FSU
Free Speech Union

The Free Speech Union
85 Great Portland St.
London W1W 7LT

FreeSpeechUnion.org

Sir Keir Starmer
House of Commons
London
SW1A 0AA

23rd July 2021

Dear Sir Keir,

I'm writing to you in my capacity as General Secretary of the Free Speech Union, a non-partisan, mass-membership public interest body that stands up for the speech rights of its members and campaigns for free speech more widely. I'm writing on behalf of one of our members – Ms Rebekah Wershbale.

Ms Wershbale has discovered that her name and photograph are being used in a presentation on 'Tackling Transphobia' that has been put together by Momentum, the Labour Campaign for Trans Rights, The World Transformed, and the Labour Party LGBT+ Network. The presentation includes a slide of our member wearing a t-shirt that says 'Woman: adult human female' and describes this slogan, which is how the *Oxford Dictionary of English* defines a woman, as a 'transphobic dogwhistle'. The clear implication is that Ms Wershdale, who is described as having a 'history of transphobic behaviour', is a transphobe and a bigot.

Ms Wershbale discovered that her name and photograph is being used in this way after submitting a Subject Access Request to the creator of the course material, who is the Secretary of the Wallasey Constituency Labour Party. It appears that this training course is being widely used by Labour Party officials across the country as a way of educating the Party's staff and members about 'transphobia'.

As I'm sure you are aware, the Employment Appeals Tribunal recently ruled that gender critical beliefs – such as the belief that women should be defined as adult human females – are worthy of respect in a democratic society and, as such, are protected philosophical beliefs under the Equality Act 2010. The description of Ms Wershbale's gender critical beliefs as 'transphobic' by a Labour Party official document is false and defamatory. It also sends a clear message to other women that if they believe in sex-based women's rights they are not welcome in the Labour Party.

A further consideration is that the photograph of Ms Wershbale and the accompanying account of her alleged beliefs, which constitute special category personal data under the GDPR, have been used without her consent, thereby breaching her right to privacy.

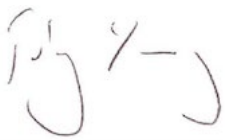
The creator of the course materials was indifferent to Ms Wershbale's data privacy rights, demanding that she not share the slides, including this photograph of herself, because it belongs to 'myself and others'. She told our member that the material 'must not be copied, distributed, modified, reproduced, transmitted, published (including published on the Internet or an intranet), or otherwise made available in whole or in

part without the prior written consent of the copyright holder'. We do not believe the creator of the slides holds the copyright to this image, and reject any assertion that a claim to copyright voids Ms Wershbale's data privacy rights.

Could I therefore ask you to remove Ms Wershbale's name and photograph from the training materials, apologise to her, assure her that she her name and photograph won't be used again in this way and investigate how she came to be wrongly accused of 'transphobic behaviour' in official Labour Party training materials simply because she wore a t-shirt saying 'Woman: adult human female'? We would also welcome some clarity as to whether the Labour Party considers the view that women are adult human females to be 'transphobic' and whether women holding this view, as well as other gender critical beliefs, are still welcome in the party.

Should Ms Wershbale wish to make a complaint about this to the ICO, or bring a claim against the Labour Party, we stand ready to assist her.

Yours sincerely,



Toby Young
General Secretary
The Free Speech Union
toby@freespeechunion.org

cc: Anneliese Dodds, Labour Party Chair