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Dear Joan,

Thank you for your letter of 6 February 2020 regarding the draft Census (Scotland) Order 2020, which followed the evidence session I attended on 30 January.

I note that the Committee would welcome clarity on the sex question guidance. As you are aware, two options for the guidance (legal basis and self-identification) were used during the recent ScotCen testing. This then contributed to the National Records of Scotland sex question recommendation report, which recommended a binary sex question with guidance that provides for self-identification be used for Census 2021. This was discussed at the Committee evidence session with National Records of Scotland on 9 January and again at the evidence session I attended on 30 January.

I can confirm that, subject to the Census Order and Census Regulations being in force, the Registrar General will conduct a census that has a binary sex question with guidance that provides for a self-identification basis of response if required and I support this approach for Scotland's Census 2021.

However, it is appropriate to continue to look at the guidance required for a successful Census in 2021 and I have asked officials at National Records of Scotland to consider adding additional text so that there is clarity on the purpose of the Census and the data being gathered. This is to ensure it is clear that responses do not affect the legal rights, obligations or status of individuals and respondents have confidence that credible data is being collected through the Census operation. I will update Committee members further once this work is concluded, which will, however, be after the committee meeting on 27 February.

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I have continued to meet Committee members and have had very constructive discussions. I appreciate the commitment from members to progress these Census Order matters.

Fiona Hyslop

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