



A TECH WORKERS GUIDE TO WHISTLEBLOWING

 Ireland Edition

Table of Contents

What is the purpose of this Guide?	4
How can this guide help you?	6
Legally speaking: What to know about Ireland's whistleblowing legislation	8
Who is protected under the PDA?	8
What type of information can you disclose?	9
How can you disclose relevant information? Confidentiality v Anonymity	10
Confidentiality	11
Anonymity	12
Who can you disclose your concerns to?	13
What should you know about disclosing to your employer?	14
Alternatives to disclosing to your employer	16
Ministers and members of the Oireachtas	17
Prescribed persons	19
European Union institutions	23
Media	24
How can the PDA protect you from retaliation?	28
Voiding of non-disclosure agreements (NDAs)	28
Immunity from civil liability for making a protected disclosure	29
Immunity from criminal liability for making a protected disclosure	29
What can you do if you're retaliated against after whistleblowing?	29
Criminal penalties for retaliation	34
What should you know about SLAPPs and whistleblowing?	34
How can you identify a SLAPP?	35
What can you do if you think you are being SLAPPED?	35
Do your concerns have an international dimension? You may disclose them outside of Ireland	36
What should you know about whistleblowing reward programs?	36

Practically speaking: What to consider when thinking about blowing the whistle	38
Personal assessment	38
Building a support network and solidarity	38
Family and friends	39
Lawyers	40
Colleagues	45
Unions	46
Charities	47
Documenting evidence	48
What should you consider for safely documenting evidence?	49
Fifteen lessons learned	50
Resources	52
Glossary	52
Whistleblowing options overview	59
Charities and other resources	65
Organisations	65
Reports and guides	67
Books	67
Toolkit	68
Personal Assessment tool	68
Sample budget template	72
Building A Team template	78

What is the purpose of this Guide?

Whistleblowing – the act of speaking up on wrongdoing that affects others and thereby holding powerful interests accountable – is one of the most difficult decisions a person can make. It shouldn't be made more difficult by a lack of information about the process itself.

This Guide aims to help any worker make informed decisions by providing a balanced and concrete overview of the whistleblowing process and highlighting organisations and resources available to support whistleblowers. While this Guide covers some key information applicable to all workers, it focuses on considerations for those seeking to blow the whistle in the tech sector. Whether you provide labour at your tech company as a senior engineer, warehouse handler, content moderator, food prepper, sales manager, custodian, assistant, HR lead, or in any other role, this Guide should be both useful for and accessible to you.

'No matter what reason you had for reading this guide, you should know there is a whole community of people out there, including other whistleblowers, lawyers, journalists, non-profit organizations, unions, advocates, and many others who for decades have been dealing with the sensitive process of bringing public interest information to light and holding powerful interests accountable.'

- Delphine Halgand-Mishra, Founding Executive Director, The Signals Network

This Guide includes legal and practical considerations specific to the Irish context compiled by The Signals Network with the support of Dr. Lauren Kierans, a barrister and Lecturer-in-Law at Maynooth University. The creation of this guide was supported by funding from Luminare Projects Limited.

This Guide is inspired by the [Tech Worker Handbook](#), a collection of resources for tech workers who are looking to make more informed decisions about whether to speak out on issues that are in the public interest. The Tech Worker Handbook originated as an independent project owned and managed by Ifeoma Ozoma, Founder and Principal of Earthseed, with funding from Omidyar Network. Contributors to the Tech Worker Handbook included The Signals Network, Lioness, Matt Mitchell, Elite Strategy Global, Whistleblowing International Network, Jason Lorne Giles Branding, and Sienna Latham.

This Guide is not legal advice and should not be relied upon as such. It is not a how-to set of universal instructions nor a call to action to encourage you to blow the whistle. Whistleblowing is an individual decision that should be made only after obtaining legal advice on the options and provisions applicable and weighing up of any potential risks against intended outcomes. This Guide does not cover mandatory reporting obligations but is about the general information you should know to protect yourself before speaking up, under Ireland's Protected Disclosures Act 2014 (as amended).

'The PDA sets out a framework for who can make a protected disclosure, what you can disclose, who you can disclose it to, and what protections you can be afforded. The amended legislation also introduces an obligation on certain organisations to implement procedures for following-up on protected disclosures. The statutory framework is quite complex and can be difficult to navigate. Therefore, it is essential that you are familiar with both the law and your organisation's procedures. It is prudent to seek legal advice before making a protected disclosure, if possible, to minimise your risk of not being able to avail of the protections under the PDA.'

- Lauren Kierans, barrister and Lecturer-in-Law at Maynooth University

As you read on, remember that there is no one right way to speak out. This Guide is based on the experience of past and current whistleblowers and the people who supported them. It is aimed at helping you build your own overall strategy. Whatever your decision, know that you are not alone. There are groups and people out there to support you.

Please reach out to [The Signals Network](#) if you have any comments or questions about this Guide.

How can this guide help you?

It all starts with a concern at work. You've witnessed wrongdoing or discovered it after the fact or simply have concerns about possible past, present or imminent wrongdoing affecting people at large in some way. It could be fraud, employment discrimination, product defects...and you know you have to do something. What can you do?

One of the most important things you can do is make a plan. Whistleblowing can be a difficult journey. The more prepared you are, the better. This Guide aims to help you think through what that plan needs to include.

'Identify what your anchor is. You will most likely face retaliation and lots of difficulties navigating the legal system, but the thing that kept me going was knowing that the company was wrong and causing harm to people by hiding a certain defect in their product. That anchor is what I turned to when I was facing especially difficult circumstances.'

- Erika Cheung, Theranos whistleblower

1. Make a personal assessment

We all have different levels of risk tolerance, unique personal situations, and our own goals regarding the impact of our actions. Reporting wrongdoing at work is part of everyday business, yet unfortunately, whistleblowing can end up for some being a long, arduous, and life-defining journey. It is important to know what your life may hold in the coming months and years and who you need to have on your side.

Use the [Personal Assessment template](#) to think through some initial key questions about what you are reporting and why. Not all of these questions will apply in every case, and you should not feel you need to answer them all before speaking up. These questions are a way to assess where you are and what you are willing to go through in order to devise your personal plan.

2. Understand your options

Your circumstances and the nature of the wrongdoing may determine what options are available to you. Yet, there are some common pathways for many whistleblowers. To help you understand your options, you can use this Guide to:

- Learn about the law and how to make a protected disclosure under [Ireland's whistleblowing legislation](#);
- Consider how best to [document evidence](#) safely and possibly even work with a [journalist](#);

- Educate yourself about the [lessons learned](#) from people who have blown the whistle in the past;
- Act lawfully during your whistleblowing journey by following the top tips highlighted in each section below.

3. Talk to the right lawyer and allies

The most important thing is that you seek professional advice on your options as soon as possible and [build a support network](#) for your whistleblowing journey.

The nature of your concern will guide you to the right [lawyer](#). Think about how you would describe the incident using legal wording. Is it an employment discrimination issue? Did the company defraud a customer or a business partner? Is there a health hazard being covered up? Different lawyers have different specialities, and it is important that you seek the advice of a lawyer with the technical expertise to work on a protected disclosure case.

Consider how to find allies and support in [charities](#) and [trade unions](#) which take interest in the type of concern you are raising. They may even have experience working with whistleblowers on similar issues.

You should also find someone who you can talk to about how you are feeling. Having support from [family and friends](#) before and after you report can make a big difference to your wellbeing.

'I would advise any potential whistleblower to seek out advice from established organisations such as The Signals Network and if possible, speak to other, public whistleblowers. While what you are about to do is scary, you are absolutely not alone. There is a whole new family out there that will help you get through blowing the whistle - good, loyal people there to back you up, protect you and defend you. Don't do this alone.'

- Mark MacGann, Uber whistleblower

If you need help with finding support or any advice on how to communicate a concern, you can send an encrypted email to The Signals Network's Legal Director, Jennifer Gibson at jennifer@thesignalsnetwork.org [using ProtonMail]. You can also contact Transparency's [Speak Up Helpline](#).

Legally speaking: What to know about Ireland's whistleblowing legislation

In Ireland, whistleblowers are protected by the Protected Disclosures Act 2014, as amended by the Protected Disclosures (Amendment) Act 2022 – often referred to as the 'PDA.' It protects workers in the public, private and not-for-profit sectors from retaliation if they speak up about wrongdoing in the workplace.

Who is protected under the PDA?

Under the PDA, 'workers' also referred to as 'reporting persons', can make protected disclosures about possible wrongdoing in a workplace they currently or previously worked in.

You are a 'worker' or 'reporting person' if you are/were a/an:

- Employee
- Contractor
- Consultant
- Agency staff
- Administrative staff
- Trainee/Intern
- Member of the Permanent and Reserve Defence Force
- Shareholder
- Management team member
- Board member
- Volunteer
- Job applicant or someone involved in any pre-contractual process

CAUTION: If it is your job to detect, investigate or prosecute any wrongdoing and if the wrongdoing reported relates to a person other than your employer, you will not be covered under the PDA. For example, if you are a member of An Garda Síochána who reports wrongdoing by a person outside of An Garda Síochána, you won't be protected under the PDA. Further, if you are a Revenue inspector who identifies wrongdoing during the course of an audit, you would also be excluded from protection under the PDA. However, if you are an external auditor engaged under contract and detected wrongdoing by the company that you are auditing, you would be considered a worker.

What type of information can you disclose?

You make a 'protected disclosure' if you disclose relevant information in a particular way. Information is relevant if it came to your attention in a work-related context and you reasonably believe that it tends to show one or more relevant wrongdoings.

'Relevant wrongdoing' is widely defined and includes:

- Criminal offences;
- Failure to comply with any legal obligation (except one arising under your contract of employment or other contract where you undertake to personally do or perform any work or services);
- Breaches of certain European Union laws;
- Endangering the health and safety of any individual;
- Damaging the environment;
- Miscarriage of justice;
- Unlawful or improper use of public funds or resources;
- Oppressive, discriminatory, grossly negligent or grossly mismanaged acts or omissions by a public body;
- Concealment/destruction of any of the above or attempts to do so.

The following do not usually count as wrongdoing:

- Workplace grievances which are exclusively personal;
- Disputes with your employer about your own contractual arrangements;
- Information that is disclosed in a legally privileged setting.

CAUTION: Interpersonal grievances that affect you exclusively and are between you and another worker or are to or about your employer are not protected disclosures. The test of 'exclusivity' applies. If only you are affected by the complaint, then it will not be treated as a protected disclosure and your employer is entitled to deal with it under an alternative procedure. If the information you disclose demonstrates that you are not the only one affected by a relevant wrongdoing, then it will be a protected disclosure. We recommend you get legal advice to help you separate grievances from relevant information.

Note:

- In any legal proceedings under the PDA, it will be presumed that you made a protected disclosure. Your employer is responsible for proving that your disclosure does not fulfill the conditions of the legal definition of a protected disclosure.
- However, if you make a knowingly false disclosure, you can be [sued](#) under tort law by any person who suffers damage because of such a disclosure or even [prosecuted](#) under criminal law.
- You may only have access to some and not all the necessary evidence, but the information you are disclosing should point in the direction of a relevant wrongdoing that is happening now, happened in the past, or is about to happen.
- You may disclose information that has come to your attention during current or past work activities in the public or private sector. The information you disclose may be about a relevant wrongdoing in Ireland or even outside of Ireland.
- Even if the information you disclose is proven to be incorrect, you are still protected, provided you had a reasonable belief in the information.
- Even if the person to whom you are disclosing the relevant information is already aware of it, you may still be protected. You are also protected if you are [dismissed or penalised](#) for reporting possible wrongdoing.
- Your motivation for making a protected disclosure is irrelevant to whether it is a protected disclosure but if you bring a claim for penalisation and detriment under the PDA and you are successful, any award of compensation can be reduced by up to 25% if the main or sole reason for you making your disclosure was not for its investigation.

Top tip: Seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#) before making a disclosure.

How can you disclose relevant information? Confidentiality v Anonymity

You might be concerned about to what extent your identity will be protected, if at all, if you identify yourself when making a disclosure. You might also be concerned about whether your disclosure will be followed-up on or if you can be protected from retaliation if you make an anonymous disclosure. Under the PDA, there are different rules for organisations depending on if you make a confidential or anonymous disclosure, so it is important to understand what each term means.

Confidential disclosures are disclosures where your identity is known by the recipient but is withheld by them, on the understanding that they will not share your name or identifying details with anyone else without your permission.

Anonymous disclosures are disclosures where your name or any details that could be used to easily identify you are withheld by you when making your disclosure.

Ultimately, you are always entitled to be protected from reprisal for making a protected disclosure, whether it is made with your identity known or not.

Confidentiality

Under the PDA, when making a disclosure where you have made your identity known, you are entitled to have your identity protected. However, this protection is not absolute.

When making a confidential disclosure, you can expect the following:

- The person to whom you make your report or to whom it is transmitted must not disclose to another person your identity or any information from which your identity may be directly or indirectly deduced, without your explicit consent.
- There are exceptions where your explicit consent is not necessary to disclose your identity, and these include:
 - It is necessary for the purposes of the receipt or transmission of, or follow-up on your disclosure, to assess the accuracy of the information (e.g., where the disclosure is received by a line manager and transmitted to the designated person or department for follow-up).
 - It is a necessary and proportionate obligation imposed by European Union law or Irish law in the context of investigations or judicial proceedings, including with a view to safeguarding the rights of defence of the alleged perpetrator of the relevant wrongdoing.
 - All reasonable steps were taken to avoid disclosing your identity.
 - It is necessary for the prevention of serious risk to the security of the State, public health, public safety, or the environment.
 - Where disclosure is otherwise required by law.
- You must be notified in writing before your identity is disclosed if the person to whom you make your disclosure or to whom it is transmitted decides to disclose your identity to another person on the basis that it is a necessary and proportionate obligation in the context of investigations or judicial proceedings (see above) or where they reasonably believe that it is necessary for the prevention of serious risk to the security of the State, public health,

public safety or the environment. This obligation to notify you before your identity is disclosed (including the reasons for this decision) does not apply if such notification would jeopardise:

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

CAUTION: Be aware that your identity may be disclosed through an unforeseeable error or other unavoidable occurrence, even if all reasonable steps were taken to avoid disclosing your identity.

Note: If a person fails to comply with their obligations to protect your identity, you have a right of action in tort against that person. Further, it is a criminal offence for a person to breach their duty of confidentiality towards you regarding the protection of your identity. A person who commits such an offence faces a fine on summary conviction of between €4,000-€5,000 and/or imprisonment up to 12 months or a fine on indictment not exceeding €75,000 and/or imprisonment up to 2 years.

Anonymity

Under the PDA, you can make an anonymous disclosure. However, just because you make your disclosure anonymously, this does not mean that you cannot be identified as the person who made the disclosure and possibly be penalised for it.

When making an anonymous disclosure, you can expect different responses depending on whether you made your disclosure to your [employer](#) or to a [prescribed person](#).

- If you make your disclosure internally to your employer, it is important to be aware that your employer is not obliged to accept and follow-up on it unless they consider it appropriate to do so. They may, however, be obliged to accept and follow-up on it under another law that they are subject to. For example, companies listed in the US and their subsidiaries are required to establish protocols for anonymous reporting.
- If you make your disclosure to a prescribed person or the Protected Disclosures Commissioner, they must apply the same procedures to your disclosure as if you had identified yourself, unless prohibited by or under any other law.

Note: If you make your disclosure anonymously, you are entitled to the same protections from retaliation under the PDA as a worker who made their disclosure with their identity known. In

order to claim the protection under the PDA, you will have to be able to show that it was you that had made the disclosure anonymously.

Top tips:

- Make sure to read your employer's protected disclosures procedures to see if anonymous disclosures are accepted.
- Remember that whether you provide your name or make an anonymous report, your identity may become known to others.
- Keep a copy of your disclosure and any record of postage or email, to secure evidence of you making the disclosure.
- Seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), to evaluate your options before you do anything.

Who can you disclose your concerns to?

You can choose any of the following pathways for making a report under the PDA:

1. Your employer, a third party authorised by the employer, or a responsible person;
2. Prescribed persons;
3. Others, such as a journalist.

Note: Under the PDA, you are not required to first make your disclosure internally to your employer. Doing so can sometimes facilitate a swift investigation and remediation of the wrongdoing, as well as ensure that any necessary protections are provided immediately. But it can also come with risks. Your employer may not follow up on your disclosure and/or they may take retaliatory action against you. Not all employers welcome bad news. Because of this, the PDA allows for individuals in certain circumstances to disclose externally to for example, the media, government officials and regulators.

This section sets out how to safely speak up through each pathway specified in the PDA. It also talks about how to report relevant information if your disclosure has an international dimension.

CAUTION: This Guide is for general information only. Deciding how and to whom to disclose can be a daunting and complicated task. We therefore recommend you seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), before making a disclosure. You may also seek support from a [Trade Union official](#).

What should you know about disclosing to your employer?

In order to be protected when disclosing to your employer, you must fulfil the test for [protected disclosure](#) as set out above.

Your employer should have an internal procedure for how to make a protected disclosure or raise concerns about wrongdoing. This should therefore be your starting point. If, however, no such process exists, or that process is not clear, the PDA sets out a recommended process for how to report.

Who should you report to internally?

There are three ways to make your disclosure internally and be protected under the PDA. You can make your disclosure informally to anybody more senior to you in the organisation and this is considered an internal disclosure to your employer. When making your disclosure informally, you should be aware that the person receiving the disclosure may refer it to the designated person under your organisation's internal protected disclosures procedures.

You can make your disclosure formally through your internal protected disclosures procedures to the designated person for receiving protected disclosures. This designated person may be an external third party which is entrusted to operate the procedures for your employer.

You can also make an internal disclosure to another responsible person. This applies where you reasonably believe the relevant wrongdoing relates solely or mainly to (i) the conduct of a person other than your employer or (ii) something for which someone other than your employer has legal responsibility. In these circumstances, the relevant information can be disclosed to that person.

Note: If you are employed by a public body, a report of relevant information can also be made an appropriate [Government Minister](#).

How should you report?

Under the PDA, if your employer has over 250 members of staff – or if it is a public sector body – then it is required to establish and maintain formal protected disclosures procedures. These procedures may include using a third party to receive protected disclosures. If you do not use

these formal procedures, your employer does not have to apply the statutory process for following-up on your disclosure. However, you will always be subject to the protection of the PDA for making a protected disclosure, even if you do not use the formal procedures.

Note: On 17 December 2023, the obligation to establish and maintain formal protected disclosures procedures will extend to all private sector organisations with more than 50 members of staff. While they are not required to do so until then, some companies may have already started to put these procedures in place. Exceptions to this change are certain companies in the areas of financial services, products and markets, prevention of money laundering and terrorist financing, transport safety, and protection of the environment (offshore oil and gas operations). Irrespective of the number of employees in such organisations, they must have formal protected disclosure procedures.

If your organisation does not fall within the categories above, it is not obliged to have a formal procedure for receiving and following-up on your disclosure; however, it may still have such a procedure which you can use to make your protected disclosure. In any event, you are still protected under the PDA from retaliation for making a protected disclosure.

Note: As part of the formal procedures in place, you should be permitted to make disclosures in writing or orally, or both.

- If you report your concerns via a recorded telephone hotline, your employer must ask for your consent to keep a recording of the call and/or to type up a transcript using the recording. You must be afforded the opportunity to check, rectify, and agree the transcript of the call by signing it.
- If the telephone line you use to report is unrecorded, the person you speak to may document the call in the form of accurate minutes of the conversation. Again, you must be offered the opportunity to check, rectify, and agree the minutes of the conversation by signing them.
- If you request a meeting in person, subject to your consent, the designated member of staff with whom you meet must ensure that complete and accurate records of the meeting are kept in a durable and retrievable form. The meeting may be documented by either making a recording of the conversation or through accurate minutes of the meeting prepared by designated staff member. As with reporting by telephone, you must be offered the opportunity to check, rectify, and agree the minutes of the meeting by signing them.

What should you expect after your report?

Once you have made your disclosure, you should obtain an acknowledgement in writing within 7 days of receipt of your protected disclosure.

Your disclosure should be followed up by the designated person. 'Follow-up' does not mean that every disclosure is investigated or leads to disciplinary action. It means that the accuracy of the information in the disclosure must be assessed, including seeking further information from you if required, as to whether there is sufficient initial evidence that a relevant wrongdoing may have occurred. Where there is sufficient initial evidence of a relevant wrongdoing, appropriate action must be taken to address it, having regard to the nature and seriousness of the matter concerned. This could include, but is not limited to, actions such as an internal enquiry, an investigation, prosecution, an action for recovery of funds, or the closure of the procedure. If the procedure is closed or referred to another applicable procedure to which you have access on the basis that there isn't sufficient initial evidence of a relevant wrongdoing, you must be notified in writing of this decision and the reasons for it as soon as practicable.

You should be provided with feedback within a reasonable timeframe, not exceeding 3 months from the acknowledgement of receipt or if no acknowledgement was sent to the reporting person, 3 months and one week from the date the disclosure was received. 'Feedback' means the provision of information on the action envisaged or taken as follow-up and on the reasons for such follow-up.

If you make a request in writing, you are entitled to further feedback at intervals of 3 months until such time as the procedure relating to the report concerned is closed.

Note: The PDA does not indicate a time limit for follow-up on a disclosure. The length of an investigation may depend on the nature of the information in the disclosure. Minor wrongdoings may be investigated swiftly whilst more complicated matters may take more time.

Top tip: Seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), if you have any questions about the reporting procedures you should follow or any concerns about your report not being taken seriously or being covered up by your employer.

Alternatives to disclosing to your employer

It may not always be appropriate for you to make your disclosure to your employer. You may wish to use an alternative disclosure channel if, for example, your employer is involved in the wrongdoing, or you fear that you will be retaliated against if you make your disclosure to your employer. You may also wish to use an alternative disclosure method if you believe that your employer will not respond appropriately or at all to your disclosure.

For these reasons, the PDA provides for alternative routes to disclosing wrongdoing. The next

sections of this guide outline the rules and key considerations for disclosing concerns to others: Ministers and Oireachtas members, prescribed persons, European Union institutions, and the media.

Top tip: Seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), to make an informed decision about your options.

Ministers and members of the Oireachtas

While Ministers and members of the Oireachtas, including members of the lower house or TDs can be helpful, working with them can be a confusing process with long delays and high stakes and will vary depending on whether you are a public or private sector worker. The information below is meant to provide insight if you are considering this pathway.

'As a whistleblower, you may see yourself as an educator in front of government members and other decision-makers. While lawmakers can be some of your most powerful allies, working with them can be a confusing process with long delays and high stakes, so seeking support from professionals or organisations that have ongoing relationships with government offices is key if you are considering this route.'

- Frances Haugen, Facebook whistleblower

What should you know about disclosing to Ministers if you are a public sector worker?

If you are or were a public body worker, you can make disclosures to the Minister who has a function relating to the public body where you work or worked. For disclosures to Ministers by a public body worker to be protected, you must meet the test of a [protected disclosure](#) and one or more additional conditions must be met, including that:

- You previously made a disclosure of substantially the same information to your employer/other responsible person, or prescribed person, or to a Minister (if you are a public sector worker), but no appropriate action was taken in response to the report within the maximum 3-month period for feedback (or maximum 6-months if made to a prescribed person in duly justified cases due to the particular nature and complexity of the report), or if feedback was furnished, you reasonably believe that there has been no or inadequate follow-up,
- OR**
- You reasonably believe the head of the public body concerned is complicit in the relevant

wrongdoing,

OR

- You reasonably believe that the relevant wrongdoing constitutes an imminent or manifest danger to the public interest, such as where there is an emergency situation or a risk of irreversible damage.

What should you know about disclosing to Oireachtas members, if you are a private sector worker, or to TDs, if you are a public sector worker?

If you are a public sector worker and you wish to make your disclosure to a TD (other than a Minister) or a Senator or if you are a private sector worker and you wish to make a disclosure to a member of the Oireachtas, ie a TD (including Ministers) or a Senator, you must meet the test of a [protected disclosure](#) and the following conditions:

- a. You reasonably believe that the information disclosed in the report, and any allegation contained in it, are substantially true,
AND
- b. You previously made a disclosure of substantially the same information to your employer/other responsible person, or prescribed person, or to a Minister (if you are a public sector worker), but no appropriate action was taken in response to the report within the maximum 3-month period for feedback (or maximum 6-months if made to a prescribed person in duly justified cases due to the particular nature and complexity of the report),
OR
- c. You reasonably believe 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,
OR
 - if you were to make a report to a prescribed person or a Minister (as a public sector worker):
 - 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 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.

What happens when you make a disclosure to a Minister?

When a Minister receives a disclosure, they must, without having considered it, transmit it to the Protected Disclosures Commissioner (PDC) within 10 days. Find more information below on the [obligations imposed on the PDC](#) when it receives a protected disclosure.

Ministers must make clear and easily accessible information available regarding the making of disclosures to them. This may be on the website maintained by or on behalf of the Minister.

What happens when you make a disclosure to an Oireachtas member?

If you make your disclosure to an Oireachtas member, they may speak about this on the floor of the Dáil or Seanad. Oireachtas members have parliamentary privilege meaning that they have immunity from liability for parliamentary statements. This includes, but is not limited to, immunity from defamation proceedings. There can be no attempt made to force members of the Oireachtas to disclose their sources. The courts do not have a role in policing parliamentary utterances except in some extremely exceptional and limited circumstances.

Oireachtas Committees often invite, and can even compel under statutory powers, whistleblowers to attend hearings. Such committees also have parliamentary privilege. They must, however, act within their remit. Witnesses summoned to give evidence before a committee or witnesses who give evidence voluntarily, have the same immunities and privileges as a witness to proceedings in the High Court.

If you believe that a TD has abused this privilege and you have been adversely affected, you can contact the Dáil Committee on Parliamentary Privileges and Oversight which can discipline the TD. You can find information on this process here: www.oireachtas.ie/en/debates/utterances-having-an-adverse-effect/

Prescribed persons

A prescribed person is a regulator, oversight body or local authority. In general, prescribed persons have regulatory functions in the area that is the subject of the disclosure. Examples are the Central Bank, the Health and Safety Authority, and the Data Protection Commission.

You can decide to report to a prescribed person rather than your employer. There are various reasons why you may feel you need to involve a prescribed person:

- You already made your disclosure to your employer, but they did not follow-up;
- Your employer is involved in the wrongdoing;
- You may believe that a regulatory response is warranted given the serious risk of harm posed by the wrongdoing.

For your disclosure to a prescribed person to be protected, it requires you to satisfy additional conditions than when making a disclosure to your employer or other responsible person, or to a legal advisor in the course of obtaining legal advice.

What should you know about disclosing to a prescribed person?

The prescribed persons system has been described as a 'halfway house' between disclosures to an employer and disclosures in the public domain. A prescribed person is independent to your employer and usually has the authority to both investigate disclosures and to hold their regulated entities to account.

For your disclosure to a prescribed person to be protected, you must meet the test of a protected disclosure and satisfy two conditions:

- You reasonably believe that the relevant wrongdoing falls within the remit of the prescribed person;
- You reasonably believe that the information you disclose and any allegation contained in it are substantially true.

CAUTION: The 'substantially true' test means that this is a higher threshold for protection than a disclosure to your employer or other responsible person, or to a legal advisor while obtaining legal advice. Compared to a disclosure to your employer, you may be required to have done more to look into the issue, or have it looked into. However, in doing so, you need to be very careful that you are not breaching the rules of your organisation or breaching the law. You are not required to investigate the relevant wrongdoing to prove your disclosure.

Note:

- You are entitled to make your disclosure to a prescribed person either orally or in writing, and if it is made orally, this must be possible by telephone or through other voice messaging systems and, if you request, by means of a physical meeting within a reasonable timeframe.
- Without prejudice to your rights under the PDA and to such extent as may reasonably and lawfully be required for the purposes of the PDA, you must cooperate with a prescribed person in relation to the performance by it of its functions under the PDA.
- It's important to be aware that, having regard to the number of reports received by a prescribed person, it may deal with reports of a serious relevant wrongdoing as a matter of priority if it considers it to be necessary and appropriate to do so.
- If you make your disclosure anonymously, the prescribed person must apply the same procedures to your disclosure as if you had identified yourself, unless prohibited by or under any other law.

Which prescribed person should you go to?

Information about the remits of prescribed persons can help you identify which one you should go to. Currently, there are 110 prescribed persons in Ireland. These prescribed persons consist of seventy-nine regulatory and supervisory bodies and thirty-one local authorities with different remits.

All prescribed persons are obliged under the PDA to publish information about their protected disclosures procedures on their websites. You can find a list of prescribed persons and further information about them here: www.gov.ie/en/collection/41798-protected-disclosures-whistleblowing-list-of-prescribed-persons/ This list of prescribed persons may be updated from time to time.

CAUTION: You must be careful that the person you are disclosing to is prescribed and that you reasonably believe that the wrongdoing you are disclosing falls within the description of matters in respect of which that person is prescribed. If the person is not prescribed, you will not be protected under this threshold and if the prescribed person does not have a remit over the wrongdoing and you do not satisfy the reasonable belief test that the prescribed person has such a remit, then your disclosure is also not protected under this threshold and may need to satisfy the additional conditions of a wider public disclosure in order to be protected.

Note:

- If you make your disclosure to a prescribed person and they decide that it concerns matters that are not within their remit, they must transmit it to another prescribed person or persons as they consider appropriate, or where there is no such other prescribed person, to the Protected Disclosures Commissioner ('PDC'), and notify you of this, in writing, as soon as practicable of the decision and the reasons for it.

Top tips:

- Make sure you choose the correct prescribed person. For example, if you are reporting a breach of data protection law, you should contact the Data Protection Commission.
- If you are not sure who is the correct prescribed person to make your disclosure to, you should get legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), or you could make your disclosure to the PDC.

Protected Disclosures Commissioner

If you are unsure of who your disclosure should go to, you can make a disclosure to the Office of the Protected Disclosures Commissioner, which is a prescribed person under the PDA. The primary role of the PDC is to ensure that your report of wrongdoing gets to the right prescribed person or another suitable person competent to take appropriate action to follow up on your disclosure.

Note:

- You are entitled to make a report to the PDC either orally or in writing, and if it is made orally, this must be possible by telephone or through other voice messaging systems and, if you request, by means of a physical meeting within a reasonable timeframe.
- The PDC must acknowledge your report within 7 days unless you explicitly request, or the PDC reasonably believes, that acknowledging receipt would jeopardise the protection of your identity.
- The PDC must identify the appropriate prescribed person or another suitable person within 14 days of receiving your report. If this period of time is extended, you must be notified in writing by the PDC of the extension and the reasons for it.
- If the PDC transmits your disclosure to a prescribed person or another suitable person, it must notify you of this, and the reasons for the transmission, in writing.
- The 'other suitable person' that the PDC might identify could include your employer.
- The PDC will not check if your disclosure qualifies as a 'protected disclosure' under the PDA and will have no further involvement with your disclosure after it has been referred on. However, if the PDC cannot identify an appropriate prescribed person or other suitable person it will investigate the disclosure itself. You must be notified in writing if such a decision is made, and the reasons for it.

You can find more information about the PDC and the procedures applicable to the making of reports here: www.opdc.ie/

What should you expect when disclosing to a prescribed person?

The prescribed person who receives your disclosure must:

- Acknowledge receipt of your report, within 7 days and in writing, unless you explicitly request or the prescribed person reasonably believes that acknowledging receipt would jeopardise the protection of your identity.

- Diligently follow up on your report, which entails assessing the accuracy of the information provided in your disclosure and, where applicable, addressing the relevant wrongdoing (including if you made the report anonymously).
- Give you feedback on actions taken or planned and the reasons for such actions, within 3 months from the date of acknowledgement of your report (this can be extended to 6 months in certain justified cases). You are entitled to further feedback at intervals of 3 months until the procedure is closed but you must make such a request in writing.
- Notify you of the outcome of any investigations, unless this is prohibited by law.

European Union institutions

On 22 July 2023, the [European Union \(Protection of persons who report breaches of Union Law\) Regulations 2023](#) came into operation. This means that you may disclose information about a breach of certain Union acts to relevant institutions, bodies, offices or agencies of the European Union.

Breaches of Union law may include different failures to comply with a legal obligation under Union acts pertaining to public procurement, financial services, product safety and compliance, public health, and data protection, among other areas. The full list of relevant Union acts can be found in the Annex to the [EU Directive on Whistleblowing](#).

For your disclosure to be protected you must satisfy two conditions:

- You reasonably believe that the relevant wrongdoing falls within the scope of the EU Whistleblowing Directive;
- You reasonably believe that the information you disclose and any allegation contained in it are true at the time of reporting.

Note: This is different to the 'substantially true' test for disclosures to [prescribed persons](#). However, you may still make a disclosure of breaches of Union Law to a prescribed person, which then must transmit it as soon as practicable to the relevant competent institutions, bodies, offices or agencies of the European Union, for further investigation.

Media

'Talking to a reporter can dramatically increase the impact of your disclosures. It also comes with risks. The most important thing you can do before speaking to a reporter is planning. That planning should include due diligence on any reporter you want to engage. Do they have a good reputation? Have they worked with whistleblowers before? You should also make sure you understand your risks, and have a plan for mitigating those risks, to the best of your ability. Whistleblowing support organisations can help you with this. Finally, make sure you familiarise yourself with the language the journalist will use. Are you planning to speak on the record? Off the record? Or on background? Do you want to stay anonymous? Set the ground rules with the journalist at the outset before you start speaking.'

- Delphine Halgand-Mishra, Founding Executive Director, The Signals Network

The media is a powerful watchdog. Disclosing information to a journalist may maximise the impact of your disclosure. Yet, making a disclosure to the media carries risks and requires proper forethought.

For your disclosure to the media to be considered a protected disclosure, you must meet different criteria for protection than those required for disclosing to your employer/other responsible person, a legal advisor, a prescribed person, or a Minister (if you are a public sector worker).

To be protected in your disclosures to the media, you must:

- Reasonably believe that the information disclosed, and any allegation contained in it, are substantially true,

In addition to this, one of the following must be met:

- a. You previously made a disclosure of substantially the same information to your employer/other responsible person, or prescribed person, or to a Minister (if you are a public sector worker), but no appropriate action was taken in response to the report within the maximum 3-month period for feedback (or maximum 6-months if made to a prescribed person in duly justified cases due to the particular nature and complexity of the report),

OR

- b. You reasonably believe 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,

OR

- c. If you were to make a report to a prescribed person or if you are a public sector worker and you make it to a Minister, you believe 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 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.

CAUTION: While you may be protected if you make a disclosure to the media, the way in which you do it is important. It is important to seek legal advice early. The Signals Network's [legal team](#) can help you make an informed decision about your options, including making a disclosure to the media.

What should you know about protection of your identity by the media?

Under the PDA, when making a disclosure, you are entitled to have your identity protected by the media. However, it is important to understand that this is not an absolute protection. For example, a journalist may have to disclose your identity if there is a need to safeguard an alleged perpetrator's rights to an adequate defence. A journalist may also have to disclose your identity in situations where it is necessary to prevent a serious risk to the security of the State, public health, public safety, or the environment.

Even in circumstances where a journalist refuses to disclose their source or information that may lead to the source's identification, a court can compel them to do so in certain situations, where, for example, the court decides there is a pressing social need.

CAUTION: The current law relating to the disclosures of journalistic sources is complex. It is therefore important to seek legal advice before speaking to a journalist, so you understand the risks of your identity being disclosed in your situation.

What other practical considerations you should keep in mind before disclosing to the media?

'To be a potential whistleblower, you need to be calm and patient under great stress. If you choose to work with a broadcast journalist, they will want to establish what the public health, safety or welfare impact of the issue is. There will be many testing periods. But the journey can be rewarding, because it is something you deeply believe in.'

- David Doran, Editor of RTÉ Investigations Unit

While speaking to a journalist can trigger certain source protections, the way in which you do it may cause legal issues. That is why it is important to discuss your case with a lawyer first to help mitigate any risks.

Journalists have a different incentive structure than you. While you may both be interested in creating change, journalists operate on the principle of revealing information. Journalists may also be under editorial pressure behind the scenes, which might force their hand. Journalists should respect your timeline for disclosure, including an embargo. There are many high-quality journalists who work off of their reputation of keeping their sources safe and have experience doing so. If you are going to talk to a journalist, it's important to find the right one!

Top tips for working with a journalist:

- Nothing is off the record unless the journalist confirms it is off the record. Be cautious.
- When picking a journalist to work with, look at their record of stories, including how fair you think they are and whether they have any industry loyalties. A journalist may support your employer's perspective. Avoid becoming defensive and focus on the information, rather than you personally.
- You have the information journalists want, so you can ask them to agree not to release the story until a certain date or not include certain information as a condition. If you have good information, they can wait and agree to your conditions.
- Journalists have to run your information by your employer for verification and comment. If they do this too soon it can be dangerous and disrupt your timeline. Ask the journalist when they will send questions to your organisation and to alert you when they do so. They generally do so at the end of their own investigation.
- Be clear regarding the detailed information the journalist can publish, the acceptable questions when interviewing your colleagues and others, and your preferred description to be used in the article (e.g., 'former employee').
- Be mindful before mentioning other people's names to a journalist as the journalist could speak to them and reveal your identity. Even if journalists don't mention your name, they could ask questions about information only you know, thus allowing others to infer your identity. Ensure they know which kinds of questions or calls they make to other people might give away your identity. This will help them protect you. Other people who are contacted by the journalist may also get upset and seek their own counsel or tell their own version of events to the journalist.
- Bear in mind that having the journalist speak to others can have positive effects, too. If the journalist talks to colleagues or other people from your company/sector, it will help them understand the larger picture, find corroborating details, and help camouflage your own contact with the journalist and the information you provided. The journalist could contact other people through LinkedIn, Twitter, etc.
- Make sure you are communicating in a secure way, via encryption tools such as ProtonMail and Signal. The Guardian, the Financial Times, and others offer SecureDrop, see here: [Directory \(securedrop.org\)](https://www.securedrop.org). The RTÉ Investigations Unit has a ProtonMail address you can use to contact or provide materials to its journalists (RTE-IU@protonmail.com). In some cases involving high-risk or sensitive information, it may be better to go offline completely and avoid the internet or smartphones to talk to a journalist. Beware that not all journalists use such sophisticated secure communication channels, and you should put your security first. A good story can wait to ensure your safety.

Consult the [Glossary](#) for definitions of key terms like embargo, on/off the record, and exclusive.

How can the PDA protect you from retaliation?

The PDA has robust protections in place for individuals who make protected disclosures. These include voiding certain provisions of non-disclosure agreements and providing immunity from civil and criminal liability.

Voiding of non-disclosure agreements (NDAs)

‘Despite what your employer may want you to believe, NDAs cannot be used to “gag” you from seeking legal advice or reporting serious issues to the authorities. There are also ways to mitigate the risk of speaking out. Support groups like The Signals Network, or lawyers specialised in whistleblowing can help you map out a strategy that allows you to raise the alarm but stay protected.’

- Jennifer Gibson, Legal Director, The Signals Network

There are robust protections under the PDA for you in relation to any non-disclosure agreement (NDA) that you may have signed. First and foremost, the PDA provides that certain provisions in an agreement are void or not enforceable. These include any provision in an agreement that purports to:

- Prohibit or restrict the making of a protected disclosure;
- Exclude or limit the operation of any provision of the PDA;
- Preclude you from bringing any proceedings under or by virtue of the PDA;
- Preclude you from bringing proceedings for breach of contract in respect of anything done in consequence of the making of a protected disclosure.

Therefore, no clause or term in an agreement between you and your employer can preclude you from making a protected disclosure. This applies to all agreements, including NDAs, settlement agreements, or compromise agreements. However, to avail of this protection, you must be careful that your disclosure fulfils the test of a protected disclosure under the PDA.

If you have signed any agreement, including an NDA, you should seek legal advice before making your disclosure.

Immunity from civil liability for making a protected disclosure

You are immune from civil liability if you make a protected disclosure.

The only situation in which you are not immune is if you make a disclosure that is both false and made maliciously. If you make a maliciously false disclosure, any person who suffers damage resulting from the making of that disclosure has a right to bring a defamation claim against you. Further, if you make a knowingly false disclosure, any person who suffers damage resulting from the making of that disclosure has a right of action in tort against you.

Immunity from criminal liability for making a protected disclosure

You are immune from criminal liability for any offence prohibiting or restricting the disclosure of information (e.g., The Official Secrets Act) so long as you can show that, at the time of the alleged offence, the disclosure of information was a protected disclosure. This immunity extends to a disclosure of information that you reasonably believed was a protected disclosure.

Keep in mind

- The immunity provided by the PDA is far-reaching as you will attract immunity from criminal prosecution for any offence prohibiting or restricting the disclosure of information not only for the making of a protected disclosure but also for the making of a disclosure that does not satisfy the requirements of a protected disclosure under the PDA but insofar as you 'reasonably believed' it was a protected disclosure at the time of the alleged offence.
- If you make a knowingly false disclosure, you can be prosecuted under criminal law and, if found guilty in the District Court, you can be fined up to €5,000 and/or imprisoned for up to 12 months (more significant penalties apply if you are convicted in a higher court).

What can you do if you're retaliated against after whistleblowing?

Under the PDA, your employer cannot penalise or punish you either directly or indirectly for making a protected disclosure. This section sets out your rights and options if you are retaliated against.

If you fear that you will be retaliated against or believe that you have suffered retaliation, we strongly recommend you seek legal advice immediately.

Penalisation or punishment

Your employer is prohibited from penalising or threatening to penalise you for having made a protected disclosure. Your employer may also be held liable if they cause or permit any other person to penalise or to threaten to penalise you for having made a protected disclosure.

Under the PDA, 'penalisation' means any direct or indirect act or omission which occurs in a work-related context, is prompted by the making of a report, causes or may cause unjustified detriment to a worker, and, in particular, includes:

- suspension, lay-off or dismissal,
- demotion, loss of opportunity for promotion or withholding of promotion,
- transfer of duties, change of location of place of work, reduction in wages or change in working hours,
- the imposition or administering of any discipline, reprimand or other penalty (including financial penalty),
- coercion, intimidation, harassment or ostracism,
- discrimination, disadvantage or unfair treatment,
- injury, damage or loss,
- threat of reprisal,
- withholding of training,
- a negative performance assessment or employment reference,
- failure to convert a temporary employment contract into a permanent one, where the worker had legitimate expectations that he or she would be offered permanent employment,
- failure to renew or early termination of a temporary employment contract;
- harm, including to the person's reputation, particularly in social media, or financial loss, including loss of business and loss of income;
- 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;
- early termination or cancellation of a contract for goods and services;
- cancellation of a licence or permit; and
- psychiatric or medical referrals.

This definition of penalisation gives an open-ended list of various forms of treatment which may constitute penalisation and, on that basis, additional matters could also be claimed as penalisation.

If you are an employee, trainee, volunteer or have acquired information on a relevant wrongdoing during a recruitment process and are penalised or threatened, you can bring a claim to the Workplace Relations Commission (WRC). You can find the online complaint form on the WRC's website ([workplacerelations.ie](https://www.workplacerelations.ie)). You should make a complaint to the Director General of the WRC within 6 months of the date when the penalisation started. This timeframe can be extended to 12 months by an Adjudication Officer if you can demonstrate a reasonable cause for the delay, although this can be complex to obtain and you should get appropriate legal advice for support with your claim.

Note:

- It is up to your employer to prove that they did not penalise you for making a protected disclosure.
- The adjudicator's decision on your penalisation complaint may require your employer to take a specific course of action and may award you compensation up to 5 years gross remuneration.
- The amount of compensation that can be awarded in a penalisation claim to individuals who acquire information on a relevant wrongdoing during a recruitment process is capped at €15,000.
- The compensation awarded can be reduced by up to 25% if the investigation of the relevant wrongdoing was not the sole or main reason for making the disclosure.
- You or your employer may appeal the adjudicator's decision to the Labour Court and appeals of a determination of the Labour Court can be made to the High Court on a point of law only.
- There are limitations on bringing simultaneous claims. For example, you cannot bring both a claim for penalisation and a claim for unfair dismissal or a tort claim at the same time.

You can find more information on the adjudication of employment rights disputes and complaints here: [workplacerelations.ie](https://www.workplacerelations.ie).

Top tip: Seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), if you're considering bringing a claim to the WRC.

Unfair dismissal

If you are dismissed from your employment wholly or mainly because you made a protected disclosure, that dismissal is regarded as unfair. Unfair dismissal protection applies to employees and agency workers, from the first day of their employment.

You can make a claim for unfair dismissal to the Director General of the WRC within 6 months of the date of your dismissal. If a complaint is not received within the 6-month time frame, an extension may be granted by an Adjudication Officer up to a maximum time limit of 12 months if you can demonstrate reasonable cause for the delay. This can be a complex process to navigate, and you should seek legal advice for support with your claim.

Keep in mind

- It is up to your employer to prove that they did not dismiss you for making a protected disclosure.
- If your unfair dismissal claim succeeds, you may be awarded compensation of up to 5 years' pay. However, your motivation for making a protected disclosure may affect the level of compensation you are awarded. If the investigation of the wrongdoing was not your only or main motivation for making the disclosure, then the compensation awarded to you may be reduced by up to 25 percent.
- The WRC can also make an order for your re-instatement or re-engagement.
- You or your employer may appeal the adjudicator's decision to the Labour Court and appeals of a determination of the Labour Court can be made to the High Court on a point of law only.
- As mentioned above, there are limitations on bringing simultaneous claims. For example, you cannot bring both a claim for unfair dismissal and a claim for penalisation or a tort claim at the same time.

Disciplinary record of worker and other related matters

If you are the subject of a pre-existing disciplinary issue or redundancy situation and you make a protected disclosure you will only attract protection for having made that disclosure and will not attract a privileged position in a redundancy situation or prevent a pre-existing disciplinary action being pursued. Therefore, where a protected disclosure is made during an investigation, disciplinary, or another process, this will not affect those distinct processes, except where the investigation, disciplinary, or other action represents a form of penalisation or detriment for making a protected disclosure.

Interim relief

The provision of interim relief under the PDA is considered to be an essential element of a comprehensive and robust statutory system of protection for whistleblowers. Interim or temporary relief is designed to ensure that if you suffer retaliation for having made a protected disclosure, you are not exposed to prolonged suffering due to an inefficient litigation system.

The PDA provides for two main types of interim relief:

1. Interim relief for an unfair dismissal

- If you bring a claim for redress for an unfair dismissal for having made a protected disclosure, you may also make an application for interim relief before the Circuit Court.
- If the Circuit Court is satisfied that it is likely that there are substantial grounds for contending that your dismissal results wholly or mainly from you having made a protected disclosure, it can make an order that gives you your job back or, if your employer is unwilling to take you back, that preserves your job conditions (e.g. wage) until the future date of a full hearing of your case.

2. Interim relief for penalisation

- If you are an employee, trainee, volunteer or have acquired information on a relevant wrongdoing during a recruitment process and are penalised or threatened, you may also make an application for interim relief before the Circuit Court.

CAUTION: Beware of tight timeframes. You must present your application for interim relief before the Circuit Court within 21 days of the date of dismissal or of the last instance of penalisation.

Top tip: Seek legal advice from a solicitor, or contact The Signals Network's [legal team](#) or Transparency's [Speak Up Helpline](#), to help you navigate the process of applying for temporary relief.

Tort claim for damages

You can sue a person who causes detriment to you because you made a protected disclosure, under tort law. The definition of 'detriment' is the same as that of '[penalisation](#)' under the PDA.

Note:

- You must bring your claim within 6 years, and you can bring a claim against any person – not just your employer – who causes you detriment.
- Once you have proved that you suffered harm, the burden shifts to your employer/person to show that the act or omission complained of was not prompted by the making of your protected disclosure and also that it was based on duly justified grounds.
- You cannot pursue a claim in tort against a person and also make or present against the same person in respect of the same matter a claim for redress for unfair dismissal or for penalisation.

Criminal penalties for retaliation

In addition to the criminal offences discussed elsewhere in this Guide regarding breaching your [confidentiality](#) and if you make a [knowingly false disclosure](#), it is a criminal offence for a person to:

- Hinder or attempt to hinder you in making a protected disclosure;
- ‘Penalise or threaten penalisation or cause or permit’ any other person to penalise or threaten penalisation against you for having made a protected disclosure;
- Bring vexatious proceedings against you for having made a [protected disclosure](#).

A person found guilty of such offences can face a fine on summary conviction of between €4,000-€5,000 and/or imprisonment up to 12 months or a fine on indictment not exceeding €250,000 and/or imprisonment up to 2 years. There is personal liability for anyone (being a director, manager, secretary, or any other officer of the body corporate) for an offence committed with their consent or connivance of or to be attributable to any neglect on their part.

Top tips:

- If you are mistreated or dismissed after raising concerns, immediately seek legal advice from a [solicitor](#) or contact The Signals Network’s [legal team](#) or Transparency’s [Speak Up Helpline](#). You may also seek support from your [trade union representative](#).
- If you are facing retaliation outside of the workplace, such as in your local community, immediately report any threats to the police.

What should you know about SLAPPs and whistleblowing?

SLAPP stands for ‘Strategic Litigation against Public Participation.’ It refers to abusive legal action initiated typically by a powerful private party (e.g., a company or an individual) with the aim of silencing critical voices. Although commonly targeted at journalists, you may also face a SLAPP for making a protected disclosure or considering making one to dissuade you from doing so.

SLAPPs can take the form of pre-action letters alleging defamation, breach of data protection, or of employer’s confidence. It is important to note that, [as explained above](#), the PDA provides that no clause or term in an agreement between you and your employer can preclude you from making a protected disclosure. Further, the PDA provides immunity from civil and criminal liability. In addition, it is a criminal offence for a person to bring vexatious proceedings against you for having made a [protected disclosure](#).

Whilst SLAPPs may have little to no basis in law and are unlikely to succeed - and judges may have the authority to dismiss such cases, particularly where they lack sufficient merit - that does not stop these threats from being highly effective in discouraging speaking up.

Receiving legal letters can place significant strain on anyone understandably concerned about the financial implications of lengthy litigation against a powerful opponent. Their power is in the threat.

Top tip: There may be support available. Seek professional advice from a solicitor or contact The Signals Network's [legal team](#), before you decide what to do.

How can you identify a SLAPP?

- To tell whether you are facing a SLAPP, there are three key questions to ask:
 - Is the legal action you're facing brought by a private party rather than a state actor?
 - Does the action the lawsuit targets qualify as 'public participation'?
 - Is the purpose of the legal action to silence, shut down or discourage the 'public participation'?
- To discern the purpose, consider the following:
 - Does it target you individually?
 - Are the legal arguments baseless?
 - Are the remedies sought disproportionate?
 - Are procedural manoeuvres used to drive up costs?
 - Does it exploit economic disadvantage?
 - Has legal action been used to silence others?
 - Is it part of a wider campaign to harass or intimidate?

The [Coalition Against SLAPPs in Europe](#) (CASE) has resources to help both define and identify a SLAPP.

What can you do if you think you are being SLAPped?

If you receive a threatening letter from a lawyer that you consider to be a SLAPP, remain calm and seek legal advice. Try not to be easily intimidated. Remember that aggressive claims may be exaggerated.

Note: When the letter is labelled 'without prejudice' or 'strictly private and confidential,' you may be misled into believing that if you tell anyone, there may be adverse consequences. However, you are always able to seek legal advice no matter how correspondence is labelled.

Top tip: If you face legal threats for making a protected disclosure, you can consider lodging a complaint with the appropriate professional bodies, like the Legal Services Regulatory Authority: www.lsr.a.ie/

Do your concerns have an international dimension? You may disclose them outside of Ireland

In recent years, governments around the world have adopted whistleblower protection laws. Some of these laws have reach beyond their national borders.

For example, you might be located outside the United States of America and still bring claims under US whistleblower laws if you have information about relevant fraudulent activity. Those who do may also potentially qualify to receive a financial reward for disclosure. International whistleblowers play an important role in the enforcement of US securities laws and regulations. The [Securities and Exchange Commission \(SEC\) Office of the Whistleblower](#) reports a significant number of tips received from international whistleblowers, including individuals from the United Kingdom, Canada, China, Australia and India.

Top tip: Seek legal advice from a solicitor with experience representing whistleblowers internationally or contact The Signals Network's [legal team](#) or Transparency's Speak Up Helpline, to better understand any options for disclosing your concerns outside of Ireland.

What should you know about whistleblowing reward programs?

There are some instances where you could potentially receive a monetary reward from the government for exposing certain wrongdoing, usually a percentage of the money recovered by

law enforcement from your employer. These are typically known as ‘whistleblower reward programs.’

In Ireland, there are currently no whistleblowing reward programs. Whistleblower reward programs are also not common in Europe. The landmark European Union’s [Directive on Whistleblowing](#) does not require financial rewards and none of the 27 EU countries implementing this Directive have introduced reward programs so far.

Countries where whistleblowing reward programs exist include the US, Canada, and South Korea. US whistleblower laws, for example, include several of these programs under the False Claims Act, the SEC, the Commodity Futures Trading Commission (CFTC), and others. Each program has its own regulations and statutes of limitations, ranging from several months to several years from when the incident occurred.

You should seek independent legal advice from a solicitor or contact The Signals Network’s [legal team](#) or Transparency’s [Speak Up Helpline](#), to understand your options and any potential requirements to receive a financial reward that may be applicable in your case.

You can also find more information on the SEC route and other US-based whistleblower reward programs in the [Tech Worker Handbook](#).

Practically speaking: What to consider when thinking about blowing the whistle

Personal assessment

'As I learned from my own experience blowing the whistle on racism, sexism, and wage discrimination, the journey to accountability is long and arduous. But it cannot even begin without the choices that brave individuals make to speak out about wrongdoing, often at great personal expense. In my case, going on the record was the biggest protection against retaliation. If you share information anonymously, they can still find your identity and if they retaliate it will be private. If you are public the retaliation will be as well.'

- Ifeoma Ozoma, Pinterest whistleblower

It might sound daunting, but making a personal assessment can help you think about speaking out regarding wrongdoing at your employer and plan ahead for what could be difficult terrain to navigate. This [Personal Assessment tool](#) was devised to provide you with some practical questions to guide your thinking. Not all of them will apply in every case and you should not feel you need to answer them all before speaking out. These questions are a way to assess where you are and what you are willing to go through to speak out in order to develop your personal whistleblowing plan.

Working on your personal plan means that you are better prepared for any attack – legal or personal – that might be launched against you. You can also use the [Sample Budget template](#) to think about your financial situation overall. If you need help doing this, contact The Signals Network's [legal team](#).

Building a support network and solidarity

'I never wanted to be a whistleblower. But lives were in danger and I knew I had to do something. Blowing the whistle can be a daunting task even if you know it is the right thing to do . . . The best way to feel more confident is having the right support - from friends and family but also people who have been through the process before that can help you navigate through the legal, ethical, and personal decisions and issues you will face.'

- Frances Haugen, Facebook whistleblower

The two most common themes whistleblowers discuss when they recall their journey are:

1. It is difficult, and
2. They wish they had more people supporting them OR they were glad they had people supporting them.

In this section, you will learn whom you can reach out to and how you can make the most out of these relationships to best protect yourself and have maximum impact. As you read through the section, you can use the [Building A Team template](#) to start mapping your own support team.

There are three guiding principles which may be helpful to consider when building your support team:

1. Always try to maintain control over the process. This is usually done simply by being honest about your goals up front and agreeing on how the relationship will work.
2. Ask potential supporters to go along on this journey with you. Take time to build trust and strengthen relationships with each member of your team.
3. Check the history of your team. When approaching anyone, check their history of working with whistleblowers, especially on issues related to yours.

Family and friends

Friends and family can help you:

- De-stress and recuperate;
- Have an objective perspective;
- Start your whistleblowing process with an honest and shared outlook on the journey ahead and the potential consequences.

Top tips

- Be mindful as your family and friends could be pressured into getting involved in legal proceedings or they could have professional interests that could be negatively impacted based on your exposure.
- Talk to your lawyer about the risks for your family and friends. Note that family members and friends who suffer a detriment as a result of you having made a protected disclosure enjoy protection under the PDA.
- Remember, the more people you tell, the harder it will be for you to protect your identity. This is important if you hope to stay anonymous.

Lawyers

In Ireland, the legal profession includes solicitors and barristers, and a lawyer will usually only hold one of the two titles. Ordinarily, your first point of contact will be a solicitor.

A solicitor can help you:

- Get appropriate advice and guidance to remain protected in all steps throughout your whistleblowing journey;
- Explore the options, before taking any risks – since any communication between yourself and your lawyer should be legally privileged – strictly confidential – it is not something that your employer, or anyone else, would ordinarily have any knowledge of;
- Discuss what is likely (not certain) to happen if you disclose your concerns, so you can better understand the full consequences of speaking up;
- Develop a plan for which avenues and actions to pursue while protecting your rights (e.g., seeking a remedy in the Workplace Relations Commission or taking your case to the civil courts);
- Identify other legal professionals to support you (e.g., a solicitor may instruct a barrister to advocate your case in the civil courts);
- Supervise and monitor your disclosure through the safest channels with the aim of preventing retaliation from occurring;
- Understand the shifting terrain beneath you at every step of the whistleblowing journey, such as your employer's reaction and many other factors that may not be familiar to you;
- Keep stress to a minimum and help protect your anonymity by engaging with your employer and other parties on your behalf;
- Make an informed choice about talking to the media;
- Apply for a financial reward for whistleblowing, where relevant.

Note: It is important to know that your lawyer works for you, and you should tell him/her what your best-case scenario is and ask how they can help you achieve it.

'Whistleblowing can often feel very vulnerable. As a potential whistleblower, you need to be comfortable that the lawyer you work with has the technical expertise and experience to advocate your claim to a high standard. You should also find someone who is on your side and amiable to a cooperative working relationship.'

- Barry Crushell, Principal Solicitor, Crushell & Co

How can you find a lawyer?

The following resources may help you find legal representation and/or advice:

- Your employer may operate an internal helpline that allows you to seek professional advice before you make a disclosure.
- If you are a member of a trade union, then you should speak to your trade union representative about possible legal support with your case. You should be aware that a person implicated in the wrongdoing you are reporting may also be represented by the same trade union. In such cases, you should ask your trade union representative whether your trade union subscription covers the costs of alternative representation or legal advice.
- If you can afford legal representation, then the [Law Society of Ireland](#) has a helpful online tool for finding the contact details of practicing solicitors and firms.
- If you cannot afford legal representation, you can contact the [Speak Up Helpline](#) operated by Transparency International Ireland, for free information and referral advice.
- Some whistleblower support groups can provide free legal advice or refer you to trusted legal services, such as [The Signals Network](#).
- [FLAC](#) (Free Legal Advice Centres) is an independent voluntary organisation that offers free basic legal advice.
- You can also get information on your rights and entitlements under employment legislation from the [Workplace Relations Commission](#).

What should you know about paying your lawyer?

You may have to pay for help from a lawyer, or it may be possible to get free help (also known as 'pro-bono' legal support). It depends on your individual circumstances and the type of assistance you need. In general, there are four costs to consider when working with a solicitor. The first cost is the consultation, the second is the filing of a complaint, the third is the preparation of the submission, and the fourth is the attendance at a hearing. Additional costs like a barrister's fees may also arise.

Top tip: Always ask upfront whether the lawyer will charge you, what those charges will be, and what you will be charged for. Make sure details, also known as the fee structure, are clearly set out in your engagement letter before you proceed.

There are various ways legal support can be paid for, so it is worth looking into whether any of these could apply to you.

Insurance policies: Check your household insurance, car insurance and any other policies you have, including policies attached to credit cards and mobile phones, or contact your insurance company to find out if you're covered.

Legal aid: Find out more about legal aid, and whether you're eligible through the [Legal Aid Board](#). There is a network of [Legal Aid Centres](#) throughout Ireland.

'No foal no fee' arrangement: This fee arrangement also known as 'no win no fee' is common practice amongst solicitors in Ireland, although they are strictly prohibited from advertising it. This arrangement means that a solicitor will not charge you for their service if your case is unsuccessful - if you do not win your case, you do not have to pay your legal fees, but you might still have to pay for your solicitor's expenses (e.g., medical reports). On the other hand, if your case is successful either by way of settlement outside of court or in front of a judge in court, then legal fees will apply. If you're paying your solicitor in this way, make sure you check your agreement with them carefully before you sign it, so that you're clear about what you're paying. Very often, 'no foal no fee' arrangements can result in a higher legal bill for the successful client than one in which the fees are payable in advance.

Getting advice for free or a fixed fee: A solicitor may be able to help you for free (also known as 'pro-bono' work). Some solicitors give 30 minutes of legal advice for free. Some offer a fixed fee consultation – that way you'll know in advance what the advice will cost. You can call a solicitor's office and ask if they offer a free half hour or a fixed fee consultation and what is and what is not covered in the fee.

Whistleblower support organisations: Some whistleblower support organisations and NGOs, like The Signals Network or Transparency International Ireland, can aid with obtaining free legal advice and/or paying for legal costs you might incur.

Top tips for preparing for a consultation with a solicitor:

- Do your research on the solicitor before approaching them. Look at their website – do they (or does their firm) regularly work on whistleblowing cases?
- Prepare a written summary of the core facts, your allegations and accompanying evidence. In clear writing, outline:
 - Who do/did you work for, when did you start working for them, what is/was your role;
 - Your concern and its (potential) impact;
 - Any response received if you have already reported your concern;
 - Any evidence you have.

The more structured the information you provide, the better – bullet point lists can work well. Solicitors are busy and assess many cases. The more clearly and concisely you can present your case, the faster a solicitor may provide you with professional advice.

- Do not overburden the solicitor with too many documents at the outset. They might request additional documentation at a later date.
- Clearly explain the relief you hope to obtain. Are you seeking to be reinstated at your job after blowing the whistle, or are you seeking monetary damages? Do you want to speak publicly? A lawyer needs to know what type of claim you are contemplating and whether that claim is likely to help you achieve your objectives.
- Be responsive to the solicitor's questions and provide honest answers. Even if you have provided a comprehensive written summary, the solicitor will likely have follow-up questions. Heed the call of the question and continue to present information clearly and, if asked, in writing. Do not try to 'embellish' facts or omit information that may be helpful. The lawyer needs to apply the law to the facts as they exist, not as you wish they were. Facts are more important than opinions of facts.

Note: Anything you provide the solicitor, regardless of whether you retain them, will remain confidential. It also cannot be used against you if you decide not to hire that solicitor.

What should you consider before working with a lawyer?

Here are some questions you could ask potential lawyers when deciding which one(s) to work with:

- What is your experience working with whistleblowers? Are whistleblowing cases your

specialty, or is it just one of many things you do? (This is especially important if you intend to make the information public instead of just reporting your concerns internally, because the lawyer will need to help you navigate relationships with journalists, advocacy organisations, and other actors who want to get involved.)

- Do you have experience working on legal claims like mine? (One of the best ways to decide if the specific firm or lawyer is right for you is to ask what their record and experience is like with similar cases. If the firm has dealt with such cases, it may be better to go with one of the lawyers which worked directly on those cases.)
- Do you have experience engaging with regulators or the authorities in such cases? (In order to maintain your anonymity/confidentiality, it is important for your lawyer to coordinate with regulators and/or law enforcement throughout the investigation since an unintentional disclosure of a piece of evidence may identify you based on circumstance.)
- Are you familiar with my employer and how it handles legal claims? Are you familiar with the lawyers it engages?
- Have you had previous litigation with my employer and/or organisations like my employer? If so, what was the outcome?
- How do you see my options with regards to my intentions and objectives? Can you provide a projected timeline?
- How do I best protect myself against retaliation from my employer?
- What are the risks if I speak to a journalist? Can I do this safely? How can I make my concern publicly available with the least legal exposure (if this is the intention)?
- What are your fees? Might there be any additional expenses (e.g., travelling to the tribunal), will I be asked to pay for them?
- Have you conducted a conflict-of-interest check, to verify the employer's current and past docket?
- Could I be eligible for a reward through a whistleblower reward program? (Even if your initial intention wasn't to be rewarded, it may be worth knowing whether any are available.)

When you meet with a lawyer, they will likely also ask you several questions. These not only help them get a sense for the case but also give a sense of who you are. Some may find this process intimidating, but lawyers generally know whistleblowing can be difficult and could be asking these questions to help you.

Here are some of the questions a lawyer might ask, which you could prepare for:

- Have you done your research on whistleblowing to get a sense of what you're getting into? Have you considered the risks you might face?
- Does your employer have a protected disclosure procedure and if so, have you read it or used it?
- Have you discussed your plans with your loved ones? Do you have their support?
- Are you prepared to work on this case, including with lawyers and other stakeholders as long as it takes (as some cases can go on for several years)?
- What redress are you seeking and why?

Colleagues

‘Figure out who you trust. There’s no one trick for developing trust. It’s relational. You begin to form relationships that go beyond the traditional hierarchy that structures almost all workplace environments. You begin to see each other as friends, not as competitors for status and standing. And, you begin to put your commitment to these relationships above your commitment to a given institution, or boss, or quarterly goal. Once you have an organised and trusting network in place, it can also facilitate safer whistleblowing – in which you can funnel information to people in this network who might not be under as much scrutiny.’

- Meredith Whittaker, President of Signal and Chief Advisor of the AI Now Institute

Your colleagues may be able to help you:

- Ascertain whether what you are concerned about is a valid suspicion;
- Build a sense of solidarity and potentially apply more pressure internally through collective efforts;
- Articulate your concern in a manner which could be deemed least threatening to the employer;
- Find others within the workplace whom you could speak with about your concern to resolve it internally, or to ask follow-up questions.

CAUTION: Be cautious about talking to colleagues. Your colleagues might inform management of your concerns, which may cause retaliation. If they have also noticed the same thing but are not ready to get involved, they may distance themselves from you to avoid any consequences that may arise or for fear that you may make the information public. If you have spoken to a colleague, it also makes it more difficult for your employer to protect your identity when making a protected disclosure.

Note: If you speak about your concern with a colleague and then suffer retaliation from your employer, you may have some protection under the PDA if you satisfy the same criteria for protection as a disclosure to the media.

Top tip: You should seek independent legal advice from a solicitor or contact The Signals Network’s [legal team](#) or Transparency’s [Speak Up Helpline](#), to make an informed decision on your rights and any risks when sharing your concern with colleagues. You may also seek support from your trade union representative.

Unions

Trade union representatives (or 'reps') may be able to help you:

- Get professional advice and in some cases receive tangible support such as referring you to legal support or funding legal costs;
- Collectively raise the concern as a union, by citing collective concern they hear from their members. This can help protect you by reducing the risk of you being targeted and victimised;
- Build solidarity with your colleagues to strengthen your case and take the burden off from you having to do all the groundwork and possibly exposing yourself;
- Bring information to the attention of trade union leadership to inform overall strategy.

Top tips

- Be clear about your concerns and aims when approaching your trade union representative.
- Talk through the case in detail with your trade union representative to ensure you both are on the same page regards how to proceed. If you speak to your trade union representative to obtain legal advice, any information shared should be legally privileged and strictly confidential. Otherwise, your disclosure to a trade union representative may be protected if it meets the same criteria for protection as a disclosure to the media under the PDA.
- Keep in mind that, as a visible union member, you might still face retaliation from your employer and hostility from co-workers who might be against the union. Trade union representatives may have separate protection under the law for this purpose.

CAUTION: Some unions may support you with your concerns in principle, yet may have their own priorities, both strategically, and for their members as a collective. These may cause conflict which should be explored and managed from the outset, if possible.

Note: If you are not yet a member of a union, you may wish to join one, such as the Financial Services Union, Fórsa or SIPTU. You can find a list of trade unions in Ireland here: [ictu.ie/unions](https://www.ictu.ie/unions).

Charities

The charity organisations that are dedicated to supporting and defending whistleblowers are some of the most experienced advocates you can find. They have both the institutional knowledge and the networks to ensure that you protect yourself, legally and practically as much as possible, and that your case elicits the most impact to address any wrongdoing, although nothing is ever guaranteed.

Once you have an organisation working on your behalf, it can send a strong message to your employer that you have their support, which can help prevent some cases of retaliation. A civil society organisation may be able to reveal any sensitive information on your behalf, which may help protect your identity.

CAUTION: Making a protected disclosure to a charity will be treated as a wider public disclosure that must meet the same criteria for protection as disclosure to the media under the PDA. There is an exception if you disclose relevant information to a solicitor in that organisation, which may be protected as a disclosure to a legal adviser and may also be covered by lawyer-client privilege. Furthermore, you might be able to speak about your concern to a charity without disclosing relevant information (e.g., not identifying any person, place, workplace, product or organisation related to your concern) and thus not make a protected disclosure, while seeking advice about your options.

Top tips:

- Be clear about your concerns and aims. Some civil society organisations may have their own agenda that can be different from yours, which can negatively affect the impact you're able to have.
- Do due diligence. Look at the organisation's background and track record before working with them. Inexperienced organisations could release information that gives away your identity.

Consult this [list of reliable charities](#) with a sound track record of working with whistleblowers.

Documenting evidence

Having detailed and organised evidence can make your whistleblowing journey easier for you and those who may be able to support you. It can also help make your concern easier to investigate and address. Yet, you should always keep in mind that a whistleblower is not an investigator.

CAUTION: To qualify for whistleblowing protection under the PDA, you only need to have a reasonable belief in the concern you are raising at the time you raise it. It is not your responsibility to investigate your concern. Doing so may cause a breakdown in your relationship with your employer, a breach of confidentiality or even lead to prosecution regardless of the public merit of the information revealed or whether any damage to national interests was caused.

Top tip: Always keep and securely retain your own detailed notes. Make sure to take notes in the moment – known as ‘contemporaneous notes’ – rather than trying to recall from memory later.

Useful information to record for evidence includes:

- Dates of suspected or witnessed wrongdoing;
- Dates of any attempts you made to raise or address the issue (including any previous complaints or disclosures you have made);
- Dates or any detrimental treatment;
- Training records;
- Standard operating procedures (SOPs);
- Internal policies;
- Violations of regulatory codes;
- Employment documentation.

What should you consider for safely documenting evidence?

Here are the top cautions and considerations when documenting evidence:

1. Employers generally monitor work emails and devices. Set up a personal Protonmail account with a fake name for the sole purpose of your whistleblowing and use your personal phone as opposed to the phone in your office or organisation.
2. Employers may also be able to tell when you take a screenshot on a work device, so taking a photo of your work device on your personal phone or camera is better than attempting to record anything directly on the work device. Use a small tablet with Wi-Fi turned off instead of a phone; this way there will be no location information stored as metadata in the photos. Make sure to remove any metadata from the pictures if possible, and don't capture any identifying information (e.g., your hand, your reflection on the computer screen, images of your office or home workstation, or any other item in the background that could expose your identity).
3. Using a shared account to log in to gather information may seemingly help protect you, yet be aware of any risk of passing the blame onto others. Sending a document to others in the organisation as an attachment to a regular and relevant report – sometimes referred to as 'backflushing' – is another way to reduce targeted suspicion of you by increasing the number of people who would have credible access to the information.
4. Consider any benefits of redacting sensitive data. You can do this by converting any Word and other text files to PDFs, and then exporting each page as a JPEG image and using an image editor software to draw black boxes over sensitive words or information that may cause undue risk to you or others. If you try to redact information directly in the original PDF, this will be done in layers, which risks leaving the data you wish to cover underneath the black boxes. Using JPEG avoids this, as it does not have layers. Once complete, you can share the pictures as a set.
5. Making covert recordings of conversations and calls or even filming someone without their consent may seem tempting, yet you may risk breaching the law and your employer's policies. This could risk undermining your legal protection and could open you up to disciplinary action. This is a legally complex area, and you should seek legal advice before making any recording, if possible.
6. Be careful with documentation. If you take a computer or open files without permission, it could be a cybercrime or civil violation. If you take the files themselves, if they are physical copies, it could be a theft of intellectual property. Be aware that all laptops leave a log of external devices (USB drives, fobs, etc.) that are plugged into them. Printers keep records of document names, who printed them, and when. 'Endpoint' security tools may measure the size and time data is moved off or onto work devices.

7. Don't delete any evidence, including documents that present you in a negative light. Tampering with evidence is illegal and creates exposure for yourself.
8. Be conscious of the risk of having your access to the office as well as your work accounts and devices cut off at any moment if your employer suspects you may be about to expose them.

Making a Data Subject Access Request (DSAR) is one legally safe way of potentially gathering evidence. You have a right to access a copy of all your personal data held by an organisation. See the website of the [Data Protection Commission](#) for more information.

If your employer is a public body, then you can make a Freedom of Information (FOI) request to see certain types of information. The [Freedom of Information](#) website provides helpful information on making FOI requests.

Seek independent legal advice from a solicitor or contact Transparency's Speak Up Helpline or The Signals Network's [legal team](#), to better understand how you may make a DSAR or FOI request.

Fifteen lessons learned

The following lessons learned are based on the stories and experiences of whistleblowers and those dedicated to supporting and defending them over many years. While these may be relevant to many different circumstances, each whistleblower's journey is unique and may lead to different insights.

1. Seek legal advice early on, before you make a disclosure or take any risks.
2. Find a legal support or assistance from someone who is experienced in representing whistleblowers and has worked on similar cases to yours.
3. Consider contacting an organisation that specialises in working with whistleblowers, to help guide you through the process and provide solidarity and support.
4. Make a plan and be clear about what you want to accomplish (your goals) and how. This plan will likely need to be adjusted throughout your journey, but it will provide a roadmap to guide you and ensure you are engaging in protected whistleblowing.
5. Stick to the information you know to be sound and reliable and don't stray from the facts. Your credibility is your greatest asset and key to building solidarity and ensuring your

concern is taken seriously by others.

- 6.** Consider whether staying at your job to build your case is the best course of action, or whether you should instead consider finding a new job before blowing the whistle. It is always easier to find another job before you blow the whistle.
- 7.** Carefully weigh the options of talking to a journalist. This is a personal decision that you should discuss in advance with a legal advisor and others in your support network.
- 8.** Make a clear timeline of key facts and developments from the start of your employment – including the witnessed or suspected wrongdoing and any detrimental treatment – up to the present date. Try to maintain an accurate record of events as they happen. This will be important to share a consistent narrative with your lawyer, the authorities or even the media.
- 9.** Carefully weigh up the risks and benefits of reporting anonymously, confidentially or openly. Consider based on your individual preferences and your desired impact of speaking up.
- 10.** Remember that your work email and anything done through your work devices can be monitored and controlled by your employer at any time. Do not call, text, or otherwise keep evidence on your work devices. For example, do not forward work emails to your personal email accounts, instead take pictures of the emails on your personal phone.
- 11.** Use secure communication channels, like Signal Messenger and ProtonMail, to communicate with your lawyer and others helping you. Educate yourself on best digital practices for whistleblowing and seek professional advice if needed.
- 12.** Proceed cautiously and seek advice if you are thinking of gathering supporting evidence yourself. Do not obtain evidence improperly. It may be enough to share instructions on how others can locate information.
- 13.** Remember that it is sadly common to experience retaliation, including retaliatory internal investigations and threats of legal action. If you report anonymously, but your identity is guessed, it may be more difficult to be protected against retaliation.
- 14.** Identify potential sources of solidarity, including among trusted colleagues and through trade union membership. Collectively raising concerns can take the target off your back and give you a greater chance of staying safe.
- 15.** Prioritise your self-care and stress-reducing activities. Do not focus only on your whistleblowing journey. It can take years to see concrete outcomes because of speaking up. If the worst happens, and you are forced out of your chosen career field or face long-lasting personal impacts for you and your loved ones, it is important to have a post-whistleblowing life plan and support network in place. Counselling can be valuable.

Resources

Glossary

Advice: Get legal advice ASAP. Getting advice doesn't mean you have to move forward – it just keeps your options open and allows you to take steps to protect yourself.

Affidavit: A sworn, written statement of truth used as evidence in courts of law and other legal proceedings. You might sign one to support your allegations in an employment or whistleblower claim. Don't sign one without consulting your lawyer first; you sign it under penalty of perjury.

Anonymous reporting: A process whereby you can submit a whistleblowing report to your employer or a prescribed person without revealing your identity. There are risks to proceeding this way. Your identity may be easy to guess or uncover, you may undermine your legal protection, and it may be harder for the issue to be investigated.

Breach: A breach of certain European Union laws is a broad category which may include different failures to comply with a legal obligation pertaining to public procurement, financial services, product safety and compliance, public health, and data protection, among other areas. For a complete definition, you may consult the [Annex of the EU Directive on Whistleblowing](#) and/or [section 3\(1\) of the PDA \(as amended\)](#).

Care: Taking care of yourself can entail different things, but building a strong support network of family and friends as well as professional advisors is central. This should always be your priority.

Cost: Think of the cost of whistleblowing. Costs can include the loss of your job; industry blackballing; retaliation; legal fees; destroyed relationships; and serious emotional distress, including feelings of anxiety and isolation.

Crime: Under the PDA, a disclosure is not protected if a crime or offence is committed while making it. Do not commit a crime to expose a crime. The PDA states that it is a crime to make a knowingly false disclosure. The PDA also states that it is a criminal offence for a person to: hinder or attempt to hinder you in making a protected disclosure; penalise or threaten penalisation or causes or permits any other person to penalise or threaten penalisation against you for having made a protected disclosure; and bring vexatious proceedings against you for having made a protected disclosure.

Defamation: Under the PDA, this includes the act of making maliciously false statements, whether spoken or written, that harm the reputation of an individual or entity. Defamation claims

may be used as a tactic to discredit or silence whistleblowers. It is a criminal offence for any person to bring vexatious proceedings against you for having made a protected disclosure. The law in this area is complex, so seek legal advice.

Dismissed: Prepare your plan if you are dismissed on short notice. Remember that it is unlawful for your employer to dismiss you for speaking up and that you may claim interim relief for unfair dismissal. Consider also how being labelled a 'whistleblower' might affect your future job prospects and be honest about your past with any potential future employers if asked.

Documents: You will want to collect evidence of the wrongdoing, including documents. But you don't want your employer to know you are collecting documents and other evidence, and you don't want to gather information illegally.

Embargo: Publication can be delayed with an embargo. Agree exact time and date before sharing any information with a journalist. Be clear it cannot be released before then.

Engagement letter: When you hire a lawyer, solicitor, barrister or other legal adviser put the terms of their work for you in writing. This includes how you will pay them. Do you expect them to represent you in a civil legal proceeding or take your case to the Workplace Relations Commission? Help you negotiate a settlement agreement with your employer or get a financial valuation of your claim? Facilitate conversations with journalists? Will the lawyer need to associate with other legal professionals to represent your interests? You can always try to negotiate the engagement agreement. If possible, ask a friend who is a lawyer to help you negotiate your engagement agreement with the lawyer you hire.

Evidence: If you have evidence of the wrongdoing in the form of documents or recordings, this can help you prove your claim. It can also increase your credibility with journalists. But be cautious – do not illegally gather evidence.

Exclusive: It is possible to offer your information or an interview to a single media outlet exclusively, rather than to several. This may offer greater control over the narrative, ensure the story receives adequate attention in the news cycle or provide comfort when sharing sensitive cases.

Expectations: Manage your expectations. You might not get your old job back. It might take years for wrongdoings to be corrected. Courts in general move slowly. Media investigations can take weeks, even months, to be published.

Family: Talk to your family. Your decisions will impact them. You need their support.

Feedback: The provision to a reporting person on the action envisaged or taken as follow-up and on the reasons for such follow-up.

Fees: You will likely incur legal fees so you should think about how much these will be, how you will pay, and if you are eligible for legal aid. Always discuss the fees and any other payment arrangements up front with your lawyer and include it in your engagement agreement.

Follow-up: ‘Follow-up’ means any action taken by the recipient of your disclosure to assess the accuracy of the information shared in the disclosure and where relevant to address the wrongdoing reported, including, but not limited to, actions such as an internal enquiry, an investigation, prosecution, an action for recovery of funds or the closure of the procedure. Follow-up does not mean that every disclosure is investigated.

Job: Get a new, safe job. If you can, look for a new job while you are still employed – but not if this puts your safety at risk.

Journal: Keep a contemporaneous journal with detailed records of incidents, meetings, and conversations. For each entry, write down the time and date you wrote it, and the time and date of the events described. This can serve as evidence in potential legal proceedings and help you tell your story. It should also provide a description of why you are deciding to reveal the information and why it is in the public interest, which can be an important determination in whistleblowing cases.

Law Society: The Law Society of Ireland is an independent professional association that represents solicitors in Ireland. It cannot give you legal advice, but it can help you find the right solicitor to assist you – check the Find a Solicitor function on its website: <https://www.lawsociety.ie/>.

Lawyer: Your lawyer works for you. You tell them what you want to do. They tell you the risks and how to mitigate them.

Lawyer–client privilege: This is a right you have when you communicate with a lawyer. When you ask your lawyer for advice, or your lawyer gives you advice, your lawyer can’t disclose what you discussed to anyone without your permission. This is also known as ‘Legal professional privilege.’

Library: If possible, connect to the internet in a library or using another public Wi-Fi network to retain your digital security. Don’t use your home or work internet when you are working on your whistleblowing. If not possible, use a VPN or Virtual Private Network.

Lonely: Whistleblowing can be a lonely journey. This is why you must build your support network.

Long: Whistleblowing is a long journey. You must manage your expectations and commit to a

long-term plan if you decide to come forward. It can often be worse to start the journey and not finish it than it is to take the case to its conclusion.

Media: The media can help maximise the impact of your whistleblowing, but be thoughtful when talking to the media. If possible, speak with a lawyer before doing so. Before you talk to a journalist, come to a specific agreement about the terms on which you are speaking to them, whether you will remain anonymous, and how you will be described in the article. Understand how far the journalist and their employer will go to keep your identity confidential.

Mistakes: All whistleblowers make mistakes. Learn from past whistleblowers' mistakes. Mitigate the risks.

NDA: A Non-Disclosure Agreement (NDA) is a catch-all term used to describe types of legal provisions usually found in a written contract which prevent you from sharing certain information. NDAs can also be referred to legally as a 'confidentiality clause' or 'non-disparagement clauses.' Colloquially, they are known as a 'gagging orders.' There are robust protections under the PDA for you in relation to any NDA that you may have signed.

Network: It is crucial not to begin your whistleblowing journey alone. No matter what your issue of concern is, there are lawyers, NGOs, and others who can help. It is also important not to forget your emotional support network of family and friends, as speaking out will likely be one of the hardest things you've done.

On background: Talking to a journalist 'on background' means they can use your information but cannot attribute it to you. Speaking 'on deep background' means they cannot publish your information, only use it for general understanding. Agree on terminology and usage to avoid confusion.

On or off the record: Journalists assume what you say to them is 'on the record' which means what you say can be used and attributed to you. 'Off the record' however can mean different things - some use this to mean the information cannot be used, yet others that it can, but cannot be attributed to you as the source. Get clarity, sentence by sentence, whether your conversation is on the record or not. Clarify understanding and seek acknowledgment of your expectations, preferably in writing.

Outcomes: Remember that it can take years to see concrete outcomes and correct wrongdoings. Manage your expectations and take care of yourself. This is the priority.

Parliamentary privilege: This allows Oireachtas members not to be sued or prosecuted for anything they say in parliamentary statements. In using such privilege, any member of the Oireachtas (a TD or a Senator) can help you make a protected disclosure while alerting wider

public interests failings.

Phone: Make sure you do your whistleblowing activity on your personal device, not your work phone. You can also use your personal phone to take pictures of documents instead of printing or sending emails from a work account that could tip off your employer.

Post-whistleblowing life: Think of what you would like your life to be after speaking out. Start working towards that goal before you blow the whistle, where possible.

Prescribed person: A person or body who is nominated by the Minister of Public Expenditure and Reform to receive protected disclosures in relation only to matters that fall within their remit. There are currently 110 prescribed persons in Ireland. This [list](#) of prescribed persons by sector on gov.ie might help you find the right person or body to report to and it might be expanded in the future.

Protected disclosure: Whistleblowing is more formally known as making a ‘protected disclosure.’ A ‘protected disclosure’ is made when you are a worker disclosing ‘relevant information’ in a specific way. This requires you to disclose information, which came to your attention in a work-related context and, in your reasonable belief, tends to show one or more relevant wrongdoings. Such disclosure can be made to your employer, a third party authorised by the employer or a responsible person, to a legal advisor in the course of obtaining legal advice, to a Minister by a public sector worker, as well as to prescribed persons and others such as to a journalist, if a number of additional criteria are satisfied. The law covering whistleblowing is the [Protected Disclosures Act 2014](#), updated by the [Protected Disclosures \(Amendment\) Act 2022](#) to transpose the [EU Directive on Whistleblowing](#) into Irish law.

ProtonMail: An encrypted, free email service. Use it.

Recording: In Ireland, the law regulating the recording of other people and conversations is complex. It is generally lawful to record private conversations without consent, if the person recording is a participant in the conversation or has consent from at least one participant in the conversation. There are exceptions, however. If you intend to make any recordings without the consent of all parties involved in a conversation for the purpose of gathering evidence, always seek legal guidance first. You should also ask a journalist if they are recording you and you can request that they stop until you have agreed on the basis for talking to them. Journalists may record without consent if they can demonstrate it was necessary and in the public interest to do so, so you should get clarity on this before speaking with them. You could also make not being recorded a condition of you speaking with them.

Regulator: A person or body with functions under legislation relating to the regulation of a regulated profession, who may or may not be a prescribed person. Regulators carry out a range of

functions in relation to the professions they regulate, including making sure individuals have the necessary qualifications and/or experience to practise the profession and taking any necessary enforcement action. If you disclose information to a regulator, they will likely be the ones using your information to start and carry out an investigation of the company/organisation involved as well as potentially sanction the company/organisation. Your (or your lawyer's) relationship with the regulator is important to ensuring a proper and effective investigation.

Report: Report or to report means the oral or written communication of information on relevant wrongdoings

Research: Researching the experiences of different partners (lawyer, NGO, union, etc.) and their track record of working on similar cases is crucial and will help you find the partner who is the best fit.

Resign: To obtain future employment, it may be better to resign from a company than to be fired. In such circumstances, you may be able to make a constructive dismissal claim. However, income is an important consideration, and it is important to consult with your support team, including your lawyers and those who may be affected by you no longer having a job, before making decisions that will affect both your career and personal life.

Retaliation: Punishment of an employee by an employer for engaging in legally protected activity such as making a complaint of harassment or participating in workplace investigations. Retaliation can include any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment. In Ireland, this may also be referred to as 'penalisation' or 'detriment'. Workers in Ireland are only protected for making a protected disclosure, as set out in this Guide. They are not protected for their involvement in a 'wrongdoing' or if they have made a complaint of harassment or harm that is exclusive to them.

Reward: There are some instances where you could potentially receive a monetary reward from the government for exposing certain wrongdoing, usually a percentage of funds recovered by the government from the company. These are typically known as 'whistleblower reward programs.' However, such programs do not currently exist in Ireland.

Risks: There are many risks associated with your decision to blow the whistle or not. It is important you think about what level of risk (professional, financial, legal, personal, etc.) you are willing to take to achieve your goals.

SEC: The Securities and Exchange Commission oversees both publicly traded and private companies in the United States, although unique sets of rules apply to each. The SEC offers rewards to people who disclose wrongdoing at these companies. If you disclose information to the SEC, it will take steps to ensure you remain anonymous.

Signal: Signal is a secure messaging app with a disappearing messages function. It can help protect your communication with journalists and others. Use it or another encrypted app instead of using your phone's default messaging app like iMessage to strengthen your digital security.

SLAPP: SLAPP stands for 'Strategic Litigation against Public Participation.' It refers to abusive legal action initiated typically by a powerful private party with the aim of silencing critical voices. Although commonly targeted at journalists, SLAPPs can also be faced by whistleblowers and workers intending to make protected disclosures to dissuade them from doing so.

Solidarity: It is crucial not to begin your whistleblowing journey alone. No matter what your issue of concern is, there are lawyers, civil society organisations, and others who can help. It is also important not to forget your emotional support network of family and friends, as speaking up will likely be one of the hardest things you've done.

Source protection: Media outlets may take extensive measures to protect their sources, taking legal action, paying fines or even facing imprisonment rather than revealing identities. Some do not, or cannot, due to resource limitations. Always check and find agreement on identity protection before disclosing information to a journalist.

Subpoena: For all legal purposes, a subpoena is simply another term for a witness summons. This is a document issued by a court requiring you to appear in court to testify or to provide certain, specified documents. You can be imprisoned for contempt of court for failing to comply with a subpoena. Immediately contact a lawyer if you receive a subpoena; they can help you deal with the summons in the appropriate way.

Subpoena duces tecum: This type of subpoena requires you to both attend court and to bring along the documents listed in the subpoena.

Theft of company property: If you take documents or information from your employer, the employer may accuse you of breaking into company property or stealing their trade secrets - including for accessing company computers and files without appropriate authorisation. If you believe you need to take information from the company to expose wrongdoing, you should first consult a lawyer whenever possible. Depending on the industry you work in, there may be additional risks to consider and precautions to take to be protected.

Time: Think about the time you will need to dedicate to your whistleblowing journey over the next few months and even years. This could include working with lawyers, talking with regulators, or even public appearances with media outlets and advocacy organizations, if that is your preferred route.

Timeline of wrongdoing: Create and maintain a timeline of events as they happen.

Timeline of whistleblowing: Consider the whole process of whistleblowing and how it will affect your life in the short, medium, and long term.

Unions: Trade unions via your trade union representative can help you navigate your whistleblowing journey. Unions can be key for building solidarity with co-workers, supporting your legal journey by paying for or connecting you with lawyers, and can help with larger advocacy campaigns as well.

Visa: If you are working in Ireland with a visa, making a protected disclosure should not affect your visa since you would be protected from retaliation under the PDA. However, this is another risk to consider.

VPN: A Virtual Private Network (VPN) secures your internet connection, hiding your web and IP address and encrypting your online activity to enhance your digital security and privacy.

Whistleblower: You are a whistleblower if you are a worker, and you report certain types of wrongdoing. This might be something you've seen at work or an incident that happened in the past, is happening right now, or you believe will happen in the near future. The wrongdoing you disclose must affect others; for example, you might report that someone's safety is in danger. You must disclose information, which in your reasonable belief, tends to show one or more relevant wrongdoings and the information came to your attention in a work-related context. As a whistleblower you are protected by law – you should not be treated unfairly or lose your job because you 'blow the whistle.'

Witness: Anyone who has first-hand information about an event that could lead to consequences for the company. While you may witness something at work, in a courtroom a witness takes on a very official role. If called as a courtroom witness it is not usually possible to keep your identity anonymous. Different pathways require you to be a witness, so it is important to discuss your options with a lawyer.

Wrongdoing: Illegal, dishonest, and/or unethical behaviour.

Whistleblowing options overview

This chart is meant to give a brief overview of the most common pathways available to tech workers considering blowing the whistle to a regulator and provide basic answers to common questions for each pathway in the absence of a singular regulator responsible for the tech industry. Each circumstance is unique, and you should speak to a lawyer about your case before disclosing to a regulator.

Note: All prescribed persons, their remits, and details on how to contact them are listed on the [Irish government website](#). Keep in mind that new regulators are added occasionally, and the online list may not always be up to date. Before reporting to a prescribed person, check their policies and procedures as these might vary and seek professional advice to ensure that you the benefit of the protections under the PDA.

The Central Bank of Ireland (CBI)	
Contact them about...	All matters relating to contraventions of financial services legislation (within the meaning of the Central Bank (Supervision and Enforcement) Act 2013).
Confidentiality	<p>In general, the CBI has a legal obligation to protect your identity as a reporting person who makes a protected disclosure and not to disclose any information that might identify you, subject to some exceptions.</p> <p>If your employer is a regulated financial services firm and you disclose relevant information about them, the CBI will not inform them that a disclosure has been made.</p>
Feedback	<p>The CBI may contact you to clarify the information you reported or to request additional information that may be available to you. This contact will be to your postal or electronic address or by telephone or to the preferred communication channel, if indicated by you.</p> <p>The CBI states that it is limited in the feedback it can provide you and will only provide feedback where possible.</p>

<p>Contact details</p>	<p>Post: Protected Disclosures Desk, Central Bank of Ireland, PO Box 550, Dublin 1 Tel: 1800 130 014 (calls are answered Monday to Friday 9.30am - 5.00pm)</p> <p>Email: confidential@centralbank.ie</p> <p>Web: https://www.centralbank.ie/</p>
------------------------	---

Office of the Revenue Commissioners

<p>Contact them about...</p>	<p>All matters relating to the assessment, collection and management of taxes and duties and the implementation of customs controls in the State.</p>
<p>Confidentiality</p>	<p>Revenue say they will take all reasonable steps to treat disclosures made in a confidential and sensitive manner. It will not disclose the worker's identity without their consent, unless required by law or if it is necessary for the effective investigation of the relevant wrongdoing.</p>
<p>Feedback</p>	<p>Revenue say you will be provided with feedback in relation to the matter disclosed and will be advised when consideration of the disclosure is complete, except in exceptional cases. Any information and feedback will be provided in confidence.</p> <p>Information about the timeframe for feedback is not available.</p>

<p>Contact details</p>	<p>Post: Director of Internal Audit, Office of the Revenue Commissioners, Blocks 8-10, Dublin Castle, Dublin 2, D02 F342</p> <p>Email: protecteddisclosuresgroup@revenue.ie</p> <p>Web: https://revenue.ie/</p> <p>Oral or in person reports can be made by arrangement.</p>
------------------------	---

<h3 style="text-align: center;">The Data Protection Commission (DPC)</h3>	
<p>Contact them about...</p>	<p>All matters relating to the compliance with the requirement of legislation on data protection and freedom of information.</p>
<p>Confidentiality</p>	<p>In general, protected disclosures made to the DPC are dealt with on a confidential basis.</p>
<p>Feedback</p>	<p>No information available.</p>
<p>Contact details</p>	<p>Tel: 01-7650444</p> <p>Email: protecteddisclosures@dataprotection.ie</p> <p>Web: https://www.dataprotection.ie/</p>

Office of the Comptroller and Auditor General	
Contact them about...	All matters relating to improper use of public funds and resources and matters concerning value for money in respect of entities that fall within the remit of the Comptroller and Auditor General.
Confidentiality	In general, protected disclosures made to the Office are dealt with on a confidential basis, although the Office states that it cannot give an absolute assurance of confidentiality.
Feedback	<p>The Office will provide feedback within three months from the date of acknowledgement of the disclosure or six months where it is justified due to the complexity of the disclosure.</p> <p>Further feedback will be provided at intervals of three months until the procedure relating to the disclosure has been closed, if you request it.</p>
Contact details	<p>Post: Private Secretary, Office of the Comptroller and Auditor General, 3A Mayor Street Upper, Dublin 1, D01 PF72</p> <p>Tel: 01 8638679</p> <p>Email: disclosure@audit.gov.ie</p> <p>Web: https://www.audit.gov.ie/</p> <p>A physical meeting may be organised if requested.</p>

Commission of the Competition and Consumer Protection Commission (CCPC)	
Contact them about...	<p>All matters falling within the remit of the CCPC relating to the enforcement of consumer protection law, competition law and the review of mergers or acquisitions notified to the CCPC.</p> <p>Note: The CCPC has a separate procedure for reporting breaches of the Competition Act 2002.</p>
Confidentiality	<p>The CCPC will ensure you a confidentiality regime and protect your identity as well as the identity of the other persons concerned, in accordance with the PDA.</p> <p>The CCPC accepts anonymous reports.</p>
Feedback	<p>The CCPC will give feedback, within 3 months (from the date of acknowledgement of the disclosure), on actions taken or planned (this can be extended to 6 months in certain justified cases), provide feedback in 3-month intervals and give information on the outcome of any investigations.</p>

<p>Contact details</p>	<p>Post: Protected Disclosures Section, Competition and Consumer Protection Commission, Bloom House, Railway Street, Dublin 1, D01 C576</p> <p>Tel: 01 402 5599</p> <p>Email: protecteddisclosures@ccpc.ie</p> <p>Web: https://www.ccpc.ie/</p> <p>An in person meeting with the designed person at the CCPC’s office can be arranged for the purposes of making a report.</p>
-------------------------------	---

Charities and other resources

Organisations

The Signals Network: Founded in 2017, [The Signals Network](#) is recognized as a leader in protecting whistleblowers who have shared revelations of wrongdoing with the media. We also are known for working closely with investigative journalists. In 2021, we began to build our Tech Accountability Project, working with civil society organizations that empower people who witness wrongdoing and advocate for change in policies and whistleblower protections. Through these efforts we aim to help shape a fairer, freer, and more democratic world.

The Speak Up Helpline

If you wish to receive information, referral advice, and/or advocacy support, you can contact Transparency International Ireland’s (TI Ireland) Speak Up Helpline. TI Ireland’s Helpline team will help evaluate your concern and assess what type of assistance it can provide. It offers the following services:

1. Free information to people who wish to report concerns about wrongdoing.
2. Free sourcing and referral to legal advisors where individuals require legal advice and representation.*

3. Access to free legal advice for whistleblowers through the Transparency Legal Advice Centre (TLAC) where appropriate.
4. Support to individuals who wish to bring public attention to cases of systemic abuses of power, white collar crime or corruption.*
5. Advice on seeking official information.

*Where feasible. Please note TI Ireland cannot guarantee that any legal or other professionals such as a journalist will be able to assist in every case. They may charge for their services. TI Ireland does not investigate or publicly expose complaints on behalf of their clients.

For further information on TI Ireland's Speak Up Helpline, see: www.transparency.ie/helpline

Transparency Legal Advice Centre

Transparency Legal Advice Centre (TLAC) is Ireland's only independent law centre specialising in providing free legal advice to anyone who wishes to disclose wrongdoing as provided for under Irish Law, particularly under the PDA.

Callers to the Speak Up Helpline (www.transparency.ie/helpline) who are assessed to fall under TLAC's practice area will be referred to TLAC where appropriate and may be offered an appointment with a solicitor.

Please note that TLAC provides free legal advice in appropriate cases but does not provide legal representation.

Psychological Support Service

If you are concerned about the impact of whistleblowing on your emotional well-being and mental health, or that of a family member, you and/or your family member may wish to consider availing of psychological support. TI Ireland provides a Psychological Support Service which offers a range of supports to meet the needs of individuals and family members during and after the reporting of wrongdoing.

The Psychological Support Service can be accessed by contacting TI Ireland's Speak Up Helpline (you can find the contact details here: <https://transparency.ie/helpline/contact-speakup>) and speaking to one of the trained Helpline Coordinators who will be able to provide you with information on how to make contact with a TI Ireland-affiliated psychotherapist of your choice. You can avail of up to 5 therapy sessions free of charge and have the option of receiving individual or group support.

If you would like to find out more about TI Ireland's Psychological Support Service, please see: <https://transparency.ie/helpline/psychological-support-service>

Reports and guides

- [Tech Worker Handbook](#)
- [Security.org, A 2023 Guide to Personal Digital Security & Online Safety](#)
- UNESCO, [Protecting Journalism Sources in the Digital Age](#)

Books

- *Whistleblowing for Change: Exposing Systems of Power and Injustice* by Tatiana Bazzichelli (ed)
- *Extraordinary Circumstances: The Journey of a Corporate Whistleblower* by Cynthia Cooper
- *Whistleblower: My Journey to Silicon Valley and Fight for Justice at Uber* by Susan Fowler
- *The Ocean's Whistleblower: The Life and Work of Daniel Paul* by David Gremillet (translated from the French by Georgia Froman)
- *Targeted* by Brittany Kaiser
- *Crisis of Conscience: Whistleblowing in an Age of Fraud* by Tom Mueller
- *Undercover: How I Went from Company Man to FBI Spy* by John Schilling
- *Whistleblowers: Honesty in America from Washington to Trump* by Allison Stanger
- *Mindf*ck* by Christopher Wylie
- *Exposure* by Michael Woodford
- *The Maurice McCabe Story* by Mick Clifford
- *Bad Blood, Secrets and Lies in a Silicon Valley Startup* by John Carreyrou
- *Tom Gilmartin, The Man Who Brought Down a Taoiseach and Exposed the Greed and Corruption at the Heart of Irish Politics* by Frank Connolly
- *Whistleblower, Soldier, Spy* by Tom Clonan

Toolkit

Personal Assessment tool

Consider the following practical questions to develop a personal assessment of your situation and start devising a person plan.

My objectives

- What do I hope to achieve by speaking up? What are my intentions? What impact do I want to have? How realistic is it that I will make this impact? What are the paths/leverages to achieving my goals?
- What level of risk (professional, financial, legal, personal, etc.) am I willing to take to achieve my goals? Am I ready for a long process?
- Will I be okay if the information I revealed didn't have the impact or achieve the objectives I wanted it to?
- What would I like my life to look like after speaking up? What would I like to see happen to be at peace with my decision so that I can move on?
- Am I staying anonymous or going public? Why is speaking up externally the best option over reporting internally?

Emotional support

- Do I have an emotional support system? Who do I turn to for emotional support? (Partner, family, friends, religious mentor, professional mentor, therapist, etc.)
- Are there other people at the company who would help me in this effort without getting me in trouble?
- Do I have a plan for countering retaliation or negative things the company may say about me?
- Am I prepared for the potential trauma caused by whistleblowing?
- Do I have a system of evaluating whom I can trust with sensitive information?

Legal support

- Do I know where to find legal support for my case? Can I find a lawyer who specialises in advising and representing whistleblowers?
- Do I have a way to pay for a lawyer? (See more guidance on [Paying your lawyer](#))
- Do I have a friend, family member or ally who is a lawyer? To advise me? To find the right lawyer? To help me read my lawyer engagement letter, etc.?
- Have I prepared a concise summary of my concerns, and a timeline of key events to have ready for initial consultations with prospective solicitors?

Employment

- Will I try to find another job before revealing the information?
- What is my exit plan for my current role? Should I resign? What happens if I get fired? What will happen to my immigration status (if applicable)?
- What other kinds of jobs would I like to have?
- Would I be okay not working in this industry again?
- Would I be okay not working in a similar role again?

Retaliation at work

- How has my employer treated people in the past when they raised concerns?
- If there is an investigation, will it be obvious the tip-off came from me?
- Am I the only person aware of the wrongdoing?
- Is informal concern-raising a better option?
- Are there any steps I can take to minimise risk?
- If I am planning to leave my current role, could I wait until I have left to raise my concerns?

Finances

- What costs will I need to cover (rent, mortgage, childcare, student loans, additional health costs, etc.) if I lose my job? What is my plan for paying for those? (See the [Budget Template](#) to help assess what costs you'll have coming up)
- How much savings do I have?

Staying anonymous...

- Will an anonymous internal disclosure effect change? Could it potentially give the wrongdoers an opportunity to cover up the problem?
- Does the anonymous channel, such as a hotline, operate with credible, effective technology to prevent exposure?
- Will remaining anonymous sustain my access to ongoing evidence and developments that the company is trying to conceal?
- Can I prove my allegations with information/documents that do not require my public explanation?
- Can this information/documentation be traced back to me because only a small group of people have access to them or because my copies are uniquely marked? (Beware of trace-backs through printers' identifications or email trails.)
- How likely is it that I will be the focus of suspicion because of my previous efforts to raise concerns?
- Can I act nonchalantly when these documents are disclosed so as not to attract suspi-

cion?

- Do I feel comfortable and justified in being evasive or not telling the complete truth if confronted by my boss about the disclosure?
- Am I prepared for the possibility that somehow my anonymity could be broken?

...or going public

- Are my family and I financially and mentally prepared for a protracted public fight with my employer and exposure to attacks to prove my allegations? And to try to retain a job?
- Am I mentally ready to have my co-workers and perhaps some friends turn against me because my public disclosures threaten the company's health and their jobs?
- Will going public cut off support from witnesses who would otherwise corroborate my allegations in any official proceedings?
- Will going public cut off the flow of evidence necessary to prove any allegations or more effectively make a difference, and, if so, are the benefits from public solidarity more significant?
- Am I ready for personal attacks against my character and to have any past indiscretions made public?
- Do I have enough evidence to prove my charges without having to go back to my workplace?
- Even if I can prove my initial allegations, would it be more valuable if I didn't go public and kept my access to new information related to my concerns?
- Am I financially and mentally ready to risk my career?
- Am I ready to have the professional reputation of someone who challenged their employer?

Digital security

- Do I have a secure way of communicating? Personal phone/computer? Signal Messenger app? ProtonMail?
- Do I have workplace apps installed on my personal device(s) that could potentially expose me if I wanted to stay anonymous?

Sample budget template

You can download an editable version of this template [here](#).

Professional Costs

Do some research on the professional costs you may face. This can include looking up lawyer's fees online or asking lawyers for fee quotes and negotiating with them, asking lawyers about their daily expenses (separate of fees), thinking through what new online security tools you may need, and other costs you might have in the job search.

Once you have done your research you can enter the information into the budget template.

Units: For each budget line, enter the number of units you will need to pay for. If you have more than one lawyer, it may be useful to create a new budget line for each lawyer since they will likely have different costs. The costs for lawyers vary dramatically based on the circumstances.

Months: For each budget line, enter the number of months for the 12-month period beginning when you expect to incur your first costs. If you are paying a lawyer for six months, put '6.' If you have a one-off purchase like a phone, just put a '1.'

Unit cost: For each budget line, enter the unit cost per month. For example, if a phone costs €450, enter '450.'

If a lawyer charges by the hour, you can calculate the cost per month by multiplying the number of hours per month you will need their services by their cost per hour. # of hours per month x € per hour = unit cost per month.

Total: Once you have entered this information for a line, the total column should automatically calculate the total cost per budget line.

The cost per category will be automatically calculated in the 'Professional Costs Subtotal' cell in yellow.

Personal Costs

Think through what your personal costs will be for you and your dependents. What costs was work covering (if any) that you will now be responsible for? This can include health insurance, gas, phone bills, etc.

Repeat the steps for 'Units,' 'Months,' and 'Unit cost' above, but for personal costs.

The cost per category will be automatically calculated in the 'Personal Costs Subtotal' cell in yellow.

Total Costs

The subtotals from Professional Costs and Personal Costs will be totalled automatically in the orange cell of the 'Total Costs' line.

Savings

This is where you can enter the amount of savings you have or the amount of savings you would be willing to spend during your whistleblowing journey.

Since this is one lump sum, all you need to do is enter a '1' in the 'Units' and 'Months' columns and then enter the total savings you are willing to commit in the 'Unit savings' column.

You can do this as one sum, or if your family has multiple accounts, you may use new lines for each account.

The total savings will be automatically calculated and appear in the blue cell in the "Savings Subtotal" budget line.

Potential Income

This section is to estimate what new income you might begin to earn in the coming months. It is difficult to estimate when you may find a new job, or when another source of income may appear, but if you have a goal or a fair idea of when you may earn an income you can use this section.

Units: You can use one line for each job, and you may add additional lines for additional sources of income like a second job, earnings from investments, etc.
For each source of income, enter a '1.'

Months: You can enter the number of months you expect to earn each source of income. For example, if you expect to find a job in six months, you can enter a '6' for how many months in a 12-month period you expect to work.

Unit Income: You can enter the amount you expect to take home each month here.

The total savings will be automatically calculated and appear in the blue cell in the 'Potential Income Subtotal' budget line.

Total Revenue

The subtotals from Savings and Potential income will be totalled automatically in the green cell of the 'Total Revenue' line.

Total Funds after Whistleblowing

The subtotals from Total costs and Total revenue will be totalled automatically in the pink cell of the 'Total Funds after Whistleblowing' line.

This line is what you are planning/expect to be left with after the first 12-month period of speaking out. The number may be above or below 0 based on costs and revenue. While no number is 100 percent certain, and your circumstances will likely change as the year progresses, updating this budget template will be a helpful indication of how you expect your financial situation to progress after speaking out. If the overall figure in 'Total Funds after Whistleblowing' is too much of a risk for you to take, then you might want to think carefully about whether to speak out in the first place and other pathways to consider.

Year 2 and Year 3

By repeating the steps above for the Year 2 and Year 3 charts, you can plan out your expenses and revenue further into the future. The totals for all three years will be automatically calculated in the 'Overall Total' column on the far right.

The pink cells in the 'Overall Total' column and the 'Total Funds after Whistleblowing' line show the expected 36-month outcome of your journey.

	Year 1			
COSTS	Units	Months	Unit Cost	Total
Professional Costs				
Lawyer 1 fees (EXAMPLE)				- €
	<i>One lawyer</i>	<i>For X months</i>	<i>Costs per month</i>	<i>Total for that lawyer</i>
	Year 1			
COSTS	Units	Months	Unit Cost	Total
Professional Costs				
Lawyer 1 fees (First lawyer working pro bono)				- €
Lawyer 2 fees (Second lawyer very expensive)				- €
Lawyer 3 fees (If applicable)				- €
Lawyer 4 fees (If applicable)				- €
Transport to meetings				- €
New phone (for working with lawyer)				- €
New computer/VPN/password manager				- €
X				- €
X				- €
X				- €
Professional Costs Subtotal				- €
Personal Costs	Units	Months	Unit Cost	Total
Rent				- €
Food				- €
Child care				- €
Health insurance (if applicable)				- €
Petrol				- €
Mental health professional				- €
X				- €
X				- €
X				- €
X				- €
Personal Costs Subtotal				- €
Total Costs				- €
Savings	Units	Months	Unit savings	Total
Savings				- €
Savings Subtotal				- €
Potential Income	Units	Months	Unit income	Total
Job 1				- €
Job 2				- €
Potential Income Subtotal				- €
Total Revenue				- €
Total Funds after Whistleblowing				- €

	Year 2			
COSTS	Units	Months	Unit Cost	Total
Professional Costs				
Lawyer 1 fees (First lawyer working pro bono)				- €
Lawyer 2 fees (If applicable)				- €
Lawyer 3 fees (If applicable)				- €
Lawyer 4 fees (If applicable)				- €
Transport to meetings				- €
Password software				- €
X				- €
X				- €
X				- €
X				- €
Professional Costs Subtotal				- €
Personal Costs	Units	Months	Unit Cost	Total
Rent				- €
Food				- €
Child care				- €
Health insurance (if applicable)				- €
Petrol				- €
Mental health professional				- €
X				- €
X				- €
X				- €
X				- €
Personal Costs Subtotal				- €
Total Costs				- €
Savings	Units	Months	Unit savings	Total
Savings				- €
Savings Subtotal				- €
Potential Income	Units	Months	Unit income	Total
Job 1				- €
Job 2				- €
Potential Income Subtotal				- €
Total Potential Income				- €
Total Funds after Whistleblowing				- €

COSTS	Year 3				Overall Total
	Units	Months	Unit Cost	Total	COSTS
Professional Costs					Professional Costs
Lawyer 1 fees (First lawyer working pro bono)				- €	- €
Lawyer 2 fees (If applicable)				- €	- €
Lawyer 3 fees (If applicable)				- €	- €
Lawyer 4 fees (If applicable)				- €	- €
Transport to meetings				- €	- €
Password software				- €	- €
X				- €	- €
X				- €	- €
X				- €	- €
X				- €	- €
Professional Costs Subtotal				- €	- €
Personal Costs	Units	Months	Unit Cost	Total	Personal Costs
Rent				- €	- €
Food				- €	- €
Child care				- €	- €
Health insurance (if applicable)				- €	- €
Petrol				- €	- €
Mental health professional				- €	- €
X				- €	- €
X				- €	- €
X				- €	- €
X				- €	- €
Personal Costs Subtotal				- €	- €
Total Costs				- €	- €
Savings	Units	Months	Unit savings	Total	Savings
Savings				- €	- €
Savings Subtotal				- €	- €
Potential Income	Units	Months	Unit income	Total	Potential Income
Job 1				- €	- €
Job 2				- €	- €
Potential Income Subtotal				- €	- €
Total Potential Income				- €	- €
Total Funds after Whistleblowing				- €	- €

Building A Team template

This tool is meant to provide a basic template for building a support team. Each circumstance is unique, and you should speak to a lawyer about your case.

Family and Friends

Person 1

- » Supports with: _____
- » Limitations: _____
- » Contact: _____

Person 2

- » Supports with: _____
- » Limitations: _____
- » Contact: _____

Lawyers

Lawyer 1

- » Supports with: _____
- » Cost: _____
- » Contact: _____

Lawyer 2

- » Supports with: _____
- » Cost: _____
- » Contact: _____

Lawyer 3

- » Supports with: _____
- » Cost: _____
- » Contact: _____

Media

Journalist 1

- » Media outlet: _____
- » Contact: _____
- » What they know about me: _____
- » What they can publish about me: _____
- » Publication date: _____

Journalist 2

- » Media outlet: _____
- » Contact: _____

- » What they know about me: _____
- » What they can publish about me: _____
- » Publication date: _____

Coworkers

Coworker 1

- » Do they share my concerns (y/n): _____
- » What concerns do they have: _____
- » Would they be willing to speak out (y/n): _____
- » Limit: _____

Coworker 2

- » Do they share my concerns (y/n): _____
- » What concerns do they have: _____
- » Would they be willing to speak out (y/n): _____
- » Limit: _____

Unions

Trade Union rep 1

- » Supports with (legal fees, speaking on my behalf, ...): _____
- » Limit (different agenda): _____
- » Contact: _____

Trade Union rep 2

- » Supports with (legal fees, speaking on my behalf, ...): _____
- » Limit (different agenda): _____
- » Contact: _____

Parliament

Member of Parliament 1

- » Supports with: _____
- » Limit: _____
- » Contact: _____

Member of Parliament 2

- » Supports with: _____
- » Limit: _____
- » Contact: _____

Civil society

Civil society rep 1

- » Supports with: _____

- » Limit: _____
- » Contact: _____

Civil society rep 2

- » Supports with: _____
- » Limit: _____
- » Contact: _____

Regulators

Regulator 1

- » Supports with: _____
- » Limit: _____
- » Contact: _____

Regulator 2

- » Supports with: _____
- » Limit: _____
- » Contact: _____

Past whistleblowers

Past whistleblower 1

- » Supports with: _____
- » Limit: _____
- » Contact: _____

Past whistleblower 2

- » Supports with: _____
- » Limit: _____
- » Contact: _____

