

Dear Sir/Madam,

Campaign aims to help legitimate private investigators

Introduction

The Information Commissioner's Office (ICO) is the regulator of the UK Data Protection Act. We are writing to the private investigation industry, their customers and other related sectors to announce a campaign to establish whether rogue private investigators are not looking after personal information in the way they should.

The spotlight fell on private investigators' compliance with the Data Protection Act during the Leveson Inquiry and the investigation by the Home Affairs Select Committee. As a result, our campaign aims to uncover whether a wider problem exists within the private investigations sector.

To be clear, we have no doubt that the majority of private investigators go about their business in compliance with the Data Protection Act using their expertise to ask the right questions, investigate the right areas and examine the information that's already available.

We hope that by shining a light into the darkest corners of the industry we will root out the unscrupulous individuals who continue to cause concern to the public and blight the professional reputation of their counterparts. It's clear that less scrupulous professionals looking to take shortcuts by illegally accessing people's data not only punish the unsuspecting victim, but also damage the wider profession. It is therefore in everyone's best interests that this problem is addressed.

What is illegal under the Data Protection Act?

Unlawfully obtaining or accessing personal data is a criminal offence under section 55 of the Data Protection Act. Information would be considered to have been obtained unlawfully if it was accessed and taken without the knowledge of the organisation concerned, unless there is a clear public interest for the information being uncovered, such as for the prevention and detection of crime.

There are also concerns that some people and agencies advertising themselves as private investigators are not complying with their other requirements under

the Act, by failing to ensure the information they handle is accurate and that it is securely deleted once it is no longer required.

We have the powers to act, including criminal prosecution and the ability to impose penalties of up to half a million pounds, but we need the assistance of professional bodies and the public to provide us with evidence to identify the rogues and help clean up the industry.

We have already contacted private investigations firms, public authorities who use these services, relevant MPs and the police, asking them to lend their weight to support our enquiries, in recognition that criminal behaviour has no place within the industry.

What we need from you?

We would urge you, or any of your colleagues, who believe they may have information about criminal elements within the sector, to report their concerns to our office.

Information can be emailed to casework@ico.gsi.gov.uk. You can also contact our office directly on 0303 123 1113. All of the information provided can be submitted anonymously if required.

Conclusion

We recognise that the majority of private investigators are able to work in compliance with the Data Protection Act. However the increasing unease over the actions of certain private investigators has raised concerns that must be addressed. We hope that by working with the industry and the wider public we can help to alleviate this perceived problem, thereby allowing the vast majority of private investigators who comply with the law to get the recognition they deserve for the skilled and valuable tasks they carry out.

Christopher Graham

UK Information Commissioner
Information Commissioner's Office (ICO)