

NSW Optical Dispensers Licensing Board Privacy Policy Statement

Legislation and Policy

The NSW Optical Dispensers Licensing Board collects personal information in its capacity as the optical dispenser regulatory authority in NSW under its statute of public protection. The collection, use, disclosure, storage and disposal of personal information by the NSW Optical Dispensers Licensing Board is governed by legislation and the policies of NSW Health including:

- Optical Dispensers Act 1963
- Privacy and Personal Information Protection Act 1998
- NSW Health Privacy Management Plan - Circular 2000/62 (can be accessed at <http://www.health.nsw.gov.au/iasd/hi/privacy/policies.html>).

Collection of Personal Information

Personal information is the collection of any information or opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. The NSW Optical Dispensers Licensing Board collects personal information directly related to the functions or activities of the Board which include:

- to undertake assessment of optical dispenser qualifications and optical dispenser experience for optical dispensers who are applying for registration in NSW;
- to undertake assessment of good character;
- to maintain the Register of Optical Dispensers in NSW;
- to investigate and act upon breaches of the law, complaints about optical dispensers, and disciplinary matters concerning optical dispensers; and
- to facilitate communication with optical dispensers in NSW.

Personal information collected in relation to these functions and activities include, but are not limited to: names, contact details, gender, age/date of birth, educational qualifications, employment information, conditions on registration, criminal convictions, information concerning complaints, and information about disciplinary action.

The Optical Dispensers Licensing Board will endeavour to collect most relevant personal information directly from the optical dispenser/applicant to whom it relates and, wherever possible/appropriate, will obtain the consent of the optical dispenser/applicant for the collection of personal information from other agencies. Other agencies which may supply personal information to the Board may include:

- interstate and overseas government departments and educational institutions;
- related entities such as state and territory regulatory authorities; and
- past or present employers.

The Optical Dispenser Licensing Board

The NSW Optical Dispensers Licensing Board Register is a public register and the Optical Dispensers Act 1963 allows members of the public to access information on the Register for the purpose of determining the registration status of an individual. Herein, the following information may be accessed by the public (either in person at the Board or in writing) in regard to registration status: name, date of registration, and qualifications.

Suppression of Personal Information

The Privacy and Personal Information Protection Act allows for personal information to be: 1) removed from, or not placed on, the register as publicly available or 2) not disclosed to the public following a request from the person to whom the information relates (section 58). If an individual so requests that their personal information be suppressed they must demonstrate to the satisfaction of the Board that concerns for their safety or well-being by not suppressing this information outweighs the public interest in maintaining public access to the information.

Disclosure of Personal Information

The NSW Optical Dispensing Licensing Board may only disclose personal information other than registration status in accordance with the Privacy and Personal Information Protection Act, other legislation as may be applicable, and the NSW Health Privacy Management Plan. Such disclosures may include:

- to consultants, auditors, contractors, contracted staff, service providers, bankers, financial institutions or other service providers that provide administrative, financial or any other services to the Board;
- to other optical dispenser regulatory authorities;
- to investigative agencies, law enforcement agencies, or for the purpose of enforcing a law or protecting public revenue in accordance with the legislation;
- to investigate a breach of the law, complaint, or concern about professional conduct/good character/impairment issues;
- disclosure on the reasonable belief that it is necessary to prevent or lessen serious or imminent threat to the life or health of any individual;
- where the law requires or permits such a disclosure;
- to relevant complaints tribunals, government agencies or courts;
- to an individual's agent or any specified agency with that individual's consent;
- to comply with a risk-management scheme operated by the Board; or
- for the purpose of obtaining legal advice or representation.

Access to, and Correction of, Personal Information

In accordance with the Privacy and Personal Information Protection Act the NSW Optical Dispensers Licensing Board will, at the request of the individual to whom the information relates, provide that individual with access to that information except where:

- disclosure poses a serious and imminent threat to the life or health of any individual;
- disclosure would have an unreasonable impact upon the privacy of others;
- the request is frivolous or vexatious;
- the request relates to existing or anticipated legal proceedings with that individual and would not be accessible through discovery;
- disclosure may reveal the Board's intentions and prejudice negotiations with the individual;
- disclosure may prejudice investigation, prosecution or any other action in respect of any possible unlawful activity;
- disclosure would be unlawful or denial of access is allowed by law; or
- disclosure may damage national security.

If the Board refuses to provide access to personal information about an individual on request, reasons will be given for that denial.

If personal information about an individual held by the NSW Optical Dispensing Licensing Board is found to be incorrect by that individual a request may be made to the Board to alter that information. If the Board agrees that the information is incorrect it will be updated. Herein, the individual may, however, be required to provide documentation of changes of information in accordance with Board policy - such as the provision of a certified copy of a marriage certificate to prove change of name. If the Board does not agree that the information referred to in the request is incorrect, they may refuse to change this but will provide reasons for this refusal and keep a record that the individual regards the information to be inaccurate or out of date and that the Board disagrees with that view.

Request for Internal Review in Regard to Personal Information

If a person believes that any conduct of the NSW Optical Dispensers Licensing Board that occurred after the 1st of July, 2000, breaches the privacy protection principles or any code made under the Privacy and Personal Information Protection Act, a request for internal review should be lodged. After filling out an application form and lodging it at the Board's office an internal review shall be conducted and the Privacy Commissioner will be notified of the application, the progress and findings of the internal review, and will subsequently be notified of the action proposed to be taken by the agency in relation to the matter. More information on this process and an application form to request an internal review may be obtained from Part 2 of the NSW Health Privacy Management Plan - Circular 2000/62 (this can be accessed at <http://www.health.nsw.gov.au/iasd/hi/privacy/policies.html>) or from the NSW Optical Dispensers Licensing Board office.

Further Information

If you have any concerns or require further information please contact either:

1. Optical Dispenser Licensing Board
Phone: (02) 9219 0211
Email: opticalreg@doh.health.nsw.gov.au
2. Privacy NSW
Phone: 9268 5588
Email: privacy_nsw@agd.nsw.gov.au
Website: www.lawlink.nsw.gov.au/pc