



25 October 2013

Mr James Lohead-MacMillan

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Dear Mr Lohead-MacMillan

Information request about investigations of private investigators

I acknowledge your information request to the Department of Internal Affairs (the Department) on 27 September 2013.

Your questions, in this request, largely relate to the work of the Complaints Investigation and Prosecution Unit (CIPU). For the remainder of my response please read "Department" as referring to the CIPU.

I have previously provided you with substantial amounts of information about the case that you are interested in. That information has explained the Department's responsibilities and actions and the respective responsibilities of the Department and the Private Security Personnel Licensing Authority (the Authority). I have also considered and responded to your concerns about the Department's investigation into the case.

In my past correspondence to you I noted that I do not intend to correspond further to you about the case in question because there is little to add to the information already provided. I am therefore concerned that your request borders on being vexatious.

However, I have considered your questions and my decisions are set out under subheadings that summarise or re-state each of your questions.

The number of private investigators who forgot to apply for or obtain a licence and who have been charged with operating in breach of the Private Security Personnel and Private Investigators Act 2010

The Department is not responsible for licensing private investigators and does not collate information about private investigators who "forgot to apply for or obtain a license". I am refusing this part of your request under section 18(g) of the Official Information Act 1982 (the OIA) as the information requested is not held by the Department and I do not believe that any other organisation which is subject to the OIA is likely to collate information about private investigators who "forgot to apply for or obtain a license". I do not consider that consulting with you would assist you make a request that would remove the reason for my refusal.



How many people investigated as being an unlicensed private investigator then obtained a licence and how many were refused a licence

The decision to award or refuse a licence to private investigators is the responsibility of the Authority. I am refusing this part of your request under section 18(g) of the OIA. The combination of information you have requested is not held by the Department and is unlikely to be held by another organisation subject to the OIA. I do not consider that consulting with you would assist you make a request that would remove the reason for my refusal.

“Also have you been informed on any reported persons were operating in breach of the law whilst awaiting a license and were informed within the 6 months time limit of this?”

The Department has received a small number of complaints about private investigators. In one case the complaint alleged an investigator was operating without a licence and was in breach of the law. This claim was not formally proven. The individual concerned applied for and was granted a licence by the Authority.

“If an objection had been made in response to a complaint, has the DIA made representation against the individual or company applying (is so can I request copy of the representation to PSPLA)”

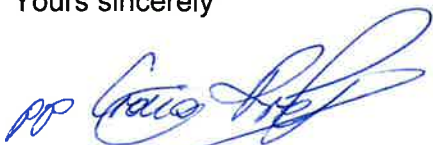
This part of your request is unclear. I have interpreted it as asking if the Department informed the Authority that we had received your complaint about our investigation into the case that interests you. The Department provided the Authority with information about its investigation about the relevant case. Your continuing concerns about the individual in question are well known to the Authority and to the Ministry of Justice.

“Do you require a investigation to [prosecute] ... instead of the offering [restricted] services as per the act.”

This question appears to relate to the respective responsibilities of the Department and the Authority in respect to prosecutions under the Private Security Personnel and Private Investigators Act 2010 (the Act). Section 101(e) of the Act states that the CIPU has the function “to take prosecutions for contraventions of this Act, and regulations made under this Act, in the cases that the Chief Investigator considers appropriate”. In most cases a prosecution is taken following an investigation.

You have the right to complain to the Office of the Ombudsman under section 28 of the OIA to seek an investigation of my decisions to refuse parts of your request. The Office of the Ombudsman can be contacted at PO Box 10152, Wellington 6143 or by phoning 0800 802 602.

Yours sincerely



Maarten Quivooy
General Manager
Regulatory Services