

# Information Statement

## Public Authority: Optometrists and Opticians Council

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### Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Optometrists and Opticians Council (the Council). In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

#### How to make a request

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

#### Key, including definitions

- Act means Optometrists and Opticians Act, 2008
- Council means the Optometrists and Opticians Council
- Ministry means the Ministry of Health and Seniors
- PATI means Public Access To Information
- [ ] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

## Section A: Structure, Organization and Governing Legislation [s5(1)a]

*Insert Governing Legislation:*

1. Optometrists and Opticians Act, 2008 (amended 2011)
2. Optometrists and Opticians Regulations 2010 (amended 2011)

*Insert structure of Authority (a chart – if helpful, and some explanatory text):*

The Council consists of five persons: a Chair (being a registered Optometrist), three registered Optometrists and one registered Optician [s3, the Act]. All are appointed by the Minister.

Please see the Government website for the list of current members at <https://www.gov.bm/government-boards-and-committees>; then select current Boards and Committees and then search for the Optometrists and Opticians Council

## Section B1: Legislated Functions, Powers and Duties of the Authority [s5(1)b]

*Insert power, duties and functions of the Authority (cite Act or Policy):*

### **The functions, power and duties of the Council**

The general function of the Council is to protect the public by ensuring high standards of professional competence and conduct in the practice of optometry in Bermuda. This is achieved through [section 4, the Act]:

- i prescribing initial and continuing qualifications for registration;
- ii assessing applications for registration and re-registration and deciding if applicants qualify for registration and re-registration;
- iii establishing requirements for the continuing professional education of registered persons;
- iv prescribing and monitoring adherence to standards of practice;
- v prescribing the code of conduct for registered persons;
- vi exercising disciplinary control over registered persons on matters referred by the Complaints Committee;
- vii examining, and advising the Minister about, the operation of the Act and the regulations in their application to the profession; and performing such other functions as may be given to it under the Act or any other statutory provision.
- viii In addition, to submitting an annual report of the Council activities [section 28, the Act]

## Section B2: Obligations under PATI Act [s5(1)b]

*(same for all public authorities)*

### **Obligations of the Authority under the PATI Act**

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
  - a. General information, e.g. activities of the Authority
  - b. Log of all information requests and their outcome
  - c. Quarterly expenditure (upon request) [s6(5)]
  - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]

5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. **To do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
  - a. **Managing Fees** for Requests for information
  - b. Management and maintenance of **records**
  - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

### Section C: Services and Programmes provided [s5(1)c]

*Insert a summary of services and programmes provided by the authority:*

#### Services

1. The registration of Optometrists and Opticians
2. Investigation of complaints against practitioners

**Programmes.** Not applicable - the Council has no programmes.

### Section D: Records held [s5(1)d]

The following records in respect of this public authority are held:

#### Registration Records

1. *The Optometrists and Opticians Register.* (Gazetted annually). Government of Bermuda. (Public Access). The Register is a list of practitioners authorized to practice in Bermuda. It is an electronic database, an official copy of which is Gazetted every year
2. *Registration Applications.* (Exemption section 23 – Personal Information). Records application information such as qualifications and work experience.

#### Activities of the Council

3. *Meeting minutes of the Council.* (2009 to current). Optometrists and Opticians Council. (Public Access, with personal identifiers redacted). Records the business addressed and attendance.
4. *Annual Report of the Council.* (2009 to current). Optometrists and Opticians Council. (Public Access, with personal identifiers redacted). Summarizes the activities of the Council for the preceding year, includes business addressed, registration and complaints statistics, member attendance.

### **Section E: Administration manuals [s5(1)e]**

*Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:*

1. *Registration Guidelines for Optometrists and Opticians* (Ed 1, Mar, 2015). Optometrists and Opticians Council. (Public Access). Describes the process for applicants to register with the Council. It is intended for use by the applicants
2. *Terms of Reference for the Council* (2015). Optometrists and Opticians Council. (Public Access). Describes the functions and procedures of the Council according to the Act. It is intended for use by members of the Council.

### **Section F: Decision-making documents [s5(1)f]**

*Insert list and description of all policies and guidelines for decision making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]*

1. *Optometrists and Opticians Act 2008*. The Government of Bermuda. (Public Access). The legislation that governs the power, functions and procedures of the Council, and the process for registering practitioners and handling complaints against practitioners.
2. *Optometrists and Opticians Regulations 2010*. The Government of Bermuda. (Public Access). The legislation that prescribes requirements for registration.
3. *Codes and Standards of Conduct for Optometrists and Opticians* (Ed 1, May, 2015). Optometrists and Opticians Council. (Public Access). Describes the ethical conducts and standards of professional practice that practitioners are expected to abide by. Infractions of the Code may be used as grounds for misconduct.
4. *Regulatory Criteria for Optometrists and Opticians* (DRAFT, 2015). Optometrists and Opticians Council. (Exemption section 30 Operations of Public Authorities). Describes the academic and practical experience required to be eligible to practice as an optometrist or optician in Bermuda

### **Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]**

*Insert name and contact information:*

#### **How to make a request for information, or to amend your personal information**

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by

the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

Contact	PATI Information Officer Dr. Peek-Ball c/o Administration assistant Ministry of Health and Seniors Office of the Chief Medical Officer <i>Re: Optometrists and Opticians Council</i>
Hand deliver to	Continental Building, 25 Church Street, Hamilton
Mail*	PO Box HM 380, Hamilton HM BX, Bermuda
Email*	<a href="mailto:OfficeofCMO@gov.bm">OfficeofCMO@gov.bm</a> Add subject line: PATI request re <i>Optometrists and Opticians Council</i>
Tel	278-4904/ 278-4968

\* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.

#### **Section H: Further Information [s5(1)h]**

*Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:*

##### **Further information**

1. **About us** is available on the Bermuda Health Council's website at: <http://www.bhec.bm/for-professionals/professional-bodies/> select Optometry. This includes the list of registered practitioners.
2. The **legislation** listed in this document may be found at Bermuda Laws Online [www.bermudalaws.bm](http://www.bermudalaws.bm).

##### **Financial Information**

3. The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
  - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
  - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.

#### **Section I: Other Information As Prescribed [s5(1)i]**

*At Aug 2016 the Regulations do not specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:*

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.

2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Other than remuneration to members for attending meetings, as described in section H (3) above, the Authority has no expenses
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

**Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]**

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

**Locations of Information Statement** (*Confirm copies of Information Statement are available at*):

- Office: Ministry Headquarters, Continental Bldg, 25 Church st, Hamilton Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
  - PATI website <https://www.gov.bm/public-access-information-pati> Y
  - Authority's website – there is no website for the authority n/a
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

**Date Information Statement was updated:**

*Date:* 1<sup>st</sup> November 2016

*Sign:*



*Name:* J. Burgess,  
*Post:* Chair, Optometrists and Opticians Council

(Subject matter expert: xxx )

*Ends*