

# **Protected Disclosures**

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Policy for internal disclosures to TII  
by workers of TII

**Code of Practice Appendix E(i)**

24<sup>th</sup> March 2026

**IMPORTANT: Please read this document carefully before making a report. It is the worker's responsibility to ensure they meet the criteria for protection. This document does not purport to be an interpretation of the law or to offer legal guidance or advice. Any TII 'worker' considering making a protected disclosure should first consult the provisions of the Protected Disclosures Act 2014, as amended, together with this document, and may seek independent, external legal advice if necessary. A disclosure cannot be withdrawn once it has been made.**

Guidance on the Protected Disclosures Act from the Department of Public Expenditure Reform can be found at <https://www.per.gov.ie/en/protected-disclosures-act-2014-and-guidance/> and also at <https://raiseaconcern.com/legislation/protected-disclosures-act-2014-guidance>

## **1. Protected Disclosures Act 2014**

The purpose of the Protected Disclosures Act 2014 (as amended, the "Act"), is to provide a framework within which workers can raise concerns regarding potential wrongdoing that have come to their attention in a work-related context. The Act provides protection from penalisation arising from the making of a protected disclosure. This policy sets out the formal, confidential and secure channels for reporting concerns in accordance with the Act.

## **2. TII Policy**

The Board and Management of TII are committed to the highest standards of probity and accountability, including compliance with its obligations under the Act and to the internal reporting channels set out in this Policy. A workplace culture of encouraging disclosures of wrongdoing is supported to enable staff and other TII workers to voice concerns in a responsible and effective manner. Should a worker discover information which they believe may show wrongdoing or suspected wrongdoing then this information should be able to be disclosed internally under this policy in line with the Procedures set out, and without fear of reprisal.

## **3. Principles**

The following key principles form the basis of this policy:

- All reports by workers of wrongdoing in a work-related context should, as a matter of routine, be the subject of an initial assessment and, if required, any appropriate follow-up action;
- The focus of the process should primarily be on the wrongdoing reported and not on the reporting person (referred to in this policy as the 'discloser');
- The identity of the discloser and any person concerned by a report should be adequately protected; and
- Provided that the discloser discloses information which came to their attention in a work-related context and which they reasonably believe tends to show relevant wrongdoing, no question of penalisation should arise.

#### 4. Oversight

The TII Head of Governance & Legal has responsibility for the day-to-day management and co-ordination of procedures under the Act. The Head of Governance & Legal will report on activity under this policy to the CEO who is responsible for oversight of the protected disclosures policy. This policy, which together with the procedures applicable to external disclosures will be made available on TII's website, will be reviewed at least every three years.

#### 5. What is a Protected Disclosure?

A protected disclosure is a **disclosure of information** which, in the **reasonable belief** of a **worker**, tends to show one or more **relevant wrongdoings**; came to the attention of the worker in a **work-related context**; and is disclosed in the manner prescribed in the Act. Each of these requirements is considered in turn below.

#### 6. Who is a worker under the Act?

The Act sets out the definition of worker to include current and former employees, consultants, contractors, paid or unpaid trainees, work experience students, shareholders, volunteers, interns, part-time, full-time, casual workers, agency workers, persons engaged in recruitment (or other pre-contractual) processes (such as job applicants) and Board members. This policy covers all workers of TII, as set out above. Separate procedures are in place for other workers reporting under the Act and these can be accessed [\[HERE\]](#)

Significant levels of work may be carried out by individuals engaged by contractors and sub-contractors of TII from time to time. While such persons may be workers of TII for the purposes of this policy, consideration should in each case be given to the appropriate person to whom to make a report. Contractors are required to have in place their own reporting channels, which may be the most suitable repository for such reports (including where TII may not have the requisite control or oversight to take appropriate action). The Act provides that where a worker reasonably believes that the relevant wrongdoing relates solely or mainly to the conduct of a person other than the worker's employer or falls within that person's legal responsibility, a worker can make a report to that other person, and as such it may be possible to report to TII even where TII is not the worker's employer.

#### 7. What is a relevant wrongdoing?

"Relevant wrongdoings" is defined in the Act as one or more of the following:

- an offence has been, is being or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker

undertakes to do or perform personally any work or services; as such, a disclosure may not be appropriate for concerns relating to a worker's terms of employment;

- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- 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;
- an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement;
- a breach of specified EU law set out in EU Directive 2019/1937 on the protection of persons who report breaches of European Union law (the Directive) has occurred, is occurring or is likely to occur; or
- information tending to show any matter falling within any of the preceding bullet points has been, is being or is likely to be concealed or destroyed.

In each case, relevant wrongdoing may relate to past wrongdoings, ongoing wrongdoings, and/or wrongdoings that are likely to occur in the future.

It is immaterial whether a relevant wrongdoing occurred, occurs or would occur in Ireland or elsewhere and whether the law applying to it is that of Ireland or that of any other country or territory.

## **8. Exclusions from relevant wrongdoings**

A matter is not a relevant wrongdoing if it is a matter concerning interpersonal grievances exclusively affecting the discloser, such as grievances about interpersonal conflicts between the discloser and another worker. Furthermore, failure to comply with a legal obligation that arises solely under the worker's contract of employment or other engagement terms is not a relevant wrongdoing. Such reports should be channelled to other procedures (such as the grievance or dignity at work procedures) designed to address such matters, as appropriate.

A matter is not a relevant wrongdoing if it is the function of the worker or the worker's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer. That might, depending on the circumstances, include such persons in auditing functions whose role is concerned with uncovering anomalies.

## **9. What is information?**

A protected disclosure should contain 'information' which tends to show relevant wrongdoing. The ordinary meaning of disclosing information is conveying facts, such as stating that particular events

have occurred. The Irish Supreme Court has held that to qualify as a protected disclosure a statement must have sufficient factual content and specificity. The information should disclose facts about something or someone, rather than a general allegation that is not founded on any facts, or an allegation on the basis of a suspicion that is not founded on anything tangible. Once a worker has information, they should report it, and not investigate the matter any further and the designated person will appropriately follow up on all reports.

#### **10. What is a reasonable belief?**

To ensure a disclosure is protected under the Act, a worker must have a “reasonable belief” that the information in their report tends to show that a relevant wrongdoing has been committed, is being committed or is likely to be committed. The term “reasonable belief” does not mean that this belief is correct and where a worker discovers information in a work-related context, which, in their reasonable belief, tends to show one or more ‘relevant wrongdoings’, it is important that they do not attempt to investigate the matter to verify these beliefs. Workers are not required to prove the truth of any allegation in a report.

They should, instead, report their concerns through the channels set out below for assessment by TII. A discloser will not be penalised simply because they were mistaken, so long as they had reasonable grounds for believing that the information disclosed tended to show relevant wrongdoing. A discloser’s motivation in making a report is irrelevant when determining whether or not a report is a disclosure protected by the Act, provided a reasonable belief can be demonstrated. For a worker to make a knowingly false report, on the other hand, is a criminal offence under the Act, and the worker could be subject to action under civil law by any person who suffers damage from any knowingly false report.

#### **11. What is a work-related context?**

The information must come to the attention of the discloser in a work-related context. A work-related context means current or past work activities through which the discloser acquires information concerning a relevant wrongdoing, and within which the discloser could suffer penalisation for reporting the information. The information does not need to become known as part of the discloser’s own duties or even relate to the discloser’s own employer.

#### **12. Confidentiality**

The identity of discloser, and any information from which their identity might be directly or indirectly deduced, must be protected under the Act. TII will take all reasonable steps to treat disclosures made through this policy in a confidential and sensitive manner. Identifying information will not be disclosed other than to persons for the purposes of receiving and following up on reports, unless with the discloser’s explicit consent.

A worker's identity will be protected with the exception of a number of specific cases (where identifying information can be disclosed without the discloser's consent) as follows:

- the recipient shows that they took all reasonable steps to avoid disclosing identity or any identifying information;
- the recipient reasonably believes that disclosing any identifying information is necessary for the prevention of serious risk to the security of the State, public health, public safety or the environment;
- disclosure is otherwise required by law;
- disclosure is a necessary and proportionate obligation imposed by EU or Irish law in the context of investigations or judicial proceedings, including with a view to safeguarding the rights of defence of persons concerned with the alleged wrongdoing.

Where it is decided that it is necessary to disclose information that may or will disclose the identity of the discloser, then the discloser will be informed of the decision in advance, except where such notification would jeopardise:

- the effective investigation of the wrongdoing;
- the prevention of serious risk to the security of the State, public health, public safety or the environment; or
- the prevention of crime or prosecution of a criminal offence.

A discloser may seek a review of any decision to disclose their identity, as set out below. Complaints relating to disclosure of identity should otherwise be directed to the Head of Governance & Legal.

TII will maintain all documentation related to disclosures in a secure digital environment to which only those staff tasked with management of protected disclosures have access. Any staff member involved in the investigation of protected disclosures will be under the same obligation to protect the identity of the discloser as the designated person.

Any person referred to in a protected disclosure, to whom a relevant wrongdoing may be attributed, and any person connected with them, is also entitled to have their identity protected during the course of any assessment or investigation of the wrongdoing alleged.

No attempt should be made to identify a discloser. Any attempt to identify a discloser, save as expressly permitted by this policy, whether successful or not may be dealt with as a disciplinary matter. Where the protection for identity is difficult to achieve (for instance, where the nature of the information disclosed makes the discloser identifiable), the matter will be discussed with the discloser to consider potential mitigating steps that could be taken to ensure they are appropriately protected.

### **13. Anonymous disclosures**

There is a distinction between an anonymous disclosure (where identity is withheld by the worker making the disclosure in some cases) and confidential disclosures (where the identity of the discloser is protected by the recipient in all cases). Anonymous disclosures are not excluded from the

protection of the Act. While TII undertakes to act upon an anonymous disclosure to the extent that it is possible, it may be very difficult to assess the report, and follow up on it, where the discloser is unknown and cannot be contacted.

Where a worker who makes an anonymous disclosure is subsequently identified they are entitled to the full protection of the Acts and cannot be penalised.

TII encourages any worker who makes a disclosure to provide their name and contact details to better support the assessment and investigation process.

A discloser cannot obtain redress under the Act without identifying themselves as part of the process of seeking redress.

#### **14. Procedures for making a disclosure - Internal**

The Act provides for a disclosure regime in which a number of distinct channels (internal and external) are available to reporting persons wishing to make a disclosure. It is important that a worker makes a protected disclosure in a manner prescribed by the Act to gain the protection afforded. A disclosure cannot be withdrawn once it has been made.

The worker should report through the formal channel by making a written disclosure to the **TII designated person for employee disclosures**. The TII designated person for worker disclosures is the TII Assurance and Performance Reporting Manager. Reports to the designated person should be made to [staffdisclosures@tii.ie](mailto:staffdisclosures@tii.ie). Reports by Board Members should be made to the Secretary of the Authority (see Section 21 below for further details).

If a worker feels unable to raise the matter with the designated person, if they do not consider it to be appropriate or if the person feels that sufficient action has not been taken by the designated person to whom the disclosure was first made, they should contact the Head of Human Resources by email. In doing so, the worker should clearly set out the circumstances which prevent them reporting the matter to the designated person in the first instance or why they feel the matter requires further consideration by them.

Senior management may be kept apprised of protected disclosures received, albeit the level of detail provided may vary from case to case. For a disclosure that raises serious issues for TII, senior management (including some or all of its Executive Team and/or its Board) may need to be provided with all details of the disclosure.

#### **15. Procedures for making a disclosure – External**

It is preferable in most circumstances that a worker makes a disclosure using the internal procedures set out in this policy. TII is committed to dealing appropriately, safely and securely with any concerns raised by workers regarding relevant wrongdoing which came to their attention in a work related context. Internal reports are therefore strongly encouraged.

There may be circumstances where a worker wishes to report externally, or where they have grounds to believe an internal report has not been followed-up appropriately, and such workers have a number of options. Additional, more onerous criteria apply where a worker makes an external report, in order for it to qualify as a protected disclosure. While some information about external channels is included below, TII strongly encourages workers to seek external, independent advice before reporting a concern externally. Workers can also seek advice from their own legal advisers. Persons to whom external reports may be made are:

- **a prescribed person** - A protected disclosure can be made to a prescribed person as set out on DPER's website here <https://www.gov.ie/prescribed-persons> provided that the discloser must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true and relates to matters within the remit of the prescribed person. The CEO of TII is a prescribed person for reports relating to the planning and supervision of construction and maintenance of national roads in the State, and the procurement of the provision of the light rail and metro infrastructure in the State including the making of relevant bye-laws and the prosecution of related offences. Other prescribed persons include the Pensions Authority, the Revenue Commissioners, and the Data Protection Commission. Prescribed persons are required to have channels to receive reports under the Act and have obligations to follow up.

As additional requirements apply to the making of a disclosure to prescribed bodies, workers are advised to report under this policy but can, under the Act, report to TII as a prescribed body. Full details of this process are set out in the Policy & Procedures for non-employees ([HERE](#)). Employees utilising the procedures for reports to prescribed bodies can avail of all protections against penalisation set out in this document.

- **a legal adviser** - where the worker makes the disclosure in the course of obtaining legal advice from a barrister, solicitor, trade union official, or official of an excepted body (excepted body is a body which negotiates pay and conditions with an employer but is not a trade union as defined in the Trade Union Act 1941).
- **the Minister for Transport** – To report to a Minister, who then transmits a report onwards to the Protected Disclosures Commissioner, the worker must
  - have previously reported the matter to another body which did not provide feedback or which the worker did not reasonably believe was adequate follow up;
  - reasonably believe the CEO of TII is complicit in the relevant wrongdoing concerned; and/or
  - reasonably believe the relevant wrongdoing may constitute an imminent or manifest danger to the public interest.
- **The Protected Disclosures Commissioner** - The Commissioner's primary duty is to refer reports to the most appropriate recipient, who is typically a prescribed person. The criteria

for reporting to the Commissioner are the same as for reporting to prescribed persons. A person reporting to the Commissioner must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true.

- ***Making a Public Disclosure*** - The requirements for the making of public disclosures (e.g., to a media outlet), are more onerous than in the case of those mentioned above and workers are strongly recommended to take advice in relation to the making of such disclosures. Where a worker makes a disclosure to another person they should do so in writing and keep their own copy of the disclosure and any information provided with it. To make such a disclosure, the worker must reasonably believe the information in the report, and any allegation in it, is substantially true, and furthermore at least one of the following conditions must be met;
  - the worker previously made a disclosure of substantially the same information to their employer or one of the bodies listed above but no appropriate action was taken within the specified feedback period; or
  - the worker reasonably believes that the relevant wrongdoing concerned may constitute an imminent or manifest danger to the public interest; or
  - the worker reasonably believes that, if s/he were to make a report to a prescribed person, the Commissioner or Minister, there is a risk of penalisation; or
  - the worker reasonably believes that, if s/he were to make a report to a prescribed person, the Commissioner or Minister 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.

In some circumstances it may be appropriate or required to report concerns to an external body such as a regulator or An Garda Síochána.

## **16. Assessment of disclosures - Internal**

All disclosures, however made, are taken seriously by TII and all efforts are made to consider and address appropriately the issues raised.

The designated person should keep a written record of his/her actions, including timelines, in dealing with the disclosure. The designated person should also assess the risk of penalisation following receipt of a report (and periodically thereafter) and may consult with the discloser in doing so, with a view to ensuring they are appropriately protected.

The designated person will be responsible for following up on disclosures and for reporting on disclosures received and it is important that they have complete information on the status of all disclosures received and action taken on foot of them.

### **(i) Acknowledgement of receipt of a protected disclosure**

The designated person shall acknowledge receipt to the discloser in writing within seven days of the receipt of the disclosure unless the discloser has explicitly requested that they do not wish to receive any correspondence in relation to the disclosure made.

The designated person will give a broad outline to the discloser of the manner in which it is intended to assess and follow up on the disclosure and associated timelines. They may also indicate a reasonable timeframe for feedback which cannot be more than three months from the date of acknowledgement of receipt of the disclosure, as well as the type of feedback which it may not be possible to provide.

The acknowledgement will provide a link to this document, which contains details of the protected disclosures process, and will confirm that the identity of the discloser shall be kept confidential, as set out in this document, and that persons making disclosures under this policy shall be protected from penalisation.

## **(ii) Initial Assessment**

The designated person will carry out an initial assessment of the disclosure to determine whether it falls within the scope of this policy and whether it contains prima facie evidence that a relevant wrongdoing may have occurred.

The designated person should, as a minimum:

- record the disclosure and the steps taken to consider and assess it;
- treat any report as a protected disclosure unless and until a definitive conclusion can be made as to whether it so qualifies;
- clarify with the worker the nature and extent of the concerns raised, where necessary or appropriate;
- consider if the report might need to be addressed in parts, with some qualifying as a protected disclosure and others directed to a different procedure;
- establish what evidence is available to support the concern; and
- carry out all relevant enquiries promptly, sensitively and discretely, ensuring to protect the identity of the parties concerned.

At the conclusion of the initial assessment the designated person shall decide if there is prima facie evidence of a relevant wrongdoing in the report. Where there is, the designated person will consider the form which any appropriate action should take, having regard to the nature and seriousness of the matter, which may include an investigation. In appropriate cases, it may be necessary to refer the matter for external investigation e.g., to An Garda Síochána or other investigative or statutory body. In other cases, an informal process might address the disclosure. A full investigation may not be required in every case.

Where no prima facie evidence of relevant wrongdoing is found, the designated person may notify the discloser of the closure of the procedure, and the reasons for it. An example of a reason for which a disclosure might not proceed further is where it relates to a complaint exclusively affecting the discloser, in which case the nominated person may encourage the discloser to avail of other

processes for resolution of their complaint (e.g. HR grievance policies). In any case where the procedure is closed, the designated person will complete a report in the form of the template in Appendix I.

If a discloser is not satisfied with a decision during an initial assessment, he/she may seek a review of the decision as set out in section titled Review.

### **(iii) Appropriate action**

Where an investigation is required, a full information gathering investigation will be initiated, which may make findings of fact. The form and extent of the investigation, together with the identity of any investigator (whether internal or external), is a matter for the designated person.

Where the nature of the disclosure is such that another person in TII with the necessary knowledge, experience or technical skill in relation to the subject matter of the disclosure should be consulted in order to properly assess or investigate the disclosure, the designated person may consult with such person or persons. The designated person shall not disclose the identity of the discloser to such person or persons save as is reasonably considered necessary to follow up on the report. The designated person shall remain responsible for the co-ordination of the assessment/investigation and the provision of acknowledgement, feedback and reports.

Any investigation arising should, as with any investigation, be carried out in a manner which is consistent with the principles of natural justice and fair procedures. Witnesses in any investigation will be advised of their duties of confidentiality. While a person who is the subject of allegations may have a right to challenge the evidence against them, the discloser will also have a right to have their identity protected.

### **(iv) Conclusion of Investigations and Feedback**

It is not possible to lay down precise timescales or steps required for investigations, as this will depend on the nature of the issues raised.

The discloser will be provided with feedback on the progress of the investigation and, where appropriate, any action taken or expected to be taken to address the wrongdoing reported within three months of the acknowledgement of the receipt of the disclosure. Further feedback can be provided at three-month intervals thereafter upon request of the discloser.

When providing feedback, the overriding requirement is that no information will be communicated that could prejudice the outcome of the investigation or any action that may ensue, nor reveal any personal data of any third parties or privileged material. Disclosers will not be provided with details of the commencement, progress or outcome of any disciplinary process involving another worker which may arise on foot of an investigation occasioned by a protected disclosure.

Any feedback given to a discloser is provided in confidence and should not be disclosed further, other than to the discloser's legal advisor or trade union representative or unless the information forms part of a further protected disclosure being made via another channel.

On completion of the investigation process, the discloser will report the outcome to the discloser, where possible to do so.

If, following the investigation into the matter, no wrongdoing is found to have occurred and the discloser is determined not to have had a reasonable belief in making the allegation of wrongdoing (or is found to have known their disclosure was false), the details of the case will be referred to the Head of Human Resources with a view to considering whether disciplinary proceedings ought to be pursued against the person concerned.

If a discloser is not satisfied with the outcome of an investigation, they may seek a review.

The final outcome of the process will be communicated to the discloser subject to any legal restrictions applying in respect of confidentiality, privilege, privacy and data protection or other legal restrictions.

#### **(v) General principles for investigations**

While terms of reference may not be necessary for all investigations, in the case of more complex or serious investigations the designated person may compile terms of reference which govern the scope of the investigation.

While a discloser may seek legal advice in relation to the making of a protected disclosure, any legal costs may not be paid by TII, and legal representation will typically not be permitted in investigation meetings outside of exceptional cases where its absence would imperil a fair result. Disclosers may be represented or accompanied by a co-worker or trade union representative.

A review of the conduct or outcome of an investigation under this policy is available to the affected parties concerned (see the following section).

Where a worker has made a report, whether or not it has been assessed or investigated, the worker is still required to conduct themselves professionally and to continue to carry out their duties as normal. Normal management of a worker who has made a report does not constitute penalisation.

### **17. Review**

A process of review is available in relation to:

- any decision made to disclose the identity of the discloser (except in exceptional cases), if requested by the discloser;
- a decision to close the procedure or refer the report to another procedure following an initial assessment, if requested by the discloser;
- the conduct or outcome of follow-up actions (including an investigation, if requested by any affected person); and/or
- the conduct or outcome of any investigation in respect of any complaint of penalisation, if requested by any affected person;

One review under the terms of this policy may be made in each of the four instances above, with the decision of that review being final. The discloser may make a request for review to the CEO, stating the reasons for seeking a review. Where the disclosure made in the first instance was in respect of the CEO, the discloser may make a request for review to the Chairperson of the Board, stating the reasons for seeking a review. All requests for review under this policy must be made within one month of the notification of the decision or outcome to the affected party.

The reviewer will be a person who has not been involved in the initial assessment, investigation or decision and may be from outside TII where appropriate. Where a review determines there were shortcomings or failings in how the matter under review was addressed, the reviewer should typically suggest further actions that may require to be taken by TII.

The role of the reviewer will be to address the specific issues the applicant feels have received insufficient consideration and not to re-investigate the matter in question. The reviewer will consider:

- whether the correct procedures were followed;
- in the case of an investigation under terms of reference, whether the terms of reference were adhered to;
- whether the conclusions/findings could or could not reasonably be drawn from the information/evidence on the balance of probability.

### **18. Protection against penalisation**

Any form of penalisation of workers who make protected disclosures is prohibited under the Act, under which penalisation of discloser and connected persons is a criminal offence under the Act. Penalisation can mean any direct or indirect act or omission that affects a discloser, which occurs in a work related context, is prompted by the making of the report, and causes or may cause unjustified detriment to a worker and can include, for example, suspension, demotion or loss of opportunity for promotion, transfer of duties, injury, loss, harm, threat of reprisal, failure to renew a contract or early termination of a contract. This list is not exhaustive.

Penalisation will not be tolerated and no worker making a disclosure in accordance with this policy will be penalised for the making of that disclosure, even if no investigation subsequently takes place, or where an investigation does take place and the investigation finds that no relevant wrongdoing occurred.

As set out above, normal management (including performance management) of a worker is not penalisation.

Making a report under this policy does not confer any protection or immunity on a worker who had any involvement in any alleged wrongdoing. If a report is made during the course of any investigation or disciplinary or other procedure to which the discloser is subject, the raising of a disclosure will not, of itself, delay or otherwise affect the continuance of the investigative/disciplinary/other procedure.

If a worker believes that they have been penalised for the making of a disclosure, they should inform the Head of Human Resources. Where it would be inappropriate to inform the Head of Human

Resources, a worker should inform the Head of Governance & Legal. Mediation may be proposed in respect of such complaints, in suitable cases.

### **19. Records and Reporting**

Records of reports, including the outcome, will be maintained in accordance with data protection and other law in a confidential and secure environment.

TII is required under the Act to publish an annual report setting out the number of protected disclosures received in the preceding year and the action taken (if any). This will be included in the annual report of TII. This report is statistical in nature and does not result in any persons making disclosures being identifiable.

### **20. Data Protection and Freedom of Information**

It is acknowledged that many protected disclosures will involve the processing of personal data within the meaning of data protection law. Such information will be managed and processed in accordance with TII's Data Protection Policy and Procedures.

It should be noted that Section 16B of the Act introduces new provisions whereby, in certain circumstances, and only where deemed necessary and appropriate, the rights of data subjects may be restricted to prevent the disclosure of information and identification of persons making disclosures. It may for example result in a data subject access request being denied. The Act also provides that the Freedom of Information Act 2014 will not apply to records of reports made under the Protected Disclosures Acts.

### **21. Reports by Members of the Authority (Board Members)**

A Member of TII appointed by the Minister for Transport under the Roads Act 1993, or a member of the Board or sub-committee of the Board co-opted or otherwise appointed by the Board, should report in line with this policy to the Secretary to the Board. Where it would be inappropriate to report to the Secretary, reports can be made to the Head of Human Resources. All other provisions of this policy will apply in respect of such reports (with such modifications as may be required).

### **22. Guidance for making a disclosure**

Disclosures should, ideally, be made in writing. When writing a report, a worker should provide evidence of their concerns where such evidence is available. Any such reports should be factual (to the best of the worker's knowledge) and should address the following details to the greatest extent, where possible:-

- that the disclosure is being made under the Protected Disclosures Policy & Procedures;
- the discloser's name, position in TII, place of work and confidential contact details;

- the information they have which tends to show a relevant wrongdoing which has occurred/is occurring/likely to occur;
- when it occurred - the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- where it occurred;
- who was involved - the name of the person(s) allegedly involved (if any name is known and the worker considers that naming an individual is necessary to expose the wrongdoing disclosed);
- has it happened before;
- whether or not it is still ongoing;
- whether it has already been raised with anyone either within TII or externally? If so, to whom, when, and what action was taken;
- are there any other witnesses;
- is there any supporting information or documentation;
- how the matter came to light in a work-related context; and
- any other relevant information.

**TII Governance & Legal Department**

**24<sup>th</sup> March 2026**

**APPENDIX I – PROTECTED DISCLOSURES - TEMPLATE REPORT OF RECIPIENT**

<p>This report is to be completed by the recipient of a Protected Disclosure of a relevant wrongdoing under the Act, as amended, and will be used by TII to ensure that reports made to TII are appropriately followed up on. In line with the requirements of the Act, the identity of the person making a disclosure is to be protected and <b>no details that might identify such a person are to be included in this report (such as name, role, contact details or other information that might lead to identification)</b>. The report should be returned to the Head of Governance &amp; Legal as soon as possible but no later than 15<sup>th</sup> January annually for disclosures made in the preceding year.</p>	
DATE OF FIRST CONTACT BY PERSON MAKING DISCLOSURE:	
PROVIDE DETAILS OF THE ALLEGED PROTECTED DISCLOSURE ( <b>do not include anything that might identify the discloser</b> ):	
DID THE INITIAL ASSESSMENT INDICATE THAT THE REPORT MADE REQUIRED INVESTIGATION UNDER THE TII PROTECTED DISCLOSURES POLICY (IF NOT, GIVE REASON)	
PROVIDE DETAILS OF STEPS TAKEN TO INVESTIGATE THE ALLEGATIONS MADE:	
DID ANY SUCH INVESTIGATION SUPPORT THE ALLEGATION OF WRONGDOING?	
IF THE ALLEGATION WAS FOUND TO BE SUPPORTED, WHAT STEPS HAVE BEEN TAKEN TO ADDRESS THE WRONGDOING ALLEGED?	
HAS THE ISSUE BEEN RESOLVED?	
HAS THE ORIGINAL DISCLOSER BEEN ADVISED OF THE OUTCOME OF ANY INVESTIGATION BY TII?	
PLEASE PROVIDE ANY FURTHER DETAILS YOU BELIEVE TO BE RELEVANT TO THE DISCLOSURE MADE IN THIS CASE ( <b>do not include anything that might identify the discloser</b> )	



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Ionad Gnó Gheata na Páirce  
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