Province of British Columbia

Guidelines to the Gender and Sex Data Standard

Version 1.0

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1. Purpose

These Guidelines should be used in conjunction with the Gender and Sex Data Standard (the Standard), provide background on the Standard, and elaborate on its usage. For any discrepancies between the Standard and these Guidelines, the Standard is the authoritative document.

2. Application

Ministries, agencies, boards, and commissions that are subject to the Core Policy and Procedures Manual (CPPM) should apply the Standard and these accompanying Guidelines to government information that is collected, recorded and/or used.

3. Advice on these guidelines

For questions or comments regarding these Guidelines, please contact:

BC Data Service, Ministry of Citizens' Services

E-mail: data@gov.bc.ca

4. About the Standard

Collecting accurate data about gender and sex (if required), while upholding individuals' rights to privacy, will result in data that better reflects all people in British Columbia and improves data collection practices for services and programs.

The Standard provides consistency and guidance for the collection of gender and sex data. The Standard:

- Supports inclusive and non-discriminatory delivery of provincial government programs and services.
- Standardizes gender and sex terminology.
- Improves accuracy, interpretability, and comparability of data.
- Reduces duplication of effort.

All program areas are expected to update their existing data, databases, forms and systems to meet the Standard as soon as practically possible, and to begin collecting new data in a way that conforms to the Standard. There is a legal obligation under the

Canadian and British Columbian Human Rights legislation to ensure discrimination does not occur based on sex or gender and under FOIPPA that an individual's right to privacy is upheld.

Use of the Standard and these Guidelines should be considered in conjunction with:

- Applicable legislation, including but not limited to Freedom of Information and Protection of Privacy Act (FOIPPA).
- The Core Policy and Procedures Manual, specifically Chapter 12: Information Management and Information Technology Management.
- Corporate policies, standards and strategic direction issued by government, including the Standards of Conduct for BC Public Service Employees, the Province's Digital Principles , and IM IT policies and standards issued by Office of the Chief Information Officer (OCIO).
- Other forms of legislation that may apply to specific organizations within government such as BC Human Rights Code.

This work and these guidelines are iterative and will be reviewed and updated on an ongoing basis. Recognizing things evolve, including definitions, language, knowledge, and experience, the Standard and Guidelines will evolve with those changes.

Context and Background

Over the past several years, the Province has taken steps to recognize gender diversity within BC and, correspondingly, to improve the way it collects gender data about its residents. The Province prides itself on being open, inclusive, and embracing gender diversity. For transgender and non-binary people, access to government-issued identification documents displaying their correct gender is of key significance, reducing misgendering and better recognizing gender-diverse people.

Notable developments in BC's approach to gender data:

- In July 2016, the BC Human Rights Code was amended to include "gender identity or expression" among the protected grounds covered by the Code.
- In February 2018, BC committed to ensuring that gender equity is reflected in all budgets, policies, and programs by implementing Gender Based Analysis Plus (GBA+). When applied to government's work, GBA+ can help us to understand how people, including cisgender, non-binary, transgender, and Two-Spirit people, experience public policy or initiatives in British Columbia. It helps us analyze who benefits from programs and services, what barriers exist, and how we can ensure everyone is included.

- Since November 2018, people in British Columbia have been able to select an X marker in addition to M and F in the sex field of BC-issued driver's license, identity card, birth certificate, and BC Services Card.
- In January 2022, the Province announced people can change the gender designations on their identification cards without the confirmation of a physician or psychologist, and in March 2022, these changes were enhanced by the Vital Statistics Agency in partnership with the Ministry of Health to further reduce barriers by also removing the request for a Statutory Declaration.

Canada's federal government has also enhanced its recognition of gender diversity:
- In July 2017, the Government of Canada added gender identity to the Canadian Human Rights Act and the hate crime provisions of the Criminal Code.
- In September 2018, the Government of Canada and Statistics Canada introduced new, more inclusive information management (IM) standards for the collection of gender and sex information.
- The most recent census (2022) made efforts to collect data about the gender of Canadians and included a non-binary option.

In addition to provincial and federal legislative and policy changes, there have also been requests from external parties for a more inclusive gender data standard in BC:
- On behalf of their students, BC public post-secondary institutions asked the BC government for leadership and direction on how to collect gender data in a more inclusive way.
- In support of this, the BC Registrars' Association (BCRA) and BC Council on Admissions and Transfer (BCCAT) commissioned a report to study how to expand the gender categories on admission forms used by BC universities, colleges, and institutes. The report, Being Seen, Being Counted, was presented for consideration to the Province in June 2017.
- We have heard from Trans Community that many people do not want to share their personal information (such as their gender identity) with government services, as this could lead to misgendering, deadnaming and "outing".
- The Better Regulations for British Columbians showcased government's commitment to inclusive language by removing gendered language from regulations.

Standard Development Process

In August 2018, a working group representing 13 ministries, the BC Public Service Agency, and the Insurance Corporation of British Columbia developed the Standard. The BC government's Gender Equity Policy Advisory Committee provided input into the Standard

as well as the Data Architecture Advisory Council and the BC Data Council. In addition to comprehensive cross-government engagement, there was focused community consultation and advisement.

The business sponsor for the Standard and the Guideline is the Gender Equity Office, Ministry of Finance.

In December 2022 the Standard and Guidelines were approved by the Director of Statistics & Chief Data Officer.

5. Respectful Practices[1]

The [Standards of Conduct](#) for BC government employees requires that employees provide courteous and equitable service to the public and that they treat each other with respect and dignity. It is important that gender and sex data be collected in ways that ensure all people are respected, safe, and welcome in our province.

Avoiding Assumptions

- Do not assume sex and gender are the same.
- Do not assume you know what gender someone wants in a system based on anything other than asking them.
- Do not assume the gender a person wants to use in one system will be the same in all systems (i.e., do not "harmonize" or try to match data).
- Avoid using honorifics unless the person has specified which title you may use for them (e.g., Ms., Mr., Mx, Dr.).

Protecting Privacy

- Only ask about gender and sex in private spaces. Be particularly mindful that trans people, youth, elders, and the disabled may be with a guardian or care provider to whom disclosure of gender may be dangerous.
- Allow people to enter their own information (e.g., online form, tablet on site).
- Do not enter gender or sex information into a system without legal authority to do so (i.e., follow FOIPPA).
- Ensure gender and sex data can be easily and immediately updated.

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[1] For further guidance on the importance of language, please see ***Words Matter: Guidelines on using inclusive language in the workplace***.

- Only update gender and sex data in systems with the permission of the person. Do not attempt to harmonize or correct gender or sex data without their authorization.
- Plan to address delays and errors that occur as a result of data differences between systems.
- Recognize that updating data across all services and places is a difficult process and can be frustrating and traumatizing to navigate. Support people to find out how and where they can request their gender and sex data be updated.

6. Collection of Gender Data

As outlined in the Standard, some programs require gender data for their service delivery. Any collection of personal information requires an identified purpose supported by legal authorities (see 8. Data Collection).

IMPORTANT:
If your program <u>does not require</u> gender or sex data for delivery of services, you should <u>not</u> collect it.

If your program does require gender or sex data for delivery of services, you can collect it, and you must be transparent about the purpose/reason for collection.

If determined that the program area requires gender data for the delivery of service, or sex data for the delivery of service, this section provides additional guidance on how this data should be collected and considerations for that collection.

Gender Classifications (listed alphabetically)

Classification	Marker	Description
Man/Boy	M	Cisgender and transgender persons who self-identify as a man or boy.
Non-Binary person	X	Persons who self-identify as non-binary (i.e., not exclusively man or woman) this includes but is not limited to Two Spirit, agender, gender fluid as examples.
Woman/Girl	W/F*	Cisgender and transgender persons who self-identify as a woman or girl.

Prefer not to answer/Unknown	U	Persons whose gender is not known at the time of data collection. It may or may not get updated at a later point in time. U is different than X (see above guidance on when the X marker is used). This classification includes persons whose gender is not known at the time of data collection because the person: • Prefers not to answer • Is unable to answer • Is unsure • Data is missing

*Note: The "F" marker may be needed to accommodate legacy system integration but, when possible, should be replaced by "W".

Guidance for the Collection of Gender Data

Guidance for collecting gender data through pre-determined categories and open-ended responses are detailed for paper, online, telephone and in-person mediums.

Form-based Collection of Gender Data (paper or online)

When asking for gender on a paper or online form, the question can be written as "Please indicate your gender". Best practice is for forms to spell out the classifications in alphabetical order, following the Gender Classification Table in the Standard:

- o   Man/Boy
- o   Non-Binary
- o   Woman/Girl
- o   Prefer not to answer

Even when space is limited, spelling out the classifications is always best practice, particularly as the meaning of the lettered marker "X" "U" and "W" among staff and members of the public may be limited. If you are limited in the number of text characters and cannot spell out the classification, use the lettered markers indicated in the Gender Classification Table:

- o   M
- o   X
- o   W/F
- o   U

Note, "Prefer not to answer" is a best practice response category recommended for program areas. Individuals who select this option would be classified as Unknown, per the Standard**.**

Paper Forms: Collecting any type of data on paper increases risk of data inaccuracy. Clients can provide data in inconsistent or difficult-to-interpret ways including using a variety of terms (e.g., male, M, Man, Guy), illegible handwriting, notes written in margins, etc. Additionally, data collected on paper forms eventually needs to be digitized. This process can include manual data entry (which risks input errors), or scanning, which can result in the data being stored as an image or as data which cannot be readily used.

Paper records and records stored as images often cannot be updated easily and can expose government to liability in human rights for misgendering, deadnaming, outing, and delays or denials of service which can be caused by data errors.

Online Forms: Online forms are preferable to paper collection because online forms send data directly into systems and often make that data available and usable immediately. For online forms, consider interaction with the systems they feed. For example: online forms can be set up to include skip-logic which allows a hierarchy of information (e.g., if question 1 is answered a specific way, then question 2 is revealed) as well as business rules (e.g., if no answer is provided in a form field, it is recorded as Unknown).

Verbal Collection of Gender information (Telephone or In-person)

Depending on time and other constraints, telephone and in-person data collection may be a good opportunity to build rapport by having individuals define their gender in their own words. As with paper and online collection, the focus should be collecting information that meets the Standard first, and then providing opportunities for individuals to provide more nuanced responses.

Standard, telephone or in-person script: "Which category best describes your gender? man/boy, non-binary person, or woman/girl, or do you prefer not to answer?"

With verbal collection, there is the possibility that the respondent or client may provide a response that does not align with one of the prompts, increasing the difficulty in interpreting and recording the response. Unless responses are recorded at the time of collection and are updated directly into a system, this collection method shares a risk with paper collection: the eventual digitization of responses. This process can include manual data entry (which also has a risk of input errors) or scanning (which can result in the data being stored as an image). When possible, recording responses directly into a system at the time of collection is preferred.

If the person states that none of the categories accurately describes their gender, you can reply "Our system is currently limited to these three broad categories. Is there one that fits best for you, or would you prefer not to answer the question?"

The individual may not be satisfied with any of the options and "U" would then be the response as "prefer not to answer".

Collection of Additional (Open-ended) Gender Information

It is recommended that program areas collect data in the format of the Standard and then, if needed, provide options for individuals to describe their gender in their own words. Allowing the individual to provide gender information in their own words can help build rapport with clients and acknowledges that this Standard does not include every available option for classifying gender.

If a program area is providing an option for individuals to state their gender in their own words in a paper or online form, it is recommended that it be framed like this:

Please indicate your gender (for example, man/boy, non-binary person, woman/girl):

- o   My gender is: _____

Indirect Collection of Gender Information

When can a guardian of a minor provide the gender of the minor?
Only when a minor is incapable of communicating their own gender and it is necessary to collect the minor's gender. As a best practice, when possible, ask the minor directly for their gender in a private space away from the guardian or others.

It is recommended that gender be classified as "Unknown", until a person is old enough to understand and communicate their own gender.

When can a representative of an adult provide the gender information of the adult?
A representative of an adult may provide the adult's gender in circumstances where that adult is unable to answer the question asked (e.g., in the case of death, or incapacity because of disability, injury, sickness, or absentia) and, only if the power to provide gender is within the scope of the representative's duties or powers. Check with Attorney General for legal guidance regarding powers of representatives.

In circumstances where a child or adult, or their representative cannot, or prefers not to identify gender, it is appropriate to record "Unknown".

7. Collection of Sex Data

Most program areas, if there is a requirement for data will default to gender collection and will only obtain gender data from their client. It is expected that few programs will require sex information from their clients. As defined in the Standard, sex refers to biological or physical characteristics. Ensure your client understands what you mean when you ask for sex data and remember you must always be clear as to why you require their sex information.

> If your program is currently collecting sex information that is not necessary for the program or collecting sex information but using it as a proxy for gender, you should plan to transition from collecting sex data to collecting gender data.

Most programs with a need for collecting sex data will be in the health sector (where this information is used for medical purposes). There may be other limited situations where sex data (or sex assigned at birth) is a program area requirement.

Sex information must only be collected when necessary and collecting both gender and sex data would rarely be required. Additionally, sex data collection should be treated with utmost sensitivity and should never be used to determine trans gender status.

Advice on the Collection of Sex Information

When sex data is required and asked through a paper or online form, the question can be written specifically as "Please indicate your sex". Best practice is for forms to spell out the classifications (in alphabetical order) as such:

- o Female
- o Intersex
- o Male
- o Prefer not to answer

Even when space is limited, spelling out the classifications is always best practice, particularly as the meaning of the lettered marker "I" and "U" among staff and members of the public may be limited. If you are limited in the number of text characters, use the markers listed in the Classification of Sex table in the Standard.

- o F
- o I
- o M
- o U

If data is being collected in person or by phone, the recommended script is: "What is your sex: female, intersex, or male, or do you prefer not to answer?"

8.   Data Collection

Before Gathering New Data

Consider if you need to collect personally identifiable information:

- Is the information necessary for a government program or initiative?
- Can you provide services without collecting this information?
- Should the collection of information be done in consultation or collaboration with representatives from the relevant communities?

Legislative Authority and Collection

The consideration of legislative authority for the collection, use and disclosure of personally identifiable information is critical in government. Public servants are legally obligated to follow the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

Gender and sex information, when connected to an individual, is personal information, in addition to legal requirements to follow FOIPPA, there are other relevant legislative authorities that may be considered when gathering and managing information. These vary depending on ministry and may include the BC *Statistics Act* or the *Public Health Act*.

There are processes within government to support determining the authority for collection, use or disclosure of personally identifiable information, for example, Privacy Impact Assessments (PIAs).

PIAs use FOIPPA and other relevant legislation to document the collection, use, and disclosure of personally identifiable information by program areas and outline how those program areas have legal authority to do so. Please contact your Ministry Privacy Officer for more information or assistance with PIA assessments and legislative requirements.

In addition, BC Government employees swear an Oath of Employment, which obliges them to "conduct themselves honestly and ethically, in a manner that maintains and enhances the public's trust and confidence in the public service and does not bring it into disrepute." Requiring employees consider the purpose of collecting and using gender and sex data before deciding to collect is consistent with the Oath of Employment.

Data for Analytical purpose

When applied to government's work, GBA+ analysis can help us understand how people, including men, non-binary people and women, experience public policy or initiatives in British Columbia. It helps us understand who benefits from programs and services, what barriers exist, and how we can ensure everyone is included. Even so, some people may not want to share their personal information (such as their gender identity) with government, as there could be fear it may lead to misgendering or "outing." For this reason, among others, solely administrative data collected under the Standard may not accurately reflect program usage and would not provide reliable information to inform a thorough GBA+ analysis.

Comprehensive and thorough GBA+ analysis should never rely on administrative data alone.

For more information on tips for comprehensive GBA+ analysis can be found on [Compass](#) under the ABCs of GBA+.

9. Systems Information

Full implementation of this Standard will require significant effort to make appropriate changes to information technology (IT) systems as IT systems will need to accommodate the expanded gender identifiers in the Standard. These suggested steps outline how IT systems can be updated to accommodate new information regarding gender.

Understand Your Systems

Your systems may be enterprise systems (databases, LAN drives, SharePoint, EDRMS, intranet, internet, etc.) or line of business Information Management / Information Technology IM/IT systems (databases, case management systems, cloud-based systems, etc.).

In either case, take the following steps:

- Identify the system owner or person responsible for managing each system (i.e., system administrator / architect / developer) and who is responsible for managing the information in the system (i.e., head of the work unit / program area / information owner / data custodian).
- Perform an inventory of the data held by your systems.
- Identify which of your systems are used to collect and store gender and sex information within your business area.
- Create and implement a plan to upgrade this information to meet the Standard.
- Give higher priority to systems where data is relied upon heavily by the program area or shared widely with other program areas or agencies.

Understand the Information in Your Systems

When you have identified the gender (or sex) information that is collected by your systems, answer the following questions about the information contained within your systems:

- Under what context was the gender collected?

- How was the gender collected (e.g., directly from the individual, or indirectly from sources other than the individual the information is about)?
- Who entered the gender data (e.g., government employee, the individual the information is about)?
- Are there any quality issues in the gender data (e.g., incomplete data)?
- What other sources may be used to understand the nature of the data within systems (e.g., Personal Information Registries, PIAs, STRAs, and internal information management documentation)?

Compare How Your Information is Collected, Used and Stored to the Standard's Recommendations

Identify:

- Which parts of your information technology systems are already compliant with the Standard?
- Whether or not any of the non-compliant information can be re-coded or transformed to meet the Standard?
- What information required by the Standard is not being captured?
- How could the program area collect additional, or different, information to meet the Standard? (e.g., determining if a program could collect less gender and/or sex data while still maintaining the same level of service and any required analytical capability).

Map the Design of the Information Elements

- Develop a schema or table to describe both the standard data elements and any additional gender data that your program area captures (e.g., free form fields).
  - This could be in the form of a Data Dictionary. e.g., PDF, Document, Table, JSON Schema, etc.
- Ensure there is metadata to support all the data elements that the program area captures.
- Design the data and system with interoperability in mind so that information can easily be shared and used by others.
- Consider how easily the data in the system could be extracted and shared with others.
- Consider consultation and collaboration with representatives from impacted communities.

Implement the Plan

- Document the steps taken, lessons learned and progress.
- Refer to your discovery documents.
- Ensure awareness of impacts and interdependencies between systems, both within your ministry and outside.
- Prepare to review and update categories and systems as needed.

10. Definitions

Government employees should understand how concepts related to gender and sex are defined to collect and use this information appropriately in support of government programs and services.

Terms used in these Guidelines align with definitions found in the Gender and Sex Data Standard.

Cisgender refers to persons whose gender aligns with their sex assigned at birth.

Female is a category of sex, usually assigned at birth, typically associated with XX chromosome, and reproductive/sexual anatomy (e.g., vulva, vagina, uterus).

Gender refers to a person's self-identification as being a man/boy, non-binary person, or woman/girl. Gender involves a person's deeply held, internal sense of self as man/boy or woman/girl, a blend of both, or neither. Broadly speaking, gender includes self-identification as well as socially and culturally constructed roles, behaviours, and expressions.

Intersex / Indeterminate is a category of sex associated with reproductive or sexual anatomy that is outside the common range of variance assigned as male or female anatomy. may be related to genitalia, secondary sex characteristics, chromosomal make-up, hormonal receptivity, and may or may not be identified at birth.

Male is a category of sex, usually assigned at birth, typically associated with XY chromosome, reproductive/sexual anatomy (e.g., penis, testes).

Man/boy is an individual who self-identifies as a man/boy based on elements of importance to the individual, which may include gender identity, physiology, gender roles, behaviour, and expression.

Non-Binary person is an individual who self-identifies as non-binary (i.e., not exclusively man or woman). Some individuals self-identify as non-binary, while others use terms such as genderfluid, genderqueer, agender, or Two-Spirit.

Sex refers to biological attributes and legal categories used to classify people as male, female, intersex, or other categories, primarily associated with physical and physiological features including chromosomes, genetic expression, hormone levels and function and reproductive/sexual anatomy. Sex is usually assigned by a clinician based on observable external genitalia of a newborn (i.e., sex assigned at birth).

Trans (Transgender) is an umbrella term that describes a wide range of people whose gender identity differs from their sex assigned at birth**.**

Two-Spirit refers to an Indigenous person who identifies as having both a masculine and a feminine spirit and is used by some Indigenous (First Nations, Metis, Inuit) people to describe their sexual, gender and/or spiritual identity. The term reflects complex Indigenous understandings of gender roles, spirituality, and the long history of sexual and gender diversity in Indigenous cultures.

Note that including the definition of Two-Spirit in this Guidelines is a starting point. This document will be reviewed and updated when Indigenous specific parameters for data collection are defined by Indigenous partners with Two-Spirit membership.

Woman/girl is an individual who self-identifies as a woman based on elements important to the individual, which may include gender identity, physiology, gender roles, behaviour, and expression.

11. Resources

General Resources about Gender:

- [Gender Identity and Transgender Issues](#) , Health Link BC
- [Gender-affirming Care for Trans, Two-Spirit, and Gender Diverse Patients in BC: Gender Basics and Education,](#) BC Provincial Health Services Authority
- [Gender Equity in BC](#), Gender Equity Office
- [Transrightsbc.ca](#) Catherine White Holeman Centre and VCH Transgender Health Information Program