



Disclosure ref: 20 Sent: 16th April 2019

Freedom of Information Act 2000 Request

Charges, prosecutions and convictions regarding 'misgendering' offences.

Request

- 1. All data held relating to the charging standard, evidential and PI tests for any offence relating to any person referring to a person by a gender which you or the 'victim' or other person think is an offence - 'misgendering'.***
- 2. How many people have been charged for any offence for 'misgendering'? How many people have been prosecuted for misgendering? How many people have been convicted for misgendering? Identify which offence was committed.***
- 3. Provide all data held relating to why CPS believed that Ms. Farrow had to be interviewed under caution. This should include the job title etc. of the person who made that decision, such as the DPP.***

Response

The Crown Prosecution Service (CPS) does not recognise a criminal offence of 'misgendering.' In general terms we understand that by 'misgendering' you mean particular reference to a person's gender and the gender referred to is not the same as that to which the person identifies.

In order to ascertain whether the details of any prosecution involved circumstances involving 'misgendering' manual examinations of cases would be required. As an indication of the work this would involve the overall volume of prosecutions during financial year 2017-18 was 533,161.

Section 12(1) of the FOI Act means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government it is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.



We believe that the cost of reviewing in excess of 533,161 prosecutions would exceed the appropriate limit. To refine the examination of cases relating to (a) particular offence(s), a new Freedom of Information request can be submitted however please note that FOIA exemptions, including the cost limit exemption, may still apply.

3) Data held in relation to the subject matter referred to in question three is held by the CPS South East area. This data is exempt from disclosure under section 40 personal data, section 42 Legal Professional Privilege and section 30 Investigations and proceedings conducted by public authorities. For more detailed explanations of these exemptions please see the attached section 17 refusal notice.

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response. The internal review will be handled by a member of CPS staff who has not been involved with your original request.

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