

## **Is gender identity special category data?**

Information about someone's gender identity isn't automatically special category data, but should always be treated very carefully.

In some cases it might involve special category data, but this depends on the circumstances. For example, if the information also reveals specific details about the person's health status or medical care, or an organisation uses it to make specific inferences about health, that would involve special category data.

If there's no specific information or inference about someone's health (or any other specific category such as sexual orientation or sex life), it isn't special category data. But in many cases information about someone's gender identity is still likely to be particularly sensitive.

Organisations should be careful to think about fairness when handling this sort of information, and we would expect them to treat it with an appropriate level of sensitivity. They could decide to treat it as if it were special category data, to help them make sure they have a good reason for using it and comply with the fairness principle - although this isn't an explicit requirement. This would mean they treat it in a similar way to other similarly sensitive data such as sexual orientation.

They'll also need to think about their equality obligations, to make sure their use of this data is lawful.