



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

Protected Disclosures (PDs)



Protected Disclosures (PDs)

1. Purpose

The Protected Disclosures Act 2014 makes provision for the protection of workers, from the taking of action against them, in respect of the making of certain disclosures. Any worker may make a protected disclosure where they believe they have information that tends to show one or more relevant wrongdoings, and such information came to their attention in connection with their employment.

The information below provides guidance on making a protected disclosure to the Office of the Planning Regulator (the OPR).

2. Scope

The Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020, (SI 367 of 2020) states that the Planning Regulator has been prescribed as a recipient of protected disclosures in relation to *“All matters relating to the functions of the Office of the Planning Regulator under section 31P of the Planning and Development Act 2000 (No. 30 of 2000).”*

3. The Protected Disclosures Act 2014

Under the Protected Disclosures Act 2014, a person, the discloser, is protected when they make a protected disclosure. In order to qualify for protection under the 2014 Act, the following conditions apply:

- (i) The discloser must be a worker and the information must come to their attention in connection with their employment.
- (ii) The information disclosed must tend to show one or more ‘relevant wrongdoings’. The full list of relevant wrongdoings is available in section 5(3) of the 2014 Act . There are also certain exceptions in section 5.
- (iii) The discloser must have a reasonable belief that the information is substantially true and comes within the categories of matters for which the Planning Regulator is a prescribed person.
- (iv) The disclosure must be in the manner prescribed in section 6, 7, 8, 9 or 10 of the 2014 Act.

4. How to make a protected disclosure to the OPR

Protected disclosures may be made to the OPR by email, post or telephone:

Fourth Floor (West Wing), Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4

Email: hr@opr.ie, indicating protected disclosure in the subject line

Ph: 01 854 6700

- While it is preferable that a protected disclosure be made in writing, it can also be made verbally
- All protected disclosures made to the OPR are communicated to the Planning Regulator
- Although we accept anonymous protected disclosures, the Planning Regulator may decide on a case-by-case basis as to whether these should be investigated or not
- Record keeping and data protection requirements are complied with throughout the process.

5. What to provide in a protected disclosure

When making a protected disclosure to the OPR, it is recommended to confirm the following:

- state that the disclosure is being made under the Protected Disclosures Act 2014
- provide the discloser's name, position in the organisation, place of work and confidential contact details
- provide relevant information in respect of the relevant wrongdoing
- provide the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified
- indicate whether or not the wrongdoing is still ongoing
- indicate whether the wrongdoing has already been disclosed and if so to whom, when and what action was taken and
- provide any other relevant information.

6. OPR procedure after a protected disclosure has been received

- The Planning Regulator or a Designated Person will promptly, and in any event within seven working days, acknowledge receipt of the PD unless acknowledging receipt would jeopardise the confidentiality of the Discloser
- The Planning Regulator or a Designated Person will review the PD to determine if it relates to a matter for which the OPR is prescribed
- Where the PD is outside of the OPR's mandate, the Planning Regulator or a Designated Person transmit the PD to such other prescribed person or persons as he/she considers appropriate, and notify the Discloser accordingly as soon as practicable (and in any event within 3 months)
- Where the PD relates to a matter for which the OPR is prescribed, the Planning Regulator or a Designated Person will take appropriate action to address the relevant wrongdoing, having regard to the nature and seriousness of the matter concerned and the available information
- The Planning Regulator or Designated Person will provide feedback to the Discloser within a reasonable period and no longer than 3 months from the date of acknowledgement of the Disclosure. Further feedback will, as necessary, be provided at intervals of 3 months until conclusion of the process.

7. Confidentiality

Section 16 of the 2014 Act provides that a person to whom a protected disclosure is made, and any person to whom a protected disclosure is referred in the performance of that person's duties, shall not disclose to another person any information that might identify the discloser. There are exceptions to this, as outlined in the 2014 Act.

All reasonable steps will be taken to protect the identity of a discloser and to ensure the disclosure is treated in confidence in line with the provisions of the 2014 Act. If a decision is taken which may identify the PD maker, they will be informed that this may occur in advance, unless there are exceptional reasons not to do so.

8. Record keeping and data protection

Records will be maintained in compliance with relevant confidentiality requirements. Any personal data collected will be processed in accordance with the provisions of the Data Protection Act 2018, Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU)

2018/1725. The discloser's identity will be protected in line with the obligation in section 16 of the Protected Disclosures Act.

9. Annual PD Report

Section 22 of the 2014 Act requires the publication of a report by public bodies no later than 30 June each year relating to the number of protected disclosures made in the preceding year, and of the actions, if any, taken in response to such disclosures. The OPR provides the details on protected disclosures in our annual reports. None of the information provided in the OPR annual report of protected disclosures will be provided in a form that enables the identification of the persons involved