An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe
Approved Housing Bodies Regulatory Authority

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AHBRA External Reporting of Protected Disclosures Procedure

Document Management	External – PD002A
Date of Approval	December 2023
Final Approval by	Chief Executive Officer
Responsible Officer	Head of Legal & Compliance
Review Date	This procedure is required to be reviewed in 2 years following the effective date, or sooner if required.
Next Review Date	February 2028

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AHBRA Protected Disclosures

External Reporting Procedure

1. Introduction

1.1. Background

The Protected Disclosures Act 2014 (as amended) ("**the 2014 Act**") protects workers from penalisation if they speak up about wrongdoings in the workplace. People who make a protected disclosure (sometimes called "whistleblowers") are protected by this law. They should not be treated unfairly or lose their job because they have made a protected disclosure.

The Approved Housing Bodies Regulatory Authority ("**AHBRA**") is the statutory regulator of Approved Housing Bodies ("**AHB**") as established by the Housing (Regulation of Approved Housing Bodies) Act 2019 ("**the 2019 Act**"). AHBRA's key functions are set out in Section 9 of the 2019 Act.

AHBRA is a "Prescribed Person" under the 2014 Act in relation to all matters relating to the regulation of AHBs pursuant to the 2019 Act[1]. In accordance with the 2014 Act, and its Protected Disclosures Policy, AHBRA has established a formal channel for workers who wish to make an external report to it in relation to all matters relating to the regulation of AHBs pursuant to the 2019 Act.

1.2. Purpose & Scope

The purpose of this document is to set out the procedures AHBRA has put in place to facilitate workers who wish to report concerns about wrongdoing they have encountered in the course of their work.

[1] S.I. No. 524/2023 - Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) (Amendment) Order 2023

If a worker of AHBRA wishes to make a protected disclosure, they should refer to AHBRA's internal protected disclosure procedures.

The 2014 Act only applies to workers and does not apply to the general public. Issues or complaints raised by members of the general public to AHBRA will be treated as concerns and dealt with in line with AHBRA's concern procedure available at https://www.ahbregulator.ie/contact-us/concerns/ .

1.3. Policy Statement

As set out in its Protected Disclosure Policy, AHBRA is committed to ensuring that its culture and work environment are such that workers are encouraged and supported to report on potential wrongdoings and provides protection for reporting persons.

AHBRA is committed to fully discharging its statutory obligations as a prescribed person in relation to protected disclosures. These procedures are designed to align with the 2014 Act's principles and with the Statutory Guidance for public bodies and prescribed persons.

1.4. What will AHBRA do?

When AHBRA receives an external report from a worker it will:

- Keep the identity of the reporting person and any person named in a report confidential
- Acknowledge all reports within **7 days,** unless the reporting person requests otherwise
- Assess and, where appropriate, follow-up on the information contained in the report
- Provide feedback to the reporting person; and
- Provide information to the reporting person on the final outcome of their report.

This policy also applies to any reports transmitted to AHBRA by another prescribed person or the Protected Disclosures Commissioner in accordance with the 2014 Act.

Please read this document carefully before making a report. It is solely your responsibility to ensure you meet the criteria for protection under the Act. If you have any queries about this document, please contact: protected.disclosures@ahbregulator.ie

If you require confidential, independent, advice (including legal advice) on the making of a protected disclosure, please refer to section 10 of this document.

2. Conditions under which a report to AHBRA qualifies as a Protected Disclosure

2.1. What is a Protected Disclosure?

A "**protected disclosure**" is 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**".

To report to AHBRA, or any other prescribed person, a worker must also reasonably believe:

(a) that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed to receive disclosures;

and

(b) that the information disclosed, and any allegation contained in it, are substantially true.

You must fulfil all of the requirements set out in the 2014 Act in order for your report to qualify as a protected disclosure. These requirements are explained in more detail below.

If you are uncertain as to whether your report qualifies as a protected disclosure, you should seek professional advice. If you require confidential, independent, advice (including legal advice) on the making of a protected disclosure, please refer to section 10 of this document.

2.2. Who can make a Protected Disclosure?

You can make a protected disclosure if you are a "worker". A "worker" is an individual who acquires information on relevant wrongdoings in a work-related context and who is or was:

(a) an employee

(b) an independent contractor

(c) an agency worker

(d) a trainee

(e) a shareholder of an undertaking

(f) a member of the administrative, management or supervisory body of an undertaking including non-executive members

(g) a volunteer

(h) an individual who acquired information on a relevant wrongdoing during a recruitment process or

(i) an individual who acquired information on a relevant wrongdoing during pre-contractual negotiations (other than a recruitment process).

If you are not a worker, you cannot make a protected disclosure and you are not protected by the 2014 Act.

2.3. 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 you report should disclose facts about someone or something, rather than a general allegation that is not founded on any facts.

You should not investigate allegations of wrongdoing or gather additional evidence or information – just tell us the facts that you know.

2.4. What is reasonable belief?

Your belief must be based on reasonable grounds but it is not a requirement that you are ultimately correct. You are not expected to prove the truth of an allegation. Once the requirements of the 2014 Act have been satisfied, you remain entitled to the protections of the 2014 Act even if the information you have reported turns out to be unfounded.

Your motivation for making a report is irrelevant as to whether or not it is a protected disclosure.

A report made in the absence of reasonable belief is not a protected disclosure and could lead to your employer taking disciplinary action against you. It is a criminal offence to make a report that contains any information that you know to be false. You could also face legal action from any person who suffers damage resulting from a report you have made that you know to be false.

2.5. What are relevant wrongdoings?

To qualify as a protected disclosure, the information you report must concern 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 2014 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.

In order to report to AHBRA, the information you wish to report must concern a relevant wrongdoing and fall within the scope of the matters for which AHBRA has been prescribed under the 2014 Act. See section 2.8 below for further information on what can be reported to us.

2.6. Matters that are NOT relevant wrongdoings

A matter is not a relevant wrongdoing which 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 grievances should be raised with your employer in accordance with their policy on such matters.

Failure to comply with a legal obligation that arises solely under your contract of employment or any other contract where you undertake to do or perform personally any work or services is not a relevant wrongdoing. Such matters should be raised with your employer in accordance with their policy in this area.

Protected disclosures can only be made by workers and must meet the requirements of the Act (see next section). Reports that do not fulfil this criteria may be dealt with under AHBRA's Concerns process.

2.7. What is a work-related context?

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

2.8. Who can a protected Disclosure be made to?

You can report internally to your employer and, if you are comfortable with this, you are encouraged to do so. Most protected disclosures are made internally in the first instance.

You do **not** have to report to your employer before you can report to a prescribed person.

Your employer may have a protected disclosures or whistleblowing policy. All public sector bodies, regardless of size, and all employers with 50 or more employees are required, under the Act, to have formal channels and procedures for their workers to report relevant wrongdoing.

If you don't want to report to your employer or reporting to your employer hasn't worked, you may have the option of reporting to a prescribed person.

AHBRA is a prescribed person.

In order to report to AHBRA, the information you wish to report must have come to your attention in a work-related context and you must reasonably believe:

(a) That the information tends to show one or more relevant wrongdoings;

(b) That the information, and any allegation contained in it, is substantially true;

and

(c) That the information falls within the description of matters for which AHBRA has been prescribed. These matters are:

All matters relating to the regulation of approved housing bodies (AHBs) pursuant to the Housing (Regulation of Approved Housing Bodies) Act 2019.

AHBRA is tasked with providing the regulation of AHBs for the purpose of protecting housing assets provided or managed by such organisations. AHBRA publishes and maintains a register of AHBs which is available at www.ahbregulator.ie. The approved Standards for AHBs are also available online.

If the matter you wish to report is a relevant wrongdoing but does not fall under the description of matters set out above, it may be possible that another prescribed person can deal with your report. A full list of all of the prescribed persons and the matters that can be reported to them can be found at: www.gov.ie/prescribed-persons/.

If you are uncertain as to who the correct prescribed person to report to is or there does not appear to be a prescribed person for the matter you wish to report, you can make a report to the Protected Disclosures Commissioner. Details of how to report to the Commissioner can be found at: https://www.opdc.ie/.

If the relevant wrongdoing you wish 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, you can report to a relevant institution, body, office or agency of the EU, provided:

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

If reporting to your employer and/or reporting to a prescribed person does not work or there are justifiable grounds for not reporting to either your employer or a prescribed person, the Act provides that you can report to:

- A relevant Minister of the Government, if you are employed by a public body; or
- Any other third party.

The conditions for reporting via these channels are more onerous than those that apply to reporting to your employer or a prescribed person or the

Protected Disclosures Commissioner. You may wish to seek professional advice before using these channels. Please refer to section 10 of this document for information as to where to seek further advice in this regard.

3. How to Make a Report

Reports should be made to **Ken Jackson, Senior Regulatory Manager,** who is the Designated Person to receive reports under this policy.

Reports can be made in writing or orally.

Reports can be made as follows:

By email: protected.disclosures@ahbregulator.ie

By post: Protected Disclosures
AHBRA
4th Floor Grattan House
67-72 Mount Street Lower
Dublin 2
D02 H638

By telephone: 01 224 3990.

Please note that telephone calls to this number are **not** recorded.

A report can be made by way of a physical meeting upon request. To arrange this please contact Ken Jackson by email, telephone or post as above.

It is recommended that reports contain at least the information set out in **Appendix A.**

Where AHBRA receives reports transmitted to us under the Act by other prescribed persons or the Protected Disclosures Commissioner, this procedure will apply to those reports.

Any reports made to AHBRA via channels other than that set out in this section that, in our opinion, may qualify as a protected disclosure will be transmitted promptly and without modification to the Designated Person and this policy will apply to those reports.

4. Anonymous Reports

Reports can be made anonymously. If you choose to report anonymously and your report meets the requirements of the 2014 Act, you remain entitled to the protections of the 2014 Act if you are subsequently identified and penalised for making your report.

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 procedure– such as seeking further information from you, maintaining communication with you and protecting your identity – may not be possible.

5. Process following receipt of a report

5.1. Acknowledgement

AHBRA will acknowledge all reports in writing within 7 days of receipt unless:

(a) you request that no acknowledgement is made, or

(b) we reasonably believe that to issue an acknowledgement would jeopardise the protection of your identity.

The acknowledgement shall include a copy of these procedures.

5.2. Assessment

We shall assess:

(a) if we consider there is prima facie evidence that a relevant wrongdoing might have occurred, and

(b) whether the report concerns matters that fall within the scope of the matters for which AHBRA has been prescribed under the 2014 Act, as set out in section 2.8 above.

We may, if required, make contact with you, in confidence, in order to seek further information or clarification regarding the matter(s) you have reported.

The 2014 Act requires you to cooperate with AHBRA in relation to the performance of our functions under the 2014 Act. This includes any functions we carry out as part of the assessment process.

We may find it necessary to differentiate the information contained in a report. It may be the case that our assessment finds that not all of the matters reported qualify as relevant wrongdoings under the 2014 Act or fall within the matters for which AHBRA has been prescribed under the 2014 Act. We may deal with different parts of a report differently according to what, in our opinion, is the most appropriate thing to do in each case.

We may decide that there is no prima facie evidence that a relevant wrongdoing may have occurred. If this decision is made, we will close the procedure and notify you in writing of this decision as soon as practicable and the reasons for it.

We may decide that there is prima facie evidence that a relevant wrongdoing may have occurred but that the relevant wrongdoing is clearly minor and does not require follow up. If this decision is made, the procedure will be closed and you will be notified in writing as soon as practicable of the decision and the reasons for it.

We may decide that all or part of a report is a repetitive report that does not contain any meaningful new information compared to a previous report. If this decision is made the procedure will be closed and you will be notified in writing as soon as practicable of the decision and the reasons for it.

We may decide that all or part of a report concerns matters which are not within the scope of matters for which we have been prescribed under the Act. If this decision is made, we will transmit your report – in whole or in part, as appropriate – to such other prescribed person or persons as we consider appropriate or, where, in our opinion, there is no such other prescribed person, to the Protected Disclosures Commissioner. You will be notified in writing as soon as practicable of the decision and the reasons for it.

5.3. Follow-up

Where, in our opinion, there is prima facie evidence that a relevant wrongdoing may have occurred, we shall decide on what further follow-up action is required, having

regard to our statutory powers and functions and having regard to the nature and seriousness of the matter.

The 2014 Act requires that you shall cooperate with us in relation to the performance of our functions under the 2014 Act. This includes any functions we carry out as part of the follow-up process.

AHBRA's statutory functions include monitoring and assessing compliance by AHBs with the 2019 Act (in particular the approved standards), carrying out investigations under Part 5 of the 2019 Act and under Part 6 statutory powers relating to the protection of tenants and AHBs and the cancelling of the registration of AHBs.

5.4. Feedback

Feedback will be provided to you within a reasonable time period and no later than 3 months after the initial acknowledgement of your report or, if no acknowledgement was sent, no later than 3 months from the date of expiry of the period of 7 days after the report was made after your report was received. This time period applies whether your report was initially made directly to us or initially made to another prescribed person or the Protected Disclosures Commissioner and then transmitted to us.

In duly justified circumstances, the time period for the provision of feedback may be extended to 6 months, having regard to the nature and complexity of the report. We will inform you, in writing, of any decision to extend the feedback period as soon as practicable after the decision is made.

You may request, in writing, that we provide further feedback at 3 month intervals until the process of follow-up is completed.

Any feedback we give is provided in confidence and should not be disclosed to anyone else other than:

(a) as part of the process of seeking legal advice in relation to your 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 2014 Act.

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.

The requirement to provide feedback does not override any statutory or legal obligations that may apply as regards confidentiality and secrecy.

If the follow-up process determines that no relevant wrongdoing has occurred, you will be informed of this in writing.

If no further action is required to be taken, you will be informed of this in writing.

We will give you information concerning the final outcome of any investigation triggered by your report, subject to any legal restrictions concerning confidentiality, legal privilege, privacy and data protection or any other legal obligation.

6. Confidentiality and protection of identity

AHBRA is committed to protecting the identity of all workers who raise a concern under these procedures and to protecting the confidentiality of any information disclosed.

AHBRA will maintain an appropriate case management system to record and track protected disclosures. All records will be held confidentially in a secure encrypted electronic folder accessible by the Designated Person(s) and authorised persons. Access to these records is strictly limited.

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 under this policy without the reporting person’s explicit consent.

The 2014 Act provides for certain exceptions where a reporting person's identity or information that could identify the reporting person can be disclosed with or 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 transmitted 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 transmitted 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 disclosure of your identity or information that could identify you is to be disclosed under one or more of these exceptions, you will be notified in writing in advance with reasons for the disclosure, 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.

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

If you believe that your identity has been unlawfully disclosed by AHBRA you should notify the Designated Person as soon as possible who will investigate your complaint.

If you believe that the Designated Person was the person responsible then you have the option of notifying the Head of Legal and Compliance in AHBRA.

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 for further information.

7. Protection from Penalisation

The 2014 Act provides a range of statutory protections for workers who are penalised for making a protected disclosure.

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 on 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.

The 2014 Act provides that a worker who suffers penalisation as a result of making a protected disclosure can make a claim for redress at 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 instance 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 to cause 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, who could suffer retaliation in a work-related context, 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.

AHBRA cannot determine if a report qualifies for protection under the 2014 Act nor can it intervene or offer legal advice in any employment dispute or any other dispute concerning allegations of penalisation under the Act. Please refer to section 10 of this document on how to obtain further information and independent, confidential advice in relation to these statutory rights.

8. Protection from legal liability

In general, the 2014 Act provides that no civil legal action can succeed against you for making a protected disclosure. The one exception to this is in relation to defamation.

You can be sued for defamation, but you are entitled to a defence of "qualified privilege". This means that it should be very difficult for a person to win a case against you if you can show you made a protected disclosure in accordance with the 2014 Act and did not act maliciously.

There is no other basis under which you can be sued if you have made a protected disclosure in accordance with the Act – e.g. for breach of confidentiality.

If you are prosecuted for disclosing information that is prohibited or restricted, it is a defence to show that, at the time of the alleged offence, you reasonably believed you were making a protected disclosure.

The 2014 Act also provides that any provision in any agreement is void insofar as it would:

- Prohibit or restrict the making of a protected disclosure;
- Exclude or limit any provision of the 2014 Act;
- Preclude a person from taking any proceedings under or by virtue of the 2014 Act; or
- Preclude a person from bringing proceedings for breach of contract in respect of anything done in consequence of the making of a protected disclosure.

Bear in mind that, if you make a report that you know is false, it is not a protected disclosure. You could be exposed to legal risks, such as being sued for defamation or breach of confidentiality. You could also face criminal prosecution.

If you are in any doubt as to whether these protections apply to you, you should seek professional advice. Please refer to section 10 of this document on how to obtain further information and independent, confidential advice in this regard.

9. Protection of persons concerned

A "person concerned" is a person who is referred to in a report made under the 2014 Act as a person to whom the relevant wrongdoing is attributed or with whom that person is associated.

Persons concerned are entitled to protection of their identity for as long as any investigation triggered by the making of a report under this procedure is ongoing.

This protection of identity does not preclude the disclosure of said identity where AHBRA reasonably considers such disclosure is necessary for the purposes of the Act or where such disclosure is otherwise authorised or required by law.

Persons concerned have the right to take legal action against a person who knowingly makes a false report against them, if they suffer damage as a result of the false report.

10. Supports and information

Transparency International Ireland operates a free Speak-Up Helpline that offers support and referral advice (which may include referral to legal advice) for workers who have reported or plan to report wrongdoing. The helpline can be contacted by telephone 1800 844 866 or at www.transparency.ie/helpline.

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

Further information regarding the Act is available from Citizens Information at: www.citizensinformation.ie/en/employment/enforcement-and-redress/protection-for-whistleblowers/

Information in relation to making a complaint of penalisation to the Workplace Relations Commission can be found at: www.workplacerelations.ie/en

11. Document control – Change and Review History

Issue Date	Issue	Author	Approver	Reason for Change
December 2023	PD002A	Head of Legal & Compliance	C.E.O.	Protected disclosures procedures were split into internal and external procedures due to prescription of AHBRA as a designated person
February 2026	PD002A	Head of Legal & Compliance	N/A – no amendments	Review carried out, no changes identified

Appendix A

A: Information that should be included in a disclosure

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

- that the report is a protected disclosure and is being made under these procedures
- the reporting person's name, position in the organisation, place of work and confidential contact details
- date of the alleged wrongdoing (if known), or the date the alleged wrongdoing commenced or was identified
- whether or not the wrongdoing is still ongoing
- whether the wrongdoing has already been disclosed and, if so, to whom, when and what action was taken
- information in respect of the alleged wrongdoing (what is occurring / has occurred and how) and any supporting information
- 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 expose the wrongdoing disclosed)
- any other relevant information.

In accordance with general data protection principles, section 16B(8) of the 2014 Act, provides that any personal data that is manifestly not relevant to the handling of a specific report should not be collected or if collected accidentally should be deleted without undue delay

Appendix B
Record Keeping, Data Protection and FOI

B1: Record Keeping

A record of all reports – including all anonymous reports – will be kept.

Where a report is made via telephone, the report shall be documented by way of accurate minutes of the conversation taken by the person who receives the report. The reporting person shall be afforded the 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 person who receives the report. The reporting person shall be afforded the opportunity to check, rectify and agree these minutes. This procedure will also apply to any subsequent or follow up meetings that may be held to seek additional information or clarification.

B2: Data Protection

All personal data will be processed in accordance with applicable data protection law, including the General Data Protection Regulation (GDPR).

It is important to note that section 16B of the 2014 Act 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 under GDPR 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.

An overview of how the AHBRA will collect, use and store personal data, and the rights you have in relation to your personal data is provided in our Privacy Statement available at Privacy Statement - Approved Housing Bodies Regulatory Authority (ahbregulator.ie).

B3: Freedom of Information

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