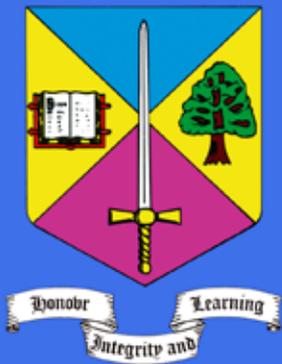




# Take Control

Time Management Course



## The Professional Investigator

Winter 2018

The Institute of Professional Investigators

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## Ian Hopkins FIPI, Companion of the Institute - Obituary

Members will already be aware of the passing of our friend, colleague and Companion of the Institute, Ian Hopkins FIPI, in November 2018. It was unexpected, and our sincerest condolences go out to his beloved wife Julie, his children and step-children, all of whom spoke at his funeral on the 9th of November. The Institute was represented by your Deputy Principal, which was also attended by Alan Marr FIPI, Past Principal.



Ian Hopkins FIPI

Ian was a very experienced fraud investigator and investigatory consultant. Born in 1946 and after trying his hand at professional football and accountancy, he joined the Metropolitan Police at the age of 19 and served for 23 years before an on-duty injury forced an early retirement. The last 7 of those years he spent in the Fraud Squad, 'saying the words' to Ernest Saunders of Guinness fraud infamy. (Never mind what the DCI says, Ian said them!)

His first idea on leaving was the 'traditional' Met DS ambition of opening a pub, but he was persuaded to join the private investigation sector, and after 18 months working for someone else, he started Sevenoaks Consultants. Julie was his business

### He joined the Metropolitan Police at the age of 19 and served for 23 years before an on-duty injury forced an early retirement

partner at Sevenoaks, and his enthusiastic dance partner at AGM Banquets.

Later, he merged this company with another, and by 2001 he had left this business and was working with the old IPI supporters, Carratu International. Ian was also a member of IISec and ACFE.

His speciality was always fraud and money-laundering – sorry, investigating fraud and money-laundering - and he lectured internationally on the subject. In fact, he was in attendance at an Eastern European conference well into his 60s when a Slavic guest acted inappropriately towards some ladies, and despite his long having left the policing world, he assisted said Slav in learning the lesson of chivalry. Forcibly, I am told.

Ian joined the IPI in 1988 and was elected to the Board in 1990, taking on the roles of Legislation Chair and Admission Chair, and was elected

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Principal in 2003, serving in that position for three years. He also served on the IPI/ABI Liaison Committee during the period 1999-2001. He was awarded his Fellowship for service to the Institute in 2002. He was later awarded Companionship of the Institute and remains one of only three recipients of that honour.

Ilan had a sense of humour, so he will forgive me for mentioning his appearance on the news following the 2006 Tonbridge Securitas heist, when £35m cash was stolen. Ilan lived nearby at the time, and I recall him being interviewed in the back of an empty box van for effect, with the caption 'Institute of Professional Investigators' clearly written under his name. Ilan opined that the job was probably done by a gang of foreign criminals in an organised crime group and (by the time of the interview) the money was probably abroad having been spirited away by plane or other fast transport. It turned out it was in a farm house a couple of miles away and the job was done by a local farmer and his mates.

Ilan was also a good friend. When the writer's son needed an employment placement in his later secondary school years, Dad tried to find local PI work for him in Wales. Failing miserably, he was grateful when Ilan offered to house and use his son Michael in his investigation company in Kent. Michael was duly dropped off from Wales and spent the week there, only to be driven back to Neath – passing his own home – for a surveillance operation

### He was awarded his Fellowship for service to the Institute in 2002 and later the Companionship of the Institute; he remains one of only three recipients of that honour.

in the second week. When Ilan dropped Michael off at home, your writer was aghast – he was in the middle of a 'renovation project' and his home was a mess. (By renovation project, I mean we'd stripped the wallpaper 18 months before and hadn't got around to replacing it when Ilan arrived.)

After Ilan retired, he couldn't stay inactive and he became a taxi driver. When I was in the Gwent Fraud Squad, we had occasion to go to Ilan's locality, so naturally we surprised Ilan and Julie with an impromptu visit. We discussed our reasons for being

### He has been missed since his retirement from the Board, and now he will be further missed as a friend.

in the area, and our concerns that our suspect was a likely flight risk. Without ceremony, Ilan offered to keep an eye on him and let us know if he sought a cab to an airport. I'm not sure whether we should

have invoked RIPA CHIS procedures, but his enthusiasm was welcome!

Ilan and Julie moved to Zummerzet a few years ago, and it was there that Ilan passed away unexpectedly.

At the time I was first Principal, there were many challenges. Ilan was a massive support and source for guidance, and I will remain eternally grateful for that. I honestly believe that if it wasn't for his support my initial term of office would have been short, sweet, and somewhat final.

He has been missed since his retirement from the Board, and now he will be further missed as a friend.

RIP, mate

# Annual General Meeting

The Institute's AGM took place at the East Midlands Airport Regus facility, taking advantage of our 'free' use of their rooms subject to our office contract. It was attended by the Board and a few other members, all relative newcomers to the Institute whose attendance and input was very welcome indeed. Thanks to Douglas Stanners, Georgina and Gill Marshall, and Ben Murphy.

**The Minutes are below:**

**Minutes of the Annual General Meeting held at Regus Offices, Nottingham,**

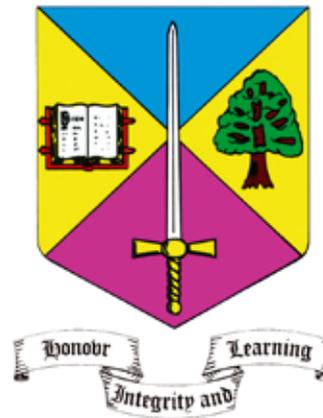
**on Friday 26th October 2018 at 10.30am**

Present: Brendan Tolan (Principal), David Palmer, (Deputy Principal), Brian Collins, Susan Ward, Richard Cumming, John Bateman, Barbara J. Tolan (Secretary General), Douglas Stanners, Georgina Marshall, Gill Marshall and Ben Murphy

In attendance: Duncan Place (Itrap Computers), Delyth Palmer

**1. Introductions and Apologies** – The Secretary General, Barbara Tolan, welcomed everyone to the meeting and noted the following apologies: - Simon Smith, Alan Marr, Dick Smith, Stephen Langley and Brian Walker (Treasurer).

**2. Principal's Address** – The Principal, Brendan Tolan, thanked everyone for their attendance and commented on the suitability of the meeting room and location, stating that we were listening to the



membership by moving to different locations around the country. We will also be looking to encourage new members. He reminded those present of the sad loss of James Harrison-Griffiths (Past Principal) who tragically passed away while returning home from our last IQ examination in London where he was an invigilator.

**3. Minutes of last year's AGM** – These were read and approved. Proposed by John Bateman, seconded by Susan Ward.

**4. Adoption of Accounts and Treasurers Report, including Membership** – In the absence of the Treasurer, the Secretary General, Barbara Tolan reported that our balance stood at £28,863.43 on 25th October 2018. A full set of Accounts for Year Ending 31st March was circulated to the meeting before the start time, to read and digest. The Accounts were approved. Proposed by Richard Cumming, seconded by Brian Collins. BJT gave a breakdown on our current level of membership – out of 129 membership

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renewals being sent on 1st April 2018 – 83 paid to date / 10 retired or resigned / 36 remain outstanding. Those outstanding would be chased further and BJT advised the AGM that these members had been temporarily removed from the online directory.

**5. Report on Training, given by our Tutors** – David Palmer advised that as of October 2018, we have had 400 students with 97 completing the course and 29 taking and passing the IQ Exam. (This number excluded those taking the IPI Refresher Course with James Harrison-Griffiths FIPI, who took the exam the same day.)

Two applicants for the ProQual Intelligence Course to date. 29 applicants for the Tracing Course with 5 completed. He also advised that the new “Time Management Course” was ready to roll-out. Stephen Langley reported, in his absence, that we have two students who have completed the Level III Diploma with the new workbook under the ProQual scheme for certification. Duncan also asked for regular copy/articles for the IPI Journal and Newsletter.

**6. Election of Directors** – Nomination forms had been sent to the membership in light of Susan Ward’s decision to step down from the Board. When advised that none had been forthcoming she kindly agreed to stay for one more year. Just before the AGM, the Board was advised that Brian Walker would be stepping down as Treasurer and Board Member. At our Board meeting, held on the same day, John Bateman had agreed to take over this position and the we would actively look to co-opt another Board Member in due course.

**7. Licensing Update** – Richard Cumming had recently attended a Security Commonwealth Meeting where most participants are security led. IPI are the only Investigator based organisation to attend. He reported back that many excuses were made about Brexit and sources reported that the Levenson II Enquiry would not be taking place. David Palmer reported from a recent WAPI conference and SIA meeting that the following was being explored –

- Licencing Individuals
- Business regulations
- Combination of both

There was also a need to comply with BSI regulations if business registration was agreed upon, although membership of a professional organisation would cover this requirement, for those in smaller businesses and sole traders.

#### **8. Any other business** –

- Secretary General Barbara Tolan asked whether the members attending would be happy to give a resume of their time as Private Investigators and all gave excellent and interesting accounts.
- John Bateman spoke about the IPI’s interaction with Social Media and agreed to explore our involvement in LinkedIn. The meetings consensus was to leave Facebook to an individual choice.
- Brian Collins volunteered to explore more avenues for promoting our organisation. He suggested “DowntowninBusiness.com” and Varsity.

- At the recent Board Meeting, it had been agreed to create a “Group Chat” feature on the IPI website, providing members an opportunity to discuss issues such as GDPR and share work. This will be rolled out very soon.
- Three clipboards were sold at the meeting and we will advertise them again on the website.

**9. Date/time and location of next meeting** – 25th October 2019 at 10.30am start. It was agreed to use the Regus Office in Nottingham again.

Meeting closed at 11:56

# Rethinking investigative processes

By Richard Decker, BSpsych, MSPSCJ

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With all of the mass shooting events occurring in our global society, we need to understand that these events are an investigators nightmare. Investigative processes have been ignored as a result of these events. Investigators tend to focus on what is put in front of them, so many times the processes we've learned early on in our careers are left behind because of years of experience and error in our thinking processes.

Each investigator is painfully aware that at the start of any investigation is where the most chaos occurs. During the initial occurrence there is so much information coming at us, that at times it's a challenge to manage it. Processes must be revisited, retaught, and utilized; we can no longer accept one version of an event. Alternative descriptions of events must be sought; collaboration is essential to ensure a fair and equitable criminal justice system. Each investigator, police or defense, has their own processes for conducting an investigation. During the onset of a case/event investigators are on high alert; we experience hysterical witnesses and victims, we find ourselves digging through information that is not completely reliable, is ambiguous and scattered, coupled with the stress of needing to sort out the truth promptly. Every investigator, no matter the agency or amount of experience, is at risk of tunnel vision. Tunnel vision results as we become comfortable with our methods and when we become overwhelmed by the magnitude of evidence to be processed. This causes gaps in our investigations (Rossmo, 2016) leading an investigator to narrow their focus seeing only a limited amount of evidence,

**Every investigator, no matter the agency or amount of experience, is at risk of tunnel vision. Tunnel vision results as we become comfortable with our methods and when we become overwhelmed by the magnitude of evidence to be processed**

limiting our understanding of the incident, thereby causing a loss of perspective.

Furthermore, information is tarnished, people who zealously tell their story repeatedly, causing ambiguity in their versions of the story creating the opportunity for bias and untrue versions of the evidence. Witnesses and investigators become biased after hearing so many versions of the evidence, investigators and witnesses tend to lose sight of the real evidence. This time is when investigators start to become content with the current version presented by witnesses; investigators are overwhelmed, therefore instead of seeking other leads investigators tend to adopt a good-enough mentality which causes confirmation bias. Confirmation bias is a type of selective thinking that results in ignoring parts of the evidence. It is natural that over time people mentally add to events, but these false memories cause the information to be confounded inhibiting the truth (Fiske, 2012), thereby causing the story to create the evidence instead of the evidence telling the story; in other words, we

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become inconsistent with our way of thinking and our understanding of the evidence which has become based on personal bias, and we fail to analyze evidence properly (Rossmo, 2016; Fiske, 2012).

Both police and criminal defense investigators have to contend with witnesses. The more witnesses, the greater amount of evidence, the more challenging it is to dissect, more versions of the event being investigated, and finally the more resources used; all of which contributes to creating tunnel vision causing the investigator to be overwhelmed. Witness bias is conveyed to investigator by the way the witness responds to the investigator's questions. These responses are based on the witnesses' perceptions, and investigators then process that information according to their own personal bias. Such information can point investigators in a new or a direction that is less productive and viable. As stated earlier because of time, witnesses lose touch with the reality of the facts because of trauma; this fact also accounts for why investigators can easily confuse the facts. The trauma is being constantly replayed, and the mind creates parts of the scenario that wasn't part of the reality in witnesses and investigators alike. Like it or not we're all subject to human error (Turvey, 2012; Fiske, 2012). Traumatic events bond people, witnesses, and victims, each experience events in different ways, causing these people to become joined as an in-group to the event (Rossmo, 2012; Fiske, 2012; Janis, 1978). In-group thinking creates a subculture within the group, aligning them towards an expectation or belief of

what group perceives is true, and because of a fear of rejection by in-peer members, other members tend to adjust their adaptations to fulfill the in-group's expectations (Rossmo, 2012; Fiske, 2012; Janis, 1978).

After the initial responses to a mass event, despite the best efforts to separate witnesses, they converge and talk about what has just happened to them. These witnesses and victims psychologically see themselves as a cohesive group in that they have a bond as a result of the experienced trauma. As a result, these people will establish themselves as

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the in-group and see police and everyone else as the out-group even though police and emergency workers are at the scene helping them (Decker, 2016). What develops is an ingroup cohesion among the witnesses and victims (McCauley, 1989). All of these circumstances hinder the investigator and due process; investigators start to develop a this is good enough mentality out of exhaustion. In fact, many convictions are made from insufficient evidence or evidence that was constructed to meet the needs of the investigator who is adopted this perspective of this is good enough (Rossmo, 2012). The irony here is the same conditions causing ingroup status to develop among witnesses and victims affect police investigative units which can inhibit sharing viable information with others.

Ingroup formation among police units can lead to evidence being left out or never discovered because of ingroup and individual bias. Investigators need to remember the facts must be set apart from suspicions, beliefs, certainties, and probabilities; the investigator always or should frequently be asking themselves 'how do you know, what you think you know?' What happened, what happened next, does that sound logical for the scenario? No matter what anyone says there are only three ways to develop either a prosecution or defense investigation.

Rossmo, (2012) lists three stages of an investigative protocol in order (1) evidence (2) interpretation (3) patterns and (4) analysis. Sometimes the problem

continued 

is we follow this process step by step process, yet we fail to make the process flow thereby using the process as a single step forgetting one step builds upon the other and these points occur simultaneously throughout the process. Evidence comes in the form of physical, tangible proof, through a confession or through a credible witness, the problem with evidence is often the investigator, especially during a criminal defense investigation. Investigations breakdown when the investigator fails to probe for a deeper understanding of the evidence.

Another issue with evidence is, most of it is considered the most reliable solely because the investigator wants it to be true. Therefore, the investigators tend to dismiss inconsistent versions. Each investigator needs to embrace alternative evidence as possible truths to the sequence of events relevant in the case before them. Witnesses lie, physical evidence can be corrupted, investigators need not just accept the original version set before them. Keying in on the evidence collection can facilitate the broadening thought processes for the investigator, which causes them to examine the alternative possibilities.

Many times, when I speak on how we choose to allow words to hurt us, I have been quoted in saying “nothing has meaning until we assign meaning to it”. Evidence is the same - until an investigator can assign his or her interpretation to it, there is no significance. This requires an unbiased analysis by the investigator; it requires critical thinking and it requires logic, meaning if the evidence fails to

match the story then something is wrong. Pride and arrogance lead to failure in an investigator. We tend to think, after a while, that our experience trumps new knowledge, that our unit or ourselves are experts and we’ve seen it all. We sort the evidence, we deem what we fail to understand as unimportant, we tend to keep secret our methods, sharing information only with some of our peers, especially if we work in a specialized investigative unit; and this happens in criminal defense as well we tell defending counsel what we believe to be true instead of all we know.

**Ingroup formation among police units  
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**References**

- Decker, R. (2016). Groupthink, using the process in criminal justice. Unpublished manuscript. Capella University.
- Fiske, S. T. (2012). *Social beings: Core motives in social psychology* (2nd ed.). Hoboken, NJ: Wiley.
- Janis, I. (N.D.). Groupthink: Early draft. Retrieved from <http://department.monm.edu/cata/McGaan/Classes /INTG415/Group-think.pdf>
- McCauley, C. (1989). The nature of social influence in groupthink: Compliance and internalization. *Journal of Personality and Social Psychology*. 57 (2), 250-260. Accession: 0023-3514/89/\$00.75.
- Rossmo, K. D., (2016). Case rethinking: a protocol for reviewing criminal investigations. *Police Practice and Research*. 17 (3) 212-228. doi: 10.1080/15614263.2014.978320.
- Turvey, B. E. (2015). *Criminal Profiling: An introduction to behavioral evidence analysis* (4th Ed.). Sitka, AK. Elsevier.

In closing, my success as an investigator came from knowing I didn’t hold all the cards of knowledge, I shared probabilities and possible options with counsel and followed the evidence I didn’t allow myself only to see one side I sought out multiple theories in each case. It was part of my process and analysis in each case.

# Time Management Course

The Institute will shortly be providing a Time Management Course to clients. For professional investigators, as well as any emergency service personnel, time management is difficult. We work in a world of changing demands, newly arising urgencies and emergencies and other calls upon our services. It is easy to feel out of control and subject to conflicting demands for our time

Despite that, it is our experience that no front-line operative has ever been formally trained in managing their time. The busiest staff, responsible for delivery of the service being offered, are rarely helped in managing their ability to provide that service. And when they can't manage their time at work, their own personal lives suffer, too. We can prevent that.

Following research of some timeless texts, through personal experience and the discovery of some powerful insights, we have developed this course so that it contains methods and philosophies which its author, a professional investigator, applied while working in one of the busiest and exciting of professions.

If a front-line patrol officer and detective of 30 years' experience can convert a busy 'schedule' of incidents and interruptions into an organised life using these methods, then so can our members and clients. Developing your understanding of better time and self-management by taking them through the theory, the philosophy and then the practice of time management, this course will take clients progressively towards using sound self- and time-management techniques to ensure that their

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blueprint for a well-managed professional and personal life becomes a reality.

Why this course? Here is a rationale posted to police forces UK-wide.

A paper on the Rationale for Cost Effective Time Management Training for Investigatory Staff

1. In a Home Office funded report, PA Consulting Group, having been asked to ascertain why police officers spent so little time on the beat,

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included amongst its recommendations “Time management training for officers where needed and active provision of in station support to ensure time management is effective” . (Source: Home Office Police Research Series, paper 149, “Diary of a Police Officer, 2001.)

2. That paper had specifically been intended to address a paradigm of effectiveness based on patrol availability, itself an arguably warped paradigm because ‘just being on patrol’ leads to un-measurable results – in an organisation run on the numbers.
3. However, in addressing ‘how to make police officers more available’ it, by definition, identified ways where police officers’ time was being wasted. Bureaucracy was a natural favourite, something which has increased rather than decreased since that report. The need to measure results and the newer, risk aware culture has resulted in more form-filling and reporting than was subject to such criticisms a decade ago. DASH forms, Misper modules, computerised crime administration – all have resulted in demands that paperwork be done NOW! And in all that time, my experience as a serving front line officer is that NO TIME MANAGEMENT TRAINING WHATSOEVER has been provided to the front-line, service deliverers.
4. In 2011, the Home Office announced that police organisations would need to cut budgets by up to 20%, with no specific mention of what 20% of their work would be taken away. In essence, the

message was clear – do 25% more work with the resources now available.

5. There was, and still is no suggestion that better time management training and facilities would be coming on line. So, 10 years after a firm common-sense recommendation was made, and despite the immense changes to the work requirements and service possibilities, police officers are still running around unorganised and stressed, in a self-defeating and service-undermining white-water world. With no-one providing the help that they need to cope with it all.
6. In the Daily Mail on 1st August 2009 it was reported that “Police officers took 225,000 days off for stress last year, costing the taxpayer £37million”. Notwithstanding stress brought on by trauma and acknowledging that stress can be borne of non-work-related issues, this statistic indicates that as much as £1,000,000 per police force could be saved – or better spent - by improved training in self-management.
7. In a paper “Managing Sickness Absence in the Police Service - A Review of Current Practices” by Hayday, Broughton and Tyers (Research Report RR582, Health and Safety Executive, September 2007), it was stated that (my italics):
  - “Long-term absences of over 20 days were seen to be related to psychological problems (such as stress, depression and anxiety), musculoskeletal disorders and serious or fatal illnesses.

- Work was perceived to be a contributory factor to both short and long-term sickness when individuals felt they were under pressure due to lack of resources, bureaucratic demands and organisational change. Sickness could also result if individuals felt that they had little or no support from the force or were in negative work situations.”
8. The message has always been clear – the research shows that the symptoms of stress relate to an inability to cope, and an inability to cope is a consequence of a feeling that the sufferer is not in control – and it is therefore suggested that some training in control methodology would be very likely to have a spectacular effect on stress-related illness absence. Not to mention the pre-sickness unproductivity that must exist before the sufferer finally succumbs to what they see as the inevitable.

The Institute hopes this proves a popular course within the industry, and perhaps further afield.

# A Data Protection Riddle

A member of the Institute has raised concerns about Subject Access Requests. As we understand it, a subject of an investigation for a financial institution client has 'demanded' to be provided with a copy of the investigator's report to that client.

The member's concern appears to be first that the client has passed the controller 'buck' to the firm, and that the data requested will include 'methodologies' (although this part may be the writer's assumption).

The investigator has declined the request citing legal privilege and has sought advice from us and from the ABI. Here is our advice:

## Legal Privilege

The Institute has stated before and has qualified its assessment, that legal privilege has been stated by superior courts (possibly even THE Superior Court) that legal privilege is ONLY to be claimed when it relates to communications between lawyer and client, and ONLY when it relates to the giving and receiving of legal advice. Therefore invoices, administrative material and non-advice paperwork are NOT legally privileged.

Therefore, it is suggested, that if a lawyer engages an investigator to conduct an investigation, any communication between the two, while pursuant to giving legal advice to a client, may not automatically itself be privileged. The question will always have to be, 'Is this document part of the legal advice being provided, or is it merely ancillary to, and the basis of, that legal advice?' And if the latter, does it fall under the privilege umbrella?



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## The Data Protection Issue

The second issue, and the one which the author believes is the more relevant and that upon which the member should rely, is whether s/he is the appropriate person to whom the SAR should be addressed.

### *The Distinction between Controller and Processor.*

In a nutshell and to avoid writing a longer article, a Data Controller is the party that decides what data is to be obtained (and why). A data processor may do the obtaining, but it is at the behest of the controller and for the controller's purposes. The Controller may dictate what methods are used but this is probably a contractual issue. For the sake of time we assume that neither party is considering asking for or executing illegal activity. If a client asks an investigator to obtain certain information, even in general terms (e.g. movements, relationships, property ownership), we suggest that the client is the controller and the investigator is the processor. If the investigator starts to exceed their remit then they enter controller territory and should act accordingly.

The data obtained and therefore that which is in the report is the property of the controller once they have

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it, but even prior to that point the data is ‘theirs’, too. They have asked for it to be obtained.

Eventually, the point comes where, through issue of proceedings for example, the subject becomes aware that an investigation took place and data was obtained. They then seek to know what data was obtained and retained in their respect. They have a right to know some things about that retention.

#### *Subject Access*

It is the Controller to whom SARs are addressed (for the purposes of the law), NOT the processor.

However: the Controller can ask the processor to deal with the SAR, but retains responsibility and accountability for compliance (subject to any tangential activity conducted by the investigator, of course).

As to subject access **Article 15 GDPR** states:

#### **“Right of access by the data subject**

*1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:*

*(a) the purposes of the processing;*

*(b) the categories of personal data concerned;*

*(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in*

**The data obtained and therefore that which is in the report is the property of the controller once they have it, but even prior to that point the data is ‘theirs’, too. They have asked for it to be obtained.**

*particular recipients in third countries or international organisations;*

*(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;*

*(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;*

*(f) the right to lodge a complaint with a supervisory authority;*

*(g) where the personal data are not collected from the data subject, any **available information as to their source**;*

*(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.”*

It is the author’s belief, therefore, that provided the investigator did not accept the responsibilities of controller through contract or by self-expansion of their remit the client is responsible and accountable for complying with a SAR, and it is for them to decide how they will comply and to what extent they can rely on any exclusions. They can ask the processor to carry out that task, but it is the controller’s decision.

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Furthermore, it is my contention that Article 15 states that the subject is not entitled to know HOW information was obtained, only the source – the distinction may occasionally be subtle or even moot, but there appears to be no requirement to detail the methods by which data was obtained, only from where it was obtained. And in that latter regard, Article 15 further states

*4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.*

In other words, sources can be protected, too, if justified.

*Editor's Note: An ICO document on the subject is available at <https://ico.org.uk/media/for-organisations/documents/1546/data-controllers-and-data-processors-dp-guidance.pdf> and was the source of the advice provided in this article.*

## Newsletter Articles of Note

### EU and Process Serving

The EU – still the provider of wonderful laws and practices – have now looked at process serving in judicial proceedings. I invite a process serving authority to write an article on the content of [this proposal](#) for a Regulation on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters and on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents).

### Process Serving

The case of Begum and Begum v Luton Borough Council 2018 arose from a challenge to service of documentation on the 'last day for service', where the documents were served AT Court, but only to security staff at the front of the premises. The court declared that while service on such staff is valid, it is only valid insofar as the service would be deemed to be the day after the security staff received the package, as they were not duly authorised by the Court to receive documents. Had the servers gone into the building and handed it in at the court office they would have been served that day.

Not a jobsworth in sight.....

### SIA CEO Moves On

Alan Clamp, SIA CEO is to step down from the organisation in the autumn after more than three years at the helm. Alan will take on the role of CEO at the Professional Standards Authority from 1 November 2018.

Commenting on his decision to leave the SIA, Dr Clamp said: "It has been a great privilege to lead the SIA. I have been supported by a staff team who have consistently performed to a very high standard with dedication and professionalism."

"I would like to thank them for this. Their commitment, together with the engagement and support of the private security industry, has enabled us to achieve our objectives and rise to the challenges and opportunities we have faced over the last three years".

He added: "I am very proud of what the SIA has achieved and am confident that the great team of staff we have in place will continue to deliver our core objectives of raising standards and protecting the public as well as delivering high-quality regulation".

*(Source: SIA Website)*

Thanks for nothing.

# Frank China Writes:

I am told that the IPI would like an article to fill that almost inevitable blank hole in the Institute's newsletter; believe me I know how difficult it is to run a Newsletter, on top of which every member expects to receive one and is disappointed if they don't, yet contribute – no way! It isn't that members don't want to, it is a matter of finding a topic that members might be interested in. I am a little luckier than most, not being an investigator, although at times I think I am more so than most.

What could I write about which might interest the membership? Maybe something light hearted, but none the less so very true, or maybe something amusing since we are coming up to the festive season, or a combination of both. Maybe if the Editor decorated this submission with a little holly it might add to the desired effect!



*(Never let it be said we don't listen. Ed.)*

I could say that I am writing this one on Black Friday and am a little amazed that the Politically Correct lobby hasn't really had a 'pop', after all 'Black' Friday is rather racist isn't it? Why not White Friday, or even Rainbow Friday to embrace all the colours, but then of course in today's modern world everyone would think Rainbow Friday had nothing to do with them !

## Societies

So, how did we get to our new modern world and the crazy mess it seems to be in? Despite that mess, all is not lost, what would we talk about if we didn't have Brexit? NO! That cannot be the topic, nor even Political Correctness – equally so, although that alone would fill pages. Both of these topics could be considered to exist within a 'cycle of living'; here today, but give them a decade and it could easily well be 'gone tomorrow'.

Which conveniently bring me to a Conference I attended some twenty, may even be thirty or more years ago. There was this eminent Danish Professor telling us about life, he claimed that all aspects of life go in an ever-revolving cycle, only to come back to the original!

Years and years ago our society was a **Hunter Gatherer society**. We lived in Tribes, the eldest member of the tribe was 'king', they consulted 'gods' which were not



real and created an oppressive regime within their tribal culture.

But things changed, the people didn't want to be part of a 'do as you are told' culture, so they migrated from the big cities and went into the fields to create their new **Agricultural Society**, where the boss



guy was the head of the family and this gave us the first glimpse of a benevolent God, someone they could all look up to ; it was an individual's God, not someone they had to fear, a benevolent God. This society lasted for many years. Then, almost silently and without anyone really knowing what was happening, entrepreneurship arrive. It arrived

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because agriculture needed to be brought out of simply toil and hard work.

The **Industrial Society**, erupted with a vengeance - factories, cars, lorries, shops and consumerism. Products were now in demand, the horse and cart gave way to something very different, the tractor and then the combined harvester, and many other features of the era replaced hard work. Life was so easy.



But like all good things, they fade and another phase of life appeared on the horizon, always more and more devastating than the last. We sort of slipped into the **Information Society**, where networking became the call of the day. No, I don't mean meeting people, it is now the internet, smart computers and ever smarter phones, television ... life was now moving towards leisure at a rapid pace.

And before we knew it that rapid pace created a new world, we were in the **Dream Society** where everything was, and is, possible and we have virtual reality and three-dimensional printing. The



age of the Storyteller, where anyone can dream! Some can ever realise their dream. So, is our today's Society, the Dream Society, the ultimate?

We have evolved from the basic Hunter Gather, living as a Tribe, to the Agricultural, more family orientated, to the real pyramid structure of the Industrial era of boss and workers, then gradually we became individual again through the Information Society, communication being the god for almost everyone with phones you can carry with you, everything available at one's fingertips, information

bumping into us at every corner, the phone being the computer in your hand – your New God.



So, have we hit the full circle yet? Are we all now Beautiful Dreamers, ready for the next change ... by the shape of things today it might seem so, **but will we complete the circle and return to being Hunter Gatherers?**

Who knows? It certainly seems that mass government has gone, and people power is beginning to take over. The People have had enough of being ruled by conglomerates, whether government conglomerates or business

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conglomerates, who simply have their own interests to heart. We are back to saying what we want, not what they want. Information is King!

And I suppose that very neatly brings the topic back to **Brexit** and 'who rules who'! It is now the day of the individual, our family, our farm, our way of life. Some like this thought, others don't, but whether the `others` agree or not, they are bucking the trend. Is Globalism now a thing of the past, are we slowly slipping back to living in Tribes. Is it that people want an identity, one they know and not one that has been imposed upon them? Maybe, what do you think?

Perhaps not the type of submission your President asked me for, but it might just stimulate a thought process. Has Globalisation gone, a thing of the past? Is 'People Power' the new world which government needs to take on-board? *Investigate it ... in your mind!*

## Member 'Survey'

As you have read in the AGM Minutes, the SIA remains tardy on licensing of our sector. The day after the AGM had been pencilled in for a WAPI Conference at which the SIA would be present and, prior to that, the organiser had asked your Deputy Principal on the Institute's formal policy on licensing, vis-à-vis whether we wanted individual licensing 'only', business licensing 'only', or a combination of the two. And it occurred to the DP that we had no formal policy.

At the AGM there was a little debate as to whether the Board should decide the policy or whether the membership should decide the policy. Of course, in the end the Board can only decide the policy once it has advised and consulted its membership on what the alternatives mean.

Individual licensing has been covered to death within these pages and at multiple (17 years-worth) events and consultations. I don't think further explanation is needed.

Business Registration, on the other hand, raised its head in 2013 in a document circulated at that time but which has disappeared off the SIA website. Nevertheless, I have studied it for relevant points and here is a bullet-point summary of what Business Registration would mean to investigators.

1. Reading the legislation, I am not sure that it is catered for under the Act. S.14 etc requires the SIA to maintain a register but does it allow it to expand from individual into business licensing? It appears at the very least to require SoS approval. Is that yet granted? S.1(3) allows it only to make representations.
2. Expectations of a registered business would be the same as expectations of individuals EXCEPT

there would be an additional requirement for a financial probity check.

3. Individuals acting in their own capacity as investigators (e.g. sole traders) would NOT be affected, therefore it seems that individual licensing MUST remain. Therefore, apart from increased income to HMG, what is the specific benefit? It does seem odd that even sub-contracting requires a business license even if the sub-contractor is a sole trader, or if you are sub-contracted to another sole trader. Or does it – clarification would be needed.
4. It would be a criminal offence not to be registered – is that in the statute? If not, will legislation be required? See Ss 14-18 PSI Act.
5. Businesses would have to show how they were compliant with BSI 102000-2018. What might be the cost of compliance?
6. Businesses would be expected to take over responsibility for licensing checks? On penalty?
7. The document from 2013 seems to require individuals to get a BL, despite its intro suggesting otherwise. Need clarification.
8. How easy will it be for a start-up to prove competence?

9. Only those involved in licensable conduct count towards business size, which in turn will count towards annual fees payable (on top of BSI inspection costs).

10. Financial probity checks are described but applied on a case-by-case basis.

11. Business competency checks include BSI reference. Requirement to comply will be related to business size. Micro (less than 10 licensable employees) and start-ups do not need this e.g. ISO 9001, but others will.

12. Renewal is conditional on a CPD-style basis.

The 2013 document should be attached to the email containing your Journal, so we would ask that you read it and send your thoughts to the Institute at [admin@ipi.org.uk](mailto:admin@ipi.org.uk) where they will be collated and reviewed.

For your information, the ABI has opted to pursue business registration while WAPI prefers individual licensing. That said, it appears to the author that business registration will be in addition to, rather than a replacement for individual licences, which therefore reduces the policy options to two.

***Please let us know what you think.***

## Guest column - Frank China

It wasn't so long ago that I thought PC meant Personal Computer, nothing more, nothing less, but now I am none too certain, since I am hearing these two initials more and more of late in everyday life. I was in a lift the other day, happy .... well the sun was shining ... and the world seemed happy. Asked which floor I needed since I couldn't get to the floor buttons, I glibly said "Ladies underwear...", quickly followed by the floor ... but to my amazement, there was a chorus of "you're not very PC" exploded within the lift by two young ladies. I was stunned, evidently I had said something wrong! And it only came from these two lady operators of the lift buttons. Now what I actually meant was for a little banter on a happy day, a nice day, fun outside, but seemingly not so funny inside, we have come across this recently, haven't we? Probably I should have said Kitchen ware, or sports equipment ....

So I looked up what PC now means today, evidently 'Political Correctness'. Needless to say I had to research that as well. Evidently

today's PC means, "the avoidance of forms of expression or action that are perceived to exclude, marginalize, or insult groups of people who are socially disadvantaged or discriminated against." You really have to think about that definition, don't you? The trouble is even the modern-day PC seems now to have been hi-jacked.

Which got me wondering as to who I had insulted in that lift. I never paid much attention to the new PC but since that eventful day, I have come across so much so-called Political Correctness that I am wondering what my country has become. Ever since



Robinsons stopped their little badges, yes we all know what that refers to, the world seems to have gone crazy.

I have come to the conclusion that I no longer live in the tolerant Britain, the one that I have for so many years admired. There is controversy about the new 'stop and search' proposals by the police, just another example of PC. Early morning assembly in schools has evidently been disbanded, for fear of embarrassing other religions – it is crazy !

Seemingly I cannot now say how lovely my

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Secretary looks today for fear as it may look as though I am sexually harassing her, builders cannot any longer give the proverbial whistle to signal their approval of a passer-by.

It is not only human nature, it is real Nature, the Summer sun brings out the flowers in all colours, heaven forbid! Long may Nature survive the traumas of PC, diversity makes Summer Summer and every other aspect of modern PC something which is just a mere blip in our everyday survival, or at least most of us do hope so !

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