



MAYNOOTH UNIVERSITY (“the University”)

PROTECTED DISCLOSURE (WHISTLEBLOWING) POLICY

December 2024

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GLOSSARY OF TERMS

Designated Person: the person within the University with primary responsibility for receiving and assessing a disclosure, and for communicating with a Reporting Person about the outcome of their disclosure.

Penalisation: means any direct or indirect act or omission which occurs in a work-related context, is prompted by the making of a disclosure and causes or may cause unjustified detriment to a Reporting Person and in particular includes:

- a) suspension, lay-off or dismissal;
- b) demotion, loss of opportunity for promotion or withholding of 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 Reporting Person 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 Reporting Person's reputation, particularly in 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; or
- q) psychiatric or medical referrals.

Protected Disclosure: means a disclosure of Relevant Information (whether before or after the date of the passing of the Act) made by a Worker in the manner specified under this policy.

Relevant Information: Information in the reasonable belief of the Worker that tends to show one or more Relevant Wrongdoings and the information comes to the attention of the Worker in a work-related context.

Relevant Wrongdoing:

- 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 Reporting Person's

- contract of employment or other contract whereby the Reporting Person 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 and 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 has occurred, is occurring or is likely to occur (i.e. that a breach of European Union law in any of the following areas has occurred, is occurring or is likely to occur: public procurement; financial services, products and markets, and prevention of money laundering and terrorist financing; product safety and compliance; transport safety; protection of the environment; radiation protection and nuclear safety; food and feed safety and animal health and welfare; public health; consumer protection; protection of privacy and personal data, and security of network and information systems; the financial interests of the European Union and/or the internal market); or
 - i) that information tending to show any matter falling within any of the preceding bullets 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.

Reporting Person: means a Worker who discloses Relevant Information under this policy.

Worker: includes former or current employees, independent contractors, suppliers, agency workers, volunteers, unpaid trainees, work experience students, board members, shareholders, members of administrative, management or supervisory bodies, an individual who acquires information on a relevant wrongdoing during a recruitment process and an individual who acquires information on a relevant wrongdoing during pre-contractual negotiations.

1. PURPOSE OF THIS POLICY

The purpose of this policy is:

- (a) to encourage the reporting by Workers of suspected Relevant Wrongdoing as soon as possible in the knowledge that reports will be taken seriously and investigated as appropriate;
- (b) to provide guidance as to how to raise those concerns and how those concerns will be dealt with in a clear, formal and safe manner; and
- (c) to reassure employees that genuine concerns can and should be raised, even if they turn out to be mistaken, without fear of penalisation.

This policy sets out the internal reporting channels and procedures for the purposes of the Protected Disclosures Act 2014, as amended (the “**Act**”).

2. SCOPE OF THE POLICY

This policy covers Reporting Persons i.e. Workers who disclose Relevant Information under this policy.

A student may come within the scope of this policy in certain circumstances such as when on work placement, carrying out research with employees and delivering contracted services to the University.

The University is committed to the highest possible standards of honesty and accountability where our Workers can report concerns in confidence. It recognises that Workers have an important role to play in achieving this goal. The University commends Workers who raise concerns in respect of matters which they reasonably believe to be true. This policy is intended to encourage and enable Workers to raise concerns within the workplace rather than overlooking a problem or reporting the problem externally. Under this Protected Disclosure (Whistleblowing) Policy, a Worker is entitled to raise concerns or disclose Relevant Information appropriately without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

Employees should note that this policy does not form part of any contract of employment, and may be amended by the University from time to time.

3. WHAT IS NOT IN SCOPE OF THE POLICY

This policy should not be used to raise complaints relating to interpersonal grievances exclusively affecting a Worker, namely grievances about interpersonal conflicts between a Worker and another Worker, or a matter concerning a complaint by a Worker to, or about, the University which concerns the Worker exclusively. In such circumstances, it may be more appropriate to raise complaints / grievances under a different University policy such as:

- the University’s Grievance Procedure; or
- Policy and Procedures for the Protection of Staff Against Workplace Bullying, Harassment and Sexual Harassment; or

- the Disciplinary Procedures for Staff where appropriate.

If a Protected Disclosure is made in relation to Research Integrity then it is appropriate that it should be considered under the Maynooth University Research Integrity Policy, albeit with the Worker making the report being afforded all the rights and entitlements that ordinarily would flow under this policy.

This policy is not designed to be used to re-open any matters which have been addressed under other University policies and procedures, nor should it be viewed as an alternative to those policies and procedures in respect of matters which would more appropriately be considered under them. Action arising from the implementation of this policy may lead to the invocation of other University policies and procedures, including Grievance Procedures and Disciplinary Procedures.

This policy does not include a wrongdoing which it is in a Worker's function or the University's function to detect, investigate or prosecute or a wrongdoing which does not involve an act or omission on the part of the University.

4. PROTECTED DISCLOSURES

A Reporting Person is a Worker who discloses Relevant Information under this policy. The University will ensure that a Reporting Person will not be at risk of suffering any form of penalisation as a result of making a disclosure of Relevant Information.

The University recognises that a decision to report can be a difficult one to make and, for this reason, the University shall provide reasonable support for any Reporting Person.

A Worker should not pursue their own investigations, however well intended, as a flawed or improper investigation could compromise the University's ability to take effective action.

Any individual found deterring a Worker from raising genuine concerns of any suspected Relevant Wrongdoing may be subject to the disciplinary procedures of the University or other sanction.

A reasonable but mistaken disclosure of Relevant Wrongdoing will not lose protection under this policy. Motivation is irrelevant when determining whether or not a report is a disclosure protected by the Act.

5. DESIGNATED PERSON

The primary point of contact in the University in relation to Protected Disclosures is the 'Designated Person'. The Designated Person is the Director of Governance, who can provide advice on this policy, receive protected disclosures, and will maintain communication with a Reporting Person about progress on a protected disclosure.

6. DISCLOSURES COMMITTEE

There is a Disclosures Committee made up of the Director of Human Resources, the Registrar (both of whom are ex officio members) and two members nominated by the President, one of which shall be a senior academic drawn from the academic staff of the University. The Disclosures Committee may co-opt an additional member(s) to the Committee in order to complement the skills, expertise and gender balance of Committee members. The appointment of any additional member(s) co-opted by the Disclosures Committee shall be approved by the President.

The members of the Committee, other than the 2 ex-officio members, will normally be appointed for a period of approximately three years. The period of appointment may be extended or renewed with the approval of the President, and members (other than ex-officio members) will not normally serve for more than 2 consecutive terms. The period of appointment may be extended (with the approval of the President) if there is an active investigation of a protected disclosure or disclosures that would benefit from the continued involvement of an existing member or members of the Disclosures Committee.

The Disclosures Committee may include members from outside the University.

The Disclosures Committee as a whole will be expected to possess the following skills, experience and competencies:

- Extensive institutional knowledge of Maynooth University
- Demonstrable knowledge of University policies and procedures, particularly in the area of HR
- Academic leadership
- Experience of decision making at senior level
- Expertise relating to the area of Protected Disclosures

It is a requirement that the Disclosures Committee shall have at least 40% male and 40% female members.

The President shall designate the Chair of the Disclosures Committee.

The names and contact details of all members of the Disclosures Committee are available on the University website [PD Committee 2023 2.pdf \(maynoothuniversity.ie\)](#)

A quorum for a meeting of the Disclosures Committee shall be three members and must include a senior academic nominated by the President.

The Designated Person acts as secretary to the Disclosures Committee but is not a member of the Committee.

7. HOW TO RAISE A CONCERN

Who to send a report:

All disclosures by a Reporting Person should be made in writing to the 'Designated Person', who is the Director of Governance. Where a written disclosure is not possible, a written record should be taken of the disclosure by the Designated Person and dated accordingly. There is a specific **confidential** email address for making disclosures – protecteddisclosures@mu.ie

A template for making a disclosure is attached as an appendix to this Policy and is available here: XXXXXXXXXXXX

The Designated Person will maintain communication with the Reporting Person and, where necessary, request further information from, and provide feedback to, that Reporting Person.

Information to be included in any report:

The Reporting Person will need to be able to demonstrate and support the reasons for their concerns and provide evidence of their concerns where such evidence is available. Any reports setting out an individual's concerns should include the following specific factual information to the extent that such information is known to the individual in relation to the Relevant Wrongdoing:

- a) that the report is a protected disclosure and is being made under the policy;
- b) the Reporting Person's name, position in the University, place of work and confidential contact details;
- c) what has allegedly occurred;
- d) when and where it allegedly occurred;
- e) whether it is still ongoing;
- f) who was allegedly involved (if any name is known and the Reporting Person considers that naming an individual is necessary to report the wrongdoing disclosed);
- g) whether the University has been put at risk or suffered loss as a result;
- h) whether it has happened before;
- i) whether it has been raised with anyone else either within the University or externally;
- j) if so, when/whom;
- k) are there any other witnesses;
- l) is there any supporting information or documentation;
- m) how the matter came to light; and
- n) any other relevant information.

Next steps

The Designated Person, will acknowledge same, in writing to the Reporting Person not more than 7 days after receipt of the disclosure.

The Reporting Person must not mention the disclosure to anyone except the Designated Person.

The Reporting Person must not send information relating to the disclosure to any person other than the Designated Person.

The Reporting Person must not contact the person about whom the disclosure is made, or tell them about the disclosure.

If a disclosure relates to possible Relevant Wrongdoings by the Designated Person, then the report can be made to the President.

If a disclosure relates to possible Relevant Wrongdoings by one of the Disclosures Committee, that person will not be involved in the consideration of the disclosure.

If a disclosure relates to possible Relevant Wrongdoings by the President, then the disclosure should be made to the Chairperson of the Governing Authority who will arrange for an appropriate Disclosures Committee to be convened.

8. INITIAL ASSESSMENT

After receipt of the disclosure, the Designated Person, will carry out an initial assessment to determine whether there is evidence that a Relevant Wrongdoing may have occurred. If necessary to make an initial assessment, the Designated Person will seek further information from the Reporting Person.

Following the assessment, the Designated Person will report to the Disclosures Committee, and recommend a course of action. The Disclosures Committee will be responsible for approving the course of action or recommending an alternative course of action. The Designated Person may recommend to the Disclosures Committee that:

- there is no prima facie evidence that a relevant wrongdoing may have occurred, that the disclosure should be closed, or that the matter should be referred to such other agreed policy/procedures within the University.
- that there is prima facie evidence that a relevant wrongdoing may have occurred, and that appropriate action should be taken to address the relevant wrongdoing, having regard to the nature and seriousness of the matter concerned.

The Designated Person will conduct the initial assessment in a timely and appropriate manner, and will inform the Reporting Person, in writing, as soon as practicable, of the decision and the reasons for it.

9. EXAMINATION AND INVESTIGATION PROCEDURES

If, having considered the initial assessment undertaken by the Designated Person, the Disclosures Committee decides that there is evidence that a Relevant Wrongdoing may have occurred, the Disclosures Committee may take appropriate action to address the Relevant Wrongdoing, including, but not limited to, the appointment of such person or persons (either internal or external to the University) who is or are appropriately placed to investigate the particular disclosure in question (the “**Investigator(s)**”). A Framework of suitably qualified Investigators has been put in place for this purpose by the Office of Government Procurement.

The scope and terms of reference of any investigation will be determined by the Disclosures Committee prior to the investigation being carried out.

The Reporting Person may be invited to attend additional meetings in order to provide further information. The Reporting Person is entitled to bring a colleague or an employee representative with them to any meeting if they so wish.

The Investigator(s) will draft a report on the investigation (the “**Report**”).

The Report will be sent to the Disclosures Committee, who will determine what (if any) action should be taken by the University. Such action could include changes to the way the University conducts its operations, referral of the matter for consideration under a specific University policy or procedure including the Disciplinary Procedure, or a report to an appropriate third party, such as An Garda Síochána.

It is important that a Reporting Person feels assured that a disclosure made by them under this policy is taken seriously and that the Reporting Person is kept informed of steps being taken in response to the disclosure. The Designated Person will provide feedback to the Reporting Person within a reasonable time, being not more than 3 months from the date the acknowledgement of receipt of the disclosure was sent to the Reporting Person or, if no such acknowledgement was sent, not more than 3 months from the date of expiry of the period of 7 days after the disclosure was made. Where the Reporting Person so requests in writing, the Designated Person will provide further feedback at intervals of 3 months until such time as the procedure concerned is closed.

Feedback should include information on the progress of the investigation and its likely timescale.

However, sometimes the need for confidentiality may prevent the University from giving the Reporting Person specific details of the investigation or any action taken as a result.

The Reporting Person should treat any information about the investigation as strictly confidential. Any breach of this confidentiality may result in disciplinary action up to and including dismissal.

It should be noted that fair and due process requires that any person accused of wrongdoing should be made aware of and given the opportunity to respond to any allegations made against them.

If the Investigator(s) conclude(s) that the Reporting Person has made a false or malicious complaint, they may be subject to disciplinary action in accordance with the University’s disciplinary policies, procedures and regulations. It is a criminal offence to make a disclosure that the Reporting Person knows to be false. A person who suffers damage resulting from the making of a known to be false report has a right to take legal action against the Reporting Person.

In certain circumstances the Disclosures Committee may determine that the disclosure should be the subject of referral under the University’s Anti-Fraud Policy or notified to the following:

- The University Insurers;
- An Garda Síochána;
- HSE;

- TUSLA;
- Any third party aligned with the University affected by the disclosure;
- Higher Education Authority;
- Department of Further and Higher Education, Research and Science; and
- Any other relevant authority.

The Designated Person will report to the University's Audit and Risk Committee whether any Protected Disclosures have been received, and the outcome of the assessment of such disclosures. In such reporting, the confidentiality of the Reporting Person will be maintained.

10. Review

A Reporting Person or any affected party (as appropriate) will be entitled to have a right of review in respect of the following:

- a decision, following assessment, to close the procedure or refer the matter to another procedure;
- the conduct or outcome of any follow-up actions (including any investigation) taken on foot of the receipt of a report;
- the conduct or outcome of any investigation into a complaint of penalisation; and
- any decision to disclose the identity of a Reporting Person (except in exceptional cases).

A request for review should be made within 7 days of a report issuing or a decision being made as applicable. The affected person should set out the reason(s) they are seeking a review. The request for review should be made to the Designated Person (the Director of Governance) who will engage a person (either internal or external to the University and who was not involved in the original process under review) to undertake the review. If a request for review is made, a paper-based review will be conducted and the Reporting Person will be advised of the outcome of the review as soon as practicable. The outcome of the review is final.

11. EXTERNAL DISCLOSURE

The University acknowledges that there may be circumstances where a Worker wants to make a disclosure externally. It is important to note that external disclosures are subject to a higher evidential burden than internal disclosures. This is set out in section 10 of the Act.

Before making a disclosure or reporting a concern to any external person or body, the University would strongly encourage the Reporting Person to seek professional advice. Transparency International Ireland operates a free Speak-Up Helpline that offers support and advice (including legal advice) for Reporting Persons. Further information regarding this helpline can be found [here](#). For Reporting Persons who are members of a trade union, many unions offer free legal advice services on employment-related matters, including protected disclosures.

If an external disclosure is made, the Reporting Person should ensure the disclosure is limited to information relevant to suspected relevant wrongdoing and does not unnecessarily disclose confidential University information unrelated to the alleged wrongdoing.

Disclosure to a Prescribed Person

A list of prescribed persons for the purpose of making an external disclosure of Relevant Information is set out on the website of the Government available [here](#). This website may be updated by the Government from time to time.

It specifies that a report can be made to the Chief Executive of the Higher Education Authority if it relates to:

- matters relating to the planning and development of higher education and research in the State.
- matters relating to funding for universities and certain institutions of higher education designated under the Higher Education Authority Act 1971 (No. 22 of 1971).

A Reporting Person may make a disclosure to a prescribed person if the Reporting Person reasonably believes:

- i) that the Relevant Wrongdoing falls within the description of matters in respect of which the person is prescribed; and
- ii) that the information disclosed, and any allegations contained in the information disclosed, are substantially true.

Disclosure to the Protected Disclosure Commissioner

The Protected Disclosures Commissioner is an alternative means by which a Reporting Person can make a disclosure. The Office of the Protected Disclosures Commission was established under the Protected Disclosures Act 2014 (as amended).

The Protected Disclosures Commissioner is also the Ombudsman, and the Information Commissioner.

The Protected Disclosures Commissioner can assist where the Reporting Person is uncertain as to which prescribed person to make a disclosure to. The Commissioner will transmit the disclosure to the correct prescribed person or to another person the Commissioner considers suitable to follow-up on the disclosure. In exceptional circumstances (e.g. if no prescribed person or suitable person can be found) the Commissioner will follow-up directly on a disclosure.

If a Reporting Person wishes to make a disclosure to the Commissioner, in addition to having a reasonable belief that the information they report tends to show a relevant wrongdoing, they must also reasonably believe the information they report and any allegation contained in it is substantially true.

The Commissioner has established formal channels for Reporting Persons to make disclosures under the 2014 Act. Information on how to make a disclosure to the Commissioner is available at: <https://www.opdc.ie/>.

Disclosure to the Minister for Further and Higher Education, Research and Science

A Reporting Person can make a disclosure of Relevant Information to the Minister for Public Expenditure, NDP Delivery and Reform or to the Minister for Further and Higher Education, Research and Science, if one or more of the following conditions are met:

- i) the Reporting Person has previously made a disclosure of substantially the same information to their employer; to a prescribed person; or to the Protected Disclosures Commissioner; but no feedback has been provided to the Reporting Person in response to the disclosure within the specified feedback period 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;
- ii) the Reporting Person reasonably believes that the President is complicit in the Relevant Wrongdoing concerned;
- iii) the Reporting Person reasonably believes that the Relevant Wrongdoing concerned 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.

Disclosure to a Legal Advisor

The Act allows a Protected Disclosure to be made in the course of obtaining legal advice from a barrister, solicitor, trade union official or official of an excepted body (an excepted body is a body which negotiates pay and conditions with an employer but is not a trade union as defined in section 6 of the Trade Union Act 1941).

Other Disclosure Channels

In order to qualify for protection in relation to Protected Disclosures through other channels (e.g. to the media), the Reporting Person must:

- i) reasonably believe that the information disclosed and any allegation contained in it, are substantially true; and
- ii) have previously made a disclosure of substantially the same information to the University, Prescribed Person or Minister but no appropriate action was taken within the specified period; or
- iii) reasonably believe that:
 - a) the Relevant Wrongdoing concerned 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, or
 - b) if they were to make a report to a Prescribed Person or Minister there is a risk of penalisation, or there is a low prospect of the Relevant Wrongdoing being effectively addressed due to the

particular circumstances of the case, such as those where evidence may be concealed or destroyed or where a Prescribed Person may be in collusion with the perpetrator of the wrongdoing or involved in the wrongdoing.

External Reporting Procedures

The University does not have control over external reporting procedures.

The specific details of external reporting procedures can be found on the website of the relevant prescribed person / Protected Disclosure Committee / Minister etc.

12. PROTECTION AND SUPPORT FOR PERSONS MAKING A DISCLOSURE

The University aims to encourage openness and will support a Reporting Person who raises a genuine concern under this policy, even if they turn out to be mistaken.

A Reporting Person who makes a disclosure under this policy must not suffer any penalisation as a result of raising a concern. Appropriate action, which may include disciplinary action, will be taken against a worker who penalises a Reporting Person or other individual due to the making of a protected disclosure.

If a Reporting Person believes that they have suffered any such treatment, they should inform the Director of Human Resources immediately. If the matter is not remedied, the Reporting Person should raise it formally using the University's Grievance Procedure.

Civil legal action, with the exception of defamation, cannot be taken against a worker who makes a protected disclosure. Workers can be sued for defamation but are entitled to the defence of "qualified privilege". This means that it should be very difficult for a defamation case against a worker to succeed if the worker can show they have made a protected disclosure that they believe to be true.

If a worker is prosecuted for disclosing information that is prohibited or restricted, it is a defence for the worker to show they reasonably believed they were making a protected disclosure at the time they disclosed the information.

Please refer to section 11 of this policy on how to obtain further information and independent, confidential advice in relation to these statutory rights.

Where a worker has made a report, whether or not that has been assessed or investigated, the worker is still required to conduct themselves professionally and to continue to carry out their duties as normal. The worker is not required or entitled to investigate matters themselves to find proof of their suspicion and should not endeavour to do so. Normal management of a worker who has made a report does not constitute penalisation. This can include the taking of disciplinary action against the worker for matters unrelated to the substance of

the report.

13. PROCEDURE IN RELATION TO ANONYMOUS NOTIFICATIONS

A Reporting Person is encouraged to identify themselves when making a disclosure whenever possible.

It is not always possible to examine or investigate anonymous disclosures, but they will be considered by the Designated Person as part of the initial assessment.

Any individual who subsequently identifies themselves as the discloser shall be afforded protection under this policy.

14. CONFIDENTIALITY

All persons involved in the reporting or investigation of disclosures under this policy must exercise discretion and commit to keeping the reporting and investigation process, and the identity of all individuals involved, confidential, except as required by this policy or by law. In particular, the person designated under this policy for receiving reports (and any other person in the University who receives a report, or anyone else to whom a report is shared with to allow them to carry out their functions in relation to the report), cannot disclose the identity of a Reporting Person to anyone else without the explicit consent of the Reporting Person, other than in circumstances permitted in the Act. This does not include people who a designated person reasonably considers it may be necessary to share the identity with for the purposes of the receipt, transmission, or follow-up of the report.

Any attempt to identify the Reporting Person should not be made by persons within the University to whom their identity has not been revealed as part of the receipt and follow-up of the report of a disclosure. If such attempts are made, these may be dealt with through the University's Disciplinary Procedures where appropriate.

The specific protected disclosures email address is only accessible by the Designated Person (and by the Chairperson of the Disclosures Committee in the absence of the Designated Person). If there is a need to share information received as part of a disclosure (e.g. to the Disclosures Committee or an Investigator) it will be communicated securely in a password protected document. Any information that would tend to identify the Reporting Person will be redacted from any such communications.

All reasonable steps shall be taken to protect the identity of the Reporting Person making the Protected Disclosure. However, the identity of the Reporting Person may need to be disclosed:

- i) where the disclosure is a necessary and proportionate obligation imposed by law in the context of investigations or judicial proceedings, including with a view to safeguarding the rights of defence of others;

- ii) where the Designated Person and/or Disclosures Committee took all reasonable steps to avoid disclosing the identity of the Reporting Person or any information from which the identity of the Reporting Person may be directly or indirectly deduced, or reasonably believes that disclosing the identity of the Reporting Person or any such information is necessary for the prevention of serious risk to the security of the State, public health, public safety or the environment; or
- iii) where the disclosure is required by law.

In these circumstances, the Reporting Person will be notified, in writing by the Designated Person, before their identity is disclosed, unless such notification would jeopardise:

- i) the effective investigation of the disclosure;
- ii) the prevention of serious risk to security of the State, public health, public safety or the environment; or
- iii) the prevention or prosecution of a crime.

15. DATA PROTECTION

All personal data will be processed in accordance with applicable data protection law, including the General Data Protection Regulation (GDPR). Section 16B of the Protected Disclosures 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. The University's Data Privacy Notice for Staff can be accessed here: [Staff Data Privacy Notice 0.pdf \(maynoothuniversity.ie\)](#)

16. FREEDOM OF INFORMATION

The Freedom of Information Act 2014 does not apply to any records relating to disclosures made in accordance with the Protected Disclosures Act, irrespective of when it was made.

17. ANNUAL REPORT

The University will prepare and publish an annual report in accordance with Section 22 of the Act and in the format provided for by the Minister for Public Expenditure and Reform. The Annual Report shall maintain the anonymity of all those involved.

18. EFFECTIVE DATE FOR POLICY ENFORCEMENT

This version of the policy shall take effect on 18 December 2024.

19. REVIEW OF POLICY

This policy will be reviewed every two years.

Appendix 1: KEY CONTACTS UNDER THE POLICY

Designation	Contact	Telephone and Email
Designated Person (Director of Governance)	Dr. Tony Gaynor	tony.gaynor@mu.ie (for any general queries about the policy) or Protecteddisclosures@mu.ie (to make a disclosure)
Director of Human Resources	Mr David Keane	David.keane@mu.ie
President	Professor Eeva Leinonen	President@mu.ie
Chairperson of Governing Authority	Dr. Mary Canning	Mary.canning@mu.ie

These contact details will be kept under review and updated as necessary. Updates to this annex do not require the Policy to be formally reviewed and approved.

Appendix 2: TEMPLATE FOR MAKING A PROTECTED DISCLOSURE



Protected Disclosures Reporting Form

Before completing this form, a 'worker'¹ should:

- a) Read Maynooth University's Protected Disclosures (Whistleblowing) Policy which is available here: [MU Protected Disclosures Policy 2023 2.pdf \(maynoothuniversity.ie\)](#)
- b) Consider whether what is being disclosed is a Protected Disclosure and whether the University's Protected Disclosure (Whistleblowing) Policy is relevant and applicable or whether another University policy (such as the Grievance Procedure or the Policy and Procedures for the Protection of Staff Against Workplace Bullying, Harassment and Sexual Harassment) is applicable; and
- c) Ensure that they have a reasonable belief that the information being disclosed tends to show one or more relevant wrongdoings, as set out in the University's Protected Disclosure (Whistleblowing) Policy.
- d) Note that it is a criminal offence to make a disclosure that the Reporting Person knows to be false. A person who suffers damage resulting from the making of a known to be false report has a right to take legal action against the Reporting Person.

Name of worker making the disclosure:

Job Title:

Department/Relationship to the University:

Please provide contact details at which the Designated Person may contact you:

¹ A 'worker' includes former or current employees, independent contractors, suppliers, agency workers, volunteers, unpaid trainees, work experience students, board members, shareholders, members of administrative, management or supervisory bodies, an individual who acquires information on a relevant wrongdoing during a recruitment process and an individual who acquires information on a relevant wrongdoing during pre-contractual negotiations.

Please indicate whether you want your identity to be protected:

Details of the disclosure:

Please include specific factual information and address the following key points to the extent that such information is known to you in relation to the alleged Relevant Wrongdoing:

- (a) what has occurred;
- (b) when and where it occurred;
- (c) whether it is still ongoing;
- (d) who was involved (if any name is known and you consider that naming an individual is necessary to report the wrongdoing disclosed);
- (e) whether the University been put at risk or suffered loss as a result;
- (f) whether it has happened before;
- (g) whether it has been raised with anyone else either within the University or externally;
- (h) if so, when and to whom;
- (i) are there any other witnesses;
- (j) is there any supporting information or documentation;
- (k) how the matter came to light; and
- (k) any other relevant information.

Typed

signature : Date:

Completed forms are to be returned to: protecteddisclosures@mu.ie (or by post to the Director of Governance, Room 33, Rye Hall Extension, North Campus)

For further information please contact the Director of Governance or protecteddisclosures@mu.ie