

HSE National Procedures for the Handling of Protected Disclosures

2025





HSE National Procedures for the Handling of Protected Disclosures 2025

Policy Procedure Protocol Guideline Clinical Guideline

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| Description: | <p>The aim of these Procedures 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.</p> <p>The Protected Disclosures Act 2014, together with the Protected Disclosures Amendment Act 2022, protects workers who report certain workplace wrongdoings. The HSE has established a formal internal channel for reporting such concerns in accordance with the Act.</p> <p>These procedures are aligned with the Statutory Guidance on the Protected Disclosures Act issued by the now Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation issued to all public bodies in November 2023 and supersede the 2023 (Interim) Procedures for the receipt and Management of Protected Disclosures in the HSE.</p> |

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Foreword

Bernard Gloster, Chief Executive Officer

We all benefit when workers speak up against wrongdoing in the workplace. Many crucial issues of public interest would never have come to light if not for people raising their voices for the greater good, often at significant personal risk. The HSE as an organisation continues to listen to the lived experiences, good and bad, of those who have gone through the protected disclosures process.

The updated Procedures for the Handling of Protected Disclosures in the HSE reflects what we have learned and ensures the HSE remains a leader for the legal protections provided to those who raise their heads above the parapet to speak up about wrongdoings they witness in the workplace.

While the procedures help guide employees, leaders and managers in the organisation, what really matters is how the process operates in practice. Formal procedures form only a part of the overall picture. Ultimately, it is the ethos and culture of an organisation that determines whether the concerns of workers are listened to and acted upon. Protected disclosure procedures are only one element of a broader ecosystem of ethics and integrity that must form the bedrock of how the HSE serves the people of Ireland.

We often praise reporting persons as “brave” and “courageous”, and rightly so. However, if we are truly committed to listening to what they have to say, as an organisation, we must take the concrete steps to foster a culture where we actively seek out uncomfortable truths. In this environment, bravery and courage should not be necessary, because raising concerns must become integral to our everyday functioning. This is a significant challenge, one that I am confident the leaders of our organisation will embrace, accept and deliver on effectively.

Acknowledgements

As part of the revision process of these Procedures, the National Office for Protected Disclosures (NOPD) engaged with the wider HSE organisation at regional and centre levels, and has consulted with the Trade Unions via the National Joint Council Policies and Procedures Sub-Group.

Thank you to the many people who contributed to these updated procedures, especially to those who took the time to provide invaluable feedback during the consultation phases.

Part 1: Introduction to the HSE Procedures 2025

1.0 Background

The HSE is committed to providing workers with a confidential and secure pathway for reporting concerns about wrongdoing(s) in the workplace and also to protect workers against penalisation for having reported those concerns.

The Protected Disclosures Act 2014, together with the Protected Disclosures Amendment Act 2022, (together referred to as “the Act” throughout this document) protects workers who report certain workplace wrongdoings. The HSE has established a formal internal channel for reporting such concerns in accordance with the Act.

The Health Act 2004, as amended, also includes protected disclosure provisions that may be considered instead. These provisions require that the disclosure is made in good faith, and the list of defined wrongdoings is shorter than the Protected Disclosures Act. Further information in relation to making a disclosure under the Health Act 2004, as amended is available on the HSE website: <https://www.hse.ie/protecteddisclosures>.

The legislation used by the HSE to assess a disclosure is the Protected Disclosures Act 2014, as amended, unless you request otherwise. This legislation was updated on 1 January 2023 and provides the most expansive definition of workers, clearest protections and disregards the motivations of the reporting person.

These procedures are aligned with the *Statutory Guidance on the Protected Disclosures Act* issued by the now Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation issued to all public bodies in November 2023 and supersede the *2023 (Interim) Procedures for the receipt and Management of Protected Disclosures in the HSE*.

Please read this document carefully before making a report. It is your responsibility as a “worker” to ensure the criteria for protection under the Act is reached.

If you have any queries about these Procedures, please contact the NOPD by email at: protected.disclosures@hse.ie, or by phone at: +353 (0)16352202. If you require confidential, independent, advice (including legal advice) on the making of a protected disclosure, please refer to section 1.5 of this document.

1.1 Scope - Who do these Procedures Apply to?

These procedures apply to all “workers”. A “worker” is an individual in a work-related relationship with the HSE who acquires information on relevant wrongdoings in a work-related context and who is or was:

- an employee (all directly employed staff of the HSE, under any contract);
- an independent contractor to the HSE, whether or not the work/services were provided personally by the individual to the HSE, or otherwise;
- an agency worker on HSE sites (agency nursing, patient care and medical staff, catering, cleaners, consultancy, security, etc.);
- an employee working for Section 38 and 39 agencies¹;

¹ Employees of Section 38 and 39 organisations are encouraged in the first instance to report disclosures internally, within their own organisation. A worker employed or engaged by a Section 38/39 organisation may make a disclosure to the HSE under the Protected Disclosures Act, 2014, where that individual reasonably believes that the wrongdoing relates solely or mainly to, the conduct of the HSE or something for which the HSE has legal responsibility, as per S6.(1) ‘Disclosure to Employer or Other Responsible Person’ of the Protected Disclosures Act, 2014.

- a trainee (a person provided with work experience under a training course or programme or with training for employment (or with both) otherwise than under an employment contract);
- a shareholder of an undertaking (this is unlikely to be relevant for workers making disclosures internally to the HSE);
- a member of the administrative, management or supervisory body of an undertaking including non-executive members (HSE Board members and members of HSE oversight committees);
- a volunteer;
- 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).

1.2 Objectives

The objectives of these Procedures are to:

Encourage Workers

- Encourage workers (as defined) to make protected disclosures internally and at the earliest opportunity

Promote & Guide Workers

- Set out:
 - the mechanism for workers to make a disclosure internally to the HSE;
 - the types of wrongdoing that constitute a protected disclosure; what happens when a disclosure report is received; and the protections available against penalisation for reporting a concern about wrongdoing(s)

Protect Workers

- Provide Protections to workers where such disclosures are made

Diligent Follow-up

- Ensure all protected disclosures are subject to appropriate and diligent follow-up actions

1.3 How will the HSE Achieve these Objectives?

The HSE will:

- Keep the identity of the reporting person and any person named in a report confidential (See section 3.3 for further details);
- Not tolerate any penalisation or threat of penalisation of the reporting person or persons associated with the reporting person;
- Acknowledge all reports within 7 calendar days;
- Follow-up diligently on all reports of relevant wrongdoing;
- Provide feedback to the reporting person within 3 months of acknowledgement; and
- Provide further continued feedback at 3 month intervals until conclusion of follow-up, on written request.

The HSE's **National Director for Public Involvement, Culture & Risk Management** has overall responsibility for these Procedures. The HSE has established the **National Office for Protected Disclosures (NOPD)**, with day-to-day responsibility for the handling of disclosure reports. The staff within the NOPD fulfil the role of Designated Person(s), as defined in the Act. The role of the NOPD is to:

- Be the nominated point of contact for individuals who are considering making a protected disclosure;
- Centrally manage the official receipt and initial assessment of protected disclosures received within the HSE;

- Ensure all protected disclosures referred for examination under the Act are examined/investigated and that feedback is provided to the reporting person as requested;
- Provide guidance on protected disclosures to “workers” under the Act;
- Be the principal point of contact between the HSE and the Office of the Protected Disclosures Commissioner (OPDC);
- Provide training to the organisation on protected disclosures;
- Promote an open culture whereby staff are encouraged to speak up about concerns and be listened to;
- Provide statutory reporting to the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation and to report as required to the HSE Senior Leadership Team, and the HSE Audit & Risk Committee.

1.4 Other Reporting Channels

The aim of these Procedures 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 HSE is confident that issues can be dealt with internally and strongly encourages workers to report such concerns internally in accordance with these Procedures.

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 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 these Procedures.

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 1.5 of these Procedures.

1.5 Supports and Information

There are a number of supports available to those who may wish to seek independent guidance:

- **Transparency International Ireland (TII)** operates a free Speak-Up Helpline that offers support and advice (including legal advice) for workers who have reported or plan to report a wrongdoing. The helpline can be contacted:
 - By Freephone at 1800 844 866 (or if calling from abroad +353 (0)1 554 3965 - phone charges are applicable)
 - By email to helpline@transparency.ie
 - By encrypted email to trachelpdesk@hushmail.com
 - By signal SMS to +353 (0)87 385 9996
 - By secure report channel at <https://helpline.speakup.ie>
- For workers who are members of a **Trade Union**, many Unions offer free legal advice services on employment-related matters, including protected disclosures.
- The **Citizens Information Service** provides general advice and information on how workers who make a protected disclosure are protected under the Act:
 - Website: <https://www.citizensinformation.ie/en/employment/enforcement-and-redress/protection-for-whistleblowers/>
- The **HSE Employee Assistance Programme (EAP)** is a work-based confidential independent support service for staff and the organisation. The service is free and available to all HSE employees. The service provides support with psychosocial issues (psychological and social factors that influence mental health). The HSE EAP contact details are:

- Phone at +353 818 327 327
- Website: <https://healthservice.hse.ie/staff/benefits-and-services/employee-assistance-programme-staff-counselling/>
- The **Work Relations Commission (WRC)** promotes good workplace relations, ensuring compliance with employment and equality legislation, and providing guidance and support in resolving disputes.
 - Website: <https://www.workplacerelations.ie/>

1.6 Reference Material

There are a number of HSE related policies and procedures, which can be found on the HSE website <https://www2.healthservice.hse.ie/organisation/national-pppgs/>

- Dignity at Work Policy for the Health Service
- Encryption Policy
- Freedom of Information Act 2014 (*protected disclosure records are exempt and not subject to the FOI Act 2014 under section 42(ja) of that Act*)
- Grievance and Disciplinary Procedure for the Health Service
- HSE Data Protection Policy
- HSE Guidelines on Terms and Conditions of Employment
- HSE Information Classification and Handling Policy
- HSE Information Security Policy
- HSE National Records Retention Policy
- HSE National Policy for dealing with vexatious complaints
- HSE Open Disclosure Policy
- HSE Password Standards Policy
- HSE Policy on Fraud and Corruption

1.7 Review of these Procedures

These Procedures will be reviewed on an annual basis by the NOPD, or earlier if required, such as with any future change in legislation or statutory guidance.

Part 2: More About Protected Disclosures

2.0 What is a Protected Disclosure?

Making a report in accordance with the Act is referred to as “making a protected disclosure”. A “protected disclosure” means a disclosure of “relevant information” made by a “worker” (defined in section 2.1 and 1.1 respectively) 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.

2.1 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 NOPD is responsible for performing an initial assessment on all reports received and determining the appropriate follow-up related to each report.

2.2 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.

2.3 What are Relevant Wrongdoings?

To qualify as a protected disclosure, the matter reported must be a “relevant wrongdoing”. The following are relevant wrongdoings, per section 5(3) of the Act:

- 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
- 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 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 (e.g. the Children First Act 2015, provides that 'Mandated Persons' shall report concerns of harm to children, to Tusla, the Child and Family Agency). Such reports may or may not amount to protected disclosures under the Act depending on whether the requirements of the Act are met. Legislation other than and in addition to the Act may provide for making reports. Workers should ensure that they are aware of what protections, if any, such other legislation and/or the Act makes available to them, and seek legal advice if necessary.

2.4 Matters that are Not Relevant Wrongdoings

A matter is not a relevant wrongdoing if it is a matter that 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 e.g. internal auditor.

A matter concerning interpersonal grievances exclusively affecting a worker, such as grievances about interpersonal conflicts involving the reporting person and another worker, or a complaint to the employer (e.g. related to contract issues) or about the employer which concerns the worker exclusively, is not a relevant wrongdoing under the Act, and will not be dealt with under these Procedures. Such matters are dealt with under the "Grievance and Disciplinary Procedure for the Health Service" or the "Dignity at Work Policy for the Public Health Service".

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 "HSE Guidelines on Terms and Conditions of Employment".

Protected disclosures can only be made by workers and be made in a work-related context (see section 2.5). Reports of wrongdoing that do not fulfil these criteria will be dealt with under other relevant policies. In such cases, information disclosed, where appropriate, may be referred to the Senior Accountable Officer² (SAO) for their consideration and appropriate attention outside of the Protected Disclosures framework.

Please see section 1.6 and <https://www2.healthservice.hse.ie/organisation/national-pppgs/> where all applicable HSE policies, procedures, etc. are stored.

2.5 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.

² Senior Accountable Officer (SAO): The SAO is positioned at senior management level and at no less than Regional Executive Officer or National Director level.

2.6 Anonymous Reports

Reports can be made anonymously. Persons who choose to report anonymously and whose report meets the requirements of the Act remain entitled to all the protections of the Act. The NOPD would encourage individuals (reporting persons) to provide contact details so that the HSE can address the disclosures with them to the fullest extent possible

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 the absence of the knowledge of the identity of the reporting person.

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

2.7 Group Disclosures

If a disclosure is received from a group of “workers”, the NOPD will inform the contact person(s) in writing and state that there is no provision in the legislation for making a “group” protected disclosure, or for one reporting person to act as a contact person or representative for others.

The NOPD will inform the contact person(s) that the HSE has a legal obligation to protect the identity of the individuals making the disclosure and an obligation to protect them from penalisation (see Section 3.4 – Protection from Penalisation). In order to meet these obligations, the HSE must correspond directly with each of the persons making the disclosure.

The NOPD requests that each of the individuals (reporting persons) contact the HSE protected disclosures email address to confirm that they have made a disclosure and to provide their contact details, so that the HSE can address the disclosures with them to the fullest extent possible (such as seeking further information for the purpose of initial assessment, providing feedback and protecting the identity of each individual and protecting them from penalisation).

The NOPD will assign each worker with their own unique NOPD reference number; thereby providing each reporting person with the same procedural treatment individually. On receipt of these details, the disclosure report, if assessed as suitable for follow-up under the Act, will be treated as one disclosure report for the purpose of referral to a Senior Accountable Officer, submitted by several workers. This will result in a single examination/investigation.

Part 3: HSE Internal Process

3.0 How to Make a Report (Disclosure)

Reports should be made to the NOPD who are the Designated Person(s) in the HSE to receive disclosure reports under these Procedures.

Reports can be made as follows:

- By email: protected.disclosures@hse.ie
- By post: National Office for Protected Disclosures, Dr Steevens' Hospital, Dublin, D08 W2A8
- By phone: +353 (0)16352202

Reporting persons are encouraged to use the [Form to make a Protected Disclosure - Protected Disclosures Act 2014 as amended](#) available on the HSE website when making a protected disclosure.

If a disclosure report is presented by a worker directly to a HSE service area/HSE centre function, the disclosure should be clearly marked as a protected disclosure. The relevant area will transmit the disclosure report to the NOPD for initial assessment.

When a disclosure is made verbally, it will be documented by the NOPD by way of minutes. Where practicable, the reporting person will be asked to check and confirm in writing the accuracy of the information provided.

Reports should contain at least the information set out in Appendix A of this procedure. Reporting persons should provide sufficient prima facie evidence³ as part of their report to enable the NOPD to carry out the initial assessment.

3.1 Can I Withdraw my Disclosure?

The Act does not make any provision in relation to the withdrawal of a disclosure. If the information provided tends to show a relevant wrongdoing, then the HSE may decide to continue to examine/investigate this in so far as is possible should a reporting person choose to withdraw from the process. The HSE is committed to protecting the confidentiality of the identity the worker in these instances.

3.2 HSE Process on Receipt of a Report

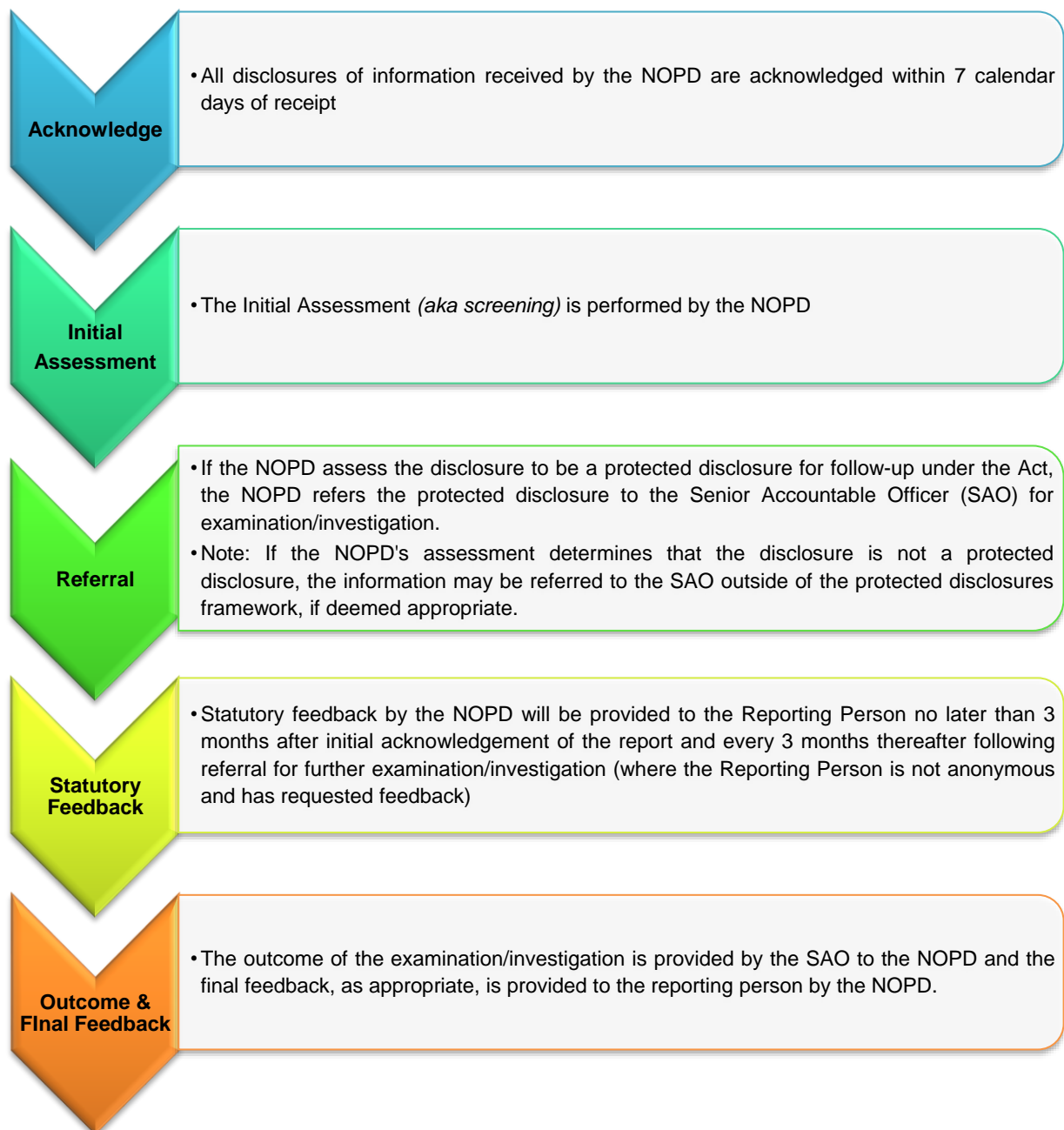
This process on receipt of a report shall apply to all reports made in the manner specified in Section 3 of these Procedures. This process may not apply if a report or other communication is made in a manner other than that specified in Section 3.

The process followed on receipt of a report which is assessed for follow-up⁴ as a protected disclosure is illustrated in Chart 1.

³ *Prima facie evidence: derived from Latin meaning "at first sight" or "on the face of it," means that there is sufficient evidence to support a claim, but it is not conclusive.*

⁴ *Follow-up includes the assessment and examination/investigation of the disclosure and actions taken to address the wrongdoing.*

Chart 1 – HSE Process on Receipt of a Report



3.2.1 Acknowledgement on Receipt of Report

All reports shall be acknowledged within 7 calendar days of receipt (where the identity of the reporting person is known) and given a unique NOPD reference number. The acknowledgement shall include:

- Confirmation that the NOPD will carry out an initial assessment of the report under the Act.
- Confirmation that the NOPD will formally communicate to the reporting person, in writing, the outcome of this initial assessment and update them on next steps.
- A copy of these Procedures.

3.2.2 Initial Assessment

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

The NOPD may, if required, make contact with the reporting person, in confidence, in order to seek

further information or clarification regarding the matter(s) reported. The NOPD will specify a timeframe for this information to be returned.

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 these Procedures or the 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 NOPD may decide that there is no *prima facie* evidence of a relevant wrongdoing and either close the report, refer the matter as it relates to another relevant procedure, or refer outside of the protected disclosures framework for appropriate consideration.

If the NOPD decides that there is *prima facie* evidence of a relevant wrongdoing, then the report will be referred to the SAO for examination/investigation and any further follow-up action required.

The NOPD will notify the reporting person (where the identity of the reporting person is known), in writing, of the NOPD's decision on initial assessment.

If a decision to close the matter or refer it to another process is made, a reporting person may request a review of this decision, via the system of review set out in section 3.6 of these Procedures.

3.2.3 Referral for Examination / Investigation

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

The NOPD shall refer the protected disclosure to the appropriate SAO. The SAO will ensure the necessary follow-up is actioned, i.e. the conduct of an examination /investigation, as appropriate, and that the necessary actions are taken to address any wrongdoing that may have occurred.

While the HSE recognises that workers who make disclosures may have a significant interest in relation to all processes related to same, it is the responsibility of the HSE to deal with information provided as appropriate.

Examinations/investigations will be undertaken in accordance with the general principles of natural justice and fair procedures and any other relevant procedures of the HSE, as appropriate.

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

A review of a decision not to examine/investigate can be requested via the system of review set out in section 3.6 of these Procedures.

3.2.4 Statutory Feedback

Feedback will be provided by the NOPD to the reporting person (where the identity of the reporting person is known) within a reasonable time period and no later than 3 months after the initial acknowledgement of the report. A reporting person can request the NOPD, in writing, to provide further feedback at 3 month intervals thereafter if referred for further examination/investigation, until the

process of follow-up is completed.

The content of the feedback may be limited by the nature and actions proposed particularly if they relate to other individuals.

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

- as part of the process of seeking legal advice in relation to their report from a solicitor, a barrister or a trade union official; or
- if required in order to make a further report through this or another reporting channel provided for under the Act (see Other Reporting Channels - section 1.4).

Feedback may include information on the action taken or envisaged to be taken as follow-up to the disclosure report.

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 (as this would be considered a data breach under Article 33, GDPR, 2016). 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.

3.2.5 Outcome & Final Feedback

The SAO is accountable for providing the final outcome of the examination/investigation, triggered by the disclosure report, to the NOPD.

Whilst the NOPD is not obliged under the Act to provide a copy of the outcome report received from the SAO to the reporting person; the final outcome will be communicated in writing by way of final feedback to the reporting person (where the identity of the reporting person is known). Where appropriate this feedback may identify actions that have or may be taken to address the wrongdoing/s and whether the alleged wrongdoings have been upheld, partly upheld or not upheld. It should be noted that such feedback is subject to legal restrictions concerning confidentiality, legal privilege, privacy and data protection or any other legal obligation.

A review of this decision may be requested via the system of review set out in section 3.6 of these Procedures.

3.3 Confidentiality and Protection of Identity

The HSE 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.

3.3.1 Confidentiality and Protection of Identity of Reporting Person

The HSE has put in place secure measures to protect the identity of reporting persons, including;

- Secure systems of disclosure receipt via email, post and dedicated phone line with access limited to the NOPD;
- Where appropriate, redacting of identifiable information prior to any action or investigation e.g. name, email address, telephone numbers, place of work etc.;
- Password protection of documentation containing identifying information shared with SAOs and their nominated Protected Disclosures Leads where appropriate;

- Storage and retention of disclosures within the protected disclosures secure file share in NOPD (local user access controls appropriately managed).

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 these Procedures, without the explicit consent of the reporting person.

The 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. They 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 3.6 of these Procedures.

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 communicated to the reporting person.

Other employees must not attempt to identify reporting persons. This is considered to be a very serious matter by the HSE and any attempts to do so will be followed up through the available Human Resources (HR) organisational team including, if necessary, with disciplinary action.

Workers who are concerned that their identity is not being protected should notify the NOPD.

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 these Procedures for further information.

3.3.2 Confidentiality and Protection of Identity of Respondents

Where, as part of a protected disclosure, an allegation is made against an individual (the respondent) and/or if any other third party is mentioned, the principles of natural justice, fair procedures and the confidentiality of their identity will also be complied with, as appropriate.

The identity of a person concerned (respondent or any other third party mentioned) will be protected for as long as any investigation triggered by the disclosure report is ongoing, unless disclosure of the identity is necessary for the purposes of the Act or is otherwise required by law.

3.4 Protection from Penalisation

The HSE 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 as a result of making a protected disclosure this can be reported to their Line Manager or relevant HR Senior Manager and the report will be followed up in accordance with the “Dignity at Work Policy for the Public Health Service”.

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:

- Suspension, layoff or dismissal;
- Demotion, loss of opportunity for promotion or withholding promotion;
- Transfer of duties, change of location of place of work, reduction in wages or change in working hours;
- The imposition or administering of any discipline, reprimand or other penalty (including a financial penalty);
- Coercion, intimidation, harassment or ostracism;
- Discrimination, disadvantage or unfair treatment;
- Injury, damage or loss;
- Threat of reprisal;
- Withholding of training;
- A negative performance assessment or employment reference;
- Failure to convert a temporary employment contract into a permanent one, where the worker had a legitimate expectation that they would be offered permanent employment;
- Failure to renew or early termination of a temporary employment contract;
- Harm, including to the worker’s reputation, particularly in social media, or financial loss, including loss of business and loss of income;
- 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;
- Early termination or cancellation of a contract for goods or services;
- Cancellation of a licence or permit; and
- Psychiatric or medical referrals.

This list is not exhaustive, and any form of penalisation is prohibited, even if not listed above.

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 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 (WRC) or the courts, as appropriate.

A claim concerning penalisation or dismissal must be brought to the WRC within 6 months of the date of the act of penalisation or the date of dismissal to which the claim relates (an extension of 6 months may be granted where there is reasonable cause).

A claim for interim relief pending proceedings at the WRC 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.

Further information is available on the WRC website: <https://www.workplacerelements.ie>

3.5 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 1.5 of these Procedures on how to obtain further information and independent, confidential advice in relation to these statutory rights.

3.6 System of Review

A review may be sought from the NOPD (see NOPD contact details in section 3.0):

- By the reporting person into a decision, following initial 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 (e.g. desk top exercise/examination/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.

If a review is requested under any of the reasons listed above, the reporting person or affected party

should contact the NOPD where advice will be given on requesting a review. All requests for a review must be made in writing to the NOPD within one month of the outcome being notified to the reporting person.

The review will be conducted by a person who has not been involved and who is at least equivalent, if not more senior than the person who conducted the original assessment/examination/investigation. Depending on the nature of the concerns, if an examination or investigation was conducted internally, an external review may be arranged.

A review is not intended to re-examine or re-investigate the matter. The reviewer will consider the relevant documentation and also any submissions from the person who requested the review and other relevant parties. The review process should have regard to:

- the subject matter of the disclosure and any additional submissions from the reporting person and other relevant parties;
- the Terms of Reference (TOR) (if any) for original follow-up process;
- the person(s) appointed to conduct the assessment/examination/investigation in terms of qualifications/independence etc.;
- the conduct of the assessment/examination/investigation in line with policy, fair procedures and principles of natural justice;
- the outcome of the assessment/examination/investigation and whether this is in line with the TOR (if any) and the findings in the investigation;
- decision options available to the reviewer (including to whom the review outcome should be notified e.g. same senior manager, a different senior manager); and
- actions following the outcome of a review.

The role of the reviewer should not be to re-assess, re-examine or re-investigate the matter in question but to address the specific issues the person requesting the review feels have received insufficient consideration. The reviewer should, therefore, consider:

- Whether the correct procedures were followed;
- In the case of an investigation, whether the TOR were adhered to;
- Whether the conclusions/findings could or could not reasonably be drawn from the information/evidence on the balance of probability.

The outcome of the review will be final and there will be no entitlement to further reviews of the same matters.

3.7 Statutory Reporting

In accordance with its obligations under the Act, no later than 1 March each year, the NOPD will provide the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation with information as required under section 22 of the Act. No later than 31 March each year, the HSE will prepare and publish a report in relation to the previous calendar year. The report shall be published in a form which does not enable the identification of persons involved in the protected disclosures listed.

Part 4: Appendices

Appendix A: What to Include in a Disclosure

Reports should contain at least the following information:

- that the report is a protected disclosure and is being made under the process set out in these procedures;
- the reporting person's status as a "worker" under the Act;
- the reporting person's name, position in the organisation, place of work and confidential contact details;
- the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- whether or not the alleged wrongdoing is still ongoing;
- whether the alleged wrongdoing has already been disclosed and if so, to whom, when, and what action was taken;
- detailed factual relevant information in respect of the alleged wrongdoing (what is occurring/has occurred and how);
- the name of any person(s) allegedly involved in the alleged wrongdoing (care should be taken to only include name(s) of individual(s) directly relevant to the report); and
- any other relevant information.

The HSE form to make a Protected Disclosure can be found here: [Form to make a Protected Disclosure - Protected Disclosures Act 2014 as amended](#).

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

B.1 Record Keeping

Records will be kept of all reports, including anonymous reports, in accordance with applicable policies concerning record keeping, data protection and freedom of information.

Where a report is made via the NOPD phone line the report shall be documented by way of accurate minutes of the conversation taken by the staff member who receives the report. The reporting person shall be offered an opportunity to check, rectify and agree these minutes.

Where a report is made via a physical meeting with an authorised member of staff, the report shall be documented by way of accurate minutes of the conversation taken by the staff member who receives the report. The reporting person shall be offered an opportunity to check, rectify and agree these minutes.

All records of disclosures will be maintained securely so as to comply with the requirements of confidentiality under the Act and with relevant obligations under the GDPR, 2016 and the Data Protection Acts 1988-2018 (as amended from time to time). Records will be retained for no longer than is necessary and proportionate to comply with the provisions of the Data Protection Act, 2018 and the HSE National Records Retention Policy, 2024.

In line with the Act, any personal data contained within a disclosure report that is not directly related to the disclosure being made will be deleted and not retained by the NOPD.

B.2 Data Protection

All personal data will be processed in accordance with applicable data protection law, including the

General Data Protection Regulation (GDPR), 2016 and the Data Protection Act, 2018, (as amended from time to time).

It is important to note that section 16B of the Protected Disclosures Act 2022, imposes certain restrictions on data subject rights, as allowed under Article 23 of the GDPR.

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, exercise of that right may be restricted.

Rights may also be restricted to the extent, and as long as, necessary to prevent and address attempts to hinder reporting or to impede, frustrate or slow down follow-up, in particular investigations, or attempts to find out the identity of reporting persons or persons concerned.

If a right (Articles 15-22) under the GDPR, 2016 is restricted, the data subject will be 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.

A person whose data subject rights are restricted can make a complaint to the Data Protection Commissioner or seek a judicial remedy in respect of the restriction. For more information on how to contact the Data Protection Commissioner, visit www.dataprotection.ie.

Privacy Statement

The Health Service Executive (HSE) provides a national public health and social care service. Our goal is to provide quality care and support to people at all stages of life. The services we offer include:

- vaccines and screening;
- hospital care;
- community and primary care;
- supports for older adults and people with disabilities;
- mental health care and support; and
- medical cards and other schemes.

Over 150,000 people work in the HSE to help us to achieve our goal. These include; nurses, midwives, doctors and other healthcare professionals. They include people working in; environmental health, support services and managing our hospitals and community healthcare, staff in the National Ambulance Service and many more.

The HSE is committed to protecting and respecting your privacy. This privacy statement explains how the HSE, as the Data Controller, will process the personal data provided to it in respect of a protected disclosure; how that information will be used, and what rights you may exercise in relation to your personal data.

Categories of personal data

The following items of personal data may be processed by the HSE in respect of Protected Disclosures:

- First Name, Surname
- Address
- Date of Birth
- Eircode
- Email address
- Phone Number/Mobile number
- Details of Employment

- Medical information

On occasion, special category data may be included with the above.

Source of the personal data

Your personal data was provided to the HSE directly by you or the person making the disclosure.

Purposes of the processing

The HSE will use the information provided in order to assess and examine/investigate protected disclosures.

Profiling

The HSE will not use any personal data collected from you in respect of Protected Disclosures for automated decision-making, or for profiling purposes.

Lawfulness of processing

This processing of your personal data is lawful under Article 6 (1)(c) in order for the HSE to fulfil its obligations under the Protected Disclosures Act 2014 and the Protected Disclosures (Amendment) Act 2022.

Security of your personal data

The HSE implements appropriate technical and organisational measures to protect your information from unauthorised access. A limited number of staff will have access to your information, which will be stored in a restricted electronic file system with password and network protection. Despite these efforts, no security measures are perfect or impenetrable, and no method of data transmission can be guaranteed against any interception or other type of misuse. In the event that your personal data is compromised as a result of a breach of security, the [HSE's Data Breach Process Guidance](#) will be implemented.

Recipients of the data

Personal data may be shared internally for compliance purposes. Personal data may be shared with the Office of the Protected Disclosures Commissioner. The Protected Disclosures Commissioner is responsible for ensuring that all external protected disclosures received by Ministers are dealt with by the appropriate body. Personal data may also be shared with the body or agency which is the subject of the Protected Disclosure, where it is necessary to advance the investigation of the disclosure. Where at all possible and in accordance with the Protected Disclosure Act, the discloser will be offered a review before his or her identity is disclosed. Personal data may be shared with other Government Departments, local authorities, agencies under the aegis of the Department, or other public bodies, in certain circumstances where this is provided for by law e.g. An Garda Síochána may be notified if fraudulent or criminal activity is discovered.

Cross-border Data Transfers

The HSE will not transfer personal data collected in respect of Protected Disclosures to any country or international organisation outside the EU/EEA.

How long will your data be kept?

The HSE will only retain your personal data for as long as it is necessary for the purposes for which it was collected and processed and in line with the [HSE Record Retention Policy](#).

Your rights

The HSE's [Data Protection Policy](#), which sets out how we will use your personal data, as well as providing information regarding your rights as a data subject (including details regarding right of access, right to rectification, right to erasure, right to restriction of processing, right to object), is available on our website. The policy is also available in hard copy upon request. If you consider that your rights have been infringed, you have the right to complain to the Irish Data Protection

Commission (www.dataprotection.ie), and you have the right to seek a judicial remedy.

Contacting Us

The HSE is the Data Controller when processing your personal data for the purposes outlined above.

The HSE's contact details are available at: <https://about.hse.ie/>

The HSE has appointed a Data Protection Officer to support its compliance with data protection law.

The contact details for the HSE's Data Protection Officer are:

Data Protection Officer (DPO): Email: dpo@hse.ie; Address: HSE National Data Protection Office, Dr Steevens' Hospital, Steeven's Lane, Dublin 8 D08 W2A8

B.3 Freedom of Information

The Freedom of Information Act 2014 does not apply to any records relating to disclosures made in accordance with the Act, irrespective of when it was made.

Appendix C: Other External Disclosure Channels

C.1 Overview

The aim of these Procedures 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 HSE is confident that issues can be dealt with internally and strongly encourages workers to report such concerns internally in accordance with this Procedure.

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 Amendment Act, 2022 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 1.5 of these Procedures.

The information set out in this Appendix gives a general overview of the other disclosure channels available under the Protected Disclosures Amendment Act, 2022. It does not purport to be legal advice or a legal interpretation of the 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 which apply to reporting to a prescribed person are set out in section 7 of the Protected Disclosures Act, 2014.

Prescribed persons are designated by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to receive disclosure 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 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/>.

C.4 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.

C.5 Reporting to a Minister

The conditions applying to reporting to a Minister are set out in section 8 of the 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 HSE, the relevant Minister is the Minister for Health.

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.

Refer to <https://www.gov.ie/en/publication/959f8-ministerial-reporting-channel-under-the-protected-disclosures-act-2022/> on how to make a report to the Minister.

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 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 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 they 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 they 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 Matters Related to Law Enforcement and the Administration of Justice

Section 17 of the 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 these Procedures; 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 Act.

C.9 Reporting of Matters Related to Security, Defence, International Relations and Intelligence

Section 18 of the 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 these Procedures;
- To a relevant Minister in accordance with section 8 of the Act;
- To the Disclosures Recipient in accordance with section 10 of the 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.

The information is published on www.gov.ie/protected-disclosures.

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

Appendix D: Glossary of Terms/Abbreviations

| Term / Abbreviation | Description |
|--|---|
| Designated Person(s) | The person(s) assigned with responsibility for the operation of internal and external channels. |
| Examination | A less formal process of follow-up (e.g., desktop review). On occasion, an informal process may identify during that process, that the matter is more suitable for a formal investigation. |
| External Reporting Channel | Where a reporting person makes a disclosure to a prescribed person or to the Protected Disclosures Commissioner. |
| Follow-up | Any action taken by the recipient (NOPD, SAO) of a disclosure report to address the accuracy of the information and, where relevant, to address the wrongdoing reported. Follow-up includes the assessment and examination/investigation of the disclosure and actions taken to address the wrongdoing. |
| Initial Assessment | A process conducted by NOPD to determine if the disclosure is deemed to be a protected disclosure and appropriate for follow up under the Protected Disclosures Act 2014, as amended. |
| Internal Reporting | Making a disclosure directly to the employer. |
| Investigation | Formal process of follow-up which may be required for more complex or serious matters. |
| National Office for Protected Disclosures (NOPD) | The designated HSE national office responsible for the receipt and management of protected disclosures across the HSE. |
| Not Upheld | The alleged wrongdoing(s) was examined/investigated but no wrongdoing was found. |
| Office of the Protected Disclosures Commissioner (OPDC) | The official body in Ireland that facilitates reports of wrongdoing in the workplace. The role of the Office of the Protected Disclosures Commissioner is to send reports of wrongdoing to the appropriate organisation for assessment and follow-up in |

| Term / Abbreviation | Description |
|---|--|
| | accordance with the Protected Disclosures Act. |
| Partially Upheld | The alleged wrongdoing(s) was examined/investigated and some, but not all, wrongdoing(s) were found to have occurred. |
| Penalisation | Dismissal and any act or omission causing detriment to a reporting person as a result of making a protected disclosure. |
| Prescribed Person | Prescribed persons are designated by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to receive disclosure reports of wrongdoing in respect of matters they regulate or supervise. |
| Prima facie evidence | Derived from Latin meaning "at first sight" or "on the face of it," means that there is sufficient evidence to support a claim, but it is not conclusive. |
| Reporting Person | A person (worker) who makes a disclosure of information in relation to wrongdoing. |
| Respondent/Person Concerned | A person named within a disclosure, alleged to be involved in or otherwise connected with the wrongdoing reported. |
| Senior Accountable Officer (SAO) | The accountable person to whom NOPD will refer a protected disclosure. The SAO will ensure the necessary follow-up is actioned, i.e. the conduct of an examination/investigation, as appropriate, and that the necessary actions are taken to address any wrongdoing that may have occurred. The SAO is positioned at senior management level and at no less than Regional Executive Officer or National Director level. |
| Terms of Reference (TOR) | Document that defines the purpose and structure of an investigation. |
| Upheld | The alleged wrongdoing(s) was examined/investigated, and the wrongdoing(s) were confirmed. |



Contact Details

National Office for Protected Disclosures

Health Service Executive
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Steeven's Lane
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