
EXPLANATORY NOTE

(This note is not part of this Order)

Section 22 of the Gender Recognition Act 2004 (“the Act”) provides that it is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person. “Protected information” is defined in section 22(2) as information relating to a person who has applied for a gender recognition certificate under the Act, and which concerns that application (or a subsequent application by them), or their gender prior to being granted a full gender recognition certificate.

Section 22(4) sets out certain circumstances where disclosure of protected information does not constitute an offence (for example, where the person to whom it relates is not identifiable or has agreed to the disclosure).

This Order prescribes an additional circumstance where the disclosure of protected information does not constitute an offence. Article 2(1) provides that this is where protected information is disclosed between authorised persons because it is necessary for the purposes of facilitating, assisting or undertaking relevant research (being certain research for the purposes of the Cass Review). To benefit from the exception the authorised person who makes or receives such disclosure must be in England when they do so. Article 2(2) provides the necessary definitions of authorised person, the Cass Review and relevant research.

This Order applies in relation to England only.