

Gender Recognition Act 2004

The Gender Recognition Act allows trans people to change their legal gender. A person's legal sex, as recorded on their birth certificate, can only be changed if they apply for a Gender Recognition Certificate to change it legally.

A trans person over the age of 18 can apply for a Gender Recognition Certificate. This involves presenting evidence to a Gender Recognition Panel that they have lived permanently in their [true gender](#) role for two years prior to the application. A Gender Recognition Certificate enables the person to have a new birth certificate, if their birth was registered in the UK, and to be legally recognised for all purposes in their new gender role, including marriage and civil partnership.

Once a trans person has received a Gender Recognition Certificate they are able to change their birth certificate and are treated as that gender for all purposes. A Gender Recognition Certificate exists solely for the purpose of changing the person's birth certificate and the act specifies that it is unlawful to request to see a Gender Recognition Certificate for any other means. As a professional, it is also unlawful to disclose that a person has, or has applied for a Gender Recognition Certificate except in very exceptional circumstances (such as medical emergencies or where the information is essential for investigating a crime).

Equality Act 2010

Gender re-assignment is one of nine protected characteristics covered by the Equality Act. It is also included in the Public Sector Equality Duty. The definition of gender re-assignment within the act gives protection from discrimination to a person who has undertaken any steps towards transitioning, including simply considering taking this step.

The act offers more far-reaching protection from discrimination on the grounds of gender re-assignment than previous equality law as it protects:

- ◆ trans people who are not under medical supervision
- ◆ people who experience discrimination because they are perceived to be trans
- ◆ people from discrimination by association because of gender re-assignment — for example, it would protect the parents of a trans person from being discriminated against because their child is transitioning

Data Protection Act 1998

Under the Data Protection Act, a trans identity and gender re-assignment constitute 'sensitive personal data' for the purposes of the legislation. Therefore information relating to a person's trans status cannot be recorded or passed to another person unless conditions under schedule 3 of the Data Protection Act for processing sensitive personal data are met.

True gender

The term used in the Gender Recognition Act 2004 is 'acquired' gender — to mean the gender role that a person has transitioned to live their life in and which matches their self-perceived gender identity. The 'acquired' gender (or 'true' gender as most trans people prefer to use) of a male-to-female trans woman is therefore female, and the 'acquired' gender of a female-to-male trans man is male.