

**Gordon D Hebb - Bill 22 - Security and Investigative Services Act**

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**From:** "SYI INC." <syiinc@ns.aliantzinc.ca>  
**To:** "Gordon Hebb" <hebbgd@gov.ns.ca>  
**Date:** 03 May 2010 5:27 PM  
**Subject:** Bill 22 - Security and Investigative Services Act

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Dear Mr. Hebb,

Below you will find my objections to Bill 22 as presented to the House. Unfortunately, I am unable to present in person before the Law Amendments Committee this evening.

I will first provide some background on myself. I have been a licensed private investigator since 1995 and have conducted investigations in six Canadian provinces. Prior to that I was involved in the private security industry and in provincial law enforcement. I have owned my own private investigation firm in NS since 2004 and have branch offices in NB and NL. I acquired the Certified Fraud Examiner designation in 2001 and am bound by its strict Code of Ethics and professional standards. In addition to the CFE designation, I also hold a B.A. Honours degree, Law Major.

Bill 22, as presented, could severely hamper my business operations. I have outlined my concerns below. As you will see, my main objection revolves around the issue of portable licensing, although I have identified other areas of concern.

### **CONCERNS WITH BILL 22**

#### **DEFINITIONS (s. 2)**

I find the list of "private investigation services" in paragraph (o) too narrow. Private investigations also include several activities listed under paragraph (w) for "security guard services", namely, clauses (i), (ii), (iii), (iv) and (vi). Perhaps it could be indicated that the list is not exhaustive.

#### **TEMPORARY EXEMPTION (s. 5)**

Under the existing Act, a license holder from another jurisdiction may enter the province to conduct investigations under certain circumstances. I see no reason to change this portion of the legislation. Outside licensed agencies should be encouraged to employ Nova Scotia agencies to conduct their investigations if they do not meet the conditions under the existing Act.

#### **LICENSE PORTABILITY (s. 6 & s. 9)**

Bill 22 would allow an individual to work for more than one agency without re-applying for a new license with each employer. My concerns with this change are threefold:

1) Investigative agencies are entrusted with a wealth of personal information pertaining to both their clients and the subjects of their investigations. It is imperative that this information be safeguarded to maintain the integrity of each and every investigation. Reputable investigation agencies collect, use and disclose personal information in accordance with the restrictions as set out in the federal privacy legislation, PIPEDA. In fact, private investigation companies nationwide lobbied to be included directly in this piece of legislation.

Allowing an individual to work for more than one agency, without the need for a license for each

employer, would offer the opportunity for personal information to be used and disclosed for a purpose other than that for which it was originally collected. In essence, it could put the individual investigator in contravention of PIPEDA, and therefore the investigative agencies.

Requiring that an investigator apply for a separate license for each and every employer, and requiring that they disclose all of the employers with whom they have been, or are, licensed, allows an investigative agency to make an informed decision concerning the individual's suitability for employment.

Allowing licensed agencies access to this information, with the applicant's consent, would further strengthen the process. Another safeguard, presently used in other jurisdictions, requires that an individual holding a license with one agency must obtain the written consent of that agency before obtaining employment with another.

2) Bill 22 also puts investigation agencies' proprietary information and intellectual property at risk. The current training regimen for a new investigator at S. Young Investigations Inc. requires 120 hours of training *prior to* applying for a license. After a license has been issued, our investigators receive another six months of on-the-job training before their probationary status is lifted. This is followed by continuing professional development over the course of the investigator's career. The time that is required to train one individual investigator over a one year period well exceeds \$10, 000.

Allowing investigators to work for more than one agency puts the agency that initially trained the individual at a significant disadvantage. Subsequent agencies do not bear the cost or time burden of training. The investigator arrives at their agency "job ready".

Furthermore, the individual may take trade secrets, proprietary information and intellectual property with them to subsequent employers, intentionally or not. Safeguarding this information is paramount to the continued success of an investigation agency. It certainly cannot be safeguarded if no restrictions are in place as to where an individual can work.

3) Finally, Bill 22 has the potential to produce "conflict of interest" situations. Our agency operates on the premise that each investigation can proceed to civil litigation. Over the years, we have many times declared a "conflict of interest" to a client because work has already been completed for the opposing side.

It would very cumbersome, if not impossible, to keep track of these potential conflicts, if an investigator is working for more than one investigation agency.

To summarize, we are in opposition to portable licensing. Our position remains that a private investigator should be restricted to employment with one private investigation agency. If the original employing agency provides their written consent, the investigator can work for another agency. Licensed investigation agencies should be able to access the database of licensed private investigators, with the consent of the applicant for a new license.

#### **PROCESS SERVICE ( p. 10(2)(b)**

Private investigators should not be prevented from serving documents. Any member of the public is capable of performing this activity.

#### **NOTIFICATION OF LICENSE REFUSAL (s. 17)**

When the Registrar refuses to issue, or renew, a license, the Registrar should be obligated to provide reasons in their written decision.

**FALSE REPRESENTATION (S.45)**

The Registrar should be required to provide proof prior to ordering any retraction.

Please feel free to contact me if you have any questions, or if I may provide clarification on any of the points presented. Thank you in advance for your attention to this matter.

Sincerely,

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