| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0478  Responded to: 06 March 2025 |
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Your recent request for information is replicated below, together with our response.

## I was looking to see if I could request some freedom of information from Police Scotland in relation to German Shephard Police Dog Otto

## PD Otto was purchased by Police Scotland from a breeder in South Wales at 8 weeks in February 2018, then gained his police dog status with his new handler based at Fettes in Edinburgh.  PD Otto had initial issues with the growth plates in his legs which was known and Grahams Rd Veterinary Clinic in Falkirk referred the X rays to a specialist in Fife who had no major concerns and any discomfort was managed with Metacam medication.

## In 2022/2023 PD Otto was transferred to a handler I believe \*\*\*\*\* in Dundee.

## On 5th or 6th April 2024 PD Otto was euthanised the reason given I believe was in relation to hip dysplasia which took many by surprise.

## I was to looking for information to ascertain the following

## What condition PD Otto suffered from if any

Otto was diagnosed with spondylosis (a form of osteoarthritis) that had caused degeneration of his spinal column and hips, loss of feeling in his back legs, causing a rear end deficit.

## Was he on any medication for the condition

No, he was not in pain, but the condition had caused nerve damage and paralysis. The condition rapidly deteriorated and Otto’s handler had to lift him in/out of the van. Additionally, he had started to become urinary incontinent.

## Would an operation or treatment have been an option for PD Otto to live out his remaining years of life even if he required to be retired from the police dog unit

No operation or treatment was possible, the condition rapidly declined (day to day deficits) and it was anticipated that within a very short period he would not be able to stand up and would be completely incontinent.

## If treatable why did Police Scotland not consider any option

See above.

## Also has PD Otto been euthanised as a cost saving exercise

No, Otto was euthanised as his condition was rapidly declining and to delay would have been undignified and cruel to him. Otto had started to drag his hind quarters, his legs were very unstable, and he was losing control of bodily functions. When he tried to sit, he would often fall to the side. He was examined by a vet and x-rayed, after consultation with the vet, and on the grounds of animal welfare to prevent further physical and mental distress the decision to euthanise was made.

## I was also looking to ascertain if a copy of the veterinary report in relation to all the above be made available and also

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held. By way of explanation, this was never supplied by the vet as it was not required.

## who authorised the vet to go ahead and euthanise PD Otto

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 38(1) (b) - Personal Data**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met.

The only potentially applicable condition is set out at Article 6(1)(f) which states: *‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.*

Whilst I accept that you may have a legitimate interest with regards the disclosure of information, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

**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.

## what did they do with PD Ottos body after his death.

Otto was left with the vet.

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.