

From: Name redacted
Sent: 15 August 2018 13:32
To: All Social Security <AllSocialSecurity@gov.je>
Subject: Gender change - amending departmental records

Dear all

A query was raised today by customer facing staff concerning the process for changing a person's details when they wish to change their gender on their SSD records. This was prompted by contact from a customer

I can now confirm the following which is based on the provisions of the Gender Recognition (Jersey) Law 2010 and a discussion today with the Superintendent Registrar.

1. A person wishing to change their gender

They must apply for and obtain a Gender Recognition Certificate. These are currently only issued by the UK authorities once the person has proven to 2 doctors in the UK that they have lived in their acquired gender for 2 years. A person resident in Jersey must also go through this process.

Once this certificate is issued the person then has to have this registered in the Royal Court. Following this, the Superintendent Registrar's office replace the person's original birth certificate with one in their acquired gender.

Thereafter the person must be treated as having their new acquired gender and SSD records would need to be changed to reflect this together with and name and title changes and must then be referred to using those changed details.

2. A person wishing to live and be recognised as their alternative gender but not go through the legal gender recognition process outlined in 1.

They are able to have their personal details changed on the SSD records including their name and title and must then be referred to using those changed details.

However they cannot have their gender changed or legally be treated as being the alternative gender. This can only be done if they go through the process outlined in 1.

So for the purpose of any legislative requirements such as liability or entitlement that are based on gender they are still treated as being their birth gender.

In addition to the requirements for staff to comply with the Data Protection (Jersey) Law 2018, it is also an offence under the Gender Recognition (Jersey) Law 2010 for anyone who in an official capacity has acquired information, relevant to any application under that Law, to disclose the information to any other person.

Staff should therefore be careful when dealing with customers, particularly in open public areas, that they address them correctly. Particularly where the person's

recorded title and name may be at variance to their recorded gender as would be the case for persons under 2. above.

But also where claim comments or a person's past dealings with the department show references to the person under a different gender than that currently recorded for them as would be the case for persons under 1. above.

Regards

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