

Subject: Request for access to correspondence with the Equality and Human Rights Commissioner.

FOI reference: 202200269381

Date received: 05 January 2022

Date responded: 02 February 2022

Information requested:

Copies were requested for all correspondence with the Equality and Human Rights Commission (EHRC) in relation to collecting data on sex and/or gender identity between 1 July 2021 – 31 December 2021.

NRS Response:

Please find an enclosed copy of most of the information you requested in the format you asked for. The information has been provided in the following attachments:

Attachment 1 – email correspondence (redacted) with EHRC – November 2021

Attachment 2 – Letter from EHRC to Fair Play for Women - 3 November 2021

Attachment 3 – Email from EHRC to Fair Play for Women - 5 November 2021

Attachment 4 – Letter from EHRC CEO to NRS CEO - 24 November 2021

Attachment 5 – EHRC's 'Note on the equality and human rights considerations with collection of data on sex and gender details (September 2019, updated November 2021)'

Attachment 6 – email correspondence (redacted) from EHRC CEO to NRS CEO (parent document to Attachments 4 and 5, above)

Please note some of the information has been redacted because an exemption under section 38(1)(b) (personal information) of FOISA applies to that information. The exemption 38(1)(b) applies to some of the information which has been redacted from attachment 1 and 6 because it is personal data of a third party, i.e. names and contact details of non-senior staff or external stakeholders, and disclosing it would contravene the data protection principles in data protection legislation. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.