

Rt Hon Peter Kyle MP  
Secretary of State for Science, Innovation and Technology  
Department for Science, Innovation and Technology  
100 Parliament Street  
London  
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25th October 2024

Dear Secretary of State

I was delighted to see the introduction of the new Data Use and Access Bill into Parliament this week. Government prioritising this game-changing development to unlock the secure and effective use of data for public interest is really welcome.

I'm writing to introduce myself as the CEO of Sex Matters, a human-rights charity campaigning for clarity about sex in law and policy, and to invite you to meet me to discuss how this legislation – and the digital identity and attributes trust framework it underpins – could be an unique opportunity to to resolve problems around the recording and communicating of reliable data on a person's sex, in a world where this has become confused and difficult to talk about.

Sex Matters has spent some time looking at this problem and considering how the current barriers could be addressed. I'm excited about the potential for the proposed new rules to address a number of related problems: the need for everyone to have accurate information about their sex recorded for some purposes, such as their own healthcare, safeguarding, science, sport and safety, on the one hand; and for people who wish to express their inner sense of gender identity to keep the information about their sex private when is is not needed, on the other.

The digital identities framework relies on authoritative sources for identities and attributes. But as you will be aware, NHS records and government documents such as passports and driving licences do not currently record sex accurately, since people can change the data that is recorded with a simple request. None of these agencies know how many people have changed the information on their official documents, or whether any particular individual has. This means that they cannot provide assurance of the validity of the information in this field for *any* individual (even with their consent).

The current confusion can lead to people being given a medical misdiagnosis or the wrong dosage of medicines. It undermines the integrity of data used for research. It makes disclosure and barring service (DBS) checks unreliable, and allows sex offenders to hide their identities. It is why services such as care agencies and rape-crisis centres cannot straightforwardly answer questions about

**Sex Matters is a human-rights charity promoting clarity about sex in law, policy and language**  
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Trustees: Naomi Cunningham (chair), Tim Allan, Michael Biggs, Rebecca Bull, Julia Casimo, Emma Hilton, Kate Owen, Anya Palmer, Claire Weir | CEO: Maya Forstater

whether staff members are male or female, in situations where clients have every right to know the answer. It makes it near-impossible for lesbian dating sites to exclude men who identify as lesbians, and it makes it impossible for service providers, from gyms to pubs to youth hostels, to know whether and how they can communicate and enforce sex-based rules. Issues like this have been considered in the forthcoming *Review of Data, Statistics and Research on Sex and Gender* led by Alice Sullivan.

What has become clear is that falsifying official records does not only affect the individual whose records are changed but destroys the integrity of entire systems. If any identity record marked "M" or "F" might relate to a member of the opposite sex, then no-one can verify their sex using official data.

The digital identities framework provides the means to solve this by ensuring that the data standard underpinning the system makes clear that "sex" means actual sex. It will need to disallow any unreliable source of information for this field, including drivers' licences, passports, current NHS records and paper birth certificates, though these might be used to validate other attributes. Among the sources that remain reliable are original birth records, any record that is clearly linked to sex (such as an unambiguously accurate medical record) or – for athletes – the results of a simple cheek-swab test.

The new electronic register of births and deaths which this legislation enables will provide a new reliable bedrock for the system. Digital identity services can rely on the birth register for trusted verification, and it can also form part of the chain of verification if someone consents to sharing data on their sex. If a transgender person (or indeed anyone) does not want to share information about their sex where it is not needed, they don't have to. The functionality that the digital identity system provides – such as using QR codes to allow people prove that they are over 18 or that they have clearance to enter a particular building – removes the need to reveal their sex (and any potential breach of their Article 8 right to respect for private and family life).

I was so pleased to see the setup of the new Office for Digital Identities and Attributes within your department and your clear ambition to make digital identity services work across the UK economy. I would very much like to engage with you and your department at the early stages of the legislative process in order to provide any assistance I can in ensuring the success of this agenda.

To arrange a meeting, your office can contact my colleague Laura Pascal at [PublicAffairs@sex-matters.org](mailto:PublicAffairs@sex-matters.org) and she will be happy to arrange a date and time that suits you.

Yours sincerely

A handwritten signature in black ink, reading "Maya Forstater". The signature is fluid and cursive, with the first name "Maya" and last name "Forstater" clearly distinguishable.

Maya Forstater  
CEO

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## Redaction Summary

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