



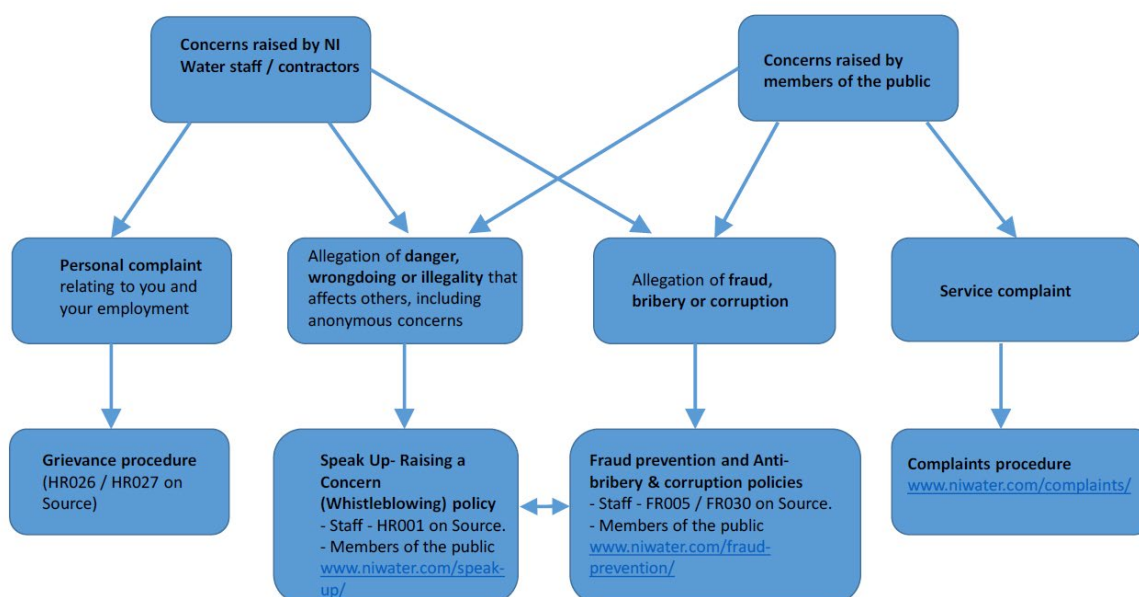
## **SPEAK UP - RAISING A CONCERN (WHISTLEBLOWING) POLICY**

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## 1. INTRODUCTION

- 1.1 Every organisation faces the risk of things going wrong internally, and when this happens those who work within an organisation are usually the first people to know. Northern Ireland Water Limited and its subsidiaries (collectively known as 'NI Water') considers that it is in its own interests to have issues of concern aired and resolved openly and at an early stage. It is important that all concerns raised are treated seriously and respectfully.
- 1.2 This policy tells you how you can speak up to safely raise a concern. This policy does not apply to raising grievances about personal situations or service complaints - it is primarily concerned whether the interests of other employees, or NI Water, are at risk. It describes how concerns raised under this policy must be dealt with and the responsibilities of those involved. The below flow chart provides an overview of the different types of concerns and the relevant policy or procedure which applies:



- 1.3 The reference to 'raising a concern' (also known as whistleblowing) in this policy refers to the disclosure by employees of a criminal offence, failure to comply with a legal obligation, miscarriage of justice, acts endangering an individual's health and safety or the environment.
- 1.4 The Public Disclosure (Northern Ireland) Order 1998 enables employees who report a wrongdoing to complain to an Industrial Tribunal if they are dismissed or suffer any other form of detriment for doing so.
- 1.5 NI Water will not tolerate discrimination, bullying, harassment or victimisation of anyone under any circumstances. Any of these actions constitute a serious disciplinary offence which can lead to dismissal. Any employee who is harassed or victimised in breach of the guidance laid out in the Public Interest Disclosure Order can bring a claim at an Industrial Tribunal and may be awarded compensation where detriment is proved.

- 1.6 Any person who makes malicious accusations, which they know to be untrue, lies to investigators, interferes with an investigation or refuses to cooperate with an investigation will be subject to the disciplinary process.
- 1.7 NI Water is committed to ensuring that all personal data processed in connection with concerns raised under this policy is handled in full compliance with UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Refer to **Appendix 3**.

## **2. WHO DOES THIS SPEAK UP POLICY APPLY TO?**

- 2.1 Our policy applies to all permanent and short-term employees of NI Water. It also applies to external consultants, contractors and agency personnel while working in NI Water. You are not required to have worked in NI Water for a minimum amount of time before you can use this policy.
- 2.2 A final report will be issued to the Audit Committee to ensure a satisfactory resolution. If you are not satisfied, the matter can be addressed to the Chair of the NI Water Audit Committee via the Head of Corporate Governance at [governance@niwater.com](mailto:governance@niwater.com).
- 2.3 If you prefer not to communicate directly with anyone in NI Water, you may contact the following organisations depending on the nature of the matter:
- HSENI in relation to health and safety.  
<https://www.hseni.gov.uk/>
  - NIAO in relation to financial matters and fraud.  
<http://www.niauditoffice.gov.uk/>
  - Utility Regulator in relation to water and sewerage.  
<https://www.uregni.gov.uk/>
  - Office for Environmental Protection in relation to matters relating to failures of public authorities to comply with environmental law.  
<https://www.theoep.org.uk/office-environmental-protection>
  - Information Commissioner in relation to information rights.  
<https://www.ico.org.uk>

## **3. WILL I BE PROTECTED IF I RAISE A CONCERN?**

- 3.1 You will be protected by the Public Interest Disclosure (NI) Order 1998 if you raise a concern which, in your honest and reasonable belief, suggests that one or more of the following has occurred, is occurring, or is likely to occur: -
- a criminal offence e.g. fraud, theft, bribery or corruption;
  - failure to comply with a legal obligation;

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- a miscarriage of justice;
- the endangering of an individual's health and safety;
- risk or actual damage to the environment; and/or
- the deliberate concealment of information tending to show any of the above.

3.2 This policy does not cover private grievances, including complaints about individual employment matters (e.g. bullying, harassment, discrimination) that may be referred to an Industrial Tribunal. Concerns of this nature may be taken forward through other NI Water policies, e.g. grievance procedures. Neither does it cover concerns relating to service complaints which can be addressed through the complaints procedure.

## **4. MAKING A PROTECTED DISCLOSURE UNDER THE ORDER**

4.1 A Protected Disclosure is a disclosure made in line with para 3.1 above. It means that if you make such a disclosure you have the right not to suffer detriment in your employment and the right not to be unfairly dismissed among other rights. Agency workers and people who aren't employed but are in training with employers are all treated in the same way as employees, for the purposes of this policy. It should be noted that the protection afforded by the Public Interest Disclosure (NI) Order 1998 only relates to employees and does not apply to members of the public.

4.2 Your disclosure will be protected under the Order if it is made:-

- through internal procedures, or to another person whom you reasonably believe is solely or mainly responsible for the failure in question;
- to a legal adviser in the course of obtaining legal advice;
- to a person or body prescribed in The Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 as amended by The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2014. Prescribed persons are responsible for investigating allegations that fall under their jurisdiction e.g. the Utility Regulator on regulation matters in relation to water and sewerage.

4.3 Your disclosure will also be protected if it is made other than described in paragraph 4.2 above, if you reasonably believe that the information and the allegation contained in it are substantially true, that it is made in the public interest and you do not act for personal gain. You must also meet one or other of the following conditions:-

- you reasonably believed that you would be victimised if you raised the matter internally;
- you reasonably believed that the disclosure related to a criminal offence and was thus a 'qualifying disclosure';
- there was no prescribed person and you reasonably believed the evidence was likely to be concealed or destroyed; or
- the concern had already been substantially raised within NI Water or to a prescribed person.

4.4 In addition, it must be 'reasonable' for you to have made the disclosure. In deciding whether the disclosure is 'reasonable' the investigation team will consider all the circumstances. This will include the identity of the person to whom you made your disclosure, the seriousness of it, whether the risk or danger remains and whether you have complied with approved internal procedures.

4.5 Never investigate the matter yourself and do not seek evidence to build a strong case. No measures will be taken against you if your genuine concern later turns out to have been mistaken or misguided. You are not expected to have all the answers or be able to prove that your concern is well-founded. It is NI Water's responsibility to investigate the matter.

## **5. WILL I BE PROTECTED IF I RAISE A CONCERN BEFORE GOING THROUGH THE INTERNAL PROCEDURES?**

5.1 Only you can make this judgment and in doing so you will need to consider the preceding paragraphs carefully. It is at the heart of the Public Interest Disclosure Order to raise the matter internally if appropriate and practical.

## **6. WHAT IF I DON'T WANT TO REVEAL MY IDENTITY?**

6.1 All reporting is done confidentially, and all personal information must be handled in line with the UK GDPR requirements. This means that information about your concern will only be shared with a limited number of people on a strict need-to-know basis. In principle, NI Water is obliged to inform the implicated person that a complaint has been filed against them, but your identity will not be disclosed. You can help protect confidentiality by being discreet and not discussing your report with your colleagues or anyone else.

6.2 If you ask for your identity not to be revealed this will be respected wherever possible. We do ask that you explain as fully as you can the information or circumstances that give rise to your concern, providing specific details if available (e.g. nature of the concern, date, time, location, names of relevant parties, possible reason for why the concern occurred). However, if the situation arises where it is not possible to resolve the matter without revealing your identity, for example if your evidence is required in court, then this will be discussed with you. Anonymity cannot be maintained if this has an adverse effect on any serious criminal proceedings.

6.3 If you don't tell us who you are it will be much more difficult for us to:-

- Look into the matter;
- Provide you with feedback; and
- Protect your position.

6.4 It may, in fact, make it impossible to investigate your concern.

## **7. WHERE CAN I GET ADVICE?**

7.1 NI Water fully endorses the role that Trade Unions and their representatives play. You are free to seek advice from and be represented by your trade union representative when using this policy.

- 7.2 If you would like independent advice at any stage, you may like to contact the independent charity Protect on 020 3117 2520 (or <https://protect-advice.org.uk/contact-protect-advice-line/>). Their lawyers can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. You can, of course, at your own expense, also seek legal advice of your own choice.

## **8. RAISING A CONCERN INTERNALLY- PROCEDURE FOR WORKERS**

### **8.1 STEP 1**

You should, in the first instance, raise your concern either orally or in writing with a senior manager of at least level 3 grade / Band 3 grade – i.e. a manager reporting directly to a Director - to try and resolve the matter informally. It is expected that most cases will be satisfactorily resolved at this stage. If you do not wish to have your identity revealed, you should specify this at the outset.

### **8.2 STEP 2**

If you have a valid reason for not approaching a senior manager or, if having raised your concern with them you wish to take the matter further, you may raise it with the NI Water Head of Corporate Governance. However, if your reason is related to employee issues, you may raise it with the NI Water Director of People and Learning.

### **8.3 STEP 3**

If you have followed steps 1 and 2 and your concern remains, or if you feel the matter is so serious that you cannot discuss it with a colleague mentioned at steps 1 or 2, then you may report your concern direct to the NI Water Chief Executive. The NI Water Chief Executive will assess the matter and decide what action should be taken.

- 8.4 Please remember that you do not need to have firm evidence before raising a concern. However, we do ask that you explain as fully as you can, the information or circumstances that give rise to your concern. Please provide specific details if available such as:
- the background, history and reason for the concern;
  - names, dates, places and other relevant facts;
  - any documents that may support your concerns; and
  - if you know them, details of any laws, regulations, policies, or procedures that you believe have not been followed correctly.

## **9. RAISING A CONCERN INTERNALLY – PROCEDURES FOR MEMBERS OF THE PUBLIC AND EXTERNAL PARTIES**

- 9.1 This section applies to external parties including members of the public, contractors, suppliers who wish to raise concerns internally with NI Water under this policy.

- 9.2 It is recommended that contractors or suppliers initially raise concerns within their own internal chain of command and manager responsible for the contract (if applicable). If this is deemed inappropriate or the individual with the concern does not feel comfortable to do so, then concerns can be reported directly to NI Water by the individual.
- 9.3 In such instances, concerns can be raised internally via email with the Head of Corporate Governance at [governance@niwater.com](mailto:governance@niwater.com).

Alternatively, concerns can be raised by calling or writing to NI Water at the contact details below:

**In writing:**

FAO: Head of Corporate Governance,  
Westland House,  
40 Old Westland Rd  
Belfast  
BT14 6TE

**Telephone:** 0345 744 0088

## **10. RAISING A CONCERN EXTERNALLY**

- 10.1 While NI Water hopes that this policy will make anyone feel supported to raise a concern internally, it is recognised that there may be circumstances where an individual may feel unable to raise a concern internally. Alternatively, they may have done so and feel that the matter has not been adequately addressed.
- 10.2 In Northern Ireland there is a range of possible external contacts, depending on the nature of the concern to be raised. Depending on the nature of the concern to be raised in relation to NI Water, the external bodies set out at section 2.3 of this policy could be appropriate channels for consideration.
- 10.3 Concerns raised by workers to the above external bodies are protected by the Order in the same way as raising a concern internally. Note that the conditions set out in section 4 of this policy equally apply to both raising concerns internally and externally internal and external disclosures and must be met; otherwise the disclosure will not be protected.
- 10.4 Although section 2.3 of this policy has provided the details of the most appropriate external bodies relevant to NI Water's business area, a full list of external bodies with whom an individual can raise concerns (known as "prescribed persons") and their remits is set out in the Schedule to the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (NI) 2014.<sup>1</sup> There is an implied role for prescribed persons to play in the whistleblowing process. This role is influenced by the statutory functions specific to each body. The organisations and individuals on the list will have been designated as prescribed persons because they have an authoritative or oversight relationship with the sector, often as a regulatory body. The prescribed person is not responsible for deciding whether the individual who has made the disclosure qualified for protection. However, this will be ultimately decided by an industrial tribunal in contested cases.

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<sup>1</sup> <http://www.legislation.gov.uk/nisr/2014/48/contents/made>



- 10.5 The NIAO has also published a Public Information Leaflet<sup>2</sup> which provides further contact details and advice.

## **11. RESPONDING TO A CONCERN – WHAT ACTION TO TAKE**

- 11.1 When a concern is raised with a senior manager it must be treated seriously. The person with whom the concern is raised must:
- agree the facts on which the concern rests;
  - establish the evidence; and
  - establish any personal interest the person may have in the concern.
- 11.2 If information regarding the concern raised has not been initially passed to the NI Water Head of Corporate Governance, then this must be done within three days of the disclosure being raised. The NI Water Head of Corporate Governance will then decide as to whether the concern falls within this policy or within one of NI Water's other policies or procedures e.g. Grievance Procedure, Fraud Prevention Policy, Anti-Bribery and Corruption Policy, Complaint Procedure etc.
- 11.3 Remember, once a concern of malpractice, illegal acts or omissions of duty has been raised, it is NI Water's responsibility to investigate it.
- 11.4 If it is necessary to investigate the matter further, the NI Water Head of Corporate Governance will either investigate it personally or appoint an officer to carry out a thorough investigation. A timetable for action to be taken must be put in place within one month of the concern being raised and this must be adhered to.
- 11.5 If the concern falls within this policy the NI Water Head of Corporate Governance will take an appropriate course of action and provide a written response to the person who raised the concern within 10 working days. This will include the following information:-
- Who is handling the concern;
  - How they can be contacted;
  - What further assistance may be needed from the person who raised the concern; and
  - How the person who raised the concern will be kept supported and informed about the investigation and its outcome.
- 11.6 If the person who raised the concern has a personal interest in the matter, NI Water asks that they declare any interest at the outset.
- 11.7 NI Water will provide feedback at the end of an investigation to the person who raised the concern. However, there will be a limit to what feedback can be provided, especially considering the duty of confidence owed to others and UK GDPR requirements.

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<sup>2</sup> Raising Concerns - Public Information Leaflet\_0.pdf

- 11.8 NI Water will securely retain records of concerns raised under this policy by both employees and members of the public, including the outcomes. These records will be stored confidentially in a clearly identifiable location to support effective oversight and review when required.
- 11.9 A flowchart for raising a concern internally is set out at **Appendix 1**. The NI Water Director of People and Learning will notify the NI Water Head of Corporate Governance if evidence of any fraud is found for HR led investigations, which would necessitate involvement of the NI Water Head of Corporate Governance in the investigation.

## **12. WHAT DO I DO IF I AM NOT CONTENT WITH THE INVESTIGATION?**

- 12.1 If you consider that the outcome of NI Water's investigation does not represent a reasonable response to your concern you may contact the Chair of the NI Water Audit Committee using the contact details in paragraph 2.3.
- 12.2 A confidentiality clause or 'gagging clause' in a settlement agreement isn't valid if you raise a concern under this policy.

## **13. SPEAK UP CHAMPION**

- 13.1 The Head of Corporate Governance serves as the Speak Up Champion, responsible for promoting awareness of the importance and benefits of raising and addressing concerns under this policy.
- 13.2 The Speak Up Champion will foster a culture of curiosity and constructive challenge across NI Water and will lead efforts to highlight how concerns raised under this policy have driven meaningful improvements - reinforcing the value of speaking up and encouraging wider participation.

## **14. RECORDING CONCERNS**

- 14.1 A record of all concerns raised with NI Water under this policy should be maintained, in a readily accessible format such as a spreadsheet. Any system for recording concerns should be proportionate, secure, and accessible by the minimum necessary number of employees. The information recorded will typically include the following (some information may be recorded as hyperlinks to relevant documents):
- a. the date the concern was raised;
  - b. the nature of the concern;
  - c. who the concern was initially raised with;
  - d. whether confidentiality was requested;
  - e. the approach adopted;
  - f. the outcome, in terms of whether the concern was founded or unfounded;
  - g. whether feedback was given to the individual raising the concern;

- h. whether the persons who raised the concern was satisfied with the outcome and if not, why not; and
- i. the date the case was closed.

14.2 Concerns received, which are then classified as a complaint or a grievance, should be recorded on separate databases.

## **15. REFERENCES**

15.1 Other documents that should be read in conjunction with this policy include (NI Water policies and guidance available on Source):

- NI Water Code of Ethics Policy
- NI Water Fraud Prevention Policy and Fraud and Bribery Response Plan
- NI Water Anti-Bribery & Corruption Policy
- DfI Raising a Concern – Operational Guidance<sup>3</sup>
- NI Water Partnership Agreement with DfI
- Managing Public Money NI<sup>4</sup>
- Utility Regulator Raising Concerns Policy<sup>5</sup>
- NI Audit Office 'Raising Concerns – a good practice guide for the Northern Ireland public sector'<sup>6</sup>
- The Public Disclosure (Northern Ireland) Order 1998
- Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999
- The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2014
- The Employment Act (Northern Ireland) 2016 (Commencement No. 1) Order (Northern Ireland) 2017

## **16. REVIEW OF THIS POLICY**

16.1 This policy will be reviewed once every two years.

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<sup>3</sup> [https://www.infrastructure-ni.gov.uk/publications/raising-concern-operational-guidance#:~:text=This%20Raising%20a%20Concern%20document,Department%20for%20Infrastructure%20\(DfI\).](https://www.infrastructure-ni.gov.uk/publications/raising-concern-operational-guidance#:~:text=This%20Raising%20a%20Concern%20document,Department%20for%20Infrastructure%20(DfI).)

<sup>4</sup> <https://www.finance-ni.gov.uk/articles/managing-public-money-ni-mpmni>

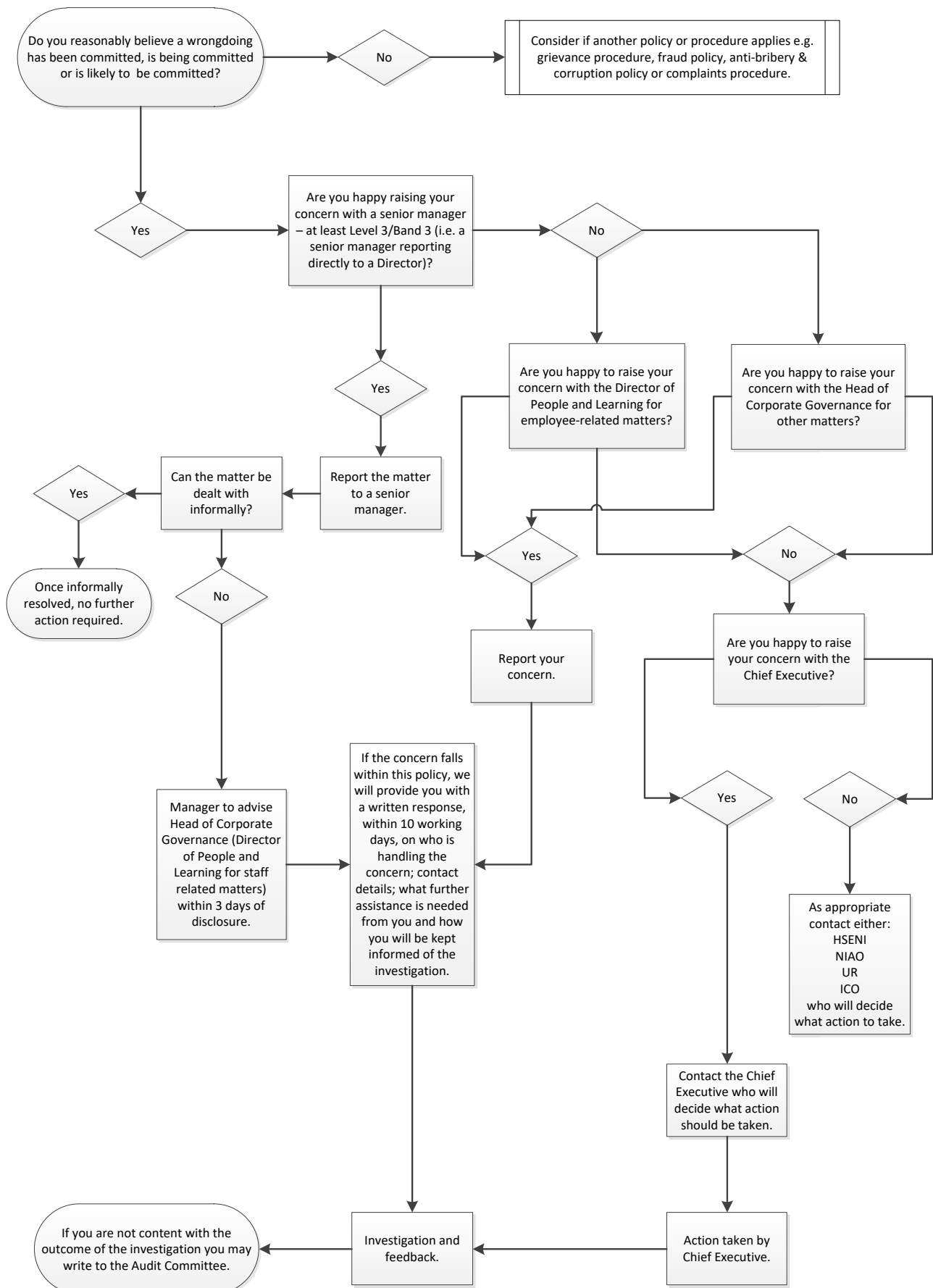
<sup>5</sup> <https://www.uregni.gov.uk/publications/raising-concerns-policy>

<sup>6</sup> <https://www.niauditoffice.gov.uk/publications/raising-concerns-good-practice-guide-northern-ireland-public-sector>

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## RAISING A CONCERN INTERNALLY

## APPENDIX 1



## DUTIES AND RESPONSIBILITIES

## APPENDIX 2

The duties and responsibilities of the Head of Corporate Governance and any officer nominated by the Head of Corporate Governance under this policy are set out below.

### **Role of NI Water's Head of Corporate Governance under this policy**

1. The NI Water Head of Corporate Governance<sup>7</sup> is responsible for the raising concerns process under this policy.
2. The Head of Corporate Governance plays a key role in identifying whether issues raised are a concern, a complaint, a grievance or a criticism or comment that ought to be treated as normal NI Water business / correspondence. This will include supporting colleagues to recognise when an issue within a team should be treated as a protected disclosure under this policy.
3. Where issues raised incorporate a mixture of a concern, a complaint and / or a grievance, the Head of Corporate Governance will seek to ensure that the various issues are accurately identified and dealt with through the appropriate process.
4. The Head of Corporate Governance is also responsible for determining the appropriate course of action in response to an issue that has been raised. This can include a decision to:
  - a. review / investigate concerns;
  - b. direct the issue to the appropriate team to be dealt with as normal NI Water business / correspondence;
  - c. direct the individual who has raised an issue to the grievance procedure;
  - d. re-direct the issue to the complaints process;
  - e. direct the individual to another body or organisation; or
  - f. decide that no action is required;
5. In many cases the issues raised will be clear and the Head of Corporate Governance will be able to make decisions about how they should be handled. However, there will be more complex cases which require the input of others to help inform the correct course of action. In those cases, the Head of Corporate Governance will set up a case conference with others who can help determine the correct course of action. This can include other teams within NI Water:
  - a. Human Resources;
  - b. Internal Audit;

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<sup>7</sup> NI Water's Head of Corporate Governance performs the role of the 'Designated Officer' within NI Water. Designated Officer is a term used in the DfI Raising a Concern – Operational Guidance.

- c. Legal; and
- d. Finance, Regulation and Commercial.

### **Specific Head of Corporate Governance tasks**

6. The Head of Corporate Governance will undertake the following tasks in relation to each issue raised under this policy:
  - a. establish whether the issue is a concern, which falls within the scope of this policy, a complaint about the service received from NI Water, which does not form part of this policy, a grievance about conditions of work, which is a Human Resources matter or a criticism or comment that can be dealt with as normal NI Water business / correspondence;
  - b. redirect any complaints, grievances or matters for correspondence to the correct place, and advise the person who raised the concern;
  - c. decide on the appropriate approach to deal with the concern (including no action required);
  - d. identify whether the concern ought to be treated as a public interest disclosure;
  - e. determine which officer<sup>8</sup> within NI Water should consider the concern, identifying and managing any conflict of interest that may arise;
  - f. advise the person who raised the concern who the officer is;
  - g. oversee maintenance of NI Water's record of concerns raised under this policy, including a record of how they are handled, whether the concern was upheld, and what the outcome was;
  - h. seek to ensure a consistent approach to the handling of concerns raised under this policy;
  - i. monitor concerns raised under this policy, analysing patterns and trends;
  - j. report to the NI Water Audit Committee on the number and types of concerns being raised under this policy; and
  - k. provide a regular report to DfI on concerns raised under this policy.

### **Head of Corporate Governance Support Role**

7. The Head of Corporate Governance will also provide advice and support to employees on all aspects of the raising concerns process, including:

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<sup>8</sup> The officer nominated by NI Water's Head of Corporate Governance performs the role of the 'Nominated Review Officer' within NI Water. 'Nominated Review Officer' is a term used in the DfI Raising a Concern – Operational Guidance.

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- a. advising on raising concerns good practice;
- b. advising whether an issue is a concern, complaint or grievance, or some other type of communication; and
- c. advising the nominated officer of good practice, including when to escalate concerns and when to engage specific sources of expertise.

### **Officer nominated by the Head of Corporate Governance**

- 8. When deciding who is best placed to consider a concern, the Head of Corporate Governance will consider:
  - a. the nature and complexity of the concern raised under this policy;
  - b. the knowledge, skills and experience required to undertake the required review / investigation; and
  - c. any real or perceived conflicts of interest.
- 9. The officer will usually be drawn from one of the following:
  - a. management of the business area to which the concern relates;
  - b. management of a different business area;
  - c. Corporate Governance Team;
  - d. Internal Audit;
  - e. Legal Team; or
  - f. External investigator
- 10. When reviews / investigations are undertaken by management, the officer must ensure that conflicts of interest are identified, recorded, and appropriately managed.

### **Responsibilities of the officer nominated by the Head of Corporate Governance**

- 11. The officer is responsible for ensuring that the required review / investigation is completed in line with the following general good-practice principles:
  - a. reviews / investigations should be undertaken as quickly as possible and without any undue delay;
  - b. the officer will maintain regular proactive liaison with the individual who has raised the concern; the officer will respect and listen to any worries that the person raising the concern may have about their own position and career by coming forward. The officer will reassure the individual that they will be protected from victimisation / reprisal. The officer will manage the individual's expectation throughout the process;

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- c. the officer will liaise / consult with Human Resources regarding welfare support available to the colleague raising the concern;
  - d. the officer and Head of Corporate Governance will agree terms of reference for the investigation, including communications and reporting lines, and the management of any conflicts of interest;
  - e. the officer will clearly document all actions and decisions relating to the review / investigation;
  - f. the officer will provide feedback on the outcome of the investigation to the person who raised the concern; and
  - g. the officer will ensure that the conduct of the review / investigation, including any feedback, is in line with the requirements of data protection legislation.
12. If an employee raises a concern maliciously, this can result in disciplinary action. If the officer suspects that an issue may have been raised maliciously, they must seek advice from the Head of Corporate Governance.
13. If the concern is one of fraud, theft, bribery or corruption, then it must be handled promptly in accordance with the NI Water Faud Prevention Policy and Fraud and Bribery Response Plan to ensure the investigation or evidence is not compromised.
14. Fraud, theft, bribery or corruption investigations should always be undertaken by trained and experienced investigators.



## **DATA PROTECTION AND GDPR COMPLIANCE**

## **APPENDIX 3**

NI Water is committed to ensuring that all personal data processed in connection with fraud investigations is handled in full compliance with UK GDPR and the Data Protection Act 2018.

### **1. Handling of Personal Data**

Personal data collected during investigations, including information about individuals who may be the subject of, or contributors to, a report, will be processed strictly for the purposes of:

- Preventing, detecting, and investigating suspected danger, wrongdoing or illegality;
- Protecting NI Water's assets, customers, and employees; and
- Meeting legal and regulatory obligations.

All personal data will be accessed only by authorised staff with a legitimate need to know and processed in line with NI Water's internal data protection policies.

### **2. Lawful Basis for Processing**

The processing of personal data in the context of investigations related to this policy is carried out under the following lawful bases under UK GDPR:

- Legal obligation (Article 6(1)(c)) – where processing is necessary to comply with statutory or regulatory duties;
- Public task (Article 6(1)(e)) – where processing is necessary for the performance of a task carried out in the public interest;
- Legitimate interests (Article 6(1)(f)) – where processing is necessary to protect NI Water's assets and integrity, balanced against the rights of individuals.

Where special category data is processed (e.g. health or ethnicity information), this will only be done under the additional lawful conditions set out in Article 9 UK GDPR and the Data Protection Act 2018.

### **3. Rights of Data Subjects**

Individuals whose personal data is processed as part of an investigation under this policy have the following rights under UK GDPR, subject to certain exemptions where disclosure would prejudice the prevention or detection of crime or the integrity of the investigation:

- Right of access;
- Right to rectification;
- Right to erasure;
- Right to restriction of processing;
- Right to object.

Requests to exercise these rights should be submitted in line with NI Water's procedures, as outlined in our Privacy Notice (<https://www.niwater.com/about-us/about/privacy>).

#### **4. Retention and Secure Disposal**

Personal data collected during investigations under this policy will be retained only for as long as necessary to fulfil the purposes of the investigation, comply with legal and regulatory obligations, or protect NI Water's interests. Data will then be securely deleted or anonymised in accordance with NI Water's data retention schedule.

#### **5. Reporter Identity Protection**

NI Water will take all reasonable steps to protect the confidentiality of person who raised the concern. Personal details will only be disclosed where:

- The individual has provided explicit consent;
- Disclosure is required by law or regulation; or
- It is necessary to ensure a fair and transparent investigation.

Where anonymity is requested, NI Water will seek to maintain this wherever practicable but cannot guarantee anonymity in all circumstances.

#### **6. Transparency and Accountability**

For more information on how NI Water processes personal data, including details of your rights and how to exercise them, please refer to our Privacy Notice (<https://www.niwater.com/about-us/about/privacy>).