STATUTORY INSTRUMENTS

2026 No. 173

GENDER RECOGNITION, ENGLAND

The Gender Recognition (Disclosure of Information) (England) Order 2026

Made - - - -	*25th February 2026*
Laid before Parliament	*26th February 2026*
Coming into force - -	*20th March 2026*

The Secretary of State makes this Order in exercise of the powers conferred by sections 22(5) and (7) and 24(1) of the Gender Recognition Act 2004(**a**).

Citation, commencement, expiry, extent and application

1.—(1) This Order may be cited as the Gender Recognition (Disclosure of Information) (England) Order 2026 and shall come into force on 20th March 2026.

(2) This Order ceases to have effect at the end of 20th March 2029.

(3) This Order—

(a) extends to England and Wales, and

(b) applies in relation to England only.

Disclosure for the purposes of the data linkage study

2.—(1) It is not an offence under section 22(1) of the Gender Recognition Act 2004 for an authorised person to disclose protected information to another authorised person where the disclosure is—

(a) made by and to an authorised person in England, and

(b) for the purposes of facilitating, assisting with or undertaking the data linkage study.

(2) In this article—

(a) an "authorised person" is a person employed by or authorised in writing to act on behalf of a body listed in the Schedule;

(b) "GIDS" means Gender Identity Development Service formerly operated by the Tavistock and Portman NHS Foundation Trust(**b**);

(**a**) 2004 c. 7; section 22(2)(a) was amended by the Marriage (Same Sex Couples) Act 2013 (c. 30), Schedule 5, paragraph 13, and the Civil Partnership Act 2004 (c. 33), section 250(5)(c).

(**b**) Authorised as an NHS Foundation Trust on 1st November 2006 pursuant to section 35 of the National Health Service Act 2006 (c. 41) ("the 2006 Act"). The NHS provider directory showing details of Foundation Trusts can be found at https://www.england.nhs.uk/publication/nhs-provider-directory.

(c) "data linkage study" means the observational study, originally commissioned for the purposes of the independent review into gender identity services for children and young people(**a**). The study links and analyses GIDS data, adult gender clinic data, and other nationally available healthcare data, in relation to any individual who was—

(i) referred to the GIDS, and

(ii) below the age of 18 at the time of their referral.

Revocation and savings

3.—(1) The Gender Recognition (Disclosure of Information) (England) Order 2022 ("the 2022 Order")(**b**) is revoked.

(2) Despite the revocation in paragraph (1) the 2022 Order continues to have effect in relation to a person who disclosed information in accordance with that Order.

Wes Streeting
Secretary of State
Department of Health and Social Care

25th February 2026

(**a**) The final report is available at the following web-link: https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report. A copy can be obtained by writing to NHS England, PO Box 16738, Redditch, B97 9PT.

(**b**) S.I. 2022/742.

SCHEDULE

Article 2(2)

Authorised persons

Chelsea and Westminster Hospital National Health Service Foundation Trust(**a**)
Cumbria, Northumberland, Tyne and Wear National Health Service Foundation Trust(**b**)
Devon Partnership National Health Service Trust(**c**)
GTD Healthcare Limited(**d**)
LGBT Foundation Ltd(**e**)
NHS England(**f**)
Leeds and York Partnership National Health Service Foundation Trust(**g**)
Leeds Teaching Hospitals National Health Service Trust(**h**)
Mersey Care National Health Service Foundation Trust(**i**)
Northamptonshire Healthcare National Health Service Foundation Trust(**j**)
Nottinghamshire Healthcare National Health Service Foundation Trust(**k**)
Sheffield Health Partnership University National Health Service Foundation Trust(**l**)
Tavistock and Portman National Health Service Foundation Trust(**m**)
University College London Hospitals National Health Service Foundation Trust(**n**)
The Department of Health and Social Care

(**a**) Authorised as an NHS Foundation Trust on 1st May 2007 pursuant to section 35 of the 2006 Act.
(**b**) Authorised as an NHS Foundation Trust on 1st December 2009 pursuant to section 35 of the 2006 Act.
(**c**) The Devon Partnership National Health Service Trust was established by S.I. 2001/1230 as amended by S.I. 2002/731.
(**d**) GTD Healthcare Limited is a company registered in England and Wales (registration number 12293359). It is commissioned by NHS England to provide NHS adult gender services, delivered in partnership with the LGBT foundation through Indigo Gender Services.
(**e**) LGBT Foundation Ltd is a charity registered (registration number 1070904) and a company registered (registration number 03476576) in England and Wales.
(**f**) NHS England (formerly known as the National Health Service Commissioning Board) was established by section 1H of the 2006 Act. Section 1H was inserted into the National Health Service Act 2006 by section 9(1) of the Health and Social Care Act 2012 (c. 7). The National Health Service Commissioning Board was renamed "NHS England" by section 1 of the Health and Care Act 2022 (c. 31).
(**g**) Authorised as an NHS Foundation Trust on 1st August 2007 pursuant to section 35 of the 2006 Act.
(**h**) The Leeds Teaching Hospitals National Health Service Trust was established by S.I. 1998/837.
(**i**) Authorised as an NHS Foundation Trust on 1st May 2016 pursuant to section 35 of the 2006 Act.
(**j**) Authorised as an NHS Foundation Trust on 1st May 2009 pursuant to section 35 of the 2006 Act.
(**k**) Authorised as an NHS Foundation Trust on 1st March 2015 pursuant to section 35 of the 2006 Act.
(**l**) Sheffield Health and Social Care National Health Service Foundation Trust was authorised as an NHS Foundation Trust on 1st July 2008 pursuant to section 35 of the 2006 Act. It changed its name to the Sheffield Health Partnership University National Health Service Foundation Trust on 25th September 2025.
(**m**) Authorised as an NHS Foundation Trust on 1st November 2006 pursuant to section 35 of the 2006 Act.
(**n**) Authorised as an NHS Foundation Trust on 1st July 2004 pursuant to section 35 of the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 22 of the Gender Recognition Act 2004 ("the Act") provides that it is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person. This Order prescribes circumstances where disclosure of protected information will not amount to an offence under the Act.

Section 22(2) of the Act defines protected information as information relating to a person who has applied for a gender recognition certificate under the Act, and which concerns that application (or a subsequent application by them), or their gender prior to being granted a full gender recognition certificate. Section 22(4) sets out certain circumstances where disclosure of protected information does not constitute an offence.

This Order provides for an additional circumstance where the disclosure of protected information does not constitute an offence. Article 2(1) provides that this is where protected information is disclosed between authorised persons for the purposes of facilitating, assisting or undertaking research for the purposes of the data linkage study. To benefit from the exception, both the authorised person disclosing the information and the authorised person receiving it must be in England when the disclosure is made. Article 2(2) provides the definitions of authorised person, GIDS and the data linkage study.

Article 3 revokes the Gender Recognition (Disclosure of Information) (England) Order 2022.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum for this instrument has been published alongside this Order at legislation.gov.uk.

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