

Whistleblower Desk
Central Bank of Ireland
PO Box 559
Dame Street
Dublin 2

19th June 2014

Dear Sir/Madam

Re: Protected Disclosures CP 79/2014

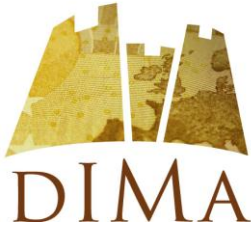
DIMA thanks the Central Bank of Ireland (CBI) for the opportunity to consult on the CBI's proposals on the handling of protected disclosures. DIMA has actively supported the introduction of legislation protecting persons reporting breaches, and welcomes the provisions under Part 5 of the Central Bank (Supervision and Enforcement) Act 2013, as well as the further clarification of proposed arrangements as detailed in CP 79/2014, as provided for in Section 39 of the Central Bank (Supervision and Enforcement) Act 2013.

DIMA supports the CBI's creation of a central Whistleblower Desk, which will provide a clear point of contact for individuals seeking to make protected disclosures. It is important that the contact information for the Whistleblower Desk, including email and telephone number, is clearly provided and easily found on the CBI's website, along with detailed information on the protections for individuals seeking to make such disclosures as they may not be fully aware of the provisions when relevant information comes to light. Ideally this would include a Frequently Asked Question ("FAQ") document to allow individuals seeking to make disclosures a straightforward means of understanding their responsibilities, protection under the legislation and guidance, and how the interaction with the CBI would work, including any future interaction.

The documentation should also include information about the exceptions to disclosing the individuals' identities, as referred to in Section 2, 2.2 "Protections" in the consultation paper, and Section 40 (5) of the Act. Although the CBI states that it does not have a role in assessing what is or is not a protected disclosure as defined by the legislation, it is important that information about what may constitute a protected disclosure is available from the Whistleblower Desk to enable individuals to assess their position under the legislation. Individuals should not be deterred from disclosing appropriate information due to uncertainty about the protections available to them, particularly in circumstances where those individuals are not expert in the detail of the regulatory system.

DIMA notes the CBI's awareness of the need to balance the reporting of good quality information, protecting as far as possible the identity of the person making the protected disclosure and ensuring fairness to the entity against which the allegation is made. Experience in other similar regimes has shown that on rare occasions spurious or malicious allegations may be made against regulated entities which are specious, with the intention to damage the entity. It is important that in such circumstances, regulated entities do not suffer regulatory reputational damage or other negative consequence.

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DIMA notes that self-disclosures in relation to potential breaches by regulated financial service providers, their agents and employees in the course of their normal engagements with the CBI will not ordinarily fall into the remit of the Whistleblower disclosures regime.

DIMA welcomes the proposal that subject matter experts in the relevant supervisory division within the CBI will be responsible for deciding on further action in response to disclosures to the Whistleblower Desk, ensuring that the relevant expertise is at the heart of the decision-making process. It continues to be important that a central record of disclosures is kept at the Whistleblower Desk to ensure that disclosures are appropriately recorded and handled, and that any trends or patterns can be distinguished.

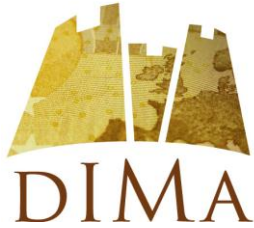
The provisions of confidentiality both within and external to the CBI are welcomed. It is noted that anonymous disclosures are to be accepted, although these are not subject to the protected disclosure regime as detailed in the Act. It is further noted that all telephone calls to the Whistleblower Desk are to be recorded, and this appears an appropriate treatment in order to ensure that information is correctly captured. We propose that in circumstances where individuals are not making anonymous disclosures, they receive confirmation of their disclosure from the CBI to verify that the communication, whether written, oral or electronic, has taken place. For example, in the case of individuals disclosing information to the Whistleblower Desk via email, a confirmation of email receipt should be sent to those submitting the information so that they have verification that the disclosure has been received in the CBI's system.

In the case of PCFs (pre-approval controlled functions), the proposal that information will be required to be submitted in writing, either via email or letter, is appropriate. It is noted that where the CBI has requested information from a PCF, the PCF's response is not to be treated as a protected disclosure.

In conclusion, DIMA generally welcomes the proposals for the handling of protected disclosures as outlined in the consultation paper. It is vital that individuals with grounds for making such disclosures are confident that the proposed regime will afford them suitable protection, and is easily navigable so as not to deter people from making such disclosures. At the same time, it remains important that subject matter experts are central to the investigation and decision-making elements of such complaints to ensure that they are dealt with fairly and appropriately, or dismissed where there is insufficient or misleading information. It is also vital that such investigations are undertaken in a timely fashion, particularly since there are no feedback mechanisms to individuals making such disclosures, in order to protect the rights of all parties and meet CBI statutory obligations.

Yours faithfully

Sarah Goddard
CEO
DIMA



About DIMA

DIMA comprises 60 member companies from the international insurance and reinsurance industries, and captive and re/insurance managers. In total, DIMA represents around 200 international re/insurance entities regulated in Ireland.

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