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EEOC Submits Request to Eliminate Optional Disclosure of Non-Binary Data for EEO-1 Reporting

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On April 15, 2025, in response to [*Executive Order 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*](#), the EEOC filed an Information Collection Request (ICR) with OMB requesting what it classified as a non-substantive change to remove the option for employers to voluntarily report non-binary data for those in their workforce.

In past years, the [EEO-1 reporting](#) instructions allowed respondents to provide non-binary data in a narrative form in the comment box of the report. EEOC believes this voluntary option must be removed to comply with Executive Order 14168.

The data collection for 2024 has not yet opened but this may be an indication the Agency is preparing to do so at some point in the near future. Additionally, the ICR is not seeking any changes beyond the current data collection approval period which runs through 2026.

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