

Making a Protected Disclosure to the Minister/Minister of State in the Department of Health.

The Protected Disclosures (Amendment) Act 2022 commenced on 1 January 2023. The Act introduces what is referred to as a Ministerial reporting channel. From 1 January 2023, a worker can, subject to certain conditions, make a protected disclosure directly via the designated Ministerial reporting channel, the details of which are set out below.

If a worker wishes to make a formal disclosure to a Minister/Minister of State through the Ministerial reporting channel they must specify that their disclosure is a disclosure to the named Minister or Minister of State under Section 8 of the Protected Disclosures Act 2014.

All reports received through this Ministerial reporting channel will be transmitted directly to the Protected Disclosures Commissioner who will, in accordance with the Act, ensure the report is sent to the most appropriate person to deal with the concerns raised. A worker must make a disclosure in the manner set out in the Act and in this procedure to be entitled to the protections of the Act.

In order to make a disclosure to the Minister/Minister of State, the worker must reasonably believe that the information disclosed tends to show one or more relevant wrongdoings as set out in the Act and one or more of the following conditions must also be met:

1. The worker has previously made a disclosure of substantially the same information to their employer or a prescribed person, as the case may be, but no feedback has been provided to the worker in response to the disclosure within the period allowed, or, where feedback has been provided, the reporting person reasonably believes that there has been no follow-up or that there has been inadequate follow-up;
2. The worker reasonably believes the head of the public body concerned is complicit in the relevant wrongdoing reported;
3. The worker reasonably believes that the disclosure contains information about a relevant wrongdoing that 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.

A disclosure to the Minister for Health/Minister of State in the Department of Health must be made by completing the reporting form set out below and forwarding the completed form by post or email to:-

Minister for Health
Protected Disclosure
Department of Health
Miesian Plaza, 50-58 Lower Baggot Street
Dublin 2

Email: ProtectedDisclosuresMinister@health.gov.ie

Communication to the Protected Disclosure Commissioner

The Department will transmit the disclosure to the Protected Disclosures Commissioner within 10 calendar days of its receipt.

Following transmission any queries or further correspondence must be directed to the Protected Disclosure Commissioner. The Commissioner can be contacted at: disclosures@opdc.ie. Further details can be found on the Ombudsman website at: www.ombudsman.ie

Protected Disclosure Reporting Form

Before you complete this form, you should ensure that the subject matter of your concern is covered by the legislation.

Please note that protected disclosures must relate to a relevant wrongdoing within the meaning of the Act and you must have reasonable grounds to be concerned about the alleged wrongdoing. It cannot be based on a general suspicion and there must be some facts/information to support your belief.

No	Question	Please complete the information
1	Name of the worker/reporting person making the protected disclosure.	
2	The organisation name, unit name and address of your workplace.	
3	Current grade.	
4	Your phone number and email address.	
5	Potential wrongdoing as specified in the Act	Tick as appropriate and provide details
	(a) An offence has been, is being, or is likely to be committed,	<input type="checkbox"/>
	(b) A person has failed, is failing, or is likely to fail to comply with any legal obligation, other than an obligation under the worker's contract of employment or other contract, where the worker agrees to do or perform personally any work or services,	<input type="checkbox"/>
	(c) A miscarriage of justice has happened, is happening, or is likely to happen,	<input type="checkbox"/>
	(d) The health or safety of any individual has been, is being, or is likely to be in danger,	<input type="checkbox"/>
	(e) The environment has been, is being, or is likely to be damaged	<input type="checkbox"/>
	(f) An unlawful or improper use of funds or resources of a public body, or of other public money, has happened, is happening, or is likely to happen,	<input type="checkbox"/>
	(g) An act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent, or amounts to gross mismanagement,	<input type="checkbox"/>
	(h) That a breach of specified EU law set out in the EU Directive has occurred, is occurring or is likely to occur, or	<input type="checkbox"/>
	(i) Information tending to show any matter related to the above points has been, is being, or is likely to be concealed or destroyed or an attempt has been, is being or is	<input type="checkbox"/>

	likely to be made to conceal or destroy such information	
6	Specify the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing came to your attention.	
7	Is the alleged wrongdoing still ongoing?	
8	Have you communicated the issues previously to anyone? Specify the date of the communication, to whom and any action that has been taken as a result of this.	
9	Have you previously reported the alleged wrongdoing as a protected disclosure? Specify the date of the communication, to whom and any action that has been taken as a result of this.	
10	Details of the alleged wrongdoing	
	Please specify the details of the alleged wrongdoing, you may provide further details in extra pages.	
11	Signature of the Worker/Reporting Person	
12	Current date	

Independent Advice

Free and independent supports are available to anyone considering making, or having made, a protected disclosure. Anyone can contact the free and confidential '[Speak Up' helpline](#) (1800 844 866) or use the [Secure Report Form](#), which is operated by Transparency International Ireland. **This is completely independent of the department.**

Data Protection:

Section 16B(7) of the Act, as amended, provides that all personal data shall be processed in accordance with applicable data protection law. This includes, inter alia, the General Data Protection Regulation (GDPR).

The amended Act provides a legal basis for the collection and processing of such personal data for the purposes of handling Protected Disclosures in accordance with the Act.

Section 16B(1) of the amended Act introduces new provisions where, in certain circumstances, and where necessary and proportionate, the rights of data subjects under data protection law are restricted in respect of their personal data processed for the purposes of the Act, including receiving, dealing with or transmitting a report of a disclosure or follow-up on such a report.

Freedom of Information:

The Freedom of Information Act 2014 (the “FOI Act”) has been amended by the Protected Disclosures (Amendment) Act 2022. As a result of this amendment, the FOI Act does not apply to a record relating to a report made under the Act, whether the report was made before or after the date of the passing of the Protected Disclosures (Amendment) Act 2022. However records concerning a public body’s general administration of its functions under the Act continue to be subject to FOI.