



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Protected Disclosures

1. Purpose

The Protected Disclosures Act 2014 (as amended by the Protected Disclosures (Amendment) Act 2022)¹ 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 as a prescribed person. If you wish to make a disclosure to the Office of the Planning Regulator as your employer, please see our internal protected disclosures policy.

The Office of the Planning Regulator and its management are committed to compliance with its obligations under the Protected Disclosures Act 2014 and to these external reporting channels and procedures.

2. Scope

The Protected Disclosures Act 2014 Order 2020, (SI 367 of 2020) lists all prescribed persons for the purposes of the Protected Disclosures Act 2014 and states that the Planning Regulator in the Office of 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).*”

Before considering making a disclosure under this procedure, please consider whether the disclosure is a matter which is within the Office of the Planning Regulator's mandate.

It may be that the disclosure should be made to your employer in the first instance and so please consider that before making any disclosure under this procedure. See www.gov.ie/protected-disclosures for further information.

¹ All references to the 2014 Act means that Act as amended by the Protected Disclosures (Amendment) Act 2022

If your disclosure relates to functions for which another prescribed person is responsible, you should refer to the list of prescribed persons in [SI 367 of 2020](#) and identify the correct prescribed person to make your report to in that regard.

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 the manner identified in the legislation. 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. A "worker" includes employees, agency workers, contractors, trainees, volunteers, board members, shareholders and job applicants.

(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. "Relevant wrongdoings" include:

- criminal offences;
- failure to comply with a legal obligation (other than your contract of employment);
- a Miscarriage of justice;
- endangerment of health and safety;
- damage to the environment;
- unlawful or improper use of public funds;
- oppressive, discriminatory or negligent behaviour by a public body;
- breaches of EU law; and
- concealing or destroying evidence of wrongdoing.

An interpersonal grievance exclusively affecting a reporting person or a matter concerning a complaint by a reporting person to or about his or her employer which concerns the worker exclusively, is not a relevant wrongdoing. In such circumstances, you should contact your employers HR department or refer to your employer's internal complaint procedures.

(iii) The discloser must have a reasonable belief that the information is substantially true (this is a higher standard than that required for a disclosure to your employer) and comes within the categories of matters for which the Planning Regulator in the Office of the Planning Regulator is a prescribed person.

(iv) The disclosure must be in the manner prescribed in section 7 of the 2014 Act.

4. How to make a protected disclosure to the Office of the Planning Regulator (OPR)

Protected disclosures may be made to the OPR by email, post, telephone or via an in-person meeting:

Email: protecteddisclosures@opr.ie

**Office of the Planning Regulator
Fourth Floor (West Wing)
Park House
Grangegorman
191-193A North Circular Road
Dublin 7
D07 EWW4**

Phone: 01 854 6736

- 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, who may delegate functions to the Protected Disclosures Officer.
- Although we accept anonymous protected disclosures, the Planning Regulator may decide on a case-case basis as to whether these can be investigated or not. It may be difficult or impossible for us to apply this policy and investigate a disclosure unless the reporting person discloses their identity. It may also make it more difficult for a reporting person to obtain legal redress.
- Record keeping and data protection requirements are complied with throughout the process. Telephone calls may be recorded.
- In emailing the OPR you will be deemed to consent to the processing of your personal data for this purpose of this procedure in line with data protection legislation.

The Protected Disclosures Officer is generally responsible for management of and compliance with these procedures.

5. What to provide in a protected disclosure

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

- That the disclosure is being made as a protected disclosure.
- The discloser'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.
- Information in respect of the alleged wrongdoing (what is occurring/has occurred and how).
- The name of the person(s) allegedly involved in the alleged wrongdoing (if a name is known and the discloser considers that naming an individual is necessary to expose the wrongdoing disclosed).
- Any other information that the discloser believes relevant.

6. OPR procedure after a protected disclosure (PD) has been received

- The OPR will promptly, and in any event within seven working days, acknowledge receipt of the PD.
- The OPR may request the discloser to clarify the information reported or to provide additional information.
- The Planning Regulator reviews the PD and carries out an initial assessment to determine if it relates to a matter for which the OPR is prescribed and if there is prima facie evidence that a relevant wrongdoing may have occurred.
- Where the PD is outside of the OPR's mandate, or there is no prima facie evidence that a relevant wrongdoing may have occurred or 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 further follow-up, the Planning Regulator informs the discloser of this as soon as practicable and the procedures will be closed.
- Where the PD relates to a matter for which the OPR is prescribed and there is prima facie evidence that a relevant wrongdoing may have occurred, the Planning Regulator informs the PD maker that their PD has been assigned for investigation.
- Where the PD relates to a matter for which the OPR is not prescribed it may transmit the report to such other prescribed person as it considers appropriate and, in such case, shall inform the discloser of this as soon as practicable and the reasons for it.
- The OPR will endeavour to provide feedback on the outcome of the investigation to the discloser and, where appropriate, on any follow up action required, within three months of receipt of the PD or six months in duly justified cases.
- While feedback may be provided, the need to maintain confidentiality may prevent the OPR from providing specific details of the investigation and/or any actions taken to the discloser.

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. These exceptions are where such disclosure that might identify the discloser is a

necessary and proportionate obligation imposed by law in the context of investigations or judicial proceedings, where the person to whom the report was made took all reasonable steps to avoid disclosing the identity of the reporting person or reasonably believed that disclosing the identity of the reporting person is necessary for the prevention of serious risk to the security of the State, public health, public safety or the environment; or where the disclosure is otherwise required by law.

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, the discloser 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 applicable data protection laws.

9. Protection of persons from Penalisation

Section 11 and 12 of the 2014 Act provides for protections of workers from penalisation for having made a protected disclosure. Protections include protection from dismissal, unfair treatment, coercion and harassment. If you are dismissed from your employment or otherwise penalised because you made a protected disclosure, you may make a claim to the Workplace Relations Commission. Further information on your rights under employment legislation is available from the [Workplace Relations Commission](#) or from www.gov.ie/protected-disclosures.

10. Other protections for persons making protected disclosures

Section 13, 14 and 15 of the 2014 Act provides details for other protections for persons making protected disclosures including (as set out in those sections) a right of action in tort against a person who causes detriment to them because the discloser made a protected disclosure, immunity from civil liability (other than defamation) for making protected disclosure and a defence to a prosecution for any offence prohibiting or restricting the disclosure of information.

11. Further Information

Further information about what wrongdoings can be reported as protected disclosures, how to make a protected disclosure and on how to obtain protection from penalisation for having made a protected disclosure can be found at gov.ie and at [Citizens Information](#).

In addition, [Transparency International Ireland](#) run a free [Speak Up Helpline](#) and [Legal Advice Centre](#) for people who have made or are considering making a protected disclosure. Information may also be available from a trade union.

12. Annual Report

Section 22 of the 2014 Act requires the publication of a report by public bodies no later than 31 March 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.

13. Variation

We reserve the right to reasonably vary and update this procedure from time to time including due to changes in the law or to ensure good practice. Furthermore, while the OPR shall generally apply the principles set out in this procedure, there may be exceptional circumstances where some alternative or additional procedures may need to be applied, as may be reasonable in the circumstances, in keeping with the spirit of the protected disclosures legislation.

14. Review

This document will be reviewed annually by the OPR to ensure compliance with legal requirements and good practice.