

17 May 2021

Jan Rivers

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Dear Jan,

### Official Information Act request

Thank you for your Official Information Act request on 23 April 2021. We hope the information included here will provide some useful clarification.

*Please can you explain what it means to say that a person's sex has change over the course of their lifetime and whether it is the chromosomes, hormones, and reproductive organs which have caused the change in sex. Please can you advise the research sources that have been used to support this statement.*

Relevant section from the standard:

*'Sex is based on a person's sex characteristics, such as their chromosomes, hormones, and reproductive organs. While typically based upon the sex characteristics observed and recorded at birth or infancy, a person's sex can change over the course of their lifetime and may differ from their sex recorded at birth.'*

The description in the standard addresses how some people's sex characteristics may change over time. For example, this may be the case for transgender people who have undergone gender-affirming treatment. This description is consistent with the previous statistical standard for sex, which stated:

*"In responding to a question on sex, most people are able to classify themselves as either male or female. A person who has undergone sex reassignment should be classified to that sex. A person who was of indeterminate sex and who has undergone sex assignment should be classified to that sex. Someone who is currently undergoing such procedures and living as the sex that they are taking steps towards would be classified as that sex."*

This definition is also consistent with the sex definition used by the Australian Bureau of Statistics.

*Please can you advise the risk assessment that has been undertaken to support the following changes:*

*The change of the meaning of gender to a meaning which incorporates self-identified gender identity - when gender has a specific meaning in international treaties such as CEDAW.*

*The decision to collect self-identified gender by default in areas where the collection of sex information is mandated by the legislation such as in equal pay agreements.*

*The decision to allow for the collection of data by gender which is self-identified gender identity when gender self-identification is not supported by legislation.*

Statistical standards provide guidance to any agency or organisation on how best to collect and report data on a multitude of topics in many different contexts.

We review our statistical standards on a regular basis and update them to advise on evolving language. Data collected using the updated gender concept will be suitable for reporting purposes, including those required by CEDAW.

Sex data collected to date has often not specified whether sex or gender is being asked, and as with most demographic details given by respondents about themselves, there is an assumed level of self-identification. Clarifying the collection of gender will improve the consistency of the data collected.

For most people, sex and gender information is the same – so the impact at the point of collection for these people is minimal. Collection of gender will respect the right for transgender people to identify as they have chosen, and allow for those who have genders that are not male or female to be represented. Because gender and sex are the same for most people, this also means the impact on data is very small. Stats NZ will be collecting both gender and sex at birth data (the two-step approach) in household surveys and the 2023 Census. This allows us to assess the impact of conceptual changes.

Many New Zealand government agencies already collect gender to meet their own needs. The gender by default principle aims to increase consistency across the system where data on sex and/or gender is used. A consistent approach to collection will increase comparability and the possibility of data integration for the system.

More information:

The Ministry for Women website contains New Zealand's CEDAW reports:  
<https://women.govt.nz/about/international/cedaw-reports>

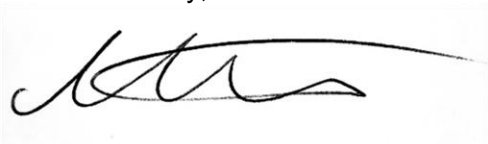
And the 'bringing gender in' tool outlines the relevance of gender data in areas such as pay equity [https://women.govt.nz/gender-tool/policy-issue#section\\_1](https://women.govt.nz/gender-tool/policy-issue#section_1)

The government guidance on how to measure organisational gender pay gaps can be found here <https://ssc.govt.nz/assets/SSC-Site-Assets/Workforce-and-Talent-Management/Organisational-gender-pay-gaps-Measurement-and-analysis-guidelines.pdf>

You have the right, by way of complaint to the Office of the Ombudsman under section 28(3) of the Act, to seek an investigation and review of this response to your request.

Stats NZ intends to publish its response to your request made under the Act on the Stats NZ website. This letter, with your personal details removed, will be published in its entirety. Consistent with the Act, publishing responses increases the availability of information to the public and helps promote balanced public debate.

Yours sincerely,



Matt Phimmavanh  
**Senior Advisor – Office of the Government Statistician and Chief Executive  
Kaitohutohu Matua – Tari Kaimātai Taunga Matua Me Te Tumu Whakahaere  
Stats NZ Tatauranga Aotearoa**