

Department of Justice Protected Disclosures Ministerial Procedures

These Procedures do not constitute legal advice, or a legal interpretation of the Protected Disclosures Act 2014 (as amended).

Please read the ‘Department of Justice Protected Disclosures Internal Procedures’ in conjunction with reading this procedure.

Where a worker wishes to make a formal disclosure to a Minister or 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 must be transmitted 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 or 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 Justice or Minister of State in the Department of Justice **must be made by completing the report form below and submitting the completed form by post or email to:-**

Minister for Justice

Confidential Protected Disclosure

Department of Justice

51 St Stephen's Green

Dublin

D02 HK52

Email: Speakup@justice.ie

Department of Justice Protected Disclosure Ministerial Report Form:

<https://www.gov.ie/en/form/72f79-department-of-justice-protected-disclosure-ministerial-report-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.

Communication with the Protected Disclosure Commissioner

The Department will endeavour to transmit the disclosure report 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. Further details can be found at: [OPDC Home | Protected Disclosures Commissioner | OPDC.ie](#)

The Department of Justice is committed to fostering a positive working environment where workers can safely report relevant wrongdoings. Workers will be protected from penalisation, connected to the making of a protected disclosure, provided the disclosure is made in accordance with and meets the requirements of the Protected Disclosures Act 2014.

The Department is a member of the 'Integrity at Work' programme, a Transparency International (TI Ireland) initiative. The Department, through this initiative, seeks to foster a working environment where people are supported to raise concerns in the workplace. Independent and confidential advice for anyone considering reporting a concern or making a protected disclosure is available via the Transparency International Ireland's 'Speak Up' helpline at 1800844866, Monday to Friday, 10am to 6pm.

Email helpline@transparency.ie, or visit <https://transparency.ie/>. Where appropriate, the helpline can advise callers on how to access free legal advice from the Transparency Legal Advice Centre.

This procedure is not intended to act as a substitute for normal day to day operational reporting or other internal employment procedures. In particular, this procedure does not replace the Department's Human Resource policies which support individuals in the workplace.

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.