



Ollscoil
Teicneolaíochta
an Atlantaigh

Atlantic
Technological
University

Protected Disclosure Policy Version 2.0

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This Policy was approved by the Approving Authority on **31 March 2025** It shall be reviewed and, as necessary, amended by the University every three years, or at such time as is deemed necessary or if there has been a material change to any legislation or national guidelines informing this policy area. All amendments shall be recorded on the revision history section above.

Note: Prior to publication and dissemination of policies and procedures, documents must be reviewed for accessibility as part the University's commitment to Equality, Diversity, and Inclusion (EDI). Further advice on accessibility can be obtained from the EDI Team.

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1. Introduction

Atlantic Technological University is committed to providing workers with a confidential and secure pathway for reporting concerns about wrongdoing in the workplace and also to protecting workers against penalisation for having reported those concerns.

The Protected Disclosures Act 2014 as amended (“the Act”)¹ protects workers who report certain workplace wrongdoings. A formal channel for reporting such concerns has been established in accordance with the Act.

This document sets out: how to make a report; the types of wrongdoing that constitute a protected disclosure; what happens when a report is received; and the protections that are available against penalisation for reporting a concern about wrongdoing.

The University will:

- Keep the identity of the reporting person and any person named in a report confidential;
- Not tolerate any penalisation or threat of penalisation of the reporting person or persons associated with the reporting person;
- Acknowledge all reports within 7 days;
- Follow-up diligently on all reports of relevant wrongdoing;
- Provide feedback to the reporting person within 1 month of acknowledgement; and
- Provide further feedback at 3 monthly intervals on written request.

The President has overall responsibility for the Procedures set out in this policy.

The Head of Corporate Governance is the Designated Person with day-to-day responsibility for the handling of reports. In the case of a conflict of interest on their part or other reason for their non-availability, the President may appoint another Designated Person to deal with the disclosure.

Please read this document carefully before making a report. It is solely your responsibility to

¹ All Acts and all statutory instruments up to and including the 30 July 2024.

ensure you meet the criteria for protection under the Act. If you have any queries about this policy, please contact the Head of Corporate Governance.

If you require confidential, independent, advice (including legal advice) on the making of a protected disclosure, please refer to section 13 of this document.

2. Who this Policy applies to (Scope)

This policy applies to all “workers”. A “worker” is an individual in a work-related relationship with the University who acquires information on relevant wrongdoings in a work-related context and who is or was:

- (a) an employee (including former, permanent, temporary, fixed-term, casual and substitute);
- (b) an independent contractor;
- (c) an employee of an independent contractor;
- (d) an employee of a subsidiary of or joint venture involving the University;
- (e) an agency worker;
- (f) a trainee;
- (g) a shareholder of an undertaking;
- (h) a member of the administrative, management or supervisory body of the University including non-executive members (this includes members of the University’s Governing Body and its committees and sub-committees);
- (i) a volunteer;
- (j) an individual who acquired information on a relevant wrongdoing during a recruitment process; or an individual who acquired information on a relevant wrongdoing during pre-contractual negotiations (other than a recruitment process).

3. What is a Protected Disclosure (Key Definitions)

Making a report in accordance with the Protected Disclosures Act is referred to as “making a protected disclosure”. A “protected disclosure” means a disclosure of “relevant information” made by a “worker” in the manner specified in the Act. The relevant information must, in the reasonable belief of the worker, tend to show one or more relevant wrongdoings and have come

to the attention of the worker in a work-related context. These requirements are explained in more detail below.

3.1 What is relevant Information

Relevant information is information which in the reasonable belief of the worker tends to show one or more relevant wrongdoings and it came to the attention of the worker in a work-related context. The information should disclose facts about someone or something, rather than a general allegation that is not founded on any facts. Workers should not investigate allegations of wrongdoing. The Designated Person is responsible for the appropriate follow up of all reports.

3.2 What is a reasonable belief

The worker's belief must be based on reasonable grounds but it is not a requirement that the worker is ultimately correct. Workers are not expected to prove the truth of an allegation.

No disciplinary or other action will be taken against a worker who reasonably believes the information they have reported tends to show a wrongdoing even if the concern raised turns out to be unfounded.

The motivation of the worker in making a report is irrelevant as to whether or not it is a protected disclosure. The worker will be protected if they reasonably believe when making the report that the information disclosed tended to show a relevant wrongdoing.

A report made in the absence of a reasonable belief is not a protected disclosure and may result in disciplinary action. It is a criminal offence to make a report that contains any information the reporting person knows to be false. A person who suffers damage resulting from the making of a known to be false report has a right to take legal action against the reporting person.

3.3 What are relevant wrongdoing

To qualify as a protected disclosure, the matter reported must be a "relevant wrongdoing". 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 EU law as set out in the Act, has occurred, is occurring or is likely to occur; or 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 does not matter 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.

Workers may be subject to mandatory reporting obligations relevant to their role or profession. Such reports may or may not amount to protected disclosures under the Protected Disclosures Act depending on whether the requirements of the Act are met. Legislation other than and in addition to the Protected Disclosures Act may provide for making reports. Workers should ensure that they are aware of what protections, if any, such other legislation and/or the Protected Disclosures Act makes available to them, and seek legal advice if necessary.

3.4 Matters that are not relevant wrongdoings

A matter is not a relevant wrongdoing where 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.

A matter concerning interpersonal grievances exclusively affecting a worker is not a relevant wrongdoing and will not be dealt with under this procedure. Such matters are dealt with under

the Dignity at Work Procedure.

Failure to comply with a legal obligation that arises solely under the worker's contract of employment or other contract where the worker undertakes to do or perform personally any work or services is not a relevant wrongdoing. Such matters are dealt with under the Disciplinary Procedure.

Protected disclosures can only be made by workers and be made in a work-related context (see next section). Reports of wrongdoing that do not fulfil this criteria may be dealt with under relevant codes, such as the Student Code.

3.5 What is a work related context

"Work-related context" means current or past work activities through which, irrespective of the nature of those activities, persons acquire information concerning a relevant wrongdoing and within which those persons could suffer penalisation if they reported such information.

4. How to make a report

Workers or reporting persons must make a protected disclosure in the manner set out in the policy to gain the protections afforded in the policy. Workers are not obliged to make a protected disclosure internally before making it externally. However, the University strongly encourages workers to do so in the first instance.

Concerns can be raised through the Internal Reporting Channel, which is accessible through the University's website or by following the link (<https://whistleblowersoftware.com/secure/ATU>), verbally or in writing. Those making a disclosure have the option to either 'Create a new report' or to 'Follow up on an existing report' via the Internal Reporting Channel. Appendix A below has a QR code for the link to the Internal Reporting Channel.

Protected disclosures should be expressed in writing or orally with as much detail as possible, to include supporting documentation if available, to demonstrate and support the reason(s) for the worker's concern

Any report submitted through the Internal Reporting Channel will be received by an external third party operating the Confidential Recipient Service for the University under contract; thus providing an independent party to whom you report your concern or suspicion.

The written protected disclosure should be factual and not speculative and should contain as much specific information as possible to allow for the proper assessment of the nature and extent of the concern.

It is recommended that, at a minimum, reports should include the following details:

1. The reporting person's name, position in the organisation, place of work and Confidential contact details;
2. The date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
3. Whether or not the alleged wrongdoing is still ongoing;
4. Whether the alleged wrongdoing has already been disclosed and if so, to whom, when, and what action was taken;
5. Information in respect of the alleged wrongdoing (what is occurring / has occurred and how) and any supporting information;
6. 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
7. Any other relevant information

Protected disclosures should ideally be made in writing through the Internal Reporting Channel. However, a worker or reporting person may record a voice message on the Internal Reporting Channel or request to meet with the Confidential Recipient Service provider. The worker has the option to distort their voice once the oral message is recorded on the Internal Reporting Channel should they wish to remain anonymous. In the event a worker or reporting person makes a verbal disclosure, their disclosure will be recorded by the recipient and signed / confirmed by the worker or reporting person as an accurate record of the protected disclosure. Subject to the consent of the worker or reporting person, the University shall have the right to

document a verbal disclosure in one of the following ways:

- (a) by making a recording of the conversation in a durable and retrievable form; or
- (b) through a complete and accurate transcript of the conversation prepared by the staff members responsible for handling the report. The University shall offer the worker the opportunity to check, rectify and agree the transcript, where same is signified as having been done by the employee's signing of it.

When a concern has been raised via the Internal Reporting Channel, the reporting person will be provided with access to a secure mailbox. This mailbox is only accessible by the reporting person, and allows for two-way communication between the reporting person and the Confidential Recipient Service provider whilst preserving their anonymity (should they wish to report anonymously). The reporting person will be provided with a system generated password for the mailbox and it is important that the reporting person stores this password securely.

5. Anonymous Reports

Reports can be made anonymously through the University's Internal Reporting Channel. Persons who choose to report anonymously and whose report meets the requirements of the Act remain entitled to all of the protections of the Act.

Anonymous reports will be followed-up to the greatest extent possible. However, it may not be possible to fully assess and follow-up on an anonymous report.

In addition, implementing certain elements of this policy – such as seeking further information, maintaining communication and protecting the reporting person's identity or protecting them from penalisation – may not be possible.

6. Process following Receipt of a Report

This process shall apply to all reports made in the manner specified in section 4 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 4.

6.1 Acknowledgement

All reports shall be acknowledged by the Confidential Recipient Service provider within 7 days of receipt through the Internal Reporting Channel.

6.2 Assessment

The Confidential Recipient Service provider will assess the information provided in your disclosure. In order to do so, the Confidential Recipient Service provider may send a message to your unique mailbox, to request further information or clarification from you regarding the matter(s) reported. We would encourage you to check the mailbox periodically and to respond to any requests of this nature.

The Confidential Recipient Service provider will then refer the matter to the Designated Person in the University to follow-up on the concern raised.

The Designated Person shall assess if there is prima facie evidence that a relevant wrongdoing might have occurred.

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.

It may be necessary to differentiate the information contained in the report. It may be the case that not all of the matters reported fall within the scope of this policy or the Protected Disclosures Act. Different parts of a report may need to be approached separately and some matters may be directed to another, more appropriate, policy or procedure (e.g. personal grievances).

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 through the Internal Reporting Channel.

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 11 of this policy.

6.3 Investigation

The Designated Person shall decide whether or not 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 University, as appropriate.

Responsibility for investigating and addressing allegations of wrongdoing lies with the University 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 11 of this policy.

6.4 Feedback

Feedback will be provided to the reporting person within a reasonable time period and no later than 1 month after the initial acknowledgement of the report.

A reporting person can request the Designated Person, in writing through the Internal Reporting Channel, provide further feedback at 3 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. Such information is confidential between the employer and the worker concerned.

If the follow-up process determines that no relevant wrongdoing has occurred, the reporting person will be informed of this in writing through the Internal Reporting Channel and the reasons for this decision. A review of this decision may be requested via the system of review set out in section 11 of this policy.

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

7. 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 University 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 C 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. Information on where to seek independent, confidential advice in this regard can be found at section 13 of this policy.

8. Protection from Penalisation

The University 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 Head of Corporate Governance or the Designated Person and the report will be followed-up by them.

Penalisation is 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.

Penalisation includes, but is not limited to:

- (a) Suspension, layoff or dismissal;
- (b) Demotion, loss of opportunity for promotion or withholding promotion;
- (c) Transfer of duties, change of location of place of work, reduction in wages or change in working hours;
- (d) The imposition or administering of any discipline, reprimand or other penalty (including a financial penalty);
- (e) Coercion, intimidation, harassment or ostracism;
- (f) Discrimination, disadvantage or unfair treatment;
- (g) Injury, damage or loss;

- (h) Threat of reprisal;
- (i) Withholding of training;
- (j) A negative performance assessment or employment reference;
- (k) Failure to convert a temporary employment contract into a permanent one, where the worker had a legitimate expectation that he or she would be offered permanent employment;
- (l) Failure to renew or early termination of a temporary employment contract;
- (m) Harm, including to the worker's reputation, particularly in social media, or financial loss, including loss of business and loss of income;
- (n) Blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry;
- (o) Early termination or cancellation of a contract for goods or services;
- (p) Cancellation of a licence or permit; and
- (q) Psychiatric or medical referrals.

Appropriate action, which may include disciplinary action, will be taken against a worker who penalises a reporting person or other individual due to the making of a protected disclosure.

The normal management of a worker who has made a protected disclosure is not penalisation.

If a protected disclosure is made during an investigation or disciplinary process to which the reporting person is subject, it will not automatically follow that the making of the report will affect the investigation or disciplinary process. Separate processes unconnected with the disclosure will ordinarily continue to proceed.

Disclosure of an alleged wrongdoing does not confer any protection or immunity on a worker in relation to any involvement they may have had in that alleged wrongdoing.

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.

A claim concerning penalisation or dismissal must be brought to the Workplace Relations Commission within 6 months of the date of the act of penalisation or the date of dismissal to which the claim relates.

A claim for interim relief pending proceedings at the Workplace Relations Commission or the courts must be made to the Circuit Court within 21 days of the last date of penalisation or date of dismissal.

It is a criminal offence to penalise or threaten penalisation or permit any other person to penalise or threaten penalisation against any of the following:

- The reporting person;
- A facilitator (a person who assists the reporting person in the reporting process);
- A person connected to the reporting person, such as a colleague or a relative; or
- An entity the reporting person owns, works for or is otherwise connected with in a work-related context.

9. 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.

Please refer to section 13 of this policy on how to obtain further information and independent, confidential advice in relation to these statutory rights.

10. Confidentiality and Identity

The University is committed to protecting the confidentiality of the identity of both workers who raise a concern under these procedures and any third party mentioned in a report and to treating the information disclosed in confidence.

Subject to the exceptions below, the identity of the reporting person or any information from which their identity may be directly or indirectly deduced will not be shared with anyone other than persons authorised to receive, handle or follow-up on reports made under this policy without the explicit consent of the reporting person.

The Protected Disclosures Act provides for certain exceptions where a reporting person's identity or information that could identify the reporting person can be disclosed without the reporting person's consent.

These are:

- (a) Where the disclosure is a necessary and proportionate obligation imposed by EU or national law in the context of investigations or judicial proceedings, including safeguarding the rights of defence of persons connected with the alleged wrongdoing;
- (b) Where the person to whom the report was made or shared shows they took all reasonable steps to avoid disclosing the identity of the reporting person or any information that could identify the reporting person;
- (c) Where the person to whom the report was made or shared reasonably believes disclosing the identity of the reporting person or information that could identify the reporting person is necessary for the prevention of serious risk to the security of the

State, public health, public safety or the environment; and

(d) Where the disclosure is otherwise required by law.

Where a reporting person's identity or information that could identify a reporting person is to be disclosed under exceptions (a) to (d), above, the reporting person will be notified in writing in advance, unless such notification would jeopardise:

- The effective investigation of the relevant wrongdoing reported;
- The prevention of serious risk to the security of the State, public health, public safety or the environment; or
- The prevention of crime or the prosecution of a criminal offence.

A reporting person may request a review of a decision to disclose their identity under the System of Review set out in section 11 of this policy.

Circumstances may arise where protection of identity is difficult or impossible – e.g. if the nature of the information disclosed means the reporting person is easily identifiable. If this occurs, the risks and potential actions that could be taken to mitigate against them will be outlined and discussed with the reporting person.

Other employees must not attempt to identify reporting persons. Attempts to do so may result in disciplinary action.

If a worker who has made a disclosure believes their identity has been disclosed they should report this to the Head of Corporate Governance, the Designated Person, the President, the Chair of the Audit and Risk Committee or the Chair of the Governing Body.

Records will be kept of all reports, including anonymous reports, in accordance with applicable policies concerning record keeping, data protection and freedom of information. Please refer to Appendix B of this policy for further information.

11. 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.

Reviews must be requested in writing or via email and may be requested through the Head of Corporate Governance, the Designated Person, the President, the Chair of the Audit and Risk Committee or the Chair of the Governing Body. The review will be performed by a review group appointed by the Audit and Risk Committee and the review will be conducted under the principles of natural justice and fair procedure. The review group will report the outcome of their review in the first instance to the Audit and Risk Committee and thereafter the Governing Body. Thereafter the result will be reported to the requester.

12. Related Policies and Procedures

A matter concerning interpersonal grievances exclusively affecting a worker is not a relevant wrongdoing, and will not be dealt with under this procedure. Such matters are dealt with under the Dignity at Work Procedure which can be found at <https://staffhub.atu.ie/>.

Failure to comply with a legal obligation that arises solely under the worker's contract of employment or other contract where the worker undertakes to do or perform personally any work or services is not a relevant wrongdoing. Such matters are dealt with under the Disciplinary Procedure which can be found at <https://staffhub.atu.ie/>.

Protected disclosures can only be made by workers and be made in a work-related context (see next section). Reports of wrongdoing that do not fulfil this criteria may be dealt with under relevant codes, such as the Student Code which can be found at <https://studenthub.atu.ie/>.

13. Supports and Information

Transparency International Ireland operates a free Speak-Up Helpline that offers support and advice (including legal advice) for workers who have reported or may plan to report wrongdoing. The Speak Up Helpline is open Monday to Friday, 10am to 6pm (excluding public holidays). It is operated by trained staff and volunteers. You can get in touch with the Speak Up Helpline team on freephone: 1800 844 866 and via secure report channel, or Signal app: 087 385 9996. Please note that only Signal-encrypted messages will be responded to.

For workers who are members of a trade union, many unions offer free legal advice services on employment-related matters, including protected disclosures.

The Employee Assistance Service (EAS) is a confidential service, providing support to employees, in addition to their spouse, civil partner or dependent, where the family member can be described as a person over the age of 18 and residing in the family home.

Our EAS is available 24/7, 365 days a year providing in the moment clinical support, with referral to counselling where clinically appropriate. Access the EAS directly:

Freephone IRE: 1800 814 243

WhatsApp : Text 'Hi' to 087 369 0010.

SMS : Text 'Hi' to 0871452056.

(Standard rates apply for SMS & WhatsApp).

Appendix A – QR code and Link for Internal Reporting Channel

Available on the University's website homepage (www.atu.ie) under Protected Disclosures

<https://whistleblowersoftware.com/secure/ATU>



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Appendix B –Record Keeping, Data Protection and Freedom of Information

B.1 Recording Keeping

A record of all reports – including all anonymous reports – is kept.

Relevant records generated through this process are retained in accordance with the University's Record Retention Policy and Schedule.

Where a report is made or clarification received orally (in a physical meeting or via the Internal Reporting Channel telephone), the report or clarification shall be documented by way of accurate minutes of the conversation taken by the person who receives the report. The reporting person shall be offered an opportunity to check, rectify and agree these minutes.

B.2 Data Protection

Disclosures usually involve the processing of personal data. At a minimum, this usually includes the personal details of the reporting person but might also include information regarding persons concerned or other third parties.

All personal data is processed in accordance with applicable data protection law, including the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018.

The processing of personal data for the purposes of handling protected disclosures is lawful under Article 6(1)(c) GDPR so that the University can fulfil its statutory obligations under the Act.

Any data sharing is done in accordance with this Policy.

Anonymised statistical data is published annually.

In line with Article 23 GDPR and Section 60 DPA, certain restrictions on data subject rights, where necessary and proportionate, are imposed per Section 16B of the Protected Disclosures Act. Where the exercise of a right under GDPR would require the disclosure of information that might identify the reporting person or persons concerned, or prejudice the effective follow up of a report, the exercise of that right may be restricted. Rights may also be restricted to prevent attempts to hinder reporting or to impede, frustrate or slow down follow-up on disclosures

received, in particular in relation to investigations, or attempts to find out the identity of reporting persons or persons concerned. If a right under GDPR is restricted, the data subject is given the reasons for the restriction, unless the giving of such reasons would identify the reporting person or persons concerned, or prejudice the effective follow up of a report, or prejudice the achievement of any important objectives of general public interest as set out in the Act.

The University's Data Protection Policy is available at <https://www.atu.ie/data-protection>. Queries relating to data protection may be directed to dataprotection@atu.ie

A person wishing to make a complaint, for example where data subject rights are restricted, may contact the Data Protection Commissioner.

B.3 Freedom of Information

The Freedom of Information Act 2014 does not apply to a record relating to a disclosure made in accordance with the Protected Disclosures Act, whether the disclosure was made before or after the date of the passing of the Act.

Appendix C: Other Disclosure Channels

C.1 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 University 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. Information on where to seek independent, confidential advice in this regard can be found at section 13 of this policy.

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.

C.2 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/.

C.3 Reporting to a the Protected Disclosure 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/>.

C.4 Reporting to Institutions of the EU

The conditions applying to reporting to institutions of the EU are 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 within 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.

C.5 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.

In the case of the University the relevant Minister is Minister for Further and Higher Education Research, Innovation and Science (DFHERIS).

A Protected Disclosures Report may be made to the Minister for DFHERIS by following the procedure for Protected Disclosures at <https://www.gov.ie/en/organisation/department-of-higher-education-innovation-and-science/>.

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.

C.6 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.

C.7 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.

C.8 Reporting of Matter 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 workers 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.

C.9 Reporting of Matter 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.

Reports of wrongdoing concerning security, defence, international relations and intelligence can be sent by email to: protected.disclosure@confidentialrecipient.gov.ie or by post to:

Disclosures Recipient, c/o Office of the Protected Disclosures Commissioner, 6 Earlsfort Terrace, Dublin 2, D02 W773.

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