

Sex and gender identity statistical standards: Consultation



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Purpose and summary

Purpose

Stats NZ seeks feedback on proposed changes to the statistical standard for sex and the statistical standard for gender identity.

The changes are part of a review to make sure the final standards work well for New Zealand, and provide guidance for people and organisations that collect and use data about sex and gender.

[Reviewing the statistical standards for sex and gender](#) outlines the need for the review and includes the terms of reference for the advisory group.

We welcome feedback from anyone, including the general public, agencies that may adopt the standard, and academics.

Submissions open on 2 July 2020 and close at 5pm on 13 August 2020.

For more information, email: identity@stats.govt.nz.

We encourage you to read this consultation paper and then provide feedback by making a submission using the online form, [Sex and gender identity statistical standards: Submission](#).

Once the submission period has closed, we will analyse the feedback, and publish a summary of our findings. Changes will be incorporated in the final standards.

Summary of issues and proposed changes

The review of Stats NZ's statistical standards for sex and gender identity will determine what updates are required to enable contemporary guidance for people and organisations that collect and use data on these topics.

Issues the proposed changes seek to address include:

- limited inclusiveness of intersex and transgender populations
- limitations arising from current use of the 'gender diverse' response category
- a lack of compatibility with recommended international practice
- limited context-specific guidance for different types of data collection (for example, population surveys versus government administrative settings).

Key proposed changes to address these issues include:

- updates to the underlying concepts and definitions for both standards
- 'gender by default' as a guiding principle for collection. Recent guidance developed internationally for government administrative data (see [Modernizing the Government of Canada's sex and gender information practices: summary report](#) and [Australian Government guidelines on the recognition of sex and gender](#)) and social surveys has recommended that in most cases when sex or gender information is required, gender is the most suitable to collect
- further context-specific guidance for different types of data collection.

These proposals align closely with the system approach taken in Canada, which is recognised as current best practice. Adjustments to suit the New Zealand context are likely to be required.

Why we need to update the standards

Here in New Zealand, as well as overseas, there are limited and inconsistent practices when collecting sex and gender data in ways that reflect the diversity of the population.

Stats NZ has experienced an increase in demand from people and organisations for guidance on how to ensure their own data collection practices comply with best statistical practice and are generally fit for purpose.

In the absence of contemporary system guidance, rainbow community organisations are also increasingly being asked for advice about best practice in this area.

Developing and updating standards to support consistency across New Zealand's data system is part of Stats NZ's [data leadership](#) role. Our job is to reflect society in all its diversity – we are committed to improving the way we record and present information on sex and gender to ensure it is accurate, inclusive, respects individual human rights, and meets information needs.

Updating these standards will help a wider range of users with their own information needs, while ensuring data is collected in a consistent way.

How we developed the proposed changes to the standards

Here is a summary of our process:

- **Environment scan** – We started by assessing a wide range of relevant sex and gender data collection practices. These included recent developments by other national statistics offices, government and research institutes, see [Appendix 1: Collecting sex and gender– International scan](#).
- **Topic expertise** – In late 2019, we convened an external expert advisory group to assist with aspects of this review. Key expertise from the group related to the inclusiveness and suitability of proposed standards for transgender and intersex populations. This included Māori and Pacific perspectives on these concepts, particularly regarding culturally specific identities such as takatāpui and fa'afafine. See [Reviewing the statistical standards for sex and gender](#), which includes a link to the group's terms of reference.
- **Preliminary feedback from other New Zealand government agencies / future users of the standards** – Feedback from other agencies on draft versions of proposed changes has provided useful insight on the practical impacts and implications for their work, and has helped to form the final content put forward in this paper. We invite further feedback from agencies in the current consultation phase.
- **New Zealand system context** – We are seeking further input from affected agencies, topic experts, communities, and the wider New Zealand public to ensure the revised standards are suitable for the New Zealand context.

Some key terms

Here are some of the key terms used in this paper. See the [Glossary](#) for more definitions.

cisgender: Refers to a person whose gender is the same as the sex recorded at their birth.

Gender: Refers to a person's social and personal identity as male, female, or another gender such as non-binary. Gender may include the gender that a person internally feels ('gender identity'), and/or the gender a person publicly expresses ('gender expression') in their daily life. A person's current gender may differ from the sex recorded at their birth and may differ from what is indicated on their current legal documents. A person's gender may change over time. Some people may not identify with any gender.

Intersex: Intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies (United Nations Human Rights Office, nd).

Sex at birth: Refers to the sex recorded at a person's birth (e.g. recorded on their original birth certificate).

Transgender: Refers to a person whose gender is different from the sex recorded at their birth.

Issues and proposed changes

This section outlines issues we have identified with the existing standards for sex and gender identity. Changes are proposed to address each issue.

Where possible, we have sought to harmonise the concepts of sex and gender with those used by other National Statistics Offices, as this is beneficial for comparability and consistency.

Lack of a relevant and consistent approach

Sex and/or gender data is fundamental in determining demographic characteristics of a population for statistical, policy, and research purposes. The terms 'sex' and 'gender' are also often used interchangeably in society, and for many people these terms refer to the same thing.

Data collected using the current statistical standard for sex typically asks individuals whether they are male or female, without the terms gender or sex being used in the question. This allows the respondent to decide the meaning of the question, thereby limiting the inferences that can be drawn from the data collected.

It is often unclear, especially for transgender people, whether a question on this topic refers to sex at birth or gender. Research has shown that for transgender respondents, sex questions are typically interpreted in a variety of ways (Lachance, Mechanda, & Born, 2017; Veale et al, 2019).

The variable for sex (collected based on the current standard for sex) has typically been used in social statistics, and is often understood as more reflective of a person's gender. Similarly, the Statistics Canada paper [Gender – Developing a Statistical Standard](#) notes that 'sex-disaggregated data have been the starting point for producing gender statistics'. It notes that while sex has typically been the variable used in social statistics, it is often conflated with a person's gender.

Our statistical standards need to clearly distinguish between these two concepts. Such an approach ensures the most relevant information is collected in each context, and that it is specific enough to be informative for research. This in turn will help to inform targeted policy development and service provision.

The review of the standards will result in guidance to enable the most relevant information is collected for different contexts.

Proposed solution – 'gender by default' principle

We propose that the 'gender by default' principle is adopted in an updated standard. This is an approach that defaults to the collection of gender data as opposed to sex at birth. Defaulting to a specified variable facilitates consistency of data collection. Collection of sex at birth information should be viewed as an exception where there is a specific need.

In most cases a person's gender – their social and personal identity – is most relevant for policy making and research rather than their sex at birth. Gender based analysis is used in a range of areas,

from income equality to health and education. Recent guidance developed for government administrative data ([Canada](#) and [Australian Government Guidelines on the Recognition of Sex and Gender](#)) and social surveys has recommended that in most cases when sex or gender information is required, gender is most relevant to collect. There will be some contexts where sex at birth information may be required. **Before any data is collected, careful assessment of the information need is required.**

Clarifying gender and sex at birth definitions and questions will enable a more accurate approach that meets current information needs. These are discussed in the sections below.

If we adopt the gender by default principle, we would bring guidance for both sex at birth and gender into one single source of guidance. This allows the relationship between these concepts to be explained consistently, providing additional guidance about what is most suitable to ask in different contexts. In almost all cases, we expect that users will only need to collect data on gender.

The concept of ‘gender identity’ is too narrow

The gender identity concept used in the 2015 Stats NZ standard is relatively narrow in definition compared with standards produced elsewhere in the world (notably the [2018 Statistics Canada standard](#)).

The current standard defines ‘gender identity’ “an individual’s internal sense of being wholly female, wholly male, or having aspects of female and/or male ... referring to ... each person’s deeply felt internal and individual experience of gender.” ‘Gender’ is defined separately in the 2015 standard as “The social and cultural construction based on the expectation of what it means to be a man and/or a woman, including roles, expectations, and behaviour.”

Stakeholder feedback and recent work by other national statistics offices indicates that the general population may not easily understand this distinction between gender and gender identity. In addition, cisgender people may consider they have a gender, but that the term ‘gender identity’ applies specifically to transgender people. This may be partly because human rights language often describes discrimination against transgender people as being based on their gender identity. Transgender people may also prefer the generic term ‘gender’. If the word ‘identity’ is typically only added when referring to transgender people, it makes transgender people the outlier exception, or ‘other’.

Proposed solution – an overarching concept of ‘gender’

To address the issues outlined with the gender identity standard, we propose aligning Stats NZ’s existing concepts of ‘gender identity’ and ‘gender’ in one overarching concept and definition of ‘gender’.

The concept and definition used in Statistics Canada’s [‘Gender of a person’ standard](#) is consistent with this approach. This definition is inclusive of the gender that someone is (lived gender), how they express their gender (gender expression), and how they describe their gender (self-identified gender). It is also inclusive of all genders. This change would embed the fact that an individual’s internal sense of self is a significant aspect of their gender, and ensure the concept is general enough for most.

Stats NZ gender definition proposal

We propose adopting a gender definition consistent with the Statistics Canada ‘Gender of a person’ concept and definition:

Gender refers to a person's social and personal identity as male, female, or another gender such as non-binary. Gender may include the gender that a person internally feels ('gender identity'), and/or the gender a person publicly expresses ('gender expression') in their daily life. A person's current gender may differ from the sex recorded at their birth and may differ from what is indicated on their current legal documents. A person's gender may change over time. Some people may not identify with any gender.

We seek feedback on this in your submission.

The term ‘gender diverse’ is open to misinterpretation

Data collections typically require an inclusive third gender marker. Best practice is to ensure a write-in facility to record a variety of gender identities. However, administrative records often are not able to include such an option, where people can write their preferred term to describe their gender. Therefore, it is important to find a term to use in these situations that will be suitable for as many people as possible. We recognise that no single term will suit everyone.

While the term ‘gender diverse’ is a useful umbrella term, it can be confusing to people when used in a survey question or on an administrative form. For example, when faced with the option to only select either male, female, or gender diverse, a trans man may be unsure whether to select male as his gender, or to select gender diverse if he feels it is important to convey his trans status. This could lead to a misinterpretation of the data collected. In New Zealand, responses collected as ‘gender diverse’ are often assumed to be representative of transgender people because trans men and trans women are classified under the ‘gender diverse’ category in the 2015 Gender Identity Standard. However, we know from research and feedback from trans communities that this is not an accurate assumption. Many binary trans people (that is, trans men and trans women) would simply select male or female, rather than gender diverse (Veale & Byrne, 2019).

Furthermore, recent New Zealand data shows that the term gender diverse is used relatively infrequently by transgender people to describe their own gender; other terms, particularly non-binary, are more commonly preferred (Veale et al, 2019).

Stakeholder feedback has also highlighted concerns that terms such as gender diverse and non-binary may not be applicable across different cultures.

Proposed solution – gender classification

We propose ‘another gender’ as the category for classifying responses as opposed to ‘gender diverse’. This both renames that classification (which is currently known as ‘gender diverse’) and limits it to those who specify their gender as ‘another gender’.

In the New Zealand context, the term ‘gender diverse’ is often used and understood as an umbrella term, similar to the terms trans or transgender. However, some trans people may not use the term and not all gender diverse people may identify as trans (Oliphant, 2018).

This consistent approach also avoids ascribing an umbrella term that may not be a good fit for some respondents. It will also more clearly indicate that data reported in this third ‘another gender’ category does not represent all transgender people (as many will have selected male or female responses) and avoid the confusion created under the current ‘gender diverse’ classification.

Table 1 shows how the current gender identity classification with two levels would concord to the proposed flat (single level) gender classification.

Table 1

Concordance between current ‘gender identity’ classification and proposed ‘gender’ classification		
Current gender identity classification		Proposed gender classification
1. Male	11 Male / Tāne	1. Male / Tāne
2. Female	21 Female / Wahine	2. Female / Wahine
3. Gender diverse	30 Gender diverse not further defined / Ira tāngata kōwhiri kore	3. Another gender
	31 Transgender male to female / Whakawahine	2. Female / Wahine
	32 Transgender female to male / Tangata ira tāne	1. Male / Tāne
	39 Gender diverse not elsewhere classified / Ira tāngata kōwhiri kore	3. Another gender
	30 Gender diverse not further defined / Ira tāngata kōwhiri kore	3. Another gender
Note: Researchers routinely use male/female as response options to questions about gender as opposed to man/woman (Westbrook & Saperstein, 2015). Appropriate te reo Māori translations for any new categories created as a result of consultation will be finalised in the published standard.		

Proposed solution – ‘another gender’ in gender question

We propose use of ‘another gender’ in the standard question examples. This is plain English and more easily understood.

We propose two question options, one for questionnaires that can accommodate ‘write-in responses’ and one that can’t. Giving respondents the ability to write in a response is preferable. We also recommend that either version allows respondents to select more than one response option.

1. What is your gender?

- ☐ Male
☐ Female
☐ Another gender (please specify): _____

For collections with limited ability to process text responses:

2. What is your gender?

- ☐ Male
☐ Female
☐ Another gender

Age suitability for a question on gender

Queries around what age is appropriate to ask a question on gender (rather than sex at birth) are common. While a question on gender is ultimately self-defined, gender information is suitable to ask at any age.

An adult who provides this information on behalf of an infant or young child will often base their answer on the child's sex at birth. This is the nature of any demographic question with an element of self-identification that may develop over time. Many cisgender adults may also see no difference between the terms gender and sex at birth, since the response they give to either question would be the same.

A useful parallel to consider is age suitability for a question on ethnicity, which is understood to mean different things for different people. The standard for ethnicity is also based on self-identification; for babies and children it is answered by proxy, based on information other than self-identification. This may mean the response is drawn from other knowledge, such as family ancestry or nationality.

A question about gender would be suitable for all people, transgender and cisgender.

Culturally specific identities are not adequately reflected in concepts

Standards should enable diverse cultural understandings. This is especially important in New Zealand where accurate data for Māori and Pacific people is essential. There are Māori and Pacific terms, commonly used in New Zealand, that describe gender and/or sexual diversity. These include whakawahine, tangata ira tāne, and takatāpui (Māori), fa'afafine (Samoan), fakaleiti (Tongan), 'akava'ine (Cook Islands), mähū (Hawaiian), vakasalewalewa (Fijian), and fakafifine (Niuean). Furthermore, many individuals who identify with the above terms do not identify themselves as transgender or gender diverse, complicating application of Stats NZ's current standards. The current gender identity classification codes responses in a way which may not be conceptually appropriate. For example, takatāpui does not easily fit within the current gender identity classification – it is much wider than gender.

Takatāpui is an umbrella term that embraces all Māori with diverse gender identities, sexualities and sex characteristics including whakawāhine, tangata ira tāne, lesbian, gay, bisexual, trans, intersex and queer. Takatāpui identity is related to whakapapa, mana and inclusion. It emphasises Māori cultural and spiritual identity as equal to - or more important than – gender identity, sexuality or having diverse sex characteristics. (Kerekere, 2017)

Even though it is wider than gender, takatāpui is still a valid response to a question on gender. It is important that the review of these standards considers diverse understandings of sex and gender to ensure the guidance developed is suitable for the New Zealand data system.

We support the use of definitions and questions that are broad enough to encompass the variety of ways these topics are understood. This may mean elaborating on definitions used internationally to tailor our approach to New Zealand's specific context.

Proposed solution – changing how identities are classified

Changes to how identities are classified would mean that responses are still collected, without inference of these responses as transgender or ‘gender diverse’. Grouping under ‘another gender’ may be necessary for output of aggregated data, but this is a more neutral treatment than currently recommended.

It is possible that, in future, additional concepts and standards will be needed to adequately meet information needs for specific cultural identities. These should be developed with appropriate community and topic expert input/consultation.

A write-in response facility maximises the ability for respondents to self-identify in diverse and more accurate ways. This was recommended in the 2015 gender identity standard, and this updated guidance highlights why it is important for gender data to be collected in this way. A codefile will be required to aid in classifying and analysing responses collected via this method.

The language people use to describe their gender continues to evolve over time. For example, while non-binary is commonly used in 2020, this term was much less common when the statistical standard for gender identity was first released in 2015. It will be useful to ensure the codefile produced to support collection of text responses for gender is updated regularly. This may involve drawing on response patterns coming through collections where gender is collected in this way. A new codefile will be developed for text responses collected in the write in response field. This will provide users of the standards an efficient means to classify their qualitative information in a consistent and comparable way, removing the need for manual processing and ad hoc judgement calls.

As noted in the existing guidance, for some collections with limited processing capability, including a written text response option may not be feasible. Users will need to balance the collection of more accurate, granular data over ease of coding responses.

Lack of guidance on collection of transgender population data

A major challenge for researchers interested in studying the transgender population has been, and continues to be, the lack of population-based surveys that collect information in a way that allows for data from transgender people to be identified. This is partly due to the relatively small size of this population, and measurement issues related to what questions are most effective to ask.

A single gender question will not always identify whether someone is transgender or cisgender – for example, it will not identify trans men or trans women if they do not specify this in a text response (Fraser, 2018). If you do not need to identify the transgender population, a single gender question will likely be able to meet information needs.

Understanding transgender health needs and disparities between transgender and cisgender populations is an important policy need (OECD, 2019). In cases where the information need requires distinction between transgender and cisgender populations, we propose use of the two-step method. Given the two-step method involves classifying someone as transgender or cisgender when they may not use that specific term to describe their gender, it should not be used to describe a person’s self-defined gender.

The 2015 statistical standard for gender identity acknowledges sex as a related concept but does not describe the two-step method because guidance on each topic is confined to its own statistical standard. As a result, a two-step method conforming to international best practice is missing from current guidance.

Proposed solution – two-step method for identifying transgender and cisgender populations

The two-step method is considered best practice for use in population representative data collections, where reflecting the transgender population is required (Deutsch, Green, Keatley, Mayer, Hastings & Hall, 2013; Tate, Ledbetter & Youssef, 2013). It is also the approach implemented by Statistics Canada in some of their surveys.

The two-step approach involves asking a question about sex at birth, combined with a question on gender:

What was your sex at birth?

(For example, what was recorded on your original birth certificate)

- ☐ Male
- ☐ Female

What is your gender?

- ☐ Male
- ☐ Female
- ☐ Another gender – please specify: _____

We note that this combination of questions can be particularly sensitive for some respondents, for instance those who prefer not to disclose that they are transgender. Careful consideration should be taken to respect privacy, ensuring this approach is only used if reflecting trans populations is an essential requirement. In its interviewer-administered surveys, Stats NZ enables people to self-complete these and other personal questions on the electronic device the interviewer uses. We recommend self-complete approaches where respondents can answer privately where possible.

Classifying individuals as transgender and cisgender – it is important for people who use this approach to carefully describe what it means when a person answering these questions is classified as either transgender or cisgender. It is not ascribing an identity to someone (that is, it should not be assumed that people identify with either of those terms). Instead, it is sorting responses into categories to compare groups. Being classified into a transgender or cisgender category reflects the relationship between a person's sex at birth and their gender, and whether these differ or align. It is not a statement about the terms that someone identifies with.

Administrative collections collecting both sex and gender – in administrative collections we recommend that information need, privacy, and the display of the information are carefully considered before collecting both sex at birth and gender information. Again, in most cases, collection of gender on its own will be sufficient.

Other recognised practices for collecting data about the transgender population

Because of the sensitive nature of the two-step method, we considered proposing the following alternative method, but are not endorsing it.

Transgender status measure

A question that assesses transgender status is sometimes used as an alternative to the two-step approach outlined above.

One example of a question like this was included in the Scotland Census test in 2019 (Scotland's Census, nd):

Do you consider yourself to be trans, or have a trans history?

☐ Yes

☐ No

A transgender status measure may be a good approach in some settings, particularly in targeted surveys where researchers have greater confidence the question wording is well understood and inclusive enough for the sample population (for example, LGBTQI+ community-specific surveys).

At present, we are less certain that this approach would capture information with adequate coverage of the diverse range of identities in the transgender population in New Zealand. Therefore, we are not endorsing it as an approach for representative surveys.

Among the reasons for this are:

- There is less empirical research supporting the effectiveness of this approach to meet information needs.
- The terminology used by trans people to describe themselves can vary widely, particularly across cultures, ages, and other factors. This approach may be better suited when modified to a specific community, where there is more certainty or consensus on terminology to adequately reflect the population of interest.
- Designing a question that adequately identifies the transgender population while being well understood by the population as a whole is a challenge – there has been less testing to support the effectiveness of this approach.

Ambiguity in the current sex standard

Current guidance for collecting sex data has ambiguous question examples and lacks specificity in the underlying concept. This creates challenges in collecting fit-for-purpose data and in giving respondents clarity about how to answer questions. For instance:

- **Ambiguous question wording – leads to inaccurate data**
By asking 'Are you? – Male/Female', current questions are open to interpretation, as to whether people are being asked their sex or their gender. This leads to data collection which is likely to be a mixture of both (Stats NZ, 2018).
- **Lack of specificity and context for the current standard's definition for sex**
Sex is recorded on the notice of a child's birth that is sent by the relevant health provider to the registrar of births. Subsequently, legal guardians register the child's birth.

These initial decisions by a health provider are typically based on a physical examination of a new-born infant's primary sex characteristics. The infant's sex is recorded as male, female or, in some cases, as indeterminate. It is rare for the subsequent birth registration to list an infant's sex as indeterminate, as infants are typically recorded as either a female or male on their birth certificate.

The definition of sex in the existing [classification and related standard for sex](#) refers to 'sexual characteristics' without explaining what is meant by this. Initial birth records are one of the few exceptional instances where someone's sex characteristics would be the basis for determining their sex.

In summary, the current sex standard does not produce a clear question that people will answer consistently.

Proposed solution – improve clarity and specificity in question and concept

We propose introducing a more specific definition and question module based on ‘sex at birth’ for use in surveys, in accordance with the context specific guidance in this paper (see [figure 1, decision diagram- step-by-step guide to determining if and how to collect sex and gender data](#)):

Sex at birth refers to the sex recorded at a person’s birth (for example, recorded on their original birth certificate).

This is consistent with the approach adopted by Statistics Canada, where a definition and question based on sex at birth is used in their surveys (see [Sex of person](#)). However, based on stakeholder feedback, our proposal differs from the Canadian standard, with use of ‘recorded’ at birth, rather than ‘assigned’.

‘Sex’ as a broader concept may include a number of aspects including sex at birth, as well as others such as a person’s current or lived sex. This would be reflected in our changes to the current standards.

The sex at birth question is used solely in the context of the two-step approach, in those limited circumstances where identifying transgender and cisgender populations is required. Gender would be asked in all surveys by default, consistent with the gender by default principle proposed in this paper.

The proposed question example:

What was your sex at birth?
(For example, what was recorded on your original birth certificate)

- ☐ Male
- ☐ Female

Specifying ‘at birth’ clarifies the context for respondents when answering this question. This approach ensures responses will be correctly and more consistently understood.

Why we are not proposing further response options

The proposal of a sex at birth question with only male and female response options in the standard may appear to be a missed chance to make this question more inclusive. Response options we considered were ‘indeterminate’ and intersex, as well as a ‘prefer not to say’ option.

Collection of sex at birth as part of the two-step method clarifies the concept and question wording in a way that meets information needs for the transgender population. It does not simultaneously enable collection of data about the intersex population. This is because neither a sex at birth question alone, nor the two-step approach, can do this adequately. Additional guidance is required to outline the recommended approach for collecting information on the intersex population. This is covered in the section [Collection of intersex population data is complex](#).

The sex at birth question leads to a limited set of response options (that is, the options available for official birth records). A write in response field as part of the question on sex at birth will be considered for the final standard, to account for birth registrations which are neither male nor female. The markers available internationally vary from country to country, and it is possible that countries will increasingly move to enabling additional markers in future. A text response would enable some respondents to more accurately answer this question and would require further guidance on classification and reporting of data. We welcome feedback on this approach.

Although Stats NZ's 2018/2019 household economic survey (HES) and 2020 general social survey (GSS) included a question specifying 'sex recorded at birth', with 'indeterminate' listed as a response option alongside 'male', 'female', and 'prefer not to say', we are not recommending this in the updated standard.

Recent research and stakeholder feedback on the term 'indeterminate' and its context for use historically has informed the approach put forward in these proposals.

Using 'indeterminate' as a response option to a question on sex at birth (referring to sex recorded at birth) is not recommended in the standard for the following reasons:

- Being recorded as indeterminate at birth is very uncommon in New Zealand, and generally a temporary measure (Human Rights Commission, 2008). Guardians typically register their intersex child as either male or female. This means it would be very rare for someone whose birth was recorded as indeterminate to have been recorded indeterminate on their birth certificate too. Therefore, people born with variations of sex characteristics could answer a sex at birth question with either a male or female response option.
- There remains a significant concern about the conflation of the term 'indeterminate' with the term 'intersex', which can be considered unhelpful and offensive by some intersex people. This is discussed further in section [Collection of intersex population data is complex](#) below.
- No outstanding information needs were addressed by including indeterminate as a response option in the HES and the GSS (that is, it did not meet information needs for the intersex population – the term is not endorsed by advocacy groups as being representative of the intersex population).
- Historic use of this term in other contexts should not set the precedent for a new standard for New Zealand.

We recognise there are other collections in New Zealand where the term indeterminate is used (for example, when applying for a driver licence). Our guidance for surveys would include advice to respondents who have selected this option to answer to the 'sex at birth' question with the sex that was on their original birth certificate. Note that sex at birth would only be recommended as a question in the two-step approach. By following the proposed gender question guidance, someone who identifies as indeterminate could specify this term as their write-in in as a response next to the third 'another gender' category.

A 'prefer not to say' option would acknowledge the potential sensitivity of this question for some respondents. We are not recommending this in the updated standard because a judgement on this call will depend on the particular survey itself. Again, we welcome feedback on this approach.

Collection of intersex population data is complex

Developing guidance to better enable information needs to be met for the intersex population has been a key objective of this review from the outset.

Intersex is an umbrella term used to describe a wide range of variations in sex characteristics. Many intersex variations are not visible or detected at birth, and many people may not be aware they have an intersex variation until later in life, for example when trying to conceive. Some people may identify as intersex, while others may see their intersex variation more as part of their medical history, rather than their identity. There is no singular intersex experience. For these reasons, intersex organisations have stated that sex questions should not include intersex as a third sex category (see the regional [Australasian Darlington Statement](#) (2017) and the [Public statement by the third International Intersex Forum: The Malta Declaration](#) (2013). Data collected taking this approach are likely to be of poor quality.

Feedback we have so far received from intersex people and organisations has made it clear our proposed changes to the sex standard will not meet this objective. We are seeking additional guidance on this, through feedback, to ensure changes will meet the information needs.

Based on work done for 2018 Census, we decided against proposing intersex as a ‘third sex’ category in sex at birth question. Birth records in New Zealand do not use the category of intersex when infant’s birth is registered. Intersex people have a sex recorded at birth, as well as a gender/gender identity and expression (Bauer, Braimoh, Scheim, & Dharma, 2017).

Proposed solution – intersex variation question

Where intersex population data is required, international best practice is to use a separate question asking whether a person was born with an intersex variation (The GenIUSS Group, 2014; Bauer, 2017; Carpenter, 2019). This approach is endorsed by intersex advocacy organisations such as Intersex Trust Aotearoa New Zealand (ITANZ), Intersex Human Rights Australia (IHRA), and by research bodies such as the Williams Institute.

We propose adopting a question example as recommended to us by ITANZ as shown below:

Were you born with a variation of sex characteristics (otherwise known as an intersex variation)?

- ☐ Yes
- ☐ No
- ☐ Don’t know

Note: Many survey respondents may not understand what is meant by the term ‘intersex’. We therefore recommend including a description of what intersex means. We would also recommend guidance that includes a list of the most common variations where possible.

We acknowledge that further work with intersex organisations and other agencies collecting administrative data is needed to determine where would be the most useful place to implement an intersex variation question. Some collections may have specific need for data on people with intersex variations. We expect this is not relevant in most administrative data but may be useful in specific surveys, medical research, or for collection by organisations wanting to improve their inclusion of intersex people.

Step-by-step guidance for collecting sex and gender information

We offer this guidance for people and organisations planning to collect information about sex and gender.

There is a recognised need for best practice guidance for collection of gender, sex at birth and intersex information in different contexts. Our review of the sex and gender identity statistical standards brings both concepts together to provide cohesive guidance across both topics.

Use of questions and response options that are not fit for purpose can lead to poor quality data, and an unsatisfactory experience for people providing their information.

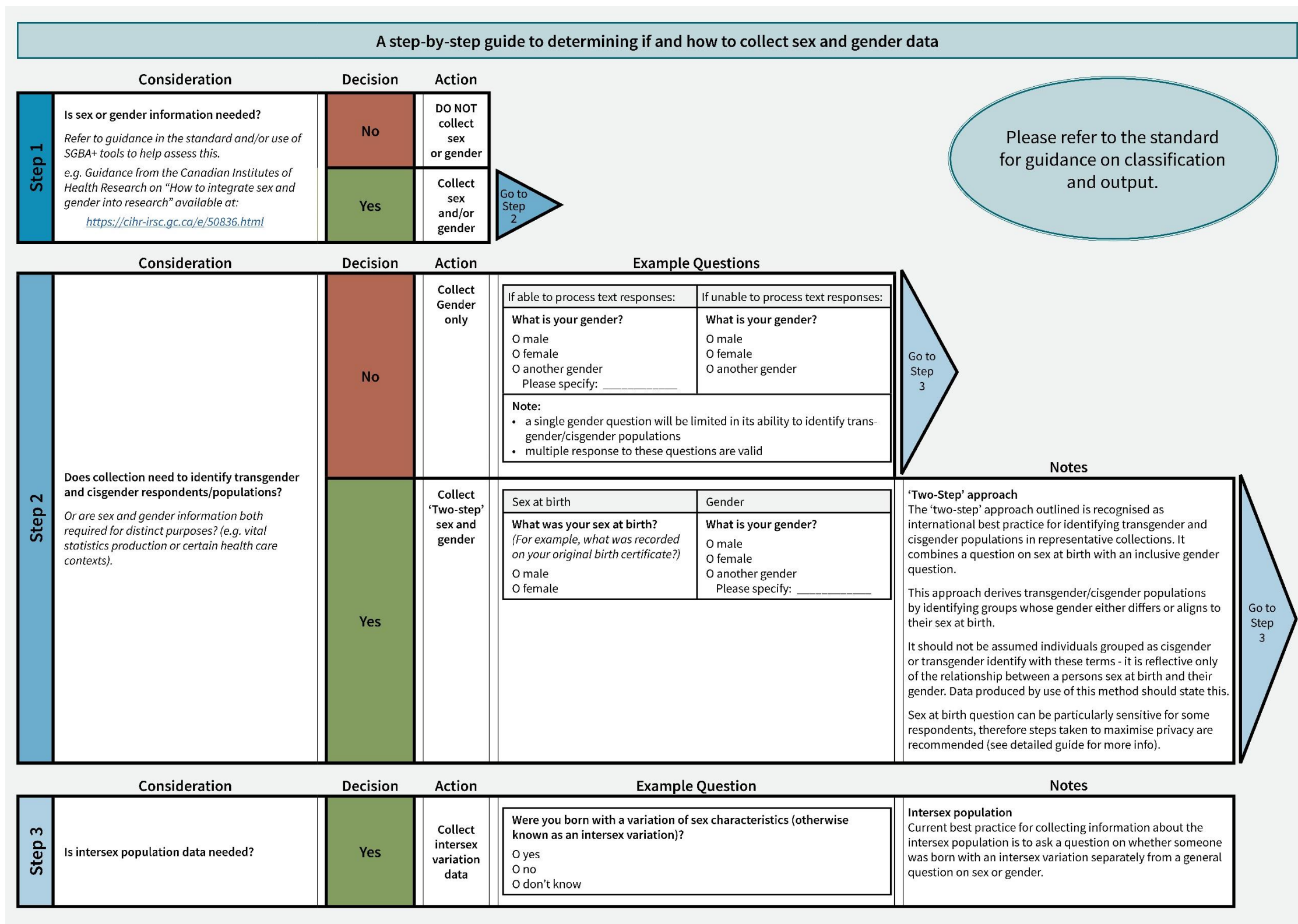
Many question examples have been proposed in this paper, each with different recommendations for use. What is key is which question/s to use in any particular context. Ultimately, this will be up to the user of the standard to decide but more guidance will be provided in the final standard.

Gender will likely be suitable for collection in most situations, while sex at birth (along with gender) may be needed in specific contexts where disaggregating data by cisgender and transgender populations is required.

Choosing the right question

Figure 1, the decision diagram, outlines a process survey-developers and other data collections can use to select an appropriate question on these topics, depending on the information need.

Figure 1. Decision diagram – step-by-step guide to determining if and how to collect sex and gender data



Glossary

This section provides the reader of this consultation paper with definitions for key terms used throughout.

Terms relating to sex and gender

We recognise that in some cases, no English-language terms can fully describe the meaning of genders specific to other languages or cultures.

cisgender – refers to a person whose gender is the same as the sex recorded at their birth.

gender – refers to a person's social and personal identity as male, female, or another gender such as non-binary. Gender may include the gender that a person internally feels ('gender identity'), and/or the gender a person publicly expresses ('gender expression') in their daily life. A person's current gender may differ from the sex recorded at their birth and may differ from what is indicated on their current legal documents. A person's gender may change over time. Some people may not identify with any gender.

gender expression – how someone expresses or presents elements of their gender externally (Human Rights Commission, 2008). This includes clothing, hairstyles, mannerisms, voice, and other behaviours. Someone's gender expression may not always reflect their gender identity.

gender identity – gender identity is an individual's internal sense of being wholly female, wholly male, or having aspects of female and/or male (Stats NZ, 2015). It is also defined as each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex recorded at birth (The Yogyakarta Principles, 2017).

Intersex – intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies (United Nations Human Rights Office, nd).

non-binary – a term to describe someone who does not identify exclusively as either a man or a woman. There are many different ways that people may be non-binary male or female.

sex at birth – refers to the sex recorded at a person's birth (for example, recorded on their original birth certificate).

sex characteristics – physical traits typically associated with males, females and people with intersex variations. These may be chromosomal, gonadal, anatomical or hormonal.

transgender – refers to a person whose gender is different from the sex recorded at their birth.

Terms related to standards and classifications

classification – a statistical classification is a way to group a set of related categories in a meaningful, systematic, and standard format. The statistical classification is usually exhaustive, has mutually exclusive and well-described categories, and has either a hierarchical or a flat structure. A statistical classification usually contains codes and descriptors.

codefile – a comprehensive list of probable survey responses and the classification categories to which they are coded. A codefile can be used to code responses for data analysis. For example, the

codefile for gender may list variations of genders, and popular and similar terms used by the population. This includes abbreviations, slang, and some common misspellings.

The codes listed may be superseded in the future by new terms. We review codefiles periodically, to keep them up to date.

data system – refers to people and organisations that collect and use data. See [NZ Government data system map](#) as an example.

statistical standard – provides a comprehensive set of guidelines for surveys and administrative sources collecting information on a particular topic. See [What are classifications and standards](#) for further information on statistical standards.

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Appendix 1: Collecting sex and gender – international scan

The Bureau of the Conference of European Statisticians carried out an in-depth review of measuring gender identity in February 2019. The review examined different approaches to statistical measurement of gender identity to date, including the context and rationale, identifies issues and challenges, and provides some recommendations for the way forward. We recommend reviewing the document in its entirety. See [Measurement of gender identity](#) for the PDF of the full document : *In-depth review of measurement of gender identity*.

See summary of how four national statistics offices collect sex and gender data:

- [Australia \(Australian Bureau of Statistics\)](#)
- [Canada \(Statistics Canada\)](#)
- [New Zealand \(Stats NZ\)](#)
- [United Kingdom \(Office for National Statistics – ONS\)](#)

Australia (Australian Bureau of Statistics)

Gender – definition

Nominal: The way in which a person identifies their masculine or feminine characteristics. A person's gender relates to their deeply held internal and individual sense of gender and is not always exclusively male or female. It may or may not correspond to their sex assigned at birth.

Operational: The distinction between male, female, and genders which are a combination of male and female, or neither male nor female, as reported by a respondent.

Gender – classification

1 M Male

Adults who identify themselves as men, and children who identify themselves as boys.

2 F Female

Adults who identify themselves as women, and children who identify themselves as girls.

3 X Other

Adults and children who identify as non-binary, gender diverse, or with descriptors other than man/boy or woman/girl.

Gender – question and response format

What is your gender? Please [tick/mark/select] one box.

- ☐ Male
- ☐ Female
- ☐ Other, please specify _____

Sex –definition

Nominal definition: The term 'sex' refers to a person's biological characteristics. A person's sex is usually described as being either male or female. Some people may have both male and female characteristics, or neither male nor female characteristics, or other sexual characteristics.

Sex is assigned at birth and is relatively fixed. However, a person's sex may change during their lifetime as a result of procedures commonly referred to as sex change, gender reassignment, gender

affirmation, transsexual surgery, transgender reassignment or sexual reassignment. Throughout this process, which may be over a considerable period of time, sex may be recorded as either male, female or other.

Operational definition: Operationally, sex is the distinction between male, female, and others who do not have biological characteristics typically associated with either the male or female sex, as reported by a respondent.

Sex – classification

1 M Male

Persons who have male or predominantly masculine biological characteristics, or male sex assigned at birth.

2 F Female

Persons who have female or predominantly feminine biological characteristics, or female sex assigned at birth.

3 X Other

Persons who have mixed or non-binary biological characteristics (if known), or a non-binary sex assigned at birth.

Sex – question and response format

What is your sex? Please [tick/mark/select] one box.

- ☐ Male
- ☐ Female
- ☐ Other, please specify _____

Canada (Statistics Canada)

Gender – definition

Refers to the gender that a person internally feels ('gender identity' along the gender spectrum) and/or the gender a person publicly expresses ('gender expression') in their daily life, including at work, while shopping or accessing other services, in their housing environment or in the broader community. A person's current gender may differ from the sex a person was assigned at birth (male or female) and may differ from what is indicated on their current legal document. A person's gender may change over time.

Gender – classification

M Male gender

F Female gender

D Gender diverse

Gender – question and response format

What is this person's gender?

Refers to current gender which may be different from sex assigned at birth and may be different from what is indicated on legal documents.

- ☐ Male
- ☐ Female

Or please specify your gender _____

Sex –definition

Refers to sex assigned at birth. Sex is typically assigned on a person's reproductive system and other physical characteristics.

Sex – classification

M Male

F Female

Where admin data is supplied a classification variant with 3 categories may be used:

Male

Female

Intersex

Sex – question and response format

What was this person's sex at birth?

Sex refers to sex assigned at birth.

- ☐ Male
- ☐ Female

New Zealand (Stats NZ – statistical standards)

Gender – definition

An individual's internal state of being wholly female, wholly male, or having aspects of female and/or male.

Gender is the social and cultural construction based on expectations of what it means to be a man and/or woman, including roles, expectations, and behaviour.

Gender – classification

1 Male

11 Male / Tāne

2 Female

21 Female / Wahine

3 Gender diverse

30 Gender diverse nfd

31 Transgender male to female

32 Transgender female to male

39 Gender diverse

Gender – question and response format

What gender do you identify as?

- ☐ Male
- ☐ Female
- ☐ Gender diverse, please state:.....

Sex –definition

The distinction between males and females based on the biological differences in sexual characteristics.

Sex – classification

- 1 Male
- 2 Female

In very rare cases a classification for indeterminate sex may be required:

- 1 Male
- 2 Female
- 3 Indeterminate

Sex – question and response format

Self-complete



United Kingdom (Office for National Statistics – ONS)

Gender – definition

The UK government defines gender as:

A social construction relating to behaviours and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth.

Where an individual may see themselves as a man, a woman, as having no gender, or as having a non-binary gender – where people identify as somewhere on a spectrum between man and woman.

Gender – question and response format

Proposed question on gender for the 2019 Rehearsal for the Census:

Is your gender the same as the sex you were registered at birth?

Response options:

- Yes
- No, write in gender

Note: This question is voluntary.

Sex –definition

The UK government defines sex as:

- referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions
- generally male or female
- something that is assigned at birth.

Sex – question and response format

Proposed question on sex for the 2019 Rehearsal for the Census

Question: What is your sex?

Response options:

Female

Male

Note: A question about gender will follow if you are aged 16 or over

Appendix 2: Summary of existing Stats NZ practices

Standard for sex

The [statistical standard for sex](#) currently provides the basis for collection of sex data at Stats NZ. Also see the [Sex - New Zealand Standard Classification](#). It was last reviewed in 2012.

The approach in the current standard is for two categories of sex – male and female. The definition of sex used is “the distinction between males and females based on the biological differences in sexual characteristics”. Note that concerns about this definition are highlighted below.

There is also provision made for ‘indeterminate sex’ to be collected in very limited cases, such as administrative collections dealing with perinatal data. This term is not intended for use in general surveys, however it is sometimes incorrectly perceived to be an acceptable ‘third’ category.

As a core demographic variable, sex is widely collected across Stats NZ surveys. For the most part, this is done in line with the standard. For example, the 2018 census question on sex asked:

Are you?
☐ Male
☐ Female

Gender identity standard and household survey questions

The Stats NZ [statistical standard for gender identity](#) (2015) established a conceptual definition for gender identity. It introduced the term “gender diverse” within a new statistical classification of gender identity, alongside question examples and guidance on data collection/analysis.

The 2015 standard defines ‘gender identity’ as “an individual’s sense of being wholly female, wholly male, or having aspects of female and/or male”.

‘Gender diverse’ is defined as “having a gender identity or gender expression that differs from a given society’s dominant gender roles”.

There are mandatory question requirements specified in the standard, requiring that a question:

- be suitable for self-completion
- cater for all gender identities. Be all-inclusive – allowing for the capture of male, female and gender diverse information as a minimum
- elicit a single response as a minimum. Multiple responses are acceptable.

There are question examples, but the prevailing advice is that any question should follow the above criteria. A write-in facility is currently stated as the preferred option for any question on gender identity, rather than closed tick boxes.

The [statistical classification of gender identity](#) includes three general categories: male, female, and gender diverse. Further categories under gender diverse are as follows:

- Gender diverse not further defined – this contains non-specific responses such as ‘trans’ or ‘transgender’.
- Transgender male to female.
- Transgender female to male.

- Gender diverse not elsewhere classified – this is a catch-all category, containing responses such as “no gender”, “non-binary” and “takatāpui”.

The statistical standard for gender identity has been adopted to varying degrees in administrative collections, including other primary health care patient enrolment forms, employee databases and student enrolment forms. One example of a primary health care patient enrolment form is shown below:

Gender* _____ ☐ Male ☐ Female ☐ Gender diverse (please state) _____

In 2019, Stats NZ introduced the collection of gender in the household economic survey (HES). The HES introduced the ‘two-step’ method to collect information on sex at birth and gender. These questions are administered via self-complete mode, among other demographic questions.

The first step is as follows:

At birth, what was your sex recorded as?

- ☐ Male
- ☐ Female
- ☐ Indeterminate
- ☐ Prefer not to say

The second step asks about gender:

What is your gender?

Gender is a person’s internal, deeply felt sense of being male, female, something other, or in-between.

- ☐ Male
- ☐ Female
- ☐ A gender not listed here – please describe if comfortable.....

This question regime is being introduced by other social surveys, with the General Social Survey (GSS) next in the field.

Appendix 3: Sex and gender identity statistical standards: Submission form

Copy of submission form, which you can complete if you can't access the [Sex and gender identity statistical standards: Submission form](#), available online.

Submission guide

Thank you for taking the time to fill in our submission form.

Please read the consultation paper outlining the proposed changes to the statistical standards and then let us know to what extent you agree or disagree with these. We encourage you to further explain the reason for your rating using the free text field – This will allow us to gain further insight about what you like about the proposed changes, and what could be improved.

Please complete your submission form by 5pm Thursday 13 August 2020.

If you prefer you can send your thoughts to us by email to identity@stats.govt.nz.

Privacy statement

We will collect personal information from you, including your contact information and any information you supply in your submission. This information helps build a better understanding of New Zealanders' views on proposals for change to the statistical standards for sex and gender identity. We will analyse the information to understand the views of different groups and the range of people we have reached.

We keep your personal information secure by protecting it from outside sources, making regular back-ups of our data and using the best security systems.

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it's wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at identity@stats.govt.nz.

A findings paper summarising the submissions we receive will be published on our website www.stats.govt.nz. We intend to use direct quotes from submissions to illustrate our findings. We do not intend to identify or name individuals through use of direct quotes but may name groups in our findings.

Stats NZ may be asked to release submissions under the Official Information Act 1982. This Act has provisions to protect sensitive information given in confidence, but Stats NZ can't guarantee the information can be withheld, particularly from groups or organisations. If you don't want information contained in your submission to be released, you need to tell us which information should be withheld and explain why. For example, you might want some information to remain confidential because it's personal.

<https://www.stats.govt.nz/help-with-surveys/privacy-security-and-confidentiality-of-survey-data/> has more information about your privacy.

Contact details

1. Name of person or group this submission is from: _____
2. This submission is made:
 - ☐ by an individual
 - ☐ on behalf of a group
 - ☐ on behalf of a business or organisation
 - ☐ on behalf of a government organisation
 - ☐ other: _____
3. Where do you usually live? (for organisations – where are you based?)
 - ☐ New Zealand
 - ☐ Overseas
4. Contact email: _____
5. Contact phone number: _____
6. Are you happy for us to contact you?
 - ☐ Yes
 - ☐ No

7. Gender by default principle

We propose that the 'gender by default' principle is adopted in the updated standard. This is an approach that defaults to the use of gender data as opposed to sex at birth. Collection of sex at birth information should be viewed as an exception.

In most cases a person's gender – their social and personal identity – is most relevant for policy making and research rather than their sex at birth. Gender based analysis is used in a range of areas, from income equality to health and education. Recent guidance has recommended that in most cases when sex or gender information is required, gender is most relevant to collect.

For details see [Proposed solution – 'gender by default' principle](#).

To what extent do you agree or disagree with the gender by default principle in the proposed standard?

- a. Strongly agree
- b. Agree
- c. Neutral
- d. Disagree
- e. Strongly disagree

8. Please explain the reason for your rating: _____

9. 'Gender' concept definition

We propose the following gender definition:

'Gender refers to a person's social and personal identity as male, female, or another gender such as non-binary. Gender may include how a person describes themselves ('gender identity'), and/or the

gender a person publicly expresses ('gender expression') in their daily life. A person's current gender may differ from the sex recorded at their birth and may differ from what is indicated on their current legal documents. A person's gender may change over time. Some people may not identify with any gender.'

For details see [Proposed solution – an overarching concept of 'gender'](#).

To what extent do you agree or disagree with the proposed definition for gender?

- a. Strongly agree
- b. Agree
- c. Neutral
- d. Disagree
- e. Strongly disagree

10. Please explain the reason for your rating: _____

11. Another gender

We propose 'another gender' as the category for classifying responses as opposed to 'gender diverse'. This both renames that classification (which is currently known as 'gender diverse') and limits it to those who specify their gender as 'another gender'.

In the New Zealand context, the term 'gender diverse' is often used and understood as an umbrella term, similar to the terms trans or transgender. However, some trans people may not use the term and not all gender diverse people may identify as trans (Oliphant, 2018).

This consistent approach also avoids ascribing an umbrella term that may not be a good fit for some respondents. It will also more clearly indicate that data reported in this third 'another gender' category does not represent all transgender people (as many will have selected male or female responses) and avoid the confusion created under the current 'gender diverse' classification.

For details see: [Proposed solution – 'another gender' in gender question](#).

To what extent do you agree or disagree with the use of 'Another gender' in the standard?

- a. Strongly agree
- b. Agree
- c. Neutral
- d. Disagree
- e. Strongly disagree

12. Please explain the reason for your rating: _____

13. Two-step method

We propose use of the two-step method in the updated standard.

This involves asking a question about sex at birth, combined with a question on gender. The two-step approach is considered best practice for use in population representative data collections, where reflecting the transgender population is required. It is also the approach implemented by Statistics Canada in some of their surveys.

For details see [Proposed solution – two-step method for identifying transgender and cisgender populations](#).

To what extent to you agree or disagree with use of the two-step method in the standard?

1. Strongly agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

14. Please explain the reason for your rating: _____

15. 'Sex at birth' concept definition

We propose introducing a specific definition and question module based on 'sex at birth' for use in surveys, used solely in the two-step method (where identifying transgender populations is required).

Sex at birth refers to the sex recorded at a person's birth (e.g. recorded on their original birth certificate).

For details see [Ambiguity in the current sex standard](#).

To what extent do you agree or disagree with use of the sex at birth concept in the standard?

- a. Strongly agree
- b. Agree
- c. Neutral
- d. Disagree
- e. Strongly disagree

16. Please explain the reason for your rating: _____

17. Intersex information needs

We propose adoption of an intersex variation question where intersex population data is required.

Where intersex population data is required, international best practice is to use a separate question asking whether a person was born with an intersex variation.

For details see [Collection of intersex population data is complex](#).

To what extent do you agree or disagree that this approach will meet information needs for the intersex population?

1. Strongly agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

18. Please explain the reason for your rating: _____

19. Further information you would like to share

Is there any other information you would like to share to assist us in the review of these standards?
