

Disclosure policy

This disclosure policy outlines our approach to disclosing and publishing information.

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2. Policy Statement

2.1. We are the regulator for the optical professions in the UK. We have four core functions:

- setting standards for the performance and conduct of our registrants;
- approving qualifications leading to registration;
- maintaining a register of individuals and bodies corporate who are fit to be registered;
- investigating and acting where registrants' fitness to practise, train or carry on business may be impaired.

2.2. As a part of our regulatory work, we publish and disclose information. We have a legal responsibility to ensure that our use of personal data is lawful and properly controlled, and that an individual's rights are respected. This includes ensuring that our partner organisations also abide by data protection legislation.

3. Purpose

3.1. The purpose of this policy is to set out how the GOC aims to ensure a consistent, transparent and fair approach to the disclosure of information. It includes our approach to the publication and disclosure of information relating to the GOC's statutory functions. This will help us lawfully share information and ensure that we and our partner organisations can complete our duties effectively.

3.2. The policy will establish and regulate working practices between us and our partner organisations and provide guidance to ensure the secure transfer of information and that information shared is for justifiable legal purposes.

3.3. The policy aims to:

- identify relevant security and confidentiality laws and principles of information sharing;
- increase awareness and understanding of the key issues regarding information sharing;
- provide guidance on how to share information lawfully;
- encourage safe and efficient sharing of information; and
- prevent wrongful or illegal use of personal data.

4. Scope

4.1. This policy applies to the GOC's:

- employees (whether permanent or temporary) and workers;
- members; and
- contractors.

4.2. Compliance with this policy is mandatory. Non-compliance by employees may be a disciplinary matter.

4.3. If you require further advice and guidance, you should contact the Information Governance Team at IG@optical.org.

5. Our General Approach to Publication and Disclosure

5.1. We seek to regulate in an open, transparent, and proportionate manner – this applies to all our statutory functions.

5.2. We disclose information in accordance with our statutory duties in the Opticians Act 1989. Under Section 13C(3) of the Opticians Act 1989, the GOC may disclose to any person(s) any information relating to:

- a registered optometrist or registered dispensing optician's fitness practise;
- a business registrant's fitness to carry on business; and/or
- a student registrant's fitness to undertake training,

which we consider to be in the wider public interest.

5.3. We are also subject to a range of other legislative duties such as (but not limited to) the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA), Freedom of Information Act 2000 (FOIA), the Human Rights Act 1998 (HRA), and the Public Interest Disclosure Act 1998 (PIDA).

5.4. We consider something to be in the public interest if it may benefit the wider community. In assessing the public interest, we will consider all relevant factors, including but not limited to, the number of people affected, their age and/or vulnerability, any wider impact on health and safety, and the administration of justice. The public interest might require us to make a disclosure to, among others, the NHS, the Disclosure and Barring Services, the police, social services, other regulators, and the Secretary of State for Health and Social Care. This applies to both personal and commercial information.

5.5. The publication of Fitness to Practise (FTP) information provides valuable information about standards expected of our registrants, helps to maintain public confidence in the professions we regulate, and assists the public to make informed choices. What we publish must be accurate, relevant, and proportionate and must consider the interests of registrants and others involved in the process. For example, we do not routinely publish or disclose information about the early stages of FTP investigations.

Freedom of Information

5.6. As part of our duties under the FOIA, we routinely publish and make available certain information – which is explained within our Publication Scheme. For further information, please refer to our Freedom of Information Policy. These policies, and our Data Protection Policy, are on the GOC website in the “About us” section.

5.7. We must disclose certain information if we receive requests from members of the public. These requests can be sent by email to IG@optical.org.

5.8. Requests will be reviewed on a case-by-case basis and the duty to be open and transparent will be balanced against the obligation to protect personal and special category personal data under the GDPR and DPA.

5.9. The GOC has the right to refuse the release of personal data or other information if it falls under one of the exemptions in the FOIA or DPA. This could be, for example, because it was provided in confidence or if disclosure would affect our ability to carry out our role as a regulator.

5.10. We consider the public interest in relation to publishing or disclosing personal and/or commercially sensitive information. We take into account our main objectives as a healthcare regulator and the relevant law, where appropriate, to determine whether information should be published or disclosed.

5.11. We publish the names of the GOC's senior management team, Council and Committee members, and some contractors, on our website. We may disclose the names of other individuals if this is in the public interest.

5.12. The names of our Case Examiners are published on the GOC website. We will not routinely publish any information about individual Case Examiners involved in a specific case, but we may disclose this information if we consider it to be in the public interest.

Subject Access Requests

5.13. The GOC is required to collect, process and retain personal data (including special category data) to comply with its legal and regulatory obligations.

5.14. The GDPR and DPA give an individual the right to find out what processing the GOC has been carrying out of their personal information and to obtain a copy of that information. When this request is made, it is called a "subject access request" (SAR).

5.15. The GOC will consider and respond to a SAR in line with the GDPR, the DPA, the GOC's Data Protection Policy and the Information Commissioner's guidance to public authorities.

5.16. A SAR can be made verbally or in writing and the GOC will take steps to satisfy itself of the requester's identity to avoid personal data about one individual being sent to another.

5.17. A SAR can be refused if the GOC does not hold the information or it falls under an exemption under the DPA. More information about how we process a SAR can be found in our Data Protection Policy.

6. Information from other organisations

6.1. We do not normally disclose information about other organisations, for example the Disclosure and Barring Services. Requests for such information should be directed to the organisation responsible.

7. Disclosure within the Fitness to Practise (FTP) Process

7.1. This section outlines the routine disclosures we make as part of our FTP process. Any requests which fall outside of the below will be considered on a case-by-case basis, in accordance with this policy and the relevant legislation.

7.2. An FTP investigation includes the:

- initial investigation by the Registrar;
- consideration of the allegation by the Case Examiners or Investigation Committee; and
- consideration of the allegation by the Fitness to Practise Committee (FTPC).

7.3. We have a statutory duty to notify the Secretary of State for Health and Social Care that we have opened an FTP investigation.

During an investigation

7.4. We have a statutory duty to notify the registrant that we have received an allegation of impaired FTP. We usually provide the registrant with a copy of the complaint form, redacted as appropriate.

7.5. There may be circumstances where we are unable to provide a copy of the complaint form or we consider it appropriate to outline the allegation rather than provide a copy of the complaint form, for example:

- there is an ongoing investigation (eg by an NHS Trust or the police) that could be jeopardised by disclosure of the complaint form;
- disclosure could place a person at risk;
- we want to ensure there are safeguarding procedures in place;
- there are reasons to keep the complainant's identity confidential (for example, a whistle-blower); and
- disclosure would be inappropriate for other reasons, for example, where the case involves more than one registrant.

7.6. We will inform the complainant that we have opened an investigation and the name of the registrant(s) we have opened it against.

7.7. We have a statutory duty to notify a registrant's employer of an investigation. If appropriate, we usually provide limited information to:

- those employing the registrant under a contract of employment; and
- those engaging the registrant to provide services, including locum services.

7.8. We will also notify a registrant's employer(s) if the registrant is subject to an interim order by the FTPC.

7.9. Where the registrant is on the Performers List, we may also notify NHS England and all other relevant organisations of the investigation if we consider this to be in the public interest. We will also notify relevant organisations if the registrant is subject to an interim order or the matter has been referred by the Case Examiners/ Investigation Committee/ Registrar (preliminary decision makers) for a substantive hearing before the FTPC.

7.10. If issues concerning the investigation are already in the public domain, we may decide in the public interest to confirm publicly that an investigation is ongoing and/or that an interim suspension or interim conditions order may be sought.

7.11. If a third party asks to see the registrant's response to allegations, we will consider this on a case-by-case basis. Before we disclose this information, we will ask for the registrant's written consent to disclose it. However, we may disclose it without consent if there is a public interest in disclosure, especially concerning public safety.

7.12. We will not disclose the identity of anyone protected by the PIDA, unless there is a strong public protection interest or we are ordered by a court to disclose. We will always first seek written consent from the person, and we will inform them if, in exceptional circumstances, we have to disclose their identity without their consent.

On conclusion of the investigation

7.13. Before an allegation is considered by the preliminary decision makers, we will disclose to the registrant all documentation or information relevant to the allegation that we intend to place before the preliminary decision makers, in accordance with our Rules.

7.14. We will disclose the registrant's representations to the complainant (unless we consider that this would be inappropriate) and we will disclose the complainant's representations to the registrant.

7.15. We will place documents in front of the preliminary decision makers only if these have been seen by the registrant, unless we consider that there would be no prejudice to the registrant from non-disclosure. For example, we will not always provide a registrant with a copy of an initial application to reopen a Case Examiners' decision under Rule 15 of the FTP Rules 2013.

Outcomes of the preliminary decision makers

7.16. We will disclose the full preliminary decision only to the registrant and the complainant.

7.17. We will notify the employer, witnesses and other relevant stakeholders when the preliminary decision makers closed a case or referred it for a hearing.

7.18. We will disclose warnings by Case Examiners or the Investigating Committee only to the registrant and the complainant.

7.19. Subject to Paragraph **6.10**, we will not publish information on our website prior to consideration by the preliminary decision makers.

Interim orders

7.20. Where it is necessary for the protection of the public, in the interests of the registrant or otherwise in the public interest, we may apply for an interim order. This could mean that a registrant is placed under conditions or suspended while the substantive investigations are ongoing.

7.21. Interim order hearings are held in private. We do not publish notices of new interim order hearings; however, we do publish notices of interim order hearing reviews.

7.22. The table below sets out the length of time that determinations will be displayed on the GOC website and recorded on the register (where applicable):

Table of outcomes at interim order hearings		
Scenario	Past Hearings (website)	Record on register
Interim order imposed	Determination summary published until the interim order is reviewed, revoked or expires (whichever is earliest)	Determination summary attached until the interim order is reviewed, revoked or expires (whichever is earliest)
Interim order reviewed and continued, varied or replaced with another interim order	Determination summary published until the interim order is reviewed, revoked or expires (whichever is earliest) Previous determination summary removed	Determination summary attached until the interim order is reviewed, revoked or expires (whichever is earliest) Previous determination summary removed
Interim order revoked	Not published unless registrant consents in writing, in which case determination summary published for three months from date the determination was made Previous determination summary removed	Not attached Previous determination summary removed
Interim order not imposed	Not published	Not attached

Cross-disclosure

7.23. Some complaints can lead to investigation against another registrant(s). In these cases, we will consider what information to disclose to the other registrant(s).

7.24. We will inform the initial registrant of our proposal to share information and invite their representations. We will then consider these representations alongside the public interest and the interests of other registrant(s).

Health assessments

7.25. Medical reports will be disclosed to the preliminary decision makers, the FTPC and GOC employees with a clear business need (redacted as appropriate).

7.26. We will not disclose the registrant's medical records to any third party unless there is a public interest in doing so.

7.27. We will ensure that medical records are stored securely in compliance with the GDPR and DPA.

7.28. Medical records will be returned to the original record holders by secure delivery (or, in the case of copy records, securely destroyed) once the matter or any associated appeal is concluded, in accordance with our Retention Schedule.

Performance assessments

7.29. When a registrant is subject to performance assessment, we will not disclose to the patients that we are investigating the registrant.

7.30. The performance assessors' report and associated documents will be disclosed to the preliminary decision makers, the FTPC and GOC employees with a clear business need (redacted as appropriate).

The Fitness to Practise Committee

7.31. Once an allegation has been referred to the FTPC, we will serve relevant documentation on the registrant and/or their representative. We are under a continuing duty to disclose throughout the FTP process; when any new information is received, we consider whether this should be disclosed. There is a presumption in favour of disclosure, subject to the public interest.

7.32. We will publish the following information on our website prior to the substantive hearing:

- the registrant's name;
- the registrant's registration number;
- the date of the hearing and where it will take place;
- the names of the Committee members, legal adviser and clinical adviser (where applicable); and
- particulars of the allegation(s) (except for health matters).

7.33. Most of our FTPC hearings are held in public. Hearings involving health are heard in private. Some cases involve more than one issue, for example conduct and health. In such cases, the FTPC will hear as much as appropriate of the case in public and will hear sensitive matters, such as those relating to health, in private. The determination will not include particulars of the allegations in relation to health.

7.34. Where information regarding health or other sensitive matter is disclosed during any part of a hearing, that information will be redacted from the decision before it is published.

7.35. We will notify the registrant, the complainant, the Professional Standards Authority (PSA) and any other relevant individuals and organisations, for example witnesses, of the FTPC outcome. We may signpost them to the past hearings section of our website, to access the determination. The determination will also be shared with GOC employees with a clear business need.

7.36. In the Past Hearings section of our website, we publish determinations of FTPC hearings (with some exceptions), including hearings dealt with by Agreed Panel Disposal.

7.37. The below tables list the determinations that will be published on our website and/or recorded on the register, and the length of time where applicable.

7.38. The tables also identify the circumstances where we will not publish a determination without the registrant's written consent. In such cases, we will inform the complainant of the outcome but we will not share the determination unless the registrant consents in writing.

Table of outcomes at substantive hearings		
Scenario	Past Hearings (website)	Record on register
No case to answer	Not published unless registrant consents in writing, in which case determination published for three months from date the determination was made	Not attached
Case to answer but Facts not proved	Not published unless registrant consents in writing, in which case determination published for three months from date the determination was made	Not attached
Facts proved but No finding of misconduct, deficient professional performance, conviction, adverse health or other ground for impairment (13D of the Opticians Act 1989)	Not published unless registrant consents in writing, in which case determination published for three months from date the determination was made	Not attached
Misconduct (or other ground for impairment) found but No impairment and no warning	Determination published for three months from date the determination was made	Not attached

No impairment and Warning given	Determination published for a minimum of 12 months from the date the determination was made, or for duration of the warning if longer than 12 months	Determination attached for duration of the warning
Impairment and No sanction	Determination published for three months from date the determination was made	Not attached
Impairment and Financial penalty	Determination published for 12 months from date the determination was made	Determination attached for 12 months from date the determination was made
Impairment and Conditions	Determination published for a minimum of 12 months from the date the determination was made, or for duration of the conditions if longer than 12 months	Determination attached for duration of the conditions
Impairment and Suspension	Determination published for a minimum of 12 months from the date the determination was made, or for duration of the suspension if longer than 12 months	Determination attached for duration of the suspension
Impairment and Erasure	Determination published for five years from date the determination was made (unless restored within five years, see below section on restoration)	Determination attached until registrant's name removed from the register
Removal of specialist registration	Determination published for three months from date the determination was made	Not attached

Table of outcomes at substantive review hearings		
Scenario	Past Hearings (website)	Record on register
Order Revoked	Determination published for a minimum of three months from the date the determination was made, or for duration of the conditions or suspension if longer Previous determination removed	Not attached Previous determination removed
Conditions	Determination published until the substantive order is next reviewed, or is revoked or expires (whichever is earliest) Previous determination removed	Determination attached for duration of the conditions Previous determination removed
Fixed term Suspension	Determination published until the substantive order is next reviewed, or is revoked or expires (whichever is earliest) Previous determination removed	Determination attached for duration of the suspension Previous determination removed
Indefinite Suspension	Determination published for a maximum of 12 months (or until the substantive order is reviewed or is revoked, if earlier than 12 months) Previous determination removed	Determination attached for duration of registration Previous determination removed
Financial penalty	Determination published for 12 months from date the financial penalty was imposed Previous determination removed	Determination attached for 12 months from date the financial penalty was imposed Previous determination removed

Erasure	Determination published for five years from date the erasure determination was made (unless restored within five years, see below section on restoration) Previous determination removed	Determination attached until registrant's name removed from the register Previous determination removed
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7.39. Where proceedings are stayed or adjourned part-heard, we will not publish the determination for the part(s) of the proceedings that have concluded, and will await the final determination (if there is one). Nothing will be published if there is no final determination, for example if there is an indefinite stay.

7.40. Where the FTPC directs immediate suspension of a registrant's registration or immediate removal of their specialist registration, this direction will be included in the published determination and in the information attached to the registration record.

7.41. Where the FTPC decision is erasure, suspension or fine, or is of significant public interest, we may issue a press release. The press release will not contain confidential information such as health or other matters not in the public interest. The press release will remain on our website for as long as the determination is published.

The Registration Appeals Committee

7.42. The RAC hears appeals against appealable registrar decisions.

7.43. The RAC also hears restoration applications from former registrants who were erased following a direction by the FTPC. Such applications can be made 22 months after erasure.

7.44. We do not publish notices of Registration Appeals Committee (RAC) hearings.

7.45. We will not publish the full determination where the unsuccessful appeal was by a student applicant. We will publish only a summary.

7.46. If we decide that it is not in the public interest to publish an appeal determination, we will publish only a summary.

7.47. The below table lists the RAC determinations that will be published on our website, and the length of time where applicable.

Table of outcomes at RAC hearings		
Scenario	Past Hearings (website)	Record on register
Appeal allowed	Not published unless appellant consents in writing, in which case determination published for three months from date the determination was made	Not attached
Appeal refused (appellant is a fully qualified individual or a business)	Determination published for 12 months from date the determination was made	Not attached
Appeal refused (appellant is a student)	Not published unless appellant consents in writing, in which case determination summary published for three months from date the determination was made	Not attached
Restoration allowed	Determination published for 12 months from date the determination was made. Erasure determination removed.	Not attached
Restoration refused	Determination published for 12 months from date the determination was made. Erasure determination remains on website for five years from date the determination was made (where applicable)	Not attached

Hearing transcripts

7.48. We do not publish hearing transcripts; any requests for transcripts must be made in writing and will be considered under FOIA.

7.49. Requests can be made through the hearing transcript request form on our website, which should be emailed to the Hearings Manager at hearings@optical.org. Subject to payment of reasonable costs, we will disclose the transcript (redacted to remove any proceedings held in private) of a determination that is on our website. Other transcripts (redacted as appropriate) will be disclosed only if this is in the public interest.

7.50. We will not disclose transcripts of private hearings unless this would be in the public interest.

7.51. Where a hearing is adjourned part heard, we will provide a transcript to the registrant and/or their representative, hearing panel, legal adviser, clinical adviser (where applicable), GOC case presenter and GOC employees with a clear business need.

7.52. We do not disclose audio recordings of any hearings.

High Court appeals

7.53. Where the registrant or the PSA appeals against a determination of the FTPC or RAC, the original determination will be updated with a notice stating that an appeal has been made.

7.54. Where the appeal results in the Court imposing a different sanction, we will remove the original determination and publish the Court's decision in the same way, and for the same period of time, as if that decision had been made by the FTPC or RAC.

7.55. If the Court remits a case back for rehearing, we will remove the original determination and publish the new determination in the same way as other FTPC and RAC determinations. If only part of the proceedings are remitted for rehearing, for example, the FTPC reconsiders sanction but not facts, we will remove the relevant part of the original determination and continue to publish the part that still has effect.

7.56. The same principles will apply to appeals against a High Court decision, for example we will remove the High Court's determination following a decision by the Court of Appeal.

7.57. Where the appeal is dismissed and the original determination is upheld, the determination will remain published in line with the timescales listed above.

8. The General Optical Council Register

8.1. We publish a searchable online register of all registered optometrists, dispensing opticians, businesses and students. This is a fundamental pillar of a regulated profession, and it enables members of the public as well as employers to identify individuals and businesses who are appropriately registered.

8.2. As shown in the above tables, we will attach certain FTPC outcomes to the registrant's record. There will be a link to further information about the outcome. The register will not contain any information about the registrant being on any barred list.

9. Letters of Good Standing/Certificate of Professional Status

9.1. We can provide a Letter of Good Standing and/or Certificate of Current Professional Status to current and former registrants. This requires a written request from the current/ former registrant and payment of an administration fee of £15.

9.2. The Letter of Good Standing/ Certificate of Current Professional Status will include the individual's name, current registration status and registration history.

10. Redaction

10.1. We are committed to balancing individual data rights with the publication of information in the public interest and we understand that over-redacting can impact on our ability to protect the public.

10.2. Some information may need to be redacted from published documents, including determinations on our website. For example, the names of all witnesses (other than expert witnesses) will normally be redacted unless the public interest requires publication.

10.3. We will redact sensitive or special category information from medical records that we share with the FTPC, unless it is relevant to matters that are the subject of our proceedings.

11. Internet Caches

11.1. Information is removed from our website in accordance with this policy, but many internet search engines, such as Google and Bing, manage information by 'caching'. This involves storing a snapshot of a webpage in a database and then refreshing the snapshot periodically. This means that historical GOC webpages may remain available on internet search engines even after they have been removed from our website.

11.2. Individuals must contact the internet search engine directly to request removal, as we have no control over their caches. In some circumstances, for example where the cache relates to information that we inadvertently published on our website, the GOC can assist in liaising with the search engine. If you would like such assistance, please contact us at hearings@optical.org

For more information about this policy, please contact the Information Governance Officer at IG@optical.org.