

# **Policy for ownership disputes/presentation of an animal already microchipped and registered to a different person.**

The veterinary surgeon will try and obtain the current keeper's consent to release their personal information (i.e. name/address) to the registered owner and/or database provider. However, the name and details of the registered owner should not be provided to the current keeper (unless the registered owner volunteers them).

It is likely that consent will be given freely if the registered owner is aware that the animal is in the possession of the current keeper e.g. the current keeper is caring for the animal.

## **Failure to obtain consent**

If the current keeper refuses to consent to the release of their personal information to the registered owner, the veterinary surgeon should contact the registered owner and/or the database provider and explain that the animal has been brought in by someone else. However, the veterinary surgeon should not release the current keeper's personal information to the registered owner (or any other third party including the database provider) at this stage.

If the veterinary surgeon makes contact with the registered owner and the registered owner is not concerned that the animal has been brought in by another person, then the veterinary surgeon should still not release the current keeper's personal information to the registered owner or any other third party as the veterinary surgeon would not have a legal basis for this disclosure. Under the GDPR, consent will need to be obtained from the registered owner to change the details on the microchip.

If the veterinary surgeon makes contact with the registered owner and/or the database provider and from the conversation discovers that (i) the animal has been reported as stolen; (ii) the registered owner was not aware that the animal is in someone else's possession; and/or (iii) the registered owner wants to recover the animal, then the veterinary surgeon may have a legal basis for disclosing the current keeper's personal information i.e. they are certain that such disclosure is "necessary" for the purposes of the registered owner to exercise their legal rights, and those interests are not overridden by the interests of the current keeper. If there is any doubt as to a legal basis for such disclosure, it may be preferable not to disclose the data to the registered owner, and instead request that they ask the police to contact the veterinary surgeon for the details of the current keeper.

### **a. Suspected Theft/Stolen Animal**

In the event that the registered owner and/or database provider tells the veterinary surgeon that the animal is stolen, the veterinary surgeon should ask the registered

owner and/or database provider to report the theft to the police. If the police then contact the veterinary surgeon, they should ask for a formal request for disclosure from the police, setting out their legal basis for requesting this information.

b. Civil/Ownership dispute

In some cases, the animal may not have been reported stolen, but the registered owner still wants to recover the animal. This may be the case where there is a civil/domestic dispute. In these circumstances, the veterinary surgeon should not immediately provide the current keeper's details to the registered owner. The registered owner or their legal representative should expressly confirm, in writing, the legal basis on which disclosure is permitted under the GDPR. The veterinary surgeon should then assess that request before deciding whether to disclose this information.