

Version 1- November 2012

Contact Name:

Company Name:

Contact Phone Number:

Address:

Date sent to company:

CODE OF PRACTICE



Private Investigation Services

INDEX

INDEX:	2
FOREWORD	3
SECTION 1: COMPANY INFORMATION	4-9
SECTION 2: RECRUITING, VETTING AND APPOINTMENT OF STAFF	10-14
SECTION 3: ROLES AND DUTIES	15-16
SECTION 4: QUALIFICATIONS AND TRAINING	17-18
SECTION 5: COLLECTING INFORMATION	19
SECTION 6: STORING INFORMATION	20
SECTION 7: WORKING WITH POLICE	21

FOREWORD

This Code of Practice defines the requirements is to be followed by members of the New Zealand Security Association involved in the provision of Private Investigation services..

The objective in preparing this document is to ensure that high professional standards are maintained, legal responsibilities complied with and, consequently, enhancement of the industry's image and reputation.

The requirements of this Code are mandatory and compliance is a condition of membership of the New Zealand Security Association.

DEFINITION

Private Investigation services cover investigation activities conducted by NZSA members commercially for financial reward or in their own business on behalf of a third party or employer.

NEW ZEALAND SECURITY ASSOCIATION (INC.)

Ground Floor, 7 Anzac Street,

Takapuna, Auckland

New Zealand

PO Box 33 936, Takapuna, Auckland

Telephone (09) 486 0441, Fax (09) 486 0442

Email: info@security.org.nz

Website: www.security.org.nz

© COPYRIGHT

The copyright of this document is the property of the New Zealand Security Association. No part of it may be reproduced by photocopying or by any other means without the prior written permission of the executive Director of the New Zealand Security Association, unless the circumstances are covered by the exemption section (19 and 21) of the Copyright Act 1962

SECTION 1: COMPANY INFORMATION

DESCRIPTION	EVIDENCE
1.1 Company Details	
1.1.1 Name	
1.1.1 (a) Trading name(s)	
1.1.1.(b) Company Registration details (date and registration number) <i>Auditor to sight Company Registration Certificate</i>	
1.2 Directors (list) <i>Auditor to check against Companies Office records</i>	

DESCRIPTION	EVIDENCE
<p>1.3 Staff Numbers</p> <p>Total:</p> <p>1.3 (a) Numbers required to hold CoAs:</p> <p>Note:</p> <p>The Private Security Personnel and Private Investigators Act 2010 defines a private investigator as a person who, for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business seeking or obtaining for any person or supplying to any person any information described in subsection (2).</p> <p>(2) For the purposes of this section, <i>information</i>—</p> <ul style="list-style-type: none"> ○ (a) means any information relating to— <ul style="list-style-type: none"> ▪ (i) the personal character, actions, or behaviour of any person; or ▪ (ii) the financial position of any person; or ▪ (iii) the occupation or business of any person; or ▪ (iv) the identity or whereabouts of any person; but ○ (b) does not include information that is contained in a public record. 	
<p>1.4 Registration under the Private Security Personnel and Private Investigators Act 2010 (& Amdts and Replacements)</p> <p>Where there is a requirement to be licensed or hold a Certificate of Approval (COA) all Directors, Staff and/or Contractors are registered under the Private Security Personnel and Private Investigators Act 2010 and amendments.</p>	

DESCRIPTION	EVIDENCE
<p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Sight SG Licence issued by the Registrar</i> • <i>Check the COA for a range of not less than five staff.</i> • <i>Check at least three case files to ensure all staff working are licensed correctly.</i> 	
<p>1.5 Contractors to the Member Company</p> <p>The primary contractor (the member) is responsible to ensure that all contract staff employed under any contractual arrangement are licensed or hold Certificates of Approval as required under the Private Security Personnel and Private Investigators Act 2010 and amendments.</p> <p>All contractors are to be required to show evidence to their principal that they have sufficient processes in place to ensure this requirement is always met.</p> <p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Sight the SG Licence issued by the Registrar to the Contractor</i> • <i>Check the Contractor's staff for current COAs - not less than 10% of member's staff.</i> • <i>Check at least three case files to ensure all staff working are licensed correctly.</i> • <i>Check members' written evidence that all contracted staff are required to hold a current SG licence and/or COA as required under the Private Security Personnel and Private Investigators Act 2010 and amendments</i> 	

DESCRIPTION	EVIDENCE
<p>1.6 Company Structure</p> <p>The member organisation is to have a definitive governance and management structure that demonstrates control and accountability at each level of its operations</p> <p><i>Auditor is to obtain a clear picture of the corporate structure, levels and controls in place.</i></p>	
<p>1.7 Financial</p> <p>The member organisation is required to have sufficient capital to meet operational and anticipated needs.</p> <p><i>Auditor is to obtain a signed statement from the owners/directors confirming this.</i></p>	
<p>1 Public Liability Insurance</p> <p>Members providing Investigation services shall have appropriate cover in the following areas:</p> <ul style="list-style-type: none"> • Professional Indemnity Insurance. • Public Liability Insurance. <p>Professional indemnity insurance and public liability insurance cover required of all NZSA members shall have due regard to the nature of the risk and the relevant standard but shall not be less than \$1,000,000.</p> <p>The Auditor is to:</p> <ul style="list-style-type: none"> • <i>Sight a placement slip, insurers policy document or invoice from an insurer showing the required insurance cover is in place and current.</i> 	

DESCRIPTION	EVIDENCE
<p>1.9 Locations</p> <p>List all locations you operate in New Zealand</p> <p><i>Where the company operates from multiple locations the auditor will visit the Head Office and a sampling of branches. This sample must be sufficient to confirm consistency in performance.</i></p>	
<p>1.9.1 Head Office</p> <p>The company will have an administrative office where all records and business documents are stored in a secure manner.</p> <p><i>Auditor to visit this office to confirm.</i></p>	
<p>1.10 Customer Service Levels</p> <p>This Code of Practice is issued in order to ensure that persons and organisations operating in the security industry provide a standard of service and quality of employee that meets the standard as defined in this Code of Practice as being the minimum level.</p> <p>Sufficient latitude is built into the Code to enable Companies to exercise initiative and individual expertise in the provision of service to a higher degree than that laid down in the Code.</p> <p>Feedback from end users of member’s services should confirm the appropriate levels of customer service.</p>	

DESCRIPTION	EVIDENCE
<p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Cite any examples of letters from clients praising individual staff or the company for provision of excellent standards of customer service.</i> • <i>Look for examples of training, posters, briefing notes, bonuses or recognition for staff to deliver excellent customer service</i> 	
<p>1.11 Sale of Services</p> <p>When contacting potential clients callers must clearly identify the organisation they represent. No such calls shall use fear as a sales technique nor give misleading information.</p> <p>Where a contractor or shared service is to be used this must be made clear to the potential client.</p> <p>Auditor is to speak with sales staff to confirm</p>	

SECTION 2: RECRUITING, VETTING AND APPOINTMENT OF STAFF

DESCRIPTION	EVIDENCE
<p>2.1 Employment Applications</p> <p>In every case applicants for employment will be required to complete an application form on which they will declare details of their previous employment or other activities for the past three years or back to school leaving as applicable</p> <p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Where applicable – check that following pre-employment checks are being completed.</i> • <i>Sight the procedures to ensure this information is correctly handled under the Privacy Act.</i> 	
<p>Pre - Employment Checks</p>	
<p>2.2 References</p> <p>Character references are to be called for from not less than two persons nominated by the potential employee and from any immediately previous employers. An offer of employment may be rescinded on the basis of a negative reference check or one which reveals material undisclosed facts by the employee in his or her employment application.</p> <p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Sight evidence that references are checked and verified for at least two employees.</i> • <i>Sight written references for at least two employees (note that these are not always provided by all employers).</i> 	

DESCRIPTION	EVIDENCE
<p>2.3 Character Check</p> <p>The organisation shall employ only persons of good character and integrity. If a candidate applies for a position prior to having been issued with a Certificate of Approval then the potential employer shall, as a minimum, conduct a criminal history check</p> <p><i>Auditor to review standard recruitment process</i></p>	
<p>2.4 Non-New Zealand Citizen</p> <p>If a non-New Zealand citizen makes an application to become a staff member the employer shall ensure by reference to the individual’s passport and/or Labour Department work permit that the applicant may legally be employed in New Zealand.</p> <p><i>Auditor is to:</i></p> <ul style="list-style-type: none"> • <i>View process used to ensure that staff may be legally employed in New Zealand</i> • <i>Sight evidence that visa checks have been conducted for recently engaged staff</i> 	
<p>2.5 Recruitment Interviews</p> <p>A personal interview will be conducted as part of the recruitment process to determine the candidate’s suitability for the role.</p> <p><i>Auditor to review standard recruitment process</i></p>	

DESCRIPTION	EVIDENCE
<p>2.6 Communication skills</p> <p>All applicants for employment must demonstrate an acceptable level of both spoken and written English.</p> <p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Check that the company has procedures in place to determine this as part of the employment process</i> • <i>Speak to at least two staff in the above category to verify that their spoken English is comprehensible and they are able to understand instructions and requests for information from the general public</i> • <i>Sight at three examples of written reports or instructions or messages written by any non-New Zealand staff or New Zealand staff for whom English is a second language employed by the member to verify that their written work is legible and understandable to the general public.</i> 	
<p>Contracts and Agreements</p>	
<p>2.7 Employment Agreements and Contracts</p> <p>A written employment agreement between the Company and the applicant employee or Contractor must be entered into prior to commencement of employment. At all times the Company must ensure compliance with the relevant statutory requirements in relation to employment legislation and contract law.</p> <p>The agreement must contain the following:</p> <ol style="list-style-type: none"> a) Job title b) Roles and Responsibilities c) Effective start date 	

<p>d) Probationary period (if any) e) Pay and allowances f) Hours and days of work g) Holiday entitlement and eligibility h) Sick pay conditions i) The location of the employer’s administrative office j) Disciplinary and appeal procedures k) Terms of notice and termination.</p> <p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Sight at least three employment agreements/contracts to ensure they are similar in their provisions of employment</i> • <i>Sight at least three employment agreements/contracts to ensure they are correctly signed and witnessed.</i> • <i>Sight evidence that the employee/contractor has been given a copy of their employment agreement/contract.</i> 	
<p>2.8 Non-Disclosure or Confidentiality Agreements</p> <p>Prior to employment all applicants to sign a non-disclosure agreement, maintaining confidentiality of both the company’s clients and the company's confidential information.</p>	
<p>Auditor is to:</p> <ul style="list-style-type: none"> • <i>Sight evidence no less than three current staff have signed non-disclosure / confidentiality agreements</i> • <i>Confirm all applicants signed these forms before acceptance as an employee.</i> • <i>Check that such agreements cover both client and company information</i> 	

<p>2.9 Part Time and Casual Staff</p> <p>Where staff are employed on part time and casual contracts the pre-employment checks shall be of no lesser standard than those for full-time employees.</p> <p>Auditor is to:</p> <ul style="list-style-type: none">• <i>Sight the guidelines for interviews and staff selection to confirm.</i>	
<p>Personnel Files</p>	
<p>2.10 Personnel Files</p> <p>A personnel file shall be established and maintained for all staff employed and is to contain all information relative to each staff member's employment.</p> <p>Auditor is to:</p> <ul style="list-style-type: none">• <i>Sight the personnel files to ensure they are secured and access is allowed only to authorised persons in the Company</i>• <i>Verify that once employees have left, the files are securely destroyed in line with the provisions of the Privacy Act</i>• <i>Verify that unsuccessful applicant's files are securely destroyed as soon as they are no longer required in accordance with the Privacy Act.</i>	

SECTION 3: ROLES AND DUTIES

DESCRIPTION	EVIDENCE
<ul style="list-style-type: none"> • 3.1 Private Investigator under the Private Security Personnel and Private Investigators Act 2010) means any person who, for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business seeking or obtaining for any person or supplying to any person any information relating to— <ul style="list-style-type: none"> ○ (i) the personal character, actions, or behaviour of any person; or ○ (ii) the financial position of any person; or ○ (iii) the occupation or business of any person; or ○ (iv) the identity or whereabouts of any person; but • (b) does not include information that is contained in a public record. <p><i>Auditor is to: Check off the applicable areas that this company is involved in.</i></p>	
Fraud prevention, detection, assessment and resolution	
Insurance or ACC fraud and claims investigation, claims monitoring and assessment	
Aviation or marine accident & loss investigation	
OH&S incident investigation	
Missing persons, witness location and skip tracing	
Criminal investigations	

DESCRIPTION	EVIDENCE
Family law investigations	
Intellectual property and trademark protection services;	
Background checking, positive vetting and bona-fides assessment	
Forensic accounting	
Computer fraud and IT investigation	
Employment Investigations	
Civil Litigation Investigations	
Document Service	

SECTION 4: QUALIFICATIONS AND TRAINING

DESCRIPTION	EVIDENCE
<p>4.1 This Code of Practice requires any person involved in the conduct of a formal investigation or surveillance activity to be suitably qualified to conduct these entrusted and responsible activities. It is also recommended that persons operating under this Code engage in Continuous Professional Development towards appropriate National Qualifications and International Certifications</p>	
<p>New Zealand Diplomas</p>	
<p>4.2 It is anticipated that the majority of people operating under this code will have backgrounds in Law Enforcement investigations and hold qualifications such as the Diploma in Policing or the National Diploma in Public Sector Compliance Investigations.</p> <p>List Diploma qualifications held by you or your investigations staff here:</p>	
<p>International Certifications</p>	
<p>4.3</p> <p>Those engaged in Investigations work are recommended to complete relevant International Certifications such as the ASIS International Professional Certified Investigator or the ACFE Certified Fraud Examiner.</p> <p>List International Certifications held by you or your investigations staff here:</p>	

DESCRIPTION	EVIDENCE
Other qualifications	
4. 4 List any other relevant qualifications held by you or your investigations staff here:	

SECTION 5: COLLECTING INFORMATION

DESCRIPTION	EVIDENCE
5.1 All licensed investigators working in New Zealand MUST comply with the Provisions of the Privacy Act and The Private Security Personnel and Private Investigators Code of Conduct—Surveillance of Individuals	
5.2 An Investigator must only collect material relevant to the investigation purpose.	
5.3 The collection must not involve the commission of a criminal offence or give rise to a civil action, eg, trespass to land or goods.	
5.4 An Investigator in the collection of information must not entrap any person or use any unfair or dishonest means	
5.5 An Investigator must avoid any actions which may unreasonably impinge on the privacy or other rights of other people	

SECTION 6: STORING INFORMATION

DESCRIPTION	EVIDENCE
6.1 An Investigator must have in place appropriate measures to protect any material collected against loss, unauthorised access, use, modification or disclosure.	
6.2 Access to material collected in the course of an investigation must be restricted to relevant personnel on a “need to know” basis.	
6.3 Confidential information gained during an investigation must not be used for the benefit of the Investigator or any third party.	
<p>6.4 An Investigator must maintain a log of all personnel accessing, using or removing material collected in order to establish an audit trail. The log must include:</p> <p>6.4.1. reason(s) for disclosure</p> <p>6.4.2. recipient's name and signature</p> <p>6.4.3. issuing officer's name</p> <p>6.4.4. time and date of access.</p>	

SECTION 7: WORKING WITH POLICE

DESCRIPTION	EVIDENCE
<p>7.1 The final decision in respect of the disposition of investigations referred to the Police by Private Investigators rests with the Police, and any investigation undertaken by a Private Investigator must comply with the rules of fairness and professional standards expected by any court in the criminal jurisdiction.</p>	
<p>7.2 Private Investigators will provide the Police with a criminal complaint file containing the following:</p> <ul style="list-style-type: none"> • Report (numbered paragraphs) • Full details of Private Investigator • Full details of victim including who their contact person is • Provide written authority from the victim for the Investigator to act on their behalf in respect of Privacy Act or Official Information Act matters • Full details of all witnesses • If a search warrant is recommended, then a detailed summary of the evidence to support a search warrant application, as per a Search Warrant Authorisation Sheet • Full and detailed narrative description of circumstances, including references to the victim, witnesses, etc, and the part each plays in the complaint • Full details and all information known about suspect/offender, and what evidence links them as suspect/offender. Employment situation if suspect / offender is an employee of complainant/victim • Exhibits - Refer to any exhibits that accompany complaint, and ensure they are originals where possible. (Appropriate documentation (job sheet) clearly indicating the chain of evidence for each exhibit; time/date/place exhibited located; time/date/who handled the exhibit.) The Private Investigator should retain copies of all exhibits handed to Police. • Indication of possible charges • Draft caption and summary. 	

Auditor Signature: _____

Date: _____

For the Company:

Name: _____

Signature: _____

Date: _____

APPENDIX ONE: REFERENCES

The Private Security Personnel and Private Investigators Act 2010

The Private Security Personnel and Private Investigators (Code of Conduct—Surveillance of Individuals) Regulations 2011

Privacy Act

Evidence Act

Crimes Act

APPENDIX TWO: DEFINITIONS

intercept, in relation to a private communication, includes to hear, listen to, record, monitor, acquire, or receive the communication either—

- (a) while it is taking place; or
- (b) while it is in transit

interception device—

- (a) means any electronic, mechanical, electromagnetic, optical, or electro-optical instrument, apparatus, equipment, or other device that is used or is capable of being used to intercept or record a private communication (including a telecommunication); but
- (b) does not include a hearing aid or similar device used to correct subnormal hearing of the user to no better than normal hearing

private activity means an activity that, in the circumstances, 1 or more of the participants ought reasonably to expect to be an activity that no one other than the participants would observe or record

private communication—

- (a) means a communication (whether in oral or written form, or in the form of a telecommunication, or otherwise) made under circumstances that may reasonably be taken to indicate that any party to the communication desires it to be confined to the parties to the communication; but
- (b) does not include a communication of that kind occurring in circumstances in which any party to it ought reasonably to expect that it may be intercepted by some other person without the express or implied consent of any of those parties

private dwelling—

- (a) means any building or part of a building, and any structure or construction of any kind, that is used in whole or in part as a permanent or temporary residence; and
- (b) includes any garage, shed, and other building used in connection with a residence; but
- (c) excludes—
 - (i) any porch, veranda, patio, decking, or other unenclosed structure accessory to a residence; and
 - (ii) any part of a residence that is used exclusively for business purposes; and
 - (iii) the outdoor area around a residence

private property means any property or part of a property that, at the material time, the public do not have a general licence to enter; but does not include a private dwelling

public place means a place that, at the material time,—

- (a) is open to or is being used by the public, whether free or on payment of a charge, and whether or not any owner or occupier of the place is lawfully entitled to exclude or reject any person; and
- (b) includes, without limitation, any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

surveillance equipment means equipment that is 1 or more of the following:

- (a) a visual surveillance device:
- (b) an interception device:
- (c) a tracking device

tracking device means a device that, when installed in or on a thing, may be used to help ascertain, by electronic or other means, either or both of the following:

- (a) the location of that thing or a person in possession of that thing:
- (b) whether a thing has been opened, tampered with, or in some other way dealt with

visual surveillance device—

- (a) means any electronic, mechanical, electromagnetic, optical, or electro-optical instrument, apparatus, equipment, or other device that is used or is capable of being used to observe, or to observe and record, a private activity; but
- (b) does not include spectacles, contact lenses, or a similar device used to correct subnormal vision of the user to no better than normal vision.