

Briefing on concerns about impacts of Digital ID on trans human rights

For Cabinet Office Roundtables starting Tues 25th Nov 2025

Asks

- 1) Defend and expand trans people's right to privacy through upcoming digital reforms, to reflect growing risks within the UK from being openly trans, ensuring that any new data or digital ID approaches respect and are based upon the realities of trans people's gender rather than legal sex and cannot be used to out or identify trans people (outside of the existing processes set out in the GRA, such as in DBS checks). **The best way to accomplish this is to not include gender or sex markers on ID.**
- 2) Ensure data on sex and gender continues to be collected in appropriate, functional ways which reflect lived gender and sex rather than legal sex as designated on a birth certificate.
- 3) Ensure that intersex people can be accurately and appropriately represented in government data, while also building in appropriate privacy protections around this.
- 4) Ensure that any reforms to ID or government digital services do not create barriers to changing one's name or temporarily holding multiple names
- 5) Establish an ongoing process of engagement and consultation with the LGBTQ+ community regarding data and digital ID reforms

The importance of privacy protections and access to ID for trans people:

- **Access to ID which reflects lived gender**, or at least does not misidentify trans people as their sex assigned at birth, **is a core need of trans people to exist safely and with dignity in the world. In many cases, ID is essential to vote, purchase age-restricted items, attend events in bars and clubs, and engage in a wide range of other activities.**
- For trans people without ID that reflects their gender identity, these seemingly mundane acts can risk them being **outed in their community, being verbally or physically harassed, or being discriminated against by service providers or prospective employers.**
- In (as-yet-unpublished) data from TransActual's Trans Lives Survey 2025, the primary consequences of not having ID that reflected one's gender identity were:
 - worsened mental health or gender dysphoria (80%, 2596)

- avoiding places where ID might be required (70%, 2243)
- feeling unsafe (56%, 1305)
- facing increased discrimination (43%, 953).
- While less common, other reported issues could have a significant detrimental impact on people's daily lives, including issues with:
 - employment (42%, 1325),
 - medical care (41%, 1283),
 - travel (38%, 1196),
 - entering age restricted venues (30%, 932),
 - opening a bank account (28%, 886),
 - housing (20%, 638).
- In nearly all areas, People of Colour and disabled respondents were more likely to report experiencing issues.
- In 2018, [1 in 3 employers in a survey admittedly they are 'less likely' to hire a trans person](#), and 43% said they were unsure if they would recruit a trans worker at all. There is evidence anti-trans employment discrimination is worsening, with a 2021 survey finding that [two-thirds \(65%\) of trans people keep their identities secret from colleagues](#) to feel safe and secure in their work, up by 13% from 2016, and half (50%) had left a job due to an unwelcoming atmosphere, up by 7% from 2016.

Concerns about upcoming digital policy:

Context from Data (Use & Access) Bill:

- People in the trans and wider LGBTQ+ community were deeply concerned by lobbying efforts connected to the Data (Use & Access) Bill and following the digital ID announcements from anti-trans groups for whom trans people not having access to appropriate ID is a policy goal. Amendments were brought to the bill in January 2025 which may have, according to then SoS Peter Kyle MP, would "force public authorities to collect data on members of the public on the basis of sex at birth rather than through up-to-date documentation." He noted he "would baulk if this forcibly outs every trans person on public records", that he was "worried that it could mean vital documents of trans people, including medical records, [would be] purged", and committed "to airing [our] views and ensuring that the trans community feels included, safe and influencing debate." There has, however, been no meaningful engagement from government with the trans community on these issues following this.
- These amendments hinted at a goal of enabling private digital verification services to access personal and sensitive data on individuals in order to try to identify whether a person is trans to enable their exclusion from services and venues, which is likely both discriminatory and a gross violation of the rights to privacy for trans people enshrined in Article 8 of the Human Rights Act 1998, the Gender Recognition Act 2004, and in the GDPR.

Concerns related to Digital ID and other upcoming policies:

- While these amendments were removed from the bill, there are deep **concerns that upcoming Digital ID policies**, as well as ongoing work to establish cross-government data standards around sex and gender (in particular in the Government Statistical Service Data Harmonisation project and Data Standards Authority work on the person entity), **could be hijacked by those with an anti-trans agenda** to achieve the same goals, **worsening life for trans people in the UK and disrupting the other aims of government in this area**, as well as **exposing the policy to added legal risk**.
- This is particularly worrying in a context of **attempts to enforce segregation of public spaces based on trans identity**, and the prospect of **having to show ID that identifies a person as cis or trans in order to access different spaces**. (But also don't say this too loud, so as not to give anyone ideas.) The risks to civil liberty from having to carry and show such identification in a routine way are many and broad. Trans people, cis or trans people refusing to confirm whether they are cis or trans, or people without ID available would be unable to function in society.
- Rhetoric suggesting that GRCs need to be invalidated in order to create a data set based on 'biological sex' (i.e., sex assigned at birth), is of great concern, especially for trans people who are living without employers or extended acquaintances knowing that they are trans.
- The UK's current system for legal determination of sex is currently based solely on birth certificates and the GRCs which can update them. They are also entirely binary, either M or F, creating **additional difficulties for intersex people** who are not easily categorised as male or female. Their legal sex is determined long before their experience of puberty and is not always a reliable or appropriate designation, but can instead be an expression of parental preference or an indication of the genital configuration of the cosmetic surgical procedures performed on the child without their consent or knowledge.

Current state of access to ID for trans people

- Currently, access to this ID is limited. Different forms of ID have different forms of gender or sex markers which have different requirements for them to be updated. Some require a Gender Recognition Certificate (GRC) to be updated, which is held by very few trans people relative to the total population due to the exclusionary, incorrect and offensive criteria used in the GRC panel judgements and the expense and difficulty in participating in them.
- You don't need a Gender Recognition Certificate to update your passport's gender or name. It can be done with a letter from your doctor or medical consultant and evidence of your name change and usage.

- From as-yet-unpublished survey data compiled by TransActual, despite 96% (3866) of respondents indicating that they wanted to or had already changed their ID to reflect their gender, only 40% (1593) of respondents stated that they had access to a form of ID that reflects their gender.
 - This falls to 14% of non-binary people in our sample, 34% of trans People of Colour and 36% (169) of disabled respondents.
 - Respondents in Wales were the most likely (45%, 102) to have gender congruent ID, while those in Northern Ireland were the least likely (28%, 13).

Current state of privacy protection for trans people:

GRA 2004, Equality Act 2010 and GDPR

- **Unauthorised disclosure of the trans status of someone with a GRC, or for an employer to ask anyone if they have a GRC and to see it, is a criminal offence.**
Trans and non-binary people without a GRC
- For the vast majority of trans people without a GRC, privacy protections are more limited. However data regarding gender, sex or trans status is considered sensitive data for GDPR purposes.
- While in the recent past the trans population has increasingly been more comfortable being 'out', or openly transgender. However due to increased rates of hate crime and abuse as well as anti-trans policymaking for example by the EHRC, more trans people are choosing to either
 - Go to great lengths, at great cost, to remove or reduce evidence of being trans
 - Go back into the closet or not leave it, with huge personal consequences
 - Avoid being in public or engaging with any services which require ID checks

Employment and right to work checks (adapted from

<https://portal.lancaster.ac.uk/ask/careers/equality-diversity-inclusion-careers/gender-reassignment/>)

- Right to work checks require individuals to provide ID. If you are a British citizen this will usually involve a check of your passport or birth certificate and national insurance number.
- Trans people don't need a Gender Recognition Certificate to update their name or gender on their passport. It can be done with a letter from a doctor or medical consultant and evidence of name change and usage. So if your passport shows your new name and gender, an employer wouldn't know you were transgender as part of these checks. However, if you have not yet updated your passport, or don't have a passport and need to use your birth certificate for this ID check, then this would make your status known to the employer.

- For those with a GRC, Disclosure and Barring Service (DBS) checks require contacting the DBS Sensitivity Team and providing them with previous identity details.
- People are under no legal obligation to disclose gender or trans status to a prospective employer unless the job has a "Genuine Occupational Requirement" for disclosure. This can only be the case for a small number of jobs where the employer has proved that there is a legitimate reason to discriminate on grounds of gender.