| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0346  Responded to: 11 March 2025 |
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Your recent request for information is replicated below, together with our response. Please accept my apologies for the delay in responding.

## I read in several recent newspapers that a decision was made to euthanise PD Zara due to the cost of veterinary care.

## Under FOI Legislation, I would like to know the name and rank of the Officer who authorised this decision to be made?

In terms of section 16 of the Freedom of Information (Scotland) Act 2002 (the Act), I am refusing to provide you with the above requested information.

Section 16 of the Act requires Police Scotland, when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemptions that I consider to be applicable are detailed below:

The exemption that I consider to be applicable to the above requested information is as follows:

**Section 39 (1) – Health, safety and the environment**

Section 39(1) of FOISA states that information is exempt information if its disclosure under FOISA would, or would be likely to, endanger the physical or mental health or the safety of an individual.

This is a non-absolute exemption and requires the application of the public interest test.

**Public Interest Test**

Public awareness and accountability would favour disclosure as it would contribute to the public debate surrounding this matter.

That said, there is no public interest in disclosing information which is likely to have an adverse impact upon officer safety.

Section 39(1) does not contain the usual harm test. Instead of the "substantial prejudice" test found in many other harm-based exemptions in FOISA, this exemption refers to the "endangerment" of health or safety. This test is less demanding than the "substantial prejudice" test.

The phrase "endanger" is broad enough to apply where there is a threat, direct or indirect, to the safety of a person. Since the exemption does not specify that any threat should be imminent before it applies, the threat may be either immediate, or one which would foreseeably arise in the future.

In this instance disclosure would trigger further negative (and potentially hateful) public comment, with consequent psychological harm to the individuals involved in the decision making process.

In this instance I consider that the decision must fall in favour of safeguarding the health and safety of our officers.

Accordingly, on balance, the public interest in disclosing the information requested is outweighed by that in maintaining the exemption detailed above.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.