

Information Statement

Public Authority: Optometrists and Opticians Council

Table of Contents

Introduction:	Your Rights under Public Access to Information
Section A:	Organizational structure of the authority and governing legislation
Section B:	1. Legislated functions and powers of the authority 2. Obligations under PATI
Section C:	Services and programmes
Section D:	Documents: Records held
Section E:	Documents: Administrative manuals/ guidelines
Section F:	Documents: Decision making
Section G:	How to Contact the Information Officer and Make a Request
Section H:	Further information (includes financial)
Section I:	Other information (as prescribed)
Section J:	Locations of the Information Statement

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 Bermuda Health Council 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

- Health Council means the Bermuda Health Council
- Act means Optometrists and Opticians Act, 2008
- Council means the Optometrists and Opticians Council
- Ministry means the Ministry of Health
- 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]

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

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]

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]

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]

Services

1. The registration of Optometrists and Opticians.
2. Decide actions to be taken in cases of alleged professional misconduct which have been referred for action by the Optometrists and Opticians Complaints Committee.
3. **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]

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]

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)]

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

Shunee Burt
PATI Information Officer
Bermuda Health Council

Hand Deliver To	Bermuda Health Council Sterling House, 3 rd Floor 16 Wesley Street Hamilton, HM11
Mail*	Bermuda Health Council PO Box HM 3381 Hamilton, HM PX
Email*	healthcouncil@bhec.bm
Telephone	292-6420
* 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]

Further information

1. Information regarding health professional registration and complaints handling can be found on the Health Council's website: <https://bhec.bm/>.
2. The **legislation** listed in this document may be found at Bermuda Laws Online 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]

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)]

Locations of Information Statement

- Bermuda Health Council Office: Sterling House, 16 Wesley Street, 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 – PATI - Bermuda Health Council (bhec.bm)
Y
- With the Information Commissioner.

Date Information Statement was updated:

Date: 31.12.2020

Sign:



Name: Dr. Jamie Burgess
Post: Chairperson, Optometrists and Opticians Council

Ends