Sex & Gender Identity Protection Ordinance

Councilmembers Shontel M. Lewis and Stacie Gilmore

Agenda

- Why is the Ordinance Needed?
- What Does the Ordinance Do?
- Key Provisions
- Community Support
- Timeline

Why is the Ordinance Needed?

- Brought by Denver community leaders to address an increase in regressive and biased policies across the country.

What Does the Ordinance Do?

- Reduces unnecessary sex and/or gender documentation and record keeping;
- Prevents City resources from being weaponized against trans and gender expansive people; and
- Prohibits the City and County from sharing information that would advance investigations which target trans and gender expansive people.

Ordinance Overview

- Applies to voluntary collection and disclosure of an individual's actual or perceived sex, sexual orientation, gender identity, or gender expression data.
- Collection and disclosure of this data that is required by federal, state, or city law or necessary to effectuate an important city interest is exempted from these requirements.

Provisions: Reducing Unnecessary Documentation and Record Keeping

a) No department, agency, board, commission, officer, employee or contactor of the city shall require the collection of or disseminate personal information regarding an individual's actual or perceived sex, sexual orientation, gender identity, or gender expression unless required by federal, state, or city law or regulation or unless necessary to effectuate an important city interest.

b) If data is required to be collected, the information shall only be retained for 30 days unless needed to comply with the federal, state, or city law or regulation or to effectuate an important city interest. Thereafter, any non-excluded information related to the data must be permanently destroyed from any city records.

Provisions: Preventing Weaponization of City Resources

c) The city shall not use any city funds or resources to assist another government with collection of this data, nor will it assist in any effort of another government to disclose this information or discriminate against any person based on their actual or perceived sex, sexual orientation, gender identity, or gender expression unless required by federal, state, or city law or regulation, or unless necessary to effectuate an important city interest.

d) The city shall not enter into any contractual agreement that would commit or require any city officer, employee, or contractor to directly or indirectly assist in the collection of an individual's data unless it is necessary to effectuate services and serves an important city interest.

Provisions: Limiting Involvement with Outside Entities

e) The city shall not use any funds, resources, or its law enforcement personnel to assist another law enforcement agency in any attempt to stop, detain, question, search, interrogate, surveil, identify, or investigate individuals based solely upon an individual's actual or perceived sex, sexual orientation, gender identity, or gender expression.

f) No city agency shall share its program applications, intake information, census databases or technology use agreements with any other law enforcement agency unless required by state law, federal law, or city law or regulation, or unless necessary to effectuate an important city interest.

Provisions: Implementation

g) This ordinance does not preclude City of Denver agencies from internally sharing data that they maintain with other City of Denver agencies.

h) Heads of City of Denver agencies can implement policies consistent with this section.

Community Support

"There is a very real risk for trans people, who have found safety in Colorado as well as our vibrant trans led activist community, to face investigation and even criminal charges simply for being who they are."

– Ashley (she/her), attorney

"My family moved here to support our Two Spirit child because they could not get the services we needed in Oklahoma. We would feel less afraid to do things with the programs we need if we knew that we had these protections."

– Ione (she/her)

"I moved to Denver from Florida. I gave up everything and everyone I knew to start a life somewhere safe. This is a simple fix that would help make know I belong in Denver."

– Siren (they/them), new Denver refugee

Endorsed by

- Belong Church
- Bread and Roses
- Colorado LGBT Bar Association
- CWA 7799
- Del Pueblo Law
- Harm Reduction Action Center
- Juniper Formation United Church of Christ
- Lawyers for Good Government
- Lambda Legal
- Movimiento Poder
- One Colorado
- Reverend Katie Okajaie
- Trans Rescue Network

Timeline

- Stakeholder Engagement: Briefed and received feedback from 15 agencies, the Denver LGBTQ+ Commission, and the Mayor's Office.
- Budget & Policy Committee: Monday, Sept. 14
- Health & Safety Committee: Wednesday, Sept. 16
- First City Council Reading: Monday, Sept. 28
- Second City Council Reading: Monday, Oct. 5

Questions?