



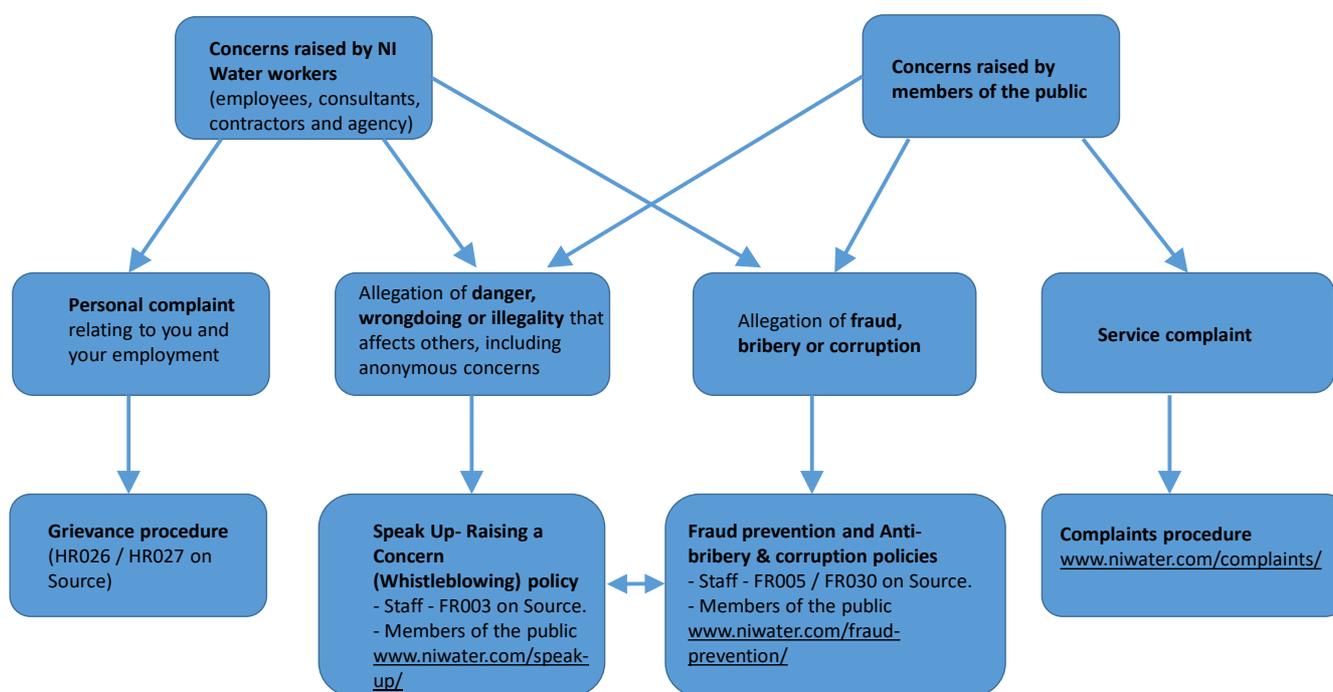
Speak Up - Raising a Concern (Whistleblowing) Policy

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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 workers (employees, consultants, contractors and agency), 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 a worker 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 Interest Disclosure (Northern Ireland) Order 1998 enables workers who report a wrongdoing to complain to an Industrial Tribunal and Fair Employment 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. In addition, NI Water may be vicariously liable if a worker suffers detriment from co-workers because they made a protected disclosure, unless NI Water took all reasonable steps to prevent such conduct. Any of these

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actions constitute a serious disciplinary offence, which can lead to dismissal.

- 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 This policy applies to all NI Water workers - permanent and short-term employees of NI Water, 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 on any concerns raised under this policy will be issued to the Audit Committee to ensure a satisfactory resolution. If you are not satisfied, the concern can be addressed directly to the Chair of the NI Water Audit Committee or via the Chief Risk and Reporting Officer at governance@niwater.com.

In writing:

FAO: Chair of the NI Water Audit Committee,
Westland House,
40 Old Westland Rd
Belfast
BT14 6TE

Telephone: 0345 744 0088

- 2.3 If you prefer not to communicate directly with anyone in NI Water, you may contact external organisations depending on the nature of the concern. These may include the following – paragraph 10.4 provides further details:
 - a) Health and Safety Executive NI (HSENI) in relation to health and safety (<https://www.hseni.gov.uk/>);
 - b) NI Audit Office (NIAO) in relation to financial concerns and fraud (<http://www.niauditoffice.gov.uk/>);
 - c) Utility Regulator in relation to water and sewerage (<https://www.uregni.gov.uk/>);
 - d) Office for Environmental Protection in relation to failures of public authorities to comply with environmental law (<https://www.theoep.org.uk/office-environmental-protection>); and/or
 - e) Information Commissioner (ICO) 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 reasonable belief, and in the public interest, suggests that one or more of the following has occurred, is occurring, or is likely to occur: -

- a) a criminal offence e.g., fraud, theft, bribery or corruption;
- b) failure to comply with a legal obligation;
- c) a miscarriage of justice;
- d) the endangering of an individual's health and safety;
- e) risk or actual damage to the environment; and/or
- f) 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, consultants and contractors and people who aren't employed but are 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 workers and does not apply to members of the public.

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

- a) through internal procedures, or to another person whom you reasonably believe is solely or mainly responsible for the failure in question;
- b) to a legal adviser while obtaining legal advice;
- c) 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 as amended. Prescribed persons are responsible for investigating allegations that fall under their jurisdiction e.g., the Utility Regulator on water and sewerage.

4.3 Your disclosure will also be protected if:

- (a) you reasonably believe the information is substantially true,
- (b) the disclosure is in the public interest, and
- (c) the statutory route/conditions for wider disclosures are met (e.g., risk of victimisation or evidence likely to be concealed).

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 concern 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 concern.

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 concern internally if appropriate and practical.

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

6.1 Confidentiality will be maintained so far as compatible with law and a fair investigation, and identities may need to be disclosed to regulators/courts. You can help protect confidentiality by being discreet and not discussing your report with your colleagues or anyone else. 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. NI Water as a publicly owned company is subject to the Freedom of Information Act (FOIA) 2000 and the Environmental Information Regulations (EIR) 2004. We will consider applicable exemptions/exceptions before disclosure, but cannot guarantee non-disclosure of information held, including information relating to concerns, if a valid request is received.

6.2 NI Water will protect your identity wherever possible. We will not disclose your identity unless required by law or a court/regulator, or where disclosure is necessary and proportionate for a fair investigation (including natural justice). We will assess any information requests case-by-case and apply relevant FOIA exemptions (e.g., section 40 personal data; section 41 information provided in confidence) or EIR exceptions (e.g., regulation 12(5)(b) course of justice; regulation 13 personal data), but we cannot guarantee non-disclosure if a valid request requires disclosure.

6.3 If you don't tell us who you are it will be much more difficult for us to investigate the concern; 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 concern 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 concern further, you may raise it with the NI Water Chief Risk and Reporting Officer. However, if your reason is related to employment matters, 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 concern is so serious that you cannot discuss it with a colleague mentioned at steps 1 or 2, then you may report your concern directly to the NI Water Chief Executive. The NI Water Chief Executive will assess the concern 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.

8.5 Workers can maintain confidentiality by sharing only the information necessary for support and avoiding disclosure of specific details that could identify individuals or sensitive facts. When seeking guidance from a line manager or a counsellor, they should focus on discussing the emotional or practical support they need, while keeping the substance of the concern strictly within the processes outlined in this policy. Confidentiality is of particular importance when the PSNI is involved.

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, consultants, contractors, and suppliers who wish to raise concerns internally with NI Water under this policy.
- 9.2 It is recommended that consultants, contractors or suppliers initially raise concerns within their own internal chain of command and to the manager responsible for the contract (if applicable). If this is deemed inappropriate, or the individual with the concern does not feel comfortable doing 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 Chief Risk and Reporting Officer at governance@niwater.com. Alternatively, concerns can be raised by calling or writing to NI Water at the contact details below:

In writing:

FAO: Chief Risk and Reporting Officer,
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 concern has not been adequately addressed.
- 10.2 In Northern Ireland, the appropriate external contact will depend on the nature of the concern. For concerns relating to NI Water, the external bodies listed in section 2.3 of this policy may be suitable channels to consider.
- 10.3 Concerns raised by workers to the external bodies listed in section 2.3 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, 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 as amended¹. 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

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

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disclosure qualified for protection. However, this will be ultimately decided by an Industrial Tribunal / Fair Employment Tribunal in contested cases.

- 10.5 The NIAO has also published a Public Information Leaflet² 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:
- a) agree the facts on which the concern rests;
 - b) establish the evidence; and
 - c) 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 Chief Risk and Reporting Officer, then this must be done within three days of the disclosure being raised. The NI Water Chief Risk and Reporting Officer 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 concern further, the NI Water Chief Risk and Reporting Officer 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 Chief Risk and Reporting Officer 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:
- a) The individual responsible for handling the concern;
 - b) Their contact details;
 - c) Any additional assistance required from the person who raised the concern; and
 - d) The approach for keeping the person supported and informed throughout the investigation and on its outcome.
- 11.6 If the person who raised the concern has a personal interest, 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.
- 11.8 NI Water will securely retain records of concerns raised under this policy by both workers and members of the public, including the outcomes. These records will be

² https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/Raising%20Concerns%20-%20Public%20Information%20Leaflet_0.pdf

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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 Chief Risk and Reporting Officer if evidence of any fraud is found for HR led investigations, which would necessitate involvement of the NI Water Chief Risk and Reporting Officer 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 2.2.
- 12.2 NI Water recognises that confidentiality clauses may be used in contracts and settlement agreements to protect legitimate interests. However, any provision that would prevent a worker from making a protected disclosure is void by law (see Article 67J, Employment Rights (Northern Ireland) Order 1996). Nothing in any NI Water agreement or policy prevents a worker from making a protected disclosure in accordance with whistleblowing legislation.

13. SPEAK UP CHAMPION

- 13.1 The Chief Risk and Reporting Officer 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 personnel. 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;

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- 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 and Corruption Policy;
- NI Water Data Protection Policy;
- DfI Raising a Concern – Operational Guidance³;
- NI Water Partnership Agreement with DfI;
- Managing Public Money NI⁴;
- Utility Regulator Raising Concerns Policy⁵;
- NI Audit Office ‘Raising Concerns – a good practice guide for the Northern Ireland public sector’⁶;
- 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 as amended; and
- 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.

³ <https://www.infrastructure-ni.gov.uk/publications/raising-concern-operational-guidance>

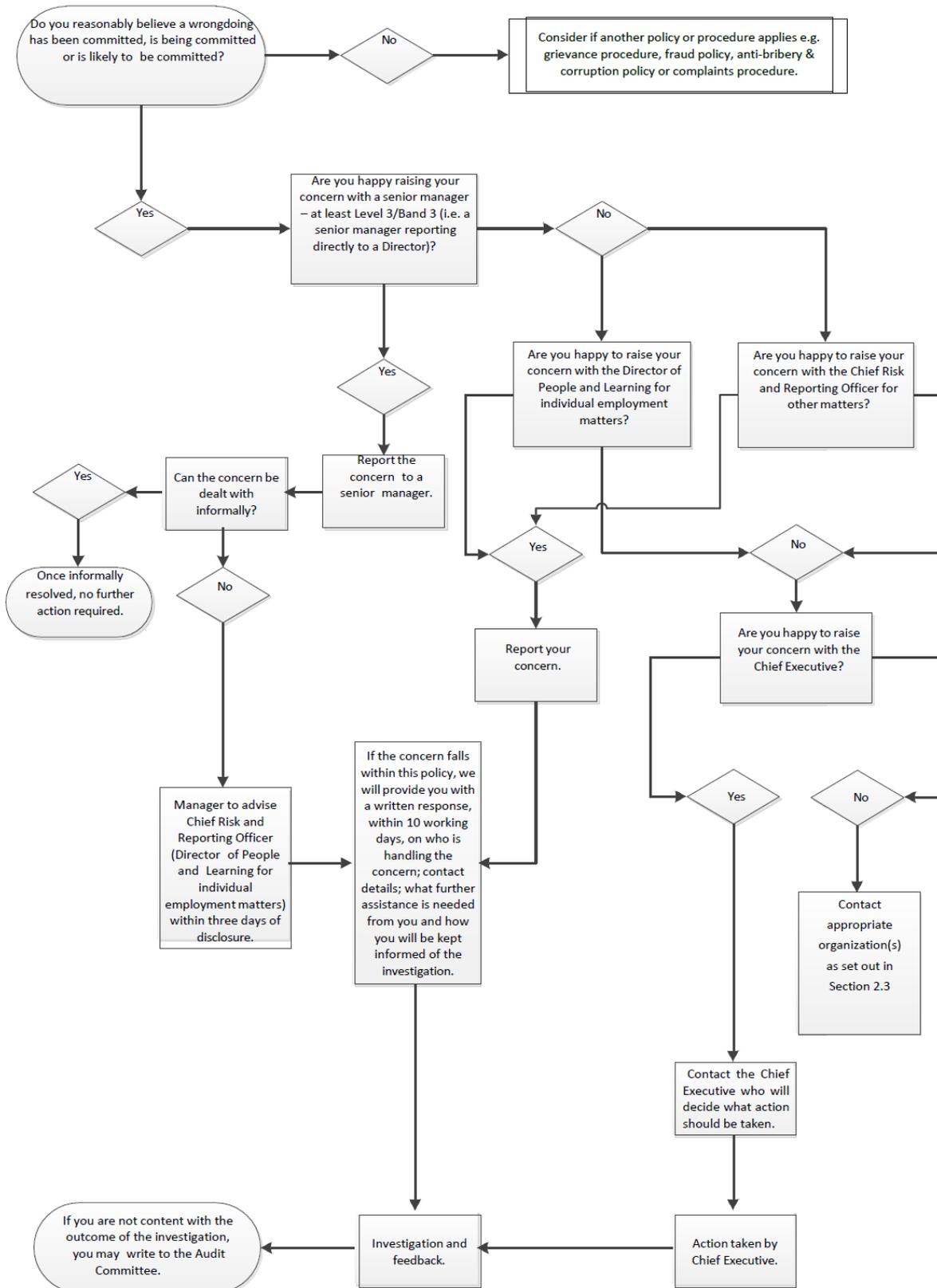
⁴ <https://www.finance-ni.gov.uk/articles/managing-public-money-ni-mpmni>

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

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

RAISING A CONCERN INTERNALLY

APPENDIX 1



DUTIES AND RESPONSIBILITIES

APPENDIX 2

The duties and responsibilities of the Chief Risk and Reporting Officer and any officer nominated by the Chief Risk and Reporting Officer under this policy are set out below.

Role of NI Water's Chief Risk and Reporting Officer under this policy

1. The NI Water Chief Risk and Reporting Officer is responsible for the raising concerns process under this policy. NI Water's Chief Risk and Reporting Officer performs the role of the 'Designated Officer' within NI Water. Designated Officer is a term used in the DfI Raising a Concern – Operational Guidance.
2. The Chief Risk and Reporting Officer 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 Chief Risk and Reporting Officer will seek to ensure that the various issues are accurately identified and dealt with through the appropriate process.
4. The Chief Risk and Reporting Officer 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 Chief Risk and Reporting Officer 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 Chief Risk and Reporting Officer 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;
 - c) Legal;
 - d) Finance, Regulation and Commercial; and

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- e) NI Water Data Protection Officer (DPO). Any referral or reporting to the ICO is made by the NI Water DPO, who determines whether a concern meets the relevant reportability thresholds (e.g., in the case of personal data breaches).

Specific Chief Risk and Reporting Officer tasks

- 6. The Chief Risk and Reporting Officer 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 within NI Water should consider the concern, identifying and managing any conflict of interest that may arise. The officer nominated by NI Water's Chief Risk and Reporting Officer 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;
 - 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.

Chief Risk and Reporting Officer Support Role

- 7. The Chief Risk and Reporting Officer will also provide advice and support to workers on all aspects of the raising concerns process, including:

⁸ The officer nominated by NI Water's Chief Risk and Reporting Officer 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 Chief Risk and Reporting Officer

8. When deciding who is best placed to consider a concern, the Chief Risk and Reporting Officer 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 Chief Risk and Reporting Officer

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 Chief Risk and Reporting Officer 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 a worker 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 Chief Risk and Reporting Officer.
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 UK GDPR COMPLIANCE

APPENDIX 3

NI Water is committed to ensuring that all personal data processed in connection with whistleblowing ('protected disclosure') casework 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:

- a) Preventing, detecting, and investigating suspected danger, wrongdoing or illegality;
- b) Protecting NI Water's assets, customers, and workers; and
- c) Meeting legal and regulatory obligations connected to NI Water's statutory functions.

Access is restricted on a need-to-know basis within secure case-management arrangements and in line with Article 32 security obligations.

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:

- a) Legal obligation (Article 6(1)(c)) where NI Water must process to comply with legal/regulatory duties (e.g., to cooperate with law enforcement/regulators or to keep appropriate records); and/or
- b) Public task (Article 6(1)(e)) where processing is necessary for the performance of tasks in the public interest with a clear basis in law - NI Water's statutory functions under the Water and Sewerage Services (NI) Order 2006 and the Water and Sewerage Services Act (NI) 2016.

As NI Water is a Public Authority, it will not rely on legitimate interests (Article 6(1)(f)) for processing in performance of its public tasks.

3. Special Category and Criminal Offence Data

Where casework involves special category data (e.g., health) or criminal offence data, we will only process it where strictly necessary under:

Article 9(2)(g) UK GDPR (*substantial public interest*), together with DPA 2018 Schedule 1 conditions such as paragraph 6 (statutory and government purposes), paragraph 10 (preventing/detecting unlawful acts), para 12 (regulatory requirements) or paragraph 14 (preventing fraud); and we maintain an Appropriate Policy Document (APD) in accordance with Schedule 1 Part 4 (available on request).

Article 10 UK GDPR (criminal offence data): processing is carried out under the control of official authority or, where relevant, is authorised by UK law via DPA 2018 Schedule 1 (as

above). We record the Article 6 basis and the specific Schedule 1 condition in our Article 30 record.

Criminal offence data is defined as including information gathered in the process of investigating whether a crime has been committed. Therefore, information about a potential crime, a potential victim, a potential criminal act, falls under the umbrella of ‘criminal offence data’. It does not solely refer to data about a confirmed criminal offence or offender.

4. Rights of Data Subjects

Individuals have rights of access, rectification, erasure, restriction and objection, subject to exemptions where disclosure would prejudice crime prevention or the integrity of an investigation (see above). Data portability (Article 20) generally does not apply to processing necessary for public task/official authority and applies only where the basis is consent or contract and processing is automated. Requests: imu@niwater.com.

5. Transparency (Articles 13 and 14)

When NI Water collects data directly from the data subject, we provide Article 13 information (controller/DPO contacts, purposes, bases, recipients, retention, rights, complaints). When collected indirectly, we provide Article 14 information within one month, at first contact, or before disclosure, *whichever is earliest*. We may delay or limit information where Article 14(5)(b) applies (impossibility, disproportionate effort, or if providing the information would render impossible or seriously impair the objectives), or where the DPA 2018 Schedule 2, Paragraph 2 crime & taxation exemption applies to avoid prejudicing prevention/detection of crime or an investigation. All restrictions are case-by-case and documented.

6. Recipients of Data and Sharing

We share personal data only where necessary and lawful, for example with: PSNI/law enforcement, the Department for Infrastructure, the Northern Ireland Authority for Utility Regulation, Internal Audit, vetted external investigators, legal advisers/courts, insurers and relevant regulators. Where sharing involves special category or criminal offence data or may prejudice an investigation, we rely on appropriate Schedule 1 conditions (e.g., para 10 unlawful acts; para 6 statutory/government; para 14 fraud) and, where applicable, the crime & taxation exemption (documented necessity/prejudice assessment).

7. Retention and Secure Disposal

We retain whistleblowing case records for six years from case closure as a default (reflecting the general NI limitation period for civil actions), with longer retention only where necessary for ongoing legal claims, regulatory action, or statutory duties (each reviewed and documented). Secure deletion/anonymisation then follows, in accordance with NI Water’s Disposal Schedules.

8. Reporter Identity Protection

NI Water takes all reasonable steps to protect the confidentiality of reporters. We will not disclose a reporter's identity unless:

- a) disclosure is required by law or necessary and proportionate to ensure a fair and lawful investigation (including where natural justice requires disclosure); or
- b) the reporter gives valid, freely-given explicit consent (noting that, as a public authority, we avoid over-reliance on consent due to power imbalance). Decisions are case-by-case and documented.

9. DPIA, records and accountability

NI Water conducts and keeps under review Data Protection Impact Assessments (DPIAs) for whistleblowing systems/casework because processing often involves special category and/or criminal offence data and may be likely to result in high risk. We maintain Article 30 records of processing activities, including purposes, lawful bases/conditions, recipients, retention periods and security measures.

10. Security of processing (Article 32)

NI Water implements appropriate technical and organisational measures, including role-based access, audit trails, secure evidence handling, encryption in transit/at rest where appropriate, incident logging, and regular testing of controls, to ensure confidentiality, integrity and availability of case data.

11. Exemptions

Where providing information or facilitating rights would likely prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, NI Water may rely on the crime and taxation exemption under DPA 2018 Schedule 2 Paragraph 2. This will be applied on a case-by-case basis with documented necessity and prejudice assessments.

12. International Transfers

NI Water avoids international transfers for whistleblowing case data. If transfer becomes necessary (e.g., use of non-UK cloud services or cross-border eDiscovery), we will implement UK safeguards such as the International Data Transfer Agreement (IDTA) or UK Addendum to the EU SCCs and complete a Transfer Risk Assessment before any transfer.

13. 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>).