An Roinn Comhshaoil,
Aeráide agus Cumarsáide
Department of the Environment,
Climate and Communications

2023 Annual Report on Protected Disclosures

Required under Section 22 of the Protected Disclosures Act 2014 as amended

Prepared by the Department of the
Environment, Climate and Communications
gov.ie

The Protected Disclosures Act 2014 provides for a framework of statutory protections for 'whistleblowers' in Ireland and was substantially amended by the Protected Disclosures (Amendment) Act 2022, which came into operation on 1 January 2023.

On 20 November the Department of Public Expenditure, NDP Delivery and Reform (DPENDR) published their Statutory Guidance for public bodies and prescribed persons. This new edition of the Guidance builds on and supersedes the original Statutory Guidance, issued in 2015, and the Interim Guidance on the amended Act to come into force on the 1 January 2023 and issued in 2022.

Section 22(5) of the Act provides that every public body shall by 31 March every year publish on their websites a report in respect of the immediately preceding calendar year containing:

• A statement that the public body has established internal reporting channels and procedures in accordance with the Act.

• The information provided to the Minister under section 22(1) of the Act.

This report summarises all disclosures processed during 2023 by the Protected Disclosures Unit in the Department of the Environment, Climate and Communications (DECC). DECC has established in accordance with the Protected Disclosures Act 2014 (as amended) both of the following: i) internal reporting channels and procedures; ii) external reporting channels and procedures.

All disclosures are assessed and, where necessary, investigated in line with DECC's published Protected Disclosures Policy and Guidelines. This Policy is published and available to view via this link: https://www.gov.ie/en/organisation-information/b4c64-protected-disclosures/.

Fifteen disclosures were received into DECC's Protected Disclosures Unit in 2023, either directly and/or via the Office of the Protected Disclosures Commissioner (OPDC). One of these disclosures related to an organisation not under the aegis of this Department and was forwarded to the OPDC. Fourteen of these disclosures have been made in relation to Inland Fisheries Ireland (IFI)*.

Additionally, seven disclosures were carried over from 2022 into 2023 (these were received prior to the amendments of the Protected Disclosures Act taking effect on 1st January 2023), of which two were closed during 2023 (both relating to IFI) and five remained open at the end of 2023 (one of these relates to IFI, three relate to the ESB and one relates to Bord na Móna).

In the Appendix of this report DECC is also publishing two reports it submitted to DPENDR by 1st March 2024 in line with Section 22 of the Protected Disclosures Act 2014, which uses mandatory templates provided by DPENDR as per its Statutory Guidance published in November 2023.

‘PDA-1’ set outs the number of Protected Disclosures received by the Department of Environment, Climate and Communications made by workers connected to the public body using the internal reporting channels established under section 6(3) of the Act. As noted above all these disclosures relate to aegis bodies and were processed via DECC’s internal reporting channels in accordance with the DECC’s Protected Disclosure Policy and Guidelines. Note - three of the disclosures received by DECC in 2022 that were carried into 2023 were unable to be recorded in the ‘PDA-1’ template and instead this figure was submitted to DPENDR as an addendum to ‘PDA-1’.

‘PDA-2 Departments’ sets out the number of Protected Disclosures received by the Department of Environment, Climate and Communications from the Office of the Protected Disclosures Commissioner (OPDC).

* The figure of fourteen includes a duplicate of a 2022 disclosure received again in 2023 from a different discloser – for the purposes of DPENDR reporting (PDA-1) it has been included as one single disclosure made in 2022.

Protected Disclosures Act 2014

Form PDA-1

Annual Report of Statistics – Internal Reports made under section 6 of the Act

1.	**Identification**		
1.1	Name of Public Body:	Department of the Environment, Climate & Communications	
1.2	Calendar Year covered by this report	2023	
2.	**Reports received in calendar year**		
2.1	How many reports were received via internal reporting channels in the calendar year?	5	
3.	**Assessment of reports**		
3.1	Of the total number of reports received in the calendar year, how many were:	**(a) Fully**	**(b) Partially**
3.1.1	Awaiting completion of assessment at year end?	1	
3.1.2	Assessed as warranting further follow-up?	2	
3.1.3	Referred to another more relevant procedure?	1	
3.1.4	Closed with no further action taken?	1	
4.	**Follow-up of reports**		
4.1	How many follow-up procedures were opened in the calendar year?	3	
4.2	How many open follow-up procedures were carried over from the previous year?	2	
4.3	How many follow-up procedures were closed in the calendar year?	2	
4.4	How many follow-up procedures remained open at the end of the calendar year?	3	
4.5	Of the number of follow-up procedures reported as still open in response to Q 4.4, how many are:		
4.5.1	Open less than 1 year?	3	
4.5.2	Open more than 1 year but less than 3 years?	0	
4.5.3	Open more than three years but less than 5 years?	0	
4.5.4	Open 5 or more years?	0	
4.6	What was the **average** length (in weeks) of the follow-up procedures closed in the calendar year?	31	
4.7	What was the **median** length (in weeks) of the follow-up procedures closed in the calendar year?	31	

5.	**Matters followed-up**	
5.1	Of the follow-up procedures opened in the calendar year in response to Q4.1, how many involved:	
5.1.1	Criminal offences?	1
5.1.2	Breaches of a legal obligation?	1
5.1.3	Miscarriage of justice?	0
5.1.4	Endangerment of health and safety?	0
5.1.5	Damage to the environment?	0
5.1.6	Unlawful or improper use of public funds?	2
5.1.7	Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	2
5.1.8	Breaches of EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	0
5.1.9	Concealment or destruction of information tending to show any matters falling within questions 5.1.5 to 5.1.8?	0

6.	**Follow-up of matters relating to breaches of EU law**	
6.1	Of the follow-up procedures reported as opened in response to Q5.1.8 (breaches of EU law), if any, how many involved breaches of:	
6.1.1	Public procurement?	0
6.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	0
6.1.3	Product safety and compliance?	0
6.1.4	Transport safety?	0
6.1.5	Protection of the environment?	0
6.1.6	Radiation protection and nuclear safety?	0
6.1.7	Food and feed safety and animal health and welfare?	0
6.1.8	Public health?	0
6.1.9	Consumer protection?	0
6.1.10	Protection of privacy and personal data and security of network and information systems?	0
6.1.11	The financial interests of the EU?	0
6.1.12	The functioning of the EU Internal Market?	0

7.	Outcome of follow-up procedures	(a) Fully	(b) Partially
7.1	Of the follow-up procedures reported as closed in response to Q4.3, how many were closed because no relevant wrongdoing was found or insufficient evidence of a relevant wrongdoing could be found?	1	1
7.2	Of the follow-up procedures reported as closed in response to Q4.3 and the result of the follow-up procedure was that a relevant wrongdoing was found to have occurred, how many resulted in:		
7.2.1	Further proceedings or sanctions?	0	
7.2.2	Referral or transmission to another body for further follow-up?	0	
7.2.3	Changes to policies or procedures?	0	
7.2.4	Recovery of lost funds?	0	
7.3	Of the follow-up procedures reported as closed in response to Q4.3, what (where relevant) is the estimated financial damage to the public body arising from the relevant wrongdoing reported?		€-
7.4	Of the follow-up procedures reported as closed in response to Q4.3, what (where relevant) is the estimated amount of funds recovered by the public body arising from its follow-up?		€-

8.	Anonymous reports	
8.1	Of the total number of reports received in response to Q2, how many were made anonymously?	0
8.2	How many follow-up procedures were opened in response to anonymous reports in the calendar year?	0
8.3	How many anonymous reporting persons subsequently disclosed their identity to the Designated Person in the calendar year?	0

Protected Disclosures Act 2014

Form PDA-2 Departments

Annual Report of Statistics - External Reports made or transmitted under sections 7, 7A, 10C and 10D of the Act

1.	**Identification**	
1.1	Name of Prescribed Person:	Department of the Environment, Climate & Communications
1.2	Calendar Year covered by this report	2023

2.	**Reports received in calendar year**	
2.1	Of the reports received in the calendar year that is the subject of this report, how many were:	
2.1.1	Received via the external reporting channel established under section 7(2B) of the Act?	0
2.1.2	Transmitted by another prescribed person under section 7A(1)(b)(vi) of the Act?	0
2.1.3	Transmitted by the Protected Disclosures Commissioner under section 10C(1)(b) of the Act?	1
2.1.4	Transmitted by the Protected Disclosures Commissioner under section 10D(1)(b)(ii) of the Act?	7
2.1.5	Total number of reports received	8

3.	**Assessment of reports**		
3.1	Of the total number of reports received in the calendar year, how many were:	**(a) Fully**	**(b) Partially**
3.1.1	Awaiting completion of assessment at year end?	2	
3.1.2	Assessed as warranting further follow-up?	4	
3.1.3	Transmitted to another prescribed person or the Protected Disclosures Commissioner?	0	
3.1.4	Closed because the report was clearly minor?	0	
3.1.5	Closed because it was a repetitive report containing no meaningful new information?	0	
3.1.6	Referred to another more relevant procedure?	0	
3.1.7	Assessed as warranting no further follow-up?	2	

4.	**Investigation of reports**	
4.1	How many investigations were opened in the calendar year?	1
4.2	How many open investigations were carried over from the previous year?	0
4.3	How many investigations were closed in the calendar year?	0
4.4	How many investigations remained open at the end of the calendar year?	1
4.5	Of the number of investigations reported as still open in response to Q 4.4, how many are:	
4.5.1	Open less than 1 year?	1
4.5.2	Open more than 1 year but less than 3 years?	0
4.5.3	Open more than three years but less than 5 years?	0
4.5.4	Open 5 or more years?	0
4.6	What was the **average** length (in weeks) of the investigations closed in the calendar year?	0
4.7	What was the **median** length (in weeks) of the investigations closed in the calendar year?	0

5.	**Matters investigated**	
5.1	Of the investigations opened in calendar year reported in response to Q4.1, how many involved:	
5.1.1	Criminal offences?	0
5.1.2	Breaches of a legal obligation?	0
5.1.3	Miscarriage of justice?	0
5.1.4	Endangerment of health and safety?	0
5.1.5	Damage to the environment?	0
5.1.6	Unlawful or improper use of public funds?	0
5.1.7	Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	0
5.1.8	Breaches of EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	0
5.1.9	Concealment or destruction of information tending to show any matters falling within questions 5.1.5 to 5.1.8?	0

6.	**Matters investigated – Breaches of EU law**	
6.1	Of the investigations reported as opened in response to Q5.1.8 (breaches of EU law), if any, how many involved breaches of:	
6.1.1	Public procurement?	0
6.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	0
6.1.3	Product safety and compliance?	0
6.1.4	Transport safety?	0
6.1.5	Protection of the environment?	0
6.1.6	Radiation protection and nuclear safety?	0
6.1.7	Food and feed safety and animal health and welfare?	0
6.1.8	Public health?	0
6.1.9	Consumer protection?	0
6.1.10	Protection of privacy and personal data and security of network and information systems?	0
6.1.11	The financial interests of the EU?	0
6.1.12	The functioning of the EU Internal Market?	0

7.	**Proceedings initiated**	
7.1	How many proceedings were initiated on foot of investigations in the calendar year?	0
7.2	How many cases were referred to another body to initiate proceedings in the calendar year?	0
7.3	What was the **average** length (in weeks) of the proceedings that concluded in the calendar year?	0
7.4	What was the **median** length (in weeks) of the proceedings that concluded in the calendar year?	0

8	**Subject of proceedings initiated**	
8.1	Of the proceedings initiated or referred to another body in the calendar year in response to Q7.1, how many involved:	
8.1.1	Criminal offences?	0
8.1.2	Breaches of a legal obligation?	0
8.1.3	Miscarriage of justice?	0
8.1.4	Endangerment of health and safety?	0
8.1.5	Damage to the environment?	0
8.1.6	Unlawful or improper use of public funds?	0
8.1.7	Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	0
8.1.8	Breaches of EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	0
8.1.9	Concealment or destruction of information tending to show any matters falling within questions 5.1.5 to 5.1.8?	0

9.	**Subject of proceedings initiated – Breaches of EU laws**	
9.1	Of the investigations reported as initiated in response to Q8.1.8 (breaches of EU law), if any, how many involved breaches of:	
9.1.1	Public procurement?	0
9.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	0
9.1.3	Product safety and compliance?	0
9.1.4	Transport safety?	0
9.1.5	Protection of the environment?	0
9.1.6	Radiation protection and nuclear safety?	0
9.1.7	Food and feed safety and animal health and welfare?	0
9.1.8	Public health?	0
9.1.9	Consumer protection?	0
9.1.10	Protection of privacy and personal data and security of network and information systems?	0
9.1.11	The financial interests of the EU?	0
9.1.12	The functioning of the EU Internal Market?	0

10.	**Outcome of proceedings**	
10.1	Of the proceedings reported as initiated, how many resulted in:	
10.1.1	Criminal prosecution?	0
10.1.2	Fines of other financial penalties?	0
10.1.3	Recovery of lost funds?	0
10.1.4	Award of damages?	0
10.1.5	Other enforcement action?	0
10.1.6	No outcome?	0
10.2	Of the proceedings reported as initiated, what (where relevant) is the estimated financial damage arising from the wrongdoing reported?	€-
10.3	Of the proceedings reported as initiated, what (where relevant) is the total value of fines and/or other financial penalties imposed as a result of these proceedings?	€-
10.4	Of the proceedings reported as initiated, what (where relevant) is the estimated amount of funds recovered as a result of proceedings?	€-

11.	**Anonymous reports**	
11.1	Of the total number of reports received in response to Q2, how many were made anonymously?	3
11.2	How many investigations were opened in response to anonymous reports in the calendar year?	0
11.3	How many proceedings were opened in response to anonymous reports in the calendar year?	1
11.4	How many anonymous reporting persons subsequently disclosed their identity in the calendar year?	0