

**IN THE MATTER OF**

A complaint made under s 73 of the  
Private Security Personnel and Private  
Investigators Act 2010 against  
**PI & PI INVESTIGATIONS LIMITED**

**DECISION**

[1] Mr DM says that Mr PI and PI Investigations Limited have breached a condition of their licences and are guilty of gross misconduct and negligence. PI Investigations was contracted by Mr CL to undertake an investigation into Mr DM. Mr DM is a protected person after having obtained a Restraining Order and a Harmful Digital Communications Order (Restraining Order) against Mr CL.

[2] Mr DM says Mr PI breached the Restraining Order by accessing his credit file on behalf of Mr CL and by supplying Mr CL his address and other confidential information.

[3] I referred the complaint to the Complaints Investigation and Prosecution Unit (CIPU) for investigation and report. CIPU have completed their investigation and issued a report which accompanies this decision.

[4] CIPU's investigation established that Mr DM has a Restraining and Harmful Digital Communications Order against Mr CL. It also established that Mr PI and PI Investigations were instructed by Mr CL to carry out an investigation into Mr DM. As part of that investigation Mr PI accessed Mr DM's credit file. This was a breach of the Restraining Order as he was acting as an agent of Mr CL.

[5] At the time Mr PI accessed the information PI Investigations were not aware of the Restraining Order. CIPU conclude that PI Investigations had insufficient due diligence and on-boarding procedures in place before agreeing to take on new clients. However, they did not pass any of the protected information they obtained on to Mr CL. CIPU therefore consider a formal warning or education letter is deemed an appropriate outcome to the complaint.

[6] I support the recommendations in the report. In reaching this conclusion I note that there is no register or other independent source that private investigators can search to see if there are restraining orders against those who engage them, or in favour of the person they have been engaged to investigate. They are therefore dependent on their client to disclose the existence of such orders. Mr CL did not do this until after the investigation was commenced.

[7] It has also been established that Mr PI did not breach the Restraining Order by passing any protected information on to Mr CL. As soon as he was aware of the Restraining Order, he curtailed his investigations and gave appropriate advice to Mr CL about not breaching the Restraining Order.

[8] Mr PI and PI Investigations' only shortcoming was not doing better due diligence on Mr CL before commencing their investigation. Private investigators should ask their client whether there are protection or restraining orders in place before undertaking any investigation where there has been a personal relationship between their client and the person they are asked to investigate, or where there is a history of social media postings or concerning communications or contacts between them.

[9] PI Investigations did not do this when accepting instructions from Mr CL although a basic on-line search of their client would have raised some flags. However, in the circumstances I do not consider Mr PI's failure in this case reached the level of incompetence or negligence or that it was conduct that would reasonably be regarded by a private investigator of good standing as being unacceptable.

[10] Therefore, Mr PI and PI Investigations' failure to undertake a more thorough on boarding process in this case does not reach the bar required to find unsatisfactory conduct. The complaint against them is therefore dismissed.

[11] I make final suppression orders in relation to the complaint, and the CIPU report. They may not be published or passed on to anyone beyond the parties to this complaint, their lawyers, police and CIPU without the prior consent of the Licencing Authority. In addition, I supress the names of all people referred to in this decision and it can only be published with all names anonymised.

**DATED** at Wellington this 23<sup>rd</sup> day of February 2024

The image shows a handwritten signature in blue ink, which appears to read 'P A McConnell', written over a circular official seal. The seal is also in blue ink and features the text 'THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY' around the perimeter. In the center of the seal is a royal coat of arms, which includes a crown at the top, a shield with various symbols, and two lions supporting the shield.

P A McConnell

**Private Security Personnel Licensing Authority**