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MARINE CASUALTY INVESTIGATION BOARD

Protected Disclosure Policy

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1. Introduction

The Protected Disclosures Act 2014 and the Protected Disclosures (Amendment) Act 2022 (the “Act”) provide protections for those who raise concerns about wrongdoing in the workplace, often referred to as ‘whistleblower’ legislation. The Protected Disclosures (Amendment) Act 2022 was signed into law on 21 July 2022 and commenced operation on 1 January 2023.

The Act provides a robust statutory framework within which workers can raise concerns about wrongdoing that has come to their attention in the workplace, in the knowledge that they can avail of significant employment and other protections if they are penalised or suffer any detriment for making a disclosure. Section 3 of the Act provides a definition of ‘worker’ and for the purposes of these procedures, this includes current and former Board members, staff and other contractors working on its behalf.

The Act requires every public body to establish and maintain procedures for the making of protected disclosures and how the disclosures should be dealt with. It also requires that public bodies provide certain written information annually relating to the protected disclosures made.

This document sets out the Policy of the MCIB, how to make a report, the types of wrongdoings that constitute a protected disclosure and what happens when a report is received.

2. Policy Statement

The Board is committed to lawful and ethical behaviour in all of its activities and requires individual members of the Board, its staff, former staff and other contractors working on its behalf to conduct themselves in a manner which is consistent with the ethical standards contained in the Code of Practice for the Governance of State Bodies <https://govacc.per.gov.ie/governance-of-state-bodies/>.

The objective of this policy is to assist Board Members, staff¹ and contractors who suspect or know of an occurrence(s) of illegal, unethical or inappropriate behaviours or practices in reporting them without fear of retribution.

The policy also intends to provide avenues for those reports to be raised at an appropriate level. Reports should be addressed in writing to the Secretary of the Board at the offices of the MCIB. They may also be made to any member of the Board addressed to the offices of the MCIB and marked confidential/addressee only. A Member of the Board who themselves wish to make a report should do so in writing to the Deputy Chairperson or to the Chairperson.

If it would cause the Discloser discomfort or the worker is reluctant to report a concern as provided for above, they may raise their concerns with the next highest or another level of supervisory management, including a Board Member, or to the Minister or Secretary General of the Department of Transport.

All disclosures received will be taken seriously and carefully assessed, and a full investigation may be carried out, as appropriate. Any worker who makes a disclosure will be communicated with and will be entitled to feedback.

Free and independent supports are available to any worker considering making, or having made, a protected disclosure. Anyone can contact the free and confidential phone line (1800 844 866 or use the Secure Report Form, email, post or Signal app), which is operated by Transparency International Ireland. The Speak Up helpline offers free information, advocacy support and advice to people looking to report wrongdoing, or to witnesses and victims of corruption or other wrongdoing. Free legal advice is also made available for those who contact the free and confidential helpline. This is completely independent of the MCIB. Workers may download the free guide 'Speak Up Safely' available at www.transparency.ie/helpline/guides.

Certain disclosures made under this policy may constitute Protected Disclosures for the purposes of the Act. Under the Act, you make a protected disclosure if you are a worker and you disclose *relevant information* in a particular way. Information is relevant if it came to your attention in connection with your work and you reasonably believe that it tends to show *wrongdoing*.

¹ For the purposes of this Policy, staff shall include any Departmental staff that are or who were previously seconded to the Board.

You may choose to report to one of the prescribed persons listed in [SI 339/2014](#) as amended by [SI 448/2015](#) and [SI 490/2016](#). In general, these persons have regulatory functions in the area which are the subject of the allegations. Examples of such persons are the Central Bank, The Health and Safety Authority and the Data Protection Commission. The MCIB is not a prescribed body.

This Policy is not a waiver of the obligations of confidentiality applicable to the investigation of incidents under regulation 10 of the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011 (S.I. 276/2011) which gives effect to Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009, or to the obligations of confidentiality set out in Section 18 of the Merchant Shipping (Investigation of Marine Casualties) Act 2000.

3. What is a Protected Disclosure?

A protected disclosure is a disclosure of information which, in the reasonable belief of a worker, tends to show one or more relevant wrongdoings; came to the attention of the worker in a work-related context; and is disclosed in the manner prescribed in the Act.

3.1 What is a 'Relevant Wrongdoing'?

For the purposes of the Act, the following are relevant wrongdoings:

- a) that an offence has been, is being or is likely to be committed,
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services,
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- d) that the health or safety of any individual has been, is being or is likely to be endangered,
- e) that the environment has been, is being or is likely to be damaged,
- f) that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur,
- g) that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement,
- h) that a breach of specified EU law set out in the Directive has occurred, is occurring or is likely to occur, or
- i) that information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be concealed or destroyed or an attempt has been, is being or is likely to be made to conceal or destroy such information.

It is immaterial whether a relevant wrongdoing occurred, occurs or would occur in Ireland or elsewhere and whether the law applying to it is that of Ireland or that of any other country or territory.

3.2 What is a 'Disclosure of Information'?

A protected disclosure should contain "information" which tends to show one or more relevant wrongdoings. The ordinary meaning of disclosing "information" is conveying facts, such as stating that particular events have occurred. It is important that, insofar as is possible, any worker making a protected disclosure includes as much factual information and specific details as possible to ensure that a proper and thorough initial assessment can take place, and so that any wrongdoing can be addressed.

Workers are not required or entitled to investigate matters themselves to find proof of their suspicion and should not endeavour to do so. All that workers should do is disclose the information, based on a reasonable belief that it discloses a wrongdoing and, where the information relates to individuals, that it is necessary to disclose that information. The responsibility for investigating and addressing any wrongdoing lies with the MCIB.

3.3 What is a Reasonable Belief?

A reporting person must have a reasonable belief that the information disclosed shows, or tends to show, wrongdoing. The term “reasonable belief” does not mean that the belief must be correct. Reporting persons are entitled to be mistaken in their belief, so long as their belief was based on reasonable grounds. No reporting person will be penalised for getting it wrong, so long as they had a reasonable belief that the information disclosed showed, or tended to show, wrongdoing. However, a disclosure made in the absence of a reasonable belief will not attract the protections of the Act and may result in disciplinary action against the reporting person.

3.4 What is meant by a ‘Work-Related Context’?

The information must come to the attention of the reporting person in a work-related context. A work-related context means current or past work activities in the public or private sector through which, irrespective of the nature of these activities, the reporting person acquires information concerning a relevant wrongdoing, where the reporting person could suffer penalisation for reporting the information.

A work-related context includes the work activities of employees and contractors and may also include the work activities of volunteers, service providers, and job candidates. It may also include activities related to work such as training, travel and employer arranged social events. The information does not need to become known as part of the reporting person’s own duties, or even relate to the reporting person’s own employer/contractor, as long as the information comes to the attention of the reporting person in a work-related context. The possibility of penalisation of the reporting person for reporting information will be a factor in determining if the context is a work-related context.

3.5 Function of Worker or Employer to Detect Wrongdoing

The Act provides that a matter is not a relevant wrongdoing (and does not come within the terms or attract the protections and redress of the Act) if it is the function of the worker or the worker’s employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer. Even if the wrongdoing is a function of the reporting person to detect, investigate or prosecute, it will still be a protected disclosure if the wrongdoing involves an act or omission on the part of the employer.

3.6 What avenues are there for making a Protected Disclosure?

A worker may make a disclosure through the MCIB’s internal reporting channels. A disclosure may also be made externally:

- to another responsible person
- to prescribed persons
- to the Protected Disclosures Commissioner
- to a legal adviser
- to other third parties
- in the area of law enforcement, security, defence, international relations and intelligence

A disclosure may also in certain circumstances be made to a Minister or Minister of State.

3.7 How can I make a Disclosure?

A worker may make a disclosure internally within the MCIB but also outside of it. In most circumstances, it is preferable to make an internal disclosure. The MCIB is strongly committed to supporting and facilitating the making of internal disclosures, in order to deter wrongdoing and to ensure early detection and remediation of potential wrongdoing. Workers should be assured that disclosures made through the dedicated internal reporting channel will be taken seriously and that they will receive appropriate protection. Workers considering making a report are encouraged therefore to use the internal channel to make a disclosure.

Channels other than the internal channel may be availed of to make a disclosure but different and more stringent requirements must be met in such cases. These requirements are outlined in more detail below.

Disclosures should be made to Margaret Bell, Board Secretary who is the Designated Person to receive reports under this policy. Reports must be made in writing, and should contain at least the information set out in Appendix A. They may also be made to any member of the Board addressed to the offices of the MCIB and marked confidential/addressee only. A Member of the Board who themselves wish to make a report should do so in writing to the Deputy Chairperson or to the Chairperson.

3.8 Can I make an anonymous disclosure?

An anonymous disclosure may be made, but there are important distinctions between anonymous disclosures (where identity is withheld by the reporting person) and confidential disclosures (where identity is protected by the recipient/designated person). Anonymous disclosures will be acted upon to the extent that is possible, but the ability to investigate such may be restricted in the absence of the knowledge of the identity of the reporting person. Reporting persons are encouraged to provide their name and contact details as they may need to be contacted to clarify information disclosed. Their identity will be protected in line with the Act. While appropriate consideration will be given to an anonymous disclosure, important elements of these procedures (e.g., keeping the reporting person informed and protecting a reporting person from penalisation) may be difficult or impossible to apply unless the reporting person's anonymity is lifted. Unless identity is disclosed, a reporting person cannot obtain redress under the Act. A worker who makes an anonymous protected disclosure but is subsequently identified and suffers penalisation will qualify for the protections set out in the Act.

4. Process Following Receipt of a Report

This process shall apply to all reports made in the manner specified in section 3.7 of this policy. This process may not apply if a report or other communication is made in a manner other than that specified in section 3.7.

4.1 Acknowledgement

All reports shall be acknowledged within 7 days of receipt.

4.2 Assessment

An initial assessment will be undertaken which will seek to determine whether a relevant wrongdoing may have occurred and if it should be treated as a protected disclosure, having regard to the provisions of the Act. If required, contact may be made with the reporting person, in confidence, in order to seek further information or clarification regarding the matter(s) reported.

If it is unclear as to whether or not a report is a protected disclosure, the report will be treated as a protected disclosure until a definitive conclusion can be made.

The Designated Person may decide that there is no *prima facie* evidence of a relevant wrongdoing and either close the procedure or refer the matter to another relevant procedure. If this occurs, the Designated Person will notify the reporting person in writing of this decision and the reasons for it.

If the Designated Person decides that there is *prima facie* evidence of a relevant wrongdoing, appropriate action will be taken to address the wrongdoing, having regard to the nature and seriousness of the matter.

The nature and seriousness of the matter reported will inform whether the matter can or should be investigated internally. In some circumstances it may be more appropriate for an investigation to be carried out by external experts, or a statutory body, or for the matter to be reported to An Garda Síochána or other body.

An informal process may be used to address a disclosure where the alleged relevant wrongdoing is relatively straightforward or not very serious or does not require consideration of the making of adverse findings about any individual.

If a decision to close the matter or refer it to another process is made, a party affected by this decision may request a review of this decision, via the system of review set out in section 4.5 of this policy.

4.3 Investigation

The Designated Person shall decide whether an investigation is required. If an investigation is required, the Designated Person shall decide how the matter should be investigated. Investigations will be undertaken in accordance with the general principles of natural justice and fair procedures and any other relevant procedures of the MCIB, as appropriate.

Responsibility for investigating and addressing allegations of wrongdoing lies with the MCIB and not the reporting person. Reporting persons should not attempt to investigate wrongdoing themselves.

A review of a decision not to investigate can be requested via the system of review set out in section 4.5 of this policy.

4.4 Feedback

Feedback will be provided to the reporting person within a reasonable time period and no later than three months after the initial acknowledgement of the report. A reporting person can request the Designated Person, in writing, provide further feedback at three month intervals until the process of follow-up is completed.

Any feedback is provided in confidence and should not be disclosed by the reporting person other than:

- (a) as part of the process of seeking legal advice in relation to their report from a solicitor or a barrister or a trade union official; or
- (b) if required in order to make a further report through this or another reporting channel provided for under the Act (see next section).

Feedback will include information on the action taken or envisaged to be taken as follow-up to that report and also the reasons for such follow-up. Feedback will not include any information that could prejudice the outcome of an investigation or any other action that might follow. Feedback will not include any information relating to an identified or identifiable third party. In particular, feedback will not include any information on any disciplinary process involving another worker.

If the follow-up process determines that no relevant wrongdoing has occurred, the reporting person will be informed of this in writing and the reasons for this decision. A review of this decision may be requested via the system of review set out in section 4.5 of this policy.

The final outcome of the process triggered by the report will be communicated to the reporting person, subject to any legal restrictions concerning confidentiality, legal privilege, privacy and data protection or any other legal obligation.

4.5 System of Review

A review may be sought:

- By the reporting person into a decision, following assessment, to close the procedure or refer the matter to another process,
- By any affected party in respect of the conduct or outcome of any follow-up actions (including any investigation) taken on foot of the receipt of a report,
- By any affected party in respect of the conduct or outcome of any investigation into a complaint of penalisation, and,
- Except in exceptional cases, by any party affected by any decision to disclose the identity of the reporting person to persons other than those authorised under these procedures to handle reports.

Requests for a review may be made, in writing, to the Chairperson, or Deputy Chairperson of the Board.

5. Other Reporting Channels

The aim of this policy is to provide a means by which workers can safely and securely raise concerns about relevant wrongdoing and to give certainty that all such concerns will be dealt with appropriately. The MCIB is confident that issues can be dealt with internally and strongly encourages workers to report such concerns internally in accordance with this policy.

There may, however, be circumstances where a worker may not wish to raise their concern internally or if they have grounds to believe that an internal report they have made has not been followed-up properly. The Protected Disclosures Act sets out a number of alternative external channels for workers to raise concerns. Information regarding these channels is set out in Appendix B of this policy.

It is important to note, however, that if a worker is considering making a disclosure using these other channels, different and potentially more onerous conditions may apply. Workers are advised to seek professional advice before reporting externally.

6. Protection from Penalisation

The MCIB is committed to protecting workers from penalisation or a threat of penalisation because the worker made a protected disclosure. Acts of penalisation will not be tolerated. If a worker is penalised or threatened with penalisation this can be reported to the Chairperson or Deputy Chairperson of the Board.

Penalisation means any direct or indirect act or omission that occurs in a work-related context, which is prompted by the making of a protected disclosure and causes or may cause unjustified detriment to a worker.

The Protected Disclosures Act provides that a worker who suffers penalisation as a result of making a protected disclosure can make a claim for redress through either the Workplace Relations Commission or the courts, as appropriate.

7. Protection from Legal Liability

Civil legal action, with the exception of defamation, cannot be taken against a worker who makes a protected disclosure. Workers can be sued for defamation but are entitled to the defence of “qualified privilege”. This means that it should be very difficult for a defamation case against a worker to succeed if the worker can show they have made a protected disclosure. There is no other basis under which a worker can be sued if they have made a protected disclosure.

If a worker is prosecuted for disclosing information that is prohibited or restricted, it is a defence for the worker to show they reasonably believed they were making a protected disclosure at the time they disclosed the information.

It is not permitted to have clauses in agreements that prohibit or restrict the making of a protected disclosure, exclude or limit any provision of the Act, preclude a person from bringing proceedings under or by virtue of the Act or preclude a person from bringing proceedings for breach of contract in respect of anything done in consequence of making a protected disclosure.

8. Confidentiality and Protection of Identity

The Act imposes an obligation to protect the identity of the reporting person.

The designated person, any other person in the department who receives a disclosure, or anyone else to whom a disclosure is shared with to allow them to carry out their functions in relation to the disclosure, cannot disclose the identity of the reporting person to anyone else (or any information that might reveal the identity of the reporting person) without the explicit consent of the reporting person.

However, this does not include people who the designated person reasonably considers it may be necessary to share the identity with for the purposes of the receipt, transmission, or follow-up of the disclosure. This can include staff who work with the designated person on protected disclosures, other Heads of Function who may assist in screening a disclosure and also, for example, another staff member who may have the necessary technical expertise to assist with the investigation of a disclosure. Such persons cannot disclose the identity of the reporting person.

Notwithstanding the above, the designated person will always ensure that the identity of the reporting person is only ever shared where necessary to carry out proper follow-up of a disclosure.

Appendix A – What to include in a disclosure

Reports should contain at least the following information:

- a. that the report is a protected disclosure and is being made under the procedures set out in this Policy;
- b. the reporting person's name, position in the organisation, place of work and confidential contact details;
- c. the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- d. whether or not the alleged wrongdoing is still ongoing;
- e. whether the alleged wrongdoing has already been disclosed and if so, to whom, when, and what action was taken;
- f. information in respect of the alleged wrongdoing (what is occurring / has occurred and how) and any supporting information;
- g. the name of any person(s) allegedly involved in the alleged wrongdoing (if any name is known and the worker considers that naming an individual is necessary to report the wrongdoing disclosed);
and
- h. any other relevant information.

Appendix B – Other disclosure channels

OVERVIEW

The aim of this policy is to provide a means by which workers can safely and securely raise concerns about relevant wrongdoing and to give certainty that all such concerns will be dealt with appropriately. The MCIB is confident that issues can be dealt with internally and strongly encourages workers to report such concerns internally in accordance with this policy.

There may, however, be circumstances where a worker may not wish to raise their concern internally or if they have grounds to believe that an internal report they have made has not been followed-up properly.

The Protected Disclosures Act sets out a number of alternative external channels for workers to raise concerns. Information regarding these channels is set out below.

Workers should note that different and potentially more onerous conditions may apply when using these channels. Workers are advised to seek professional advice before reporting externally.

The information set out in this Appendix gives a general overview of the other disclosure channels available under the Act. It does not purport to be legal advice or a legal interpretation of the Protected Disclosures Act. It is entirely a matter for each worker to satisfy themselves that they are reporting in accordance with the Act.

REPORTING TO A PRESCRIBED PERSON

The conditions applying to reporting to a prescribed person are set out in section 7 of the Protected Disclosures Act.

Prescribed persons are designated by the Minister for Public Expenditure, NDP Delivery and Reform to receive reports of wrongdoing in respect of matters they regulate or supervise.

If a worker wishes to make a report to a prescribed person, in addition to having a reasonable belief that the information they report tends to show a relevant wrongdoing, they must also reasonably believe the information they report is substantially true and that the relevant wrongdoing they wish to report falls within the description of matters for which the person is prescribed.

Prescribed persons are required to have formal channels to receive reports to them under the Act and to acknowledge, follow-up and give feedback on all reports received.

If a worker decides to report to a prescribed person, they must make sure that they choose the right person or body for their issue. For example, if they are reporting a breach of data protection law, they should contact the Data Protection Commission. A full list of prescribed persons and a description of the matter for which they have been prescribed can be found at: www.gov.ie/prescribed-persons/.

REPORTING TO THE PROTECTED DISCLOSURES COMMISSIONER

The conditions applying to reporting to the Protected Disclosures Commissioner are set out in section 7 of the Protected Disclosures Act.

The Protected Disclosures Commissioner is an alternative means by which a worker can make a report under section 7 of the Act. In particular, the Commissioner can assist where the worker is uncertain as to which prescribed person to report to. The Commissioner will transmit the report to the correct

prescribed person or to another person the Commissioner considers suitable to follow-up on the report. In exceptional circumstances (e.g. if no prescribed person or suitable person can be found) the Commissioner will follow-up directly on a report.

If a worker wishes to make a report to the Commissioner, in addition to having a reasonable belief that the information they report tends to show a relevant wrongdoing, they must also reasonably believe the information they report and any allegation contained in it is substantially true.

The Commissioner has established formal channels for workers to make reports under the Act. Information on how to report to the Commissioner is available at: <https://www.opdc.ie/>.

REPORTING TO INSTITUTIONS OF THE EU

The conditions applying to reporting to institutions of the EU is set out in section 7B of the Act.

If the relevant wrongdoing a worker wishes to report concerns a breach of European Union (EU) law, as set out EU Directive 2019/1937 on the protection of persons who report breaches of Union law, they can report to a relevant institution, body, office or agency of the EU, provided:

- the worker believes the information they wish to report is true at the time of reporting; and
- the information falls with the scope of EU Directive 2019/1937.

A number of these EU institutions have formal channels for receiving reports from workers. A worker wishing to make such a report should contact the institution concerned for information in this regard.

REPORTING TO A MINISTER

The conditions applying to reporting to a Minister are set out in section 8 of the Protected Disclosures Act.

A worker who is or was employed by a public body can make a report to the Minister or Minister of State responsible for the public body concerned, provided one or more of the following conditions is met:

- the worker has previously made a report of substantially the same information to their employer or other responsible person; or to a prescribed person; or the Protected Disclosures Commissioner; or to a relevant Minister but no feedback has been provided to the worker in response to the report within the specified feedback period, or, where feedback has been provided, the worker reasonably believes that there has been no follow-up or that there has been inadequate follow-up;
- the worker reasonably believes the head of the public body concerned is complicit in the relevant wrongdoing concerned;
- the worker reasonably believes that the relevant wrongdoing concerned may constitute an imminent or manifest danger to the public interest, such as where there is an emergency situation or a risk of irreversible damage.

If a report is made to the Minister, it will within 10 days of receipt, be transmitted, without consideration, directly to the Protected Disclosures Commissioner.

REPORTING TO A LEGAL ADVISER

The conditions for reporting to a legal adviser are set out in section 9 of the Act.

A worker can disclose information concerning a relevant wrongdoing to a barrister, a solicitor or a trade union official (or an official of an excepted body under section 6 of the Trade Union Act 1941) in the course of obtaining legal advice, including advice in relation to the operation of the Protected Disclosures Act.

REPORTING TO OTHER THIRD PARTIES

There are specific – and more onerous – conditions that must be met for a worker to be protected if they make a disclosure to any person other than their employer or other responsible person, a prescribed person, the Protected Disclosures Commissioner or a relevant Minister. These are set out in section 10 of the Protected Disclosures Act.

The worker must reasonably believe that the information disclosed in the report, and any allegation contained in it, is substantially true, and that at least one of the following conditions is met:

- the worker previously made a disclosure of substantially the same information to their employer or other responsible person; to a prescribed person; to the Protected Disclosures Commissioner, or to a relevant Minister, but no appropriate action was taken in response to the report within the specified feedback period; or
- the worker reasonably believes that the relevant wrongdoing concerned may constitute an imminent or manifest danger to the public interest, such as where there is an emergency situation or a risk of irreversible damage, or
- the worker reasonably believes that if he or she were to make a report to a prescribed person, the Protected Disclosures Commissioner or a relevant Minister that there is a risk of penalisation, or
- the worker reasonably believes that if he or she were to make a report to a prescribed person, the Protected Disclosures Commissioner or a relevant Minister that there is a low prospect of the relevant wrongdoing being effectively addressed, due to the particular circumstances of the case, such as those where evidence may be concealed or destroyed or where a prescribed person may be in collusion with the perpetrator of the wrongdoing or involved in the wrongdoing.

REPORTING OF MATTERS RELATED TO LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

Section 17 of the Protected Disclosures Act sets out certain special conditions that apply to the reporting of matters relating to law enforcement and the administration of justice. A full definition of what constitutes such matters is set out in section 17(1) of the Act.

In general, reports concerning law enforcement and the administration of justice can only be made:

- To the worker's employer in accordance with this policy; or
- To a prescribed person, if a person has been prescribed in respect of the matter the worker wishes to report; or
- To the Comptroller and Auditor General, if the report contains taxpayer information.

A worker can also disclose information concerning a relevant wrongdoing in this area to a legal adviser or a trade union official (or an official of an excepted body under section 6 of the Trade Union Act 1941) in the context of seeking legal advice regarding their disclosure.

A report on matters concerning law enforcement and the administration of justice can in certain circumstances be made to a member of Dáil Éireann or Seanad Éireann. Section 17 sets out the specific conditions that apply in this case. Workers should familiarize themselves with these conditions and seek legal advice if required.

No other form of disclosure of these matters is permitted under the Protected Disclosures Act.

REPORTING OF MATTERS RELATED TO SECURITY, DEFENCE, INTERNATIONAL RELATIONS AND INTELLIGENCE

Section 18 of the Protected Disclosures Act sets out certain special conditions that apply to the reporting of matters relating to security, defence, international relations and intelligence. A full definition of what constitutes such matters is set out in sections 18(1) and 18(2) of the Act. Reports concerning matters relating to these areas can only be made:

- To the worker's employer, in accordance with this policy;
- To a relevant Minister in accordance with section 8 of the Protected Disclosures Act;
- To the Disclosures Recipient in accordance with section 10 of the Protected Disclosures Act.

A worker can also disclose information concerning a relevant wrongdoing in these areas to a legal adviser or a trade union official (or an official of an excepted body under section 6 of the Trade Union Act 1941) in the context of seeking legal advice regarding their disclosure.

[INSERT DETAILS OF HOW REPORTS CAN BE MADE TO THE DISCLOSURES RECIPIENT]

No other form of disclosure of these matters is permitted under the Protected Disclosures Act.