CAPTURING GENDER DATA INCLUSIVELY

Gender is one of the most common pieces of demographic data collected about people. Think about how often you have been asked to identify your gender in research surveys and membership registrations. There are various ways of capturing gender data, including a form asking for gender or simply getting you to select between "M" and "F".

Unfortunately, many of the ways of asking for gender data can be exclusionary, forcing people to answer questions incorrectly or incompletely. By taking the time to carefully consider how you capture gender data, you can be more inclusive and accurate in your data collection.

When capturing gender data, it's important to consider **what** information you're actually seeking and whether you even need to capture gender data. The key is to make sure the question you ask provides the information you want, and only asks for information you're actually going to use.

The guidelines below highlight three key points about collecting gender data.

WHY ARE YOU ASKING?

Gender is a piece of personal information or personal data. This means it must be handled according to privacy laws and procedures. The Australian Privacy Principles, contained within the *Privacy Act 1988* (Commonwealth), the Information Privacy Principles contained within the *Privacy and Data Protection Act 2014* (Victoria) and even European Union General Data Protection Regulation 2016/679 (EU) can govern the collection of personal information or processing of personal data by Monash University and its staff. The Monash Data Protection and Privacy Procedure only permits the collection of personal data that is necessary to fulfil the functions and activities of the University. It is important to know why you're capturing gender data and to have a clear function for needing this information.

In some circumstances, it is also important to consider the principle of informed consent and allow people to have knowledge of what you're using their data for and providing them control over how they give that to you. This concept is at the heart of data collection best practice and modern legal implementations, such as the European Union's General Data Protection Regulation (GDPR).

Although gender data isn't defined as sensitive information within the *Privacy and Data Protection Act* (Victoria), it may be considered information of a delicate nature – i.e. the general community would consider this information to be handled respectfully. If the information identifies medical or health information, then it would be covered by the *Health Records Act* (Victoria) and may fall under the definition of special category data under the GDPR. Both of which require additional security measures in the handling of such data and limit the use and disclosure of the data.

WHAT ARE YOU ASKING?

The Australian Government Guidelines on the Recognition of Sex and Gender is a good starting place in regards to data collection. It defines the difference between sex and gender clearly as:

> **Sex** refers to the chromosomal, gonadal and anatomical characteristics associated with biological sex. Individuals may have a range of circumstances or undergo a variety of treatments that make it difficult to define a true biological sex.
>
> **Gender** is part of a person's social and personal identity. It refers to each person's deeply felt internal and individual identity and the way a person presents and is recognised within the community.
>
> A person's sex and gender may not necessarily be the same. An individual's gender may or may not correspond with their sex assigned at birth, and some people may identify as neither exclusively male nor female.

There is rarely any reason to ask someone's sex. This usually only applies in medical, legal and some sporting contexts. Asking about sex can be exclusionary towards trans and gender diverse people and only allowing M and F markers for sex may also exclude intersex people.

Most of the time you want to capture gender information. This is how a person identifies and is recognised within a community.

HOW ARE YOU ASKING?

The Australian Government Guidelines on the Recognition of Sex and Gender outlines a minimum requirement for inclusive gender data collection:

Individuals should be given the option to select M (male), F (female) or X (Indeterminate/Intersex/Unspecified). The X category refers to any person who does not exclusively identify as either male or female, such as a person of a non-binary gender.

The use of "X (Indeterminate/Intersex/Unspecified)" conflates intersex (a sex status), with gender identity. Female and male are usually recognised as sex markers, compared with the gender identifiers of woman and man.

It also places all non-normative gender identities into a single category, further distinguishing non-binary gender identities as an "other", or marginalised, group.

If you're interested in capturing the response rate of people who don't identify as female or man , you can collate all the responses that use a variety of different identifiers when analysing your data, rather than using a single "other" box at the point of data collection.

CAPTURING GENDER DATA INCLUSIVELY

The most inclusive option is simply to provide an open-ended space for people to write their gender, just like their name.

What is your gender? _____

However, this isn't always practical and providing predetermined options can help people when limited literacy or understanding may be an issue.

If you are providing predetermined responses, it can help to allow for multiple selections. In a digital form this means using check boxes instead of radio buttons.

Checkboxes
- ❑ Woman
- ❑ Man
- ❑ Non-binary / gender diverse

Radio buttons
- ○ Woman
- ○ Man
- ○ Non-binary / gender diverse

And where possible include both the option for self-identification and the ability to opt out of the question. Giving a variety of options, such as those below, allows the person to choose the option(s) that they prefer most.

- ❑ Woman
- ❑ Man
- ❑ Non-binary / gender diverse
- ❑ My gender identity isn't listed. I identify as: [*self-entered option*]
- ❑ Prefer not to say

If it is relevant to your project to find out whether participants are trans, then ask this as a separate question to gender. The most likely situations for asking this are when projects are specifically using transgender status as a variable within a study, or for questionnaires that ask additional questions about a trans experience. If you are just looking for more demographic data for your study, then you probably shouldn't ask it.

RESOURCES

Privacy Act 1988 (Cth)
https://www.legislation.gov.au/Series/C2004A03712

Privacy and Data Protection Act 2014 (Vic)
http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/05c
c92b3f8cb6a6bca257d4700209220!OpenDocument&Highlight=0,Privacy,Data,Protection,Act,2014

European Union General Data Protection Regulation 2016/679 (EU)
http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

Australian Bureau of Statistics: Standard for Sex and Gender Variables
http://www.abs.gov.au/ausstats/abs@.nsf/%20Latestproducts/1200.0.55.012Main%20Features12016?opendocument&ta
bname=Summary&p%20rodno=1200.0.55.012&issue=2016&num=&view=

Australian Privacy Principles
https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles

Information Privacy Principles
https://ovic.vic.gov.au/privacy/for-agencies/information-privacy-principles/

Monash Data Protection and Privacy Procedures
https://www.monash.edu/__data/assets/pdf_file/0003/790086/Privacy.pdf

Stonewall: Do ask, Do tell
https://www.stonewall.org.uk/sites/default/files/do_ask_do_tell_guide_2016.pdf

Victorian Government: Inclusive Language Guide
https://www.vic.gov.au/equality/inclusive-languag-guide.html

What is personal information?
https://www.oaic.gov.au/agencies-and-organisations/guides/what-is-personal-information