



Oifig an Ard-Rúnaí
An Roinn Oideachais agus Scileanna



Office of the Secretary General
Department of Education and Skills

Ms Éilis Fallon
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

Your ref: PAC32-I-1476
Our ref: DES-SG-00330-2019

5th July 2019

Dear Ms Fallon

I refer to your letter dated 21st June 2019 seeking clarification on information provided in my previous correspondence of 12th June 2018 in relation to the Protected Disclosures Act 2014.

Firstly, I can clarify that the response set out in my letter of 12th June 2018 was not provided on the basis of any legal opinion but rather set out the understanding of the Department based on the Department's knowledge and expertise in relation to the Act.

As discussed at the Committee hearing of 13th June 2018, the Protected Disclosures Act is retrospective in that the redress provided for under the legislation can be sought by a discloser in respect of penalisation suffered for making a protected disclosure prior to the enactment of the legislation.

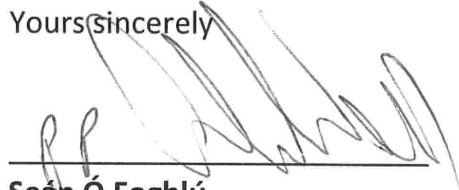
My letter of 12th June 2018 referenced by the Deputy at the Committee hearing related to the anonymous complaints of 2012 made in respect of Cork Institute of Technology (CIT) and whether such complaints constituted a protected disclosure.

My letter confirmed that it is not possible to advise the Committee whether that disclosure would now qualify or not as a protected disclosure in the absence of a determination by a third party such as, for example, the Circuit Court or the Workplace

Relations Commission under the Act. This would also be the position in relation to an issue raised subsequent to the enactment of the legislation.

I hope the above clarifies the position for the Committee.

Yours Sincerely

A handwritten signature in dark ink, appearing to be 'Seán Ó Foghlú', written over a horizontal line.

Seán Ó Foghlú

Secretary General

Department of Education and Skills