

ACT Government Data Management Group

Common Dataset

Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables Data

Improving collection, discoverability and use of sex, gender, variations of sex characteristics and sexual orientation variables data

# Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables Data

The ACT Government has committed to improving the collection, discoverability and sharing of data on sex, gender, variations of sex characteristics and sexual orientation variables.

The ACT Government is committed to supporting the ACT community in all its diversity. Diversity in the community brings strength, creativity, richness, and compassion to communities. Everyone benefits from increased identification and inclusivity. Improved and comprehensive data collection enables informed, evidence-based decision making, gender-responsive policy development, and tailored program and service delivery. With consistent, accurate, and person-centred approaches to data collection, services will be supported to respond sensitively to peoples’ needs, ensure equality of access to different sectors of the community (including the LGBTIQ+ community), and plan for services which take diverse needs into account.

## Definitions

**Sex –** A person's sex is based upon their sex characteristics, such as their sex chromosomes, hormones, and reproductive organs. Depending on individual State and Territory legislation, a legal record of a person’s sex may, or may not align with their sex characteristics, and a person’s sex may be recorded differently on different documents.

**Gender –** Gender is a social and cultural concept that refers to the way a person lives in and interacts with the world. It is about social and cultural differences in identity, expression and experience as a woman, man, or non-binary person. Non-binary is an umbrella term describing gender identities that are not exclusively male or female.

**Sex recorded at birth *–*** Sex is understood in relation to sex characteristics. Sex recorded at birth refers to what was determined by sex characteristics observed at birth or infancy. In some instances, related to health, it will be important to record a person’s sex recorded at birth (for example, for cervical and prostate cancer screening, and increased risk or some physical health conditions more prevalent in a particular sex).

**Gender experience** describes a person’s alignment with the sex recorded for them at birth i.e., a cis experience or a trans experience.

**Cis** refers to a person who has reported that their gender is the same as their sex recorded at birth.

**Trans** refers to a person who has reported that their gender is different to their sex recorded at birth.

**Variations of sex characteristics –** Refers to people born with innate genetic, hormonal, or physical sex characteristics that do not conform to medical norms for female or male bodies. It refers to a wide spectrum of variations to genitals, hormones, chromosomes and/or reproductive organs. Other umbrella terms used to describe being born with variations of sex characteristics are intersex or Differences of Sex Development (DSD).

**Sexual orientation** – a concept that includes sexual identity (how a person thinks of their sexuality and the terms they identify with), attraction (romantic or sexual interest in another person) and behaviour (sexual behaviour). Responses to a sexual orientation question are a subjective view of oneself and can change over the course of a person's lifetime and in different contexts. Definitions for the terms used as response categories are as follows:

* Straight/Heterosexual – a person who experiences attraction (romantic, sexual, affectional, and/or emotional) solely or primarily to people of the opposite sex and/or gender.
* Gay/Homosexual – a person who experiences attraction (romantic, sexual, affectional, and/or emotional) solely or primarily to people of the same sex and/or gender. Although it may be used by people of all sexes and/or genders, it is more commonly used by men.
* Lesbian – a woman who experiences attraction (romantic, sexual, affectional, and/or emotional) solely or primarily to other women.
* Bisexual or Pansexual – a person who experiences attraction (romantic, sexual, affectional, and/or emotional) to more than one gender. People who are pansexual may seek to express that gender does not factor into their own sexuality, or, that they are attracted to trans and gender diverse people who may or may not fit into the binary gender categories of male and female. This does not mean, however, that people who identify as bisexual are focused on traditional notions of gender.
* Asexual – people who do not experience sexual attraction, although this does not preclude romantic attraction.

## Variables

##### Sex – What is [your/Person's name/their] sex

* Female
* Male
* [I/They] use a different term (please specify)
* Prefer not to answer

##### Gender – How [do/does] [you/Person's name/they] describe [your/their] gender?

* Woman
* Man
* Non-binary
* [I/They] use a different term (please specify)
* Prefer not to answer

##### Sex Recorded at Birth – What was [your/Person's name/their] sex recorded at birth?

* Female
* Male
* Another term (please specify)
* Prefer not to answer

##### Gender Experience – How do [you/Person’s name/they] describe [your/their] gender experience?

* Cis (your gender is the same as your sex recorded at birth)
* Trans (your gender is different to your sex recorded at birth)
* I use a different term (please specify)
* Prefer not to answer

##### Variations of Sex Characteristics – Were you born with a variation of sex characteristics (sometimes called intersex or differences in sex development)?

* Yes
* No
* Don’t know
* Prefer not to answer

##### Sexual Orientation – How do [you/Person's name/they] describe your [your/their] sexual orientation?

* Straight or heterosexual
* Gay, lesbian, or homosexual
* Bisexual or pansexual
* Asexual
* Another sexual orientation (please specify)
* Don’t know
* Prefer not to answer

##### Pronouns – What is/are [your/Person’s name/their] pronoun/s?

* They/Them
* She/Her
* He/Him
* xe/xem
* avoid pronouns/use name
* Another combination   (please specify)
* Prefer not to answer

##### Title – What is [your/Person’s name/their] title

* Ms
* Mr
* Mx
* Mrs
* Miss
* [I/they] use another title   (please specify)
* No title

## Guiding principles

Application of this Standard will be guided by the following principles:

**Person-centred approach** – Systems should be guided by best practice in the way people identify themselves, not the way computer programs, or systems have been set up in the past or are available by default.

**Appropriate data collection** – Only data that is needed for the service being provided should be collected. This includes data needed to support informed decision making, gender-responsive policy development, appropriate program and service delivery and reporting. Accurate population data is needed to support these processes, and it is important gender diverse and trans people are included in the data we collect. The requirement for the collection of data should be balanced against individuals’ rights to privacy.

**Gender is the preferred variable to collect** – In most cases, gender will be the most appropriate variable to collect. In some settings, both gender and sex are equally important to collect.

**Individual/community-led definitions, embracing change and fluidity** – Definitions should be self-generated with terminology determined by individuals. Where practical, fields should include the option of a user-defined term. Fluidity, changeability and/or the choice not to be defined is central to identity for some. Where practical, systems should be designed with the ability to add or remove values. Systems should also be designed with the ability to change values over time and, if necessary, keep a record of those changes.

**Right to disclose** – Individuals are free to choose to disclose information regarding their gender, sex, sexual orientation, gender experience and variations on sex characteristics. The ACT Government acknowledges the tension between data collection and protecting privacy.

**Intersectionality** – The ACT Government recognises the importance of listening to and supporting the intersectional needs within our community to develop and deliver accessible, appropriate policies and programs. Intersectionality brings a richness and strength to our community. Data should be collected in a way that enables consideration through an intersectional lens.

**Inclusive Language** – Gender diversity should be recognised wherever gender is discussed. Gender binary terminology is limiting, inaccurate, and does not appropriately reflect our community. Listing “male” or “men” first on data collection forms should not be used as a default.

**Clarity of purpose** – Consider how to communicate the purpose clearly and effectively with users. Articulate under what conditions data may be shared.

**Foster real inclusion** – Data collected should be used to deliver strategic outcomes and improve service delivery for individuals. Guidance on pronouns and titles has been included for this reason. While statistics and data analysis on pronouns and titles may not significantly inform strategic policy, using the correct pronoun is key to dignity, and important in providing person-centred service. Titles are important for many in the community and may not conform to traditional Western titles. Both pronouns and titles should include a user defined option.

## Privacy and consent

Directorates must comply with the *Information Privacy Act 2014*, including the Territory Privacy Principles.

For services to be person-centred, it is important that data is collected consistently, and in a way which respects peoples’ dignity and autonomy to determine their own identity and what information they want to share and can accurately represent the diversity of identities among people.

People should be informed about why data is being collected, in what context it will be used and if or when it will be shared. People should be able to view and amend their personal information including gender, sex, and sexual orientation variables.

Where gender, sex recorded at birth, variations of sex characteristics or sexual orientation data is collected, the justification for data collection should be articulated, particularly where it could be perceived as unrelated to the service being provided. Assurances of privacy and security of personal information should also be included.

Where a specific variable or definition is required because of linkages with non-ACT Government systems, these need to be clearly justified.

This messaging should be tailored to the situation, and include information about how the data will be used, but could resemble the following:

*The ACT Government is committed to supporting the ACT community in all its diversity. To develop effective policies, programs, and services, and to inform social, political, and legislative reforms, accurate population data is needed. Information about gender, sex, variations of sex characteristics or sexual orientation will support the ACT Government to inform service delivery, reporting, and service planning.*

*The ACT Government is committed to preserving the identity and dignity of Canberrans in the trans and gender diverse community and Canberrans with intersex characteristics in the collection, recording and handling of sex, gender, and sexual orientation information.*

Privacy, consent, and survey documents should be developed in accessible formats and translated for people from culturally and linguistically diverse backgrounds.

## Implementation

The ACT Government acknowledges that implementing the standards proposed in this document may involve significant changes and upgrades to business policies, business processes, computer systems, paper forms, training materials and other arrangements, by ACT Government Directorates as well as community partners. The ACT Government intends a staged approach to implementation, with changes made on an ongoing basis when systems are upgraded, replaced or in regular system maintenance.

Fact sheets, training and other resources will be developed as part of the initial stages of implementation.

## When and how to ask

Not collecting accurate, consistent, and client-driven data around sex, gender, variations of sex characteristic and sexual orientation limits service attempts to provide useful, tailored services that are accessible to, and accessed by, all sectors of the community. Not collecting sufficient data on the identity of clients accessing services means it is difficult to track whether policy initiatives are achieving their intended aims of improving outcomes for particular cohorts.

Staff should not make assumptions about a person's sex and/or gender identity based on indicators such as their name, voice, or appearance. Accordingly, where data is required of a client, sex and/or gender must always be asked, with no assumptions made.

##### Sex – What is your/Person's name/their] sex?

Information pertaining to sex should only be collected where there is a specific requirement for this. In some instances, sex is required as a linkage key for data matching. It should be clearly defined to users if the information needed corresponds to a particular usage of sex.

##### Gender – What is [your/Person's name/their] gender?

If the information can be used to determine whether people of different genders have different outcomes or require tailored services, then gender should be collected. For example, we know that older women are at increasingly elevated risk of homelessness.

##### Sex recorded at birth – What was [your/Person's name/their] sex recorded at birth?

Information pertaining to sex should only be collected where there is a specific requirement for this, such as health settings. Sex recorded at birth can also be used, along with gender, to derive gender experience- cis or trans. It may be preferable to directly ask about cis or trans status, rather than asking about sex recorded at birth to derive this information.

##### Gender experience – What is your gender experience?

If the information can be used to determine whether trans people have different outcomes to cis people or require tailored services, then this variable should be collected. For example, unemployment rates among trans and gender diverse people are higher than the national average[[1]](#footnote-2).

##### Variations of sex characteristics – Were you born with a variation of sex characteristics (sometimes called intersex or differences of sex development)?

This variable will only be relevant in a small number of circumstances. Intersex is neither a sex, gender nor sexual orientation. Some people who are born with a variation of sex characteristics may be unaware for some or all of their lives.

##### Sexual orientation – How do you describe your sexual orientation?

If the information can be used to determine whether people with different sexual orientations have different outcomes or require tailored services, then this variable should be collected.For example, LGBTIQ+ people are more likely to experience and be diagnosed with a mental health condition than the general population.[[2]](#footnote-3)

##### Pronouns – What are [your/Person’s name/their] pronouns?

This information is likely to be relevant for service delivery and education settings. This data should not be used in mail-merge scenarios as grammar can be problematic to manage. However, if written communication using pronouns will be required, service providers should ask individuals for their pronouns. While this should be included, it should be optional to complete and never a required field.

##### Title – What is [your/Person’s name/their] title?

Where written or formal correspondence is required, title should be collected. Where used, they should include the option to have a user specified variable. In addition, no title at all should be an option. In those instances, title should be replaced with first name (i.e., Dear Mx Smith, or Dear Alex Smith, but not Dear   Smith)

**Attachment A – What we have heard**

The ACT Government has committed to improving the data collection, discoverability and sharing on gender, sex, and sexual orientation. This commitment has been made through the [Second Action Plan 2020-22](https://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/1495521/Second-Action-Plan-2020-22.pdf) of the [ACT Women’s Plan 2016-26](https://www.communityservices.act.gov.au/__data/assets/pdf_file/0019/1108306/ACT-Womens-Plan_Report_2016_2026.pdf) and the [Capital of Equality Strategy](https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0005/1378184/Capital-of-Equality-An-ACT-Government-strategy.pdf). Both these policy documents were developed through extensive community consultation and this has guided the development of the definitions and variables. In the development of the [Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables 2020](https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/2020), the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare conducted extensive community consultation. Insight into this process has also informed the development of the ACT Government variables and definitions.

* All people have the right to be included and have their diverse identities and experiences reflected. Who you are and how you identify impacts on your experiences and outcomes, including those related to health, mental health, finances, employment, relationships, housing, childcare, and domestic violence. These experiences and outcomes will influence the types of services you want to access and are able to access. Understanding and breaking down these barriers is important.

**Affirming identities and amplifying lived experiences is important. Visibility is key.**

* To derive cis and trans data, the ABS Standard recommends using sex recorded at birth and gender, rather than sex at the time of the survey, because when combined with the response to the gender question, cis and trans data can be derived. The ABS preferences asking sex recorded at birth. In some cases, it will be more appropriate to ask for the person’s sex at the time of the survey. For this reason, both data elements have been proposed for the Common Dataset. Directorates should consider the necessity of the question regarding sex recorded at birth, and not ask it if the data is not required.
* Ethical and practical considerations around data collection for children need further exploration, in consultation with appropriate services. Questions including how data is used, and who has access to data should be clearly and sensitively considered while keeping the rights of children and young people at the forefront.

**It is not about difference but rather the innate richness of our society.**

* The fluidity, changeability and/or choice not to be defined is central to LGBTIQ+ identity and must be reflected in any definitions/discussions. Collecting data on fluid identities should be incorporated. Descriptions, definitions, and variables will never reflect all expressions of gender and/or identity.
* Culture plays a role on sexual identity, perspectives on genders, community roles of gender diverse individuals, the impact on identifying, willingness to fit into/be defined by Western notions of sex and gender, the appropriateness of current terms, racism, colonisation, the desire to be distinct from white definitions, the rejection and irrelevance of Western binaries. Data collection systems and terminology must be developed with consideration to inclusion of culturally diverse communities. There should be no assumptions that current/proposed terminology reflects intersectional communities or individuals. For this reason, people should be given the opportunity to provide a user-specified term where possible. In consultation with appropriate communities, culturally and linguistically appropriate support materials must be developed to support data collection.

**Increased recognition of sex and gender diversity should reduce prejudice and marginalisation.**

**No stigma, no “normal”, no “other”.**

* Consideration should be given to the impact of discrimination and trauma on historically marginalised groups. The effects of previous and current discrimination may shape data collection and accuracy, for example, through willingness to disclose or internalised homophobia. Thought should be given to how this affects data, and more importantly, to supporting this community.
* Knowledge and understanding increases inclusivity. Education is core to improved data collection and should include training frontline staff. Communication to frontline workers, the community and survey respondents should always be strengths based.
* The ABS definition of sexual orientation includes a reference to sexual behaviour, in addition to sexual identity and sexual attraction. ABS notes that an individual could respond differently to questions on either sexual identity, attraction, or behaviour. In all but the most specific questionnaires (about sexual behaviour or activity) the definition of sexual orientation is unlikely to be in reference to behaviour. As such, it has been omitted from the ACT Government’s definition of sexual orientation.
* The ABS Standard discourages using questions directly asking trans status or including trans/transgender and gender diverse as a response option in a gender question. The ABS recommends the ‘two-step method’ – using gender and sex recorded at birth to derive the cis or trans categories. This would mean these would need to be mandatory data items in any survey which seeks to determine outcomes for trans people. However, the ACT has gone to considerable lengths to allow trans people to alter their birth certificate to reflect their true identity, and asking sex recorded at birth runs counter to these efforts. The ACT has therefore opted to allow a direct question on gender experience.

**Improving outcomes by recognising that who you are impacts what services you can access and your experience.**

* The ABS Standard recommends using sex recorded at birth rather than sex at the time of the survey because when combined with the response to the gender question, cis and trans data can be derived. In some cases, it will be more appropriate to ask for the person’s sex at the time of the survey, for example where it needs to match another specific legal record.
* Outside of medical settings the term sex usually refers to a specific legal record which may or may not be related to the person's actual sex characteristics. Some people will have a varied legal record of sex depending on individual circumstance. Which response to use depends on the context in which it is being used (Medicare, birth certificate, Australian Taxation Office, etc). The phrase 'legal sex' used on forms is too vague and imprecise for people whose recorded sex might vary across settings, for example where they were born in a state with restrictive change of sex processes that have made this inaccessible.

**So that our community celebrates inclusion and diversity, identifies and actively addresses barriers to inclusion.**

* Salutations and titles were not previously included in the ACT Common Dataset. No title should be an option – some people do not identify with traditional Western titles for various reasons (culture, patriarchy, irrelevance).

**To understand where marginalised groups have different outcomes to better target services.**

* The inclusion of a standard pronoun question format promotes the adoption of asking about pronouns (where relevant) as a standard question to all.
* The ABS Standard continues to use ‘X’ as an alternate code for ‘Another Term’ in referencing sex, and ‘non-Binary’ in referencing gender. ABS advise that these codes are not used in client facing situations (i.e., only the text of the question is listed, the codes are purely for back-end recording). This code is problematic in that it has come to symbolise the othering of intersex people as a third sex. This can be triggering and exclusionary. If there is a requirement for letters to be used as codes for these data items, consideration should be given to using different letters, such as ‘A’ for another term and ‘N’ for non-binary. If it is not required in the ACT Government context, lettered codes could be removed altogether and numbered variables used instead. The use of the ‘X’ marker is only controversial when applied to intersex people, there are non-binary people who are happy to use it.

We acknowledge the Ngunnawal People as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

The ACT Government thanks all the organisations and individuals that provided input to information development of this standard.

1. [The Health and Well-Being of Transgender Australians: A National Community Survey | LGBT Health (liebertpub.com)](https://www.liebertpub.com/doi/10.1089/lgbt.2020.0178) [↑](#footnote-ref-2)
2. [24.10.21\_Snapshot\_of\_MHSP\_Statistics\_for\_LGBTIQ\_\_People\_-\_Revised.pdf (nationbuilder.com)](https://assets.nationbuilder.com/lgbtihealth/pages/549/attachments/original/1648014801/24.10.21_Snapshot_of_MHSP_Statistics_for_LGBTIQ__People_-_Revised.pdf?1648014801) [↑](#footnote-ref-3)