

	<p>N/A</p> <p>Recommendations</p> <p>Consider expanding data collection categories in future exercises</p>
--	---

Impact Checklist

Having considered the [screening questions guidance](#) [intranet link only] alongside what you already know and the research undertaken so far, what do you think will be the level of impact for different groups?

The impact might be a negative one (e.g. making that decision could decrease the opportunity for some people to participate) or it could be a positive one (e.g. by making that decision, more people are able to take part in the activity).

Put a cross in the relevant box.

	No Impact	Low Impact	Medium Impact	High Impact
Age	x			
Disability	x			
Gender Reassignment				x
Marriage and Civil Partnership	x			
Pregnancy and Maternity	x			
Race	x			
Religion or Belief			x	
Sex				x
Sexual Orientation		x		
Economic/Social/Geographic	x			

Having taken the time to gather information to help you make an informed answer and form an opinion on how your policy, service or change might affect different groups of people go to the final section of this form (Action Plan and Review) and summarise your findings and action plan. If you identified there to be a potential medium or high impact for any groups you should have described the potential impacts and your action plan to remove or mitigate any negative impacts.

Action Plan and Review

5. Provide a final summary of the commitments/actions you will take as a result of completing this EQIA.

Who will you consult with on your action plan and how will you do this to ensure the relevant stakeholders understand the equality impact?

- Messages to all individuals whose data will be used will clearly state how the data will be used
- Communications will explicitly ask for consent to use and publish the data. Communications will clearly indicate that this can be refused or withdrawn.
- Privacy Notice to be drafted for inclusion in messages.
- Engagement with MSPs to respond to concerns raised by individuals
- Ongoing review of data protection compliance to ensure continued lawful and ethical processing of personal data

6. Have you a plan in place to review your actions? Please provide a summary. Will the plan require sign off and from where?

- Working group of officials inputting to and reviewing plan