

Report on Protected Disclosures 2018

Protected disclosures received by the office of the Data Protection Commissioner covering the period from 1 January 2018 to 24 May 2018

Protected disclosures received by the Data Protection Commission covering the period from 25 May 2018 to 31 December 2018

Establishment of new Data Protection Commission

The office of the Data Protection Commissioner was established under the Data Protection Acts 1988 and 2003. The functions of the Data Protection Commissioner were those set out in section 9 of the 1988 Act as amended. As of 25 May 2018, the Data Protection Commissioner has been replaced by a newly constituted Data Protection Commission. Under and by virtue of section 14 of the Data Protection Act 2018, all functions previously vested in the Data Protection Commissioner have been transferred to the Commission.

Accordingly, the new Data Protection Commission has prepared this 2018 Report on Protected Disclosures. This Report sets out the protected disclosures received by –

- the office of the Data Protection Commissioner during the period from 1 January 2018 to 24 May 2018, and
- the newly constituted Data Protection Commission during the period from 25 May 2018 to 31 December 2018.

DPC policy on protected disclosures

The policy of the Data Protection Commission under the terms of the Protected Disclosures Act 2014 is designed to facilitate and encourage all workers to raise internally genuine concerns about possible wrongdoing in the workplace so that these concerns can be investigated following the principles of natural justice and addressed in a manner appropriate to the circumstances of the case.

Section 22 of the Protected Disclosure Act 2014 requires public bodies to prepare and publish, by 30th June in each year, a report in relation to the previous year in an anonymised form.

Office of the Data Protection Commissioner:

Protected Disclosures received during the period from 1 January 2018 to 24 May 2018

Pursuant to section 22 of the Protected Disclosure Act 2014, the Data Protection Commission confirms that for the period 1 January 2018 to 24 May 2018

- No internal protected disclosures (from staff of the office of the Data Protection Commissioner) were received.
- Two protected disclosures (set out in the table below) were received from individuals external to the Office in relation to issues pertaining to data protection within other entities. These cases were raised with the office of the Data Protection Commissioner in its role as a

'prescribed person' as provided for under section 7 of the Protected Disclosures Act (listed in SI 339/2014, as amended by SI 448/2015).

Reference No	Type	Date Received	Status	Outcome
1/19/1/7	Section 7 (external, to ODPC as 'prescribed person')	22 April 2018	Closed	Closed - complainant did not pursue matter.
1/19/1/6	Section 7 (external, to ODPC 'prescribed person')	19 April 2018	Closed	Closed - complainant did not pursue matter.

Data Protection Commission:

Protected Disclosures received during the period from 25 May 2018 to 31 December 2018

Pursuant to section 22 of the Protected Disclosure Act 2104, the Data Protection Commission confirms that for the period 25 May 2018 to 31 December 2018

- No internal protected disclosures (from staff of the Commission) were received.
- Three protected disclosures (set out in the table below) were received from individuals external to the Commission in relation to issues pertaining to data protection within other entities. These cases were raised with the Data Protection Commission in its role as a 'prescribed person' as provided for under section 7 of the Protected Disclosures Act (listed in SI 339/2014, as amended by SI 448/2015).

Reference No	Type	Date Received	Status	Outcome
1/19/1/10	Section 7 (external, to DPC as 'prescribed person')	27 October 2018	Open	Matter being investigated under Article 57(1)(f) of the GDPR
1/19/1/9	Section 7 (external, to DPC as 'prescribed person')	5 September 2018	Closed	Closed - complainant did not pursue matter.
1/19/1/8	Section 7 (external, to DPC as 'prescribed person')	22 June 2018	Closed	Closed - complainant did not pursue matter.