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What's New at IRBsearch

Get Real-Time Training on our Website!



IRBsearch will soon have webinars available to all new and existing customers. This real-time tool gives you valuable training by "walking-through" the system step-by-step on topics such as search methods and saving reports. These online seminars allow individuals or groups to be on the phone with an IRBsearch Representative while viewing live web-based demonstrations. Groups may easily sign up for a conference call setting. This exciting new interactive tool will be available this Spring. Please check our website for dates and times the webinars will be available, or call one of our friendly customer service representatives toll-free at **(800) 447-2112**.

IRBsearch Helpful Hint

How to Access Billing and Usage

At IRBsearch, you can always request a copy of your billing and usage. Simply send an email to billing@irbsearch.com. You can choose to receive usage from a specific time frame or have it automatically emailed to you daily, weekly, or monthly. Please be sure to include your account number (Example: M123456 or LN123456), the dates you need, and the choice of format you would like for your reports (Microsoft® Excel or Adobe®). If you have additional questions, please contact our customer service representatives at **(800) 447-2112**.



The GLBA and the DPPA

Did you ever wonder why you are requested to select different usage purposes before performing an IRBsearch? The first option you choose is for "Permitted Use Certification" and the second is for "DPPA Compliance." These usage purposes are governed by Federal and State laws that validate the purpose of your searches.

Permitted Use Certification

This service may contain information governed by the Gramm-Leach-Bliley Act (GLBA). In accordance with the GLBA, PLEASE SELECT the purpose for which you intend to utilize this information. The purpose you select will govern this entire session. If the purpose for which you are conducting searches changes, you will need to exit the system, re-login, and select another purpose.

DPPA Compliance

This service may contain information governed by the Driver's Privacy Protection Act of 1994 (DPPA). Pursuant to the DPPA, you may only access this database for one of the permitted uses set forth below. The purpose you select will govern this entire session. If the purpose for which you are conducting searches changes, you will need to exit the system, re-login, and select another purpose.

The Gramm-Leach-Bliley Act (GLBA)

"The Gramm-Leach-Bliley Act, also known as the Gramm-Leach-Bliley Financial Services Modernization Act, is an Act of the U.S. Congress which repealed the Glass-Steagall Act, opening up competition among banks, securities companies and insurance companies. GLBA compliance is mandatory; whether a financial institution discloses nonpublic information or not, there must be a policy in place to protect the information from foreseeable threats in security and data integrity."¹ In short, the purpose of the GLBA is:

- (1) To ensure the security and confidentiality of customer records and information;
- (2) To protect against any anticipated threats or hazards to the security or integrity of such records; and
- (3) To protect unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customer.

But there are exceptions, for example:

- When Private Investigators are hired to prevent or detect fraud.
- When complying with Federal, State, or Local laws in a properly authorized criminal, civil, or regulatory investigation.
- When working with people with legal or beneficial interests to the consumer.²

The Drivers Privacy Protection Act (DPPA)



"The Drivers Privacy Protection Act is also known as The Uniform Motor Vehicles Records Disclosure Act." Prior to September 1997, each state's Department of Motor Vehicles was required by law to release personal information from its records under the Freedom of Information Act (FOIA). "The Freedom of Information Laws try to balance the public's right to know and the individual's right of privacy."

Since September 1997, the release of personal information has been restricted by the passage of the DPPA. "Several categories of requesters, including insurance companies, towing companies, and private investigators, are permitted access." "The intent of the DPPA is to permit access by all legitimate users of the personal information kept by the Division, while denying access to the idly curious."³

¹ [Wikipedia](#)

² [The U.S. Senate Committee on Banking, Housing, and Urban Affairs](#)

³ [West Virginia Department of Transportation](#) and [The Privacy Paradox](#)

Out-of-State Private Investigators Must be Licensed to Investigate in California - Important Considerations When Using an Out-of-State PI

by George Ramos, Managing Partner, Diversified Risk Management Inc.
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An employee terminated for misconduct may challenge the validity of an investigation conducted by an unlicensed private investigator. This means the client could be subject to litigation, and possibly punitive damages, for any actions or decisions the client made based on the investigation performed by the out-of-state investigator who did not meet the California licensing requirements. In California, out-of-state investigators who violate the licensing laws may be subject to fines of \$5000 or a year in county jail, or both.

(PRWeb) January 10, 2007 – Out-of-state private investigators who do not possess a California Private Investigator ("PI") license issued by the California Bureau of Security and Investigative Services (BSIS) may not conduct any type of investigation in the state of California unless they are employed (W-4 classification) by a California licensed PI firm. Florida, Georgia, Louisiana, and Oregon have limited reciprocity agreements with California.

BSIS is an agency within the California Department of Consumer Affairs, which licenses and regulates private investigators in the state of California. Whether they call themselves consultants, security specialists, or investigators, people who conduct corporate investigations, security enquiries, secret shopping, or make determinations of credibility for the benefit of an employer are required to have PI licenses. The law does not apply to full-time employees including Human Resources or in-house security people, or to attorneys at law while performing "duties as attorneys at law."

A client who is an employer retaining an out-of-state PI to investigate employees, where the PI is not licensed, should be aware they can be sued and very easily found to have been negligent in such cases. In civil court, any illegal acts, including those of your illegally retained investigator, are considered negligence per se. In other words, once it's established your investigation was conducted illegally, you lose.

How to Select a Reputable Out-of-State Private Investigator:

Most good PI firms specialize. These specialties include criminal defense, forensic investigation, legal support, backgrounds, missing persons, criminal prosecution, and computer crimes, to name a few. Employment investigations encompass all the above. Very few PI firms have the required experience or understand the sensitive legal issues involved in dealing with employment situations which could so easily result in costly litigation if not handled by true experts. Below are some crucial guidelines for identifying qualified investigators to perform your employment matter:

- **Agreements and Fees:** Experienced investigators provide proposals, contracts or cost-estimates prior to accepting cases.

- **Attorney Involvement:** Your information can automatically have greater protection from unwanted discovery in the event of litigation if your investigator knows the value of working with and through your legal counsel, maintaining valuable Attorney-Client and Attorney Work Product Privileges.
- **Law Enforcement Liaison:** Your PI should not advise you, before the investigation is undertaken, whether or not to bring criminal charges against perpetrators of criminal acts against your company.
- **Experience:** Ensure that your investigators and any contractors they employ have the experience and qualifications necessary to competently conduct your investigation.
- **Insurance and License:** All reputable private investigators carry general liability insurance. Some states require insurance prior to issuing a license. Ask for a Certificate of Insurance and ensure the coverage is "per occurrence," not "claims-made." A PI license is required in 42 states, and in some states, investigators may actually need a business license, too.
- **References and Reputation:** Reputations vary widely in the investigative industry. Quality investigation firms are well known in the business community and are usually active in professional trade associations.
- **Willingness to Testify:** All should be ready, willing and able to competently testify in court in criminal, civil, unemployment hearings or arbitrations. Any investigator that does not agree to testify in court for you should not be retained.

For the purposes of the law in California and in most states where licensing is required, a private investigator is any person, firm, company, association, partnership, or corporation acting for the purpose of investigating, obtaining, and reporting to any employer, its agent, supervisor, or manager, information concerning the employer's employees involving questions of integrity, honesty, breach of rules, or other standards of performance of job duties.

The information contained in this article is intended to provide useful information on the topic covered, but should not be construed as legal advice or a legal opinion.

About the Author: George J. Ramos, Jr. is Managing Partner at Diversified Risk Management Inc., a full-service investigation firm specializing in labor and employment related investigations and risk mitigation consulting services. Please visit www.diversifiedriskmanagement.com or call 1.800.810.9508 for more information.

Data Breaches Require a Targeted and Effective Response

by Bruce Hulme, NCISS Legislative Director

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Recent developments following breaches of security at data brokers and financial institutions have led to calls for immediate regulatory and legislative action.

Investigators are fearful that in the current atmosphere public officials may be pressured to create an overly broad regulatory scheme that will harm the court system and commerce. Ironically, some of the proposed remedies would be counterproductive to the goal of fighting identity theft and other fraud. Statutory solutions should focus on securing personal data and restricting illegitimate entities from accessing the information. They should *not* penalize legitimate users nor restrict legitimate access to data.

The National Council of Investigation and Security Services (NCISS) has learned from past experience that even the best legislative and regulatory intentions can lead to harmful unintended consequences. For example, the 1996 amendments to the Fair Credit Reporting Act ultimately led to an unanticipated situation requiring employers to notify employees suspected of workplace violence, theft, harassment, discrimination and other crimes when a third party was retained to investigate a case. It took years for Congress to remedy that error with the passage of the Fair and Accurate Credit Transactions Act (FACTA). If barriers are erected to prevent legitimate businesses from accessing identifying information about individuals, the identity thieves will more easily get away with their crimes. Unless private investigators can access Social Security Number confirmations and other unique identifiers, they will be unable to track ID theft criminals and help victims restore their lost identities.

NCISS believes that several actions should be taken in response to the recent data breaches, including these measures:

- *Data brokers should conduct thorough credentialing of new accounts and those where a review indicates that a new check is in order.*
- *Congress should ban Internet sales of personal identification information to the general public.*

- *Penalties, such as fines and jail sentences, for the misuse of personal information should be increased.*

- *Data providers should be required by federal law to notify consumers when their information has been accessed illegally.*

- *Congress should prohibit the use of Social Security Numbers on identification documents such as healthcare insurance cards, drivers' licenses and state permits.*

- *Investigators and other licensed professionals who can demonstrate a need for information and have submitted to a background investigation should have continued access to personal data.*

Private Investigators Use Data for the Public Good

Private investigators use data supplied by brokers to facilitate justice. For example, they use the data to locate witnesses, find heirs, locate lost children, obtain child support, and detect fraud. Police authorities do not have adequate resources to solve ID theft cases, and many victims must turn to private investigators to restore their credit. If investigators are restricted in their access to the data needed to solve these cases, and thus are rendered less effective, an additional burden will be placed on the overextended resources of public authorities.

Recent Legislation

Congress has been active in recent years in regard to identity theft and personal information. FACTA, which includes many provisions directly addressing identity theft, was enacted only by the last Congress. In addition, harsher penalties for identity theft were imposed with the enactment of the Identity Theft Penalty Enhancement Act. The impact of these statutes is just beginning to be felt. Congress should gauge the impact of these measures before acting on any proposed identity theft legislation and should refrain from limiting access to information that is necessary for the performance of private investigators.

Conferences & Seminars

PBUS February 19-22nd Las Vegas, NV



IRBsearch attended the Professional Bail Agents of the United States Conference at the Luxor Hotel & Casino. There were over 25 vendors attracting nearly 400 attendees to the event. The cast of the hit show "Dog the Bounty Hunter" was also there to contribute to the fun-filled extravaganza. IRBsearch auctioned a Mobile GPS Navigation System that raised \$700 for PBUS! Photo: IRBsearch Marketing Representative Kellie Bollegar with Dog the Bounty Hunter and his son Duane Lee at the conference. Visit www.PBUS.com for more information.

NCISS
April 18-21st
Minneapolis, MN



IRBsearch will attend the National Council of Investigation and Security Services Conference April 18-21st in Minneapolis, Minnesota. NCISS formed in 1975 and since then has acquired over 1,200 members. IRBsearch is proud to support NCISS and all its members. We hope to see you there! For more information please visit www.NCISS.org.

FALI May 24-27th Daytona Beach, FL



Rebecca Roberts, National Marketing Director at IRBsearch gave a seminar at the FALI District 6 & 7 Regional Meeting on March 6th. The Seminar focused on skiptracing methods and results while members enjoyed lunch at The Park Plaza Hotel in Tallahassee, FL. IRBsearch will soon attend the Florida Association of Licensed Investigators Conference May 24-27th held at the Daytona Beach Hilton Oceanfront Resort. For more information please visit www.FALI.com Photo: IRBsearch with FALI President James D. Church accepting the 2006 Supporter of the Year award in Orlando.

CALI
June 28-30th
San Francisco, CA



IRBsearch will attend the California Association of Licensed Investigators Conference June 27-30th being held in San Francisco. With nearly 2,000 members, and almost 40 years since the association began, CALI is one of the largest private investigator associations in the world. For more information please visit www.CALI-PI.org.

More Spring Conferences

May 15-16	Michigan Council of Private Investigators	Livonia, MI
May 17-19	South Carolina Association of Legal Investigators	Columbia, SC
May 18-19	Intelnet - International Intelligence Network	San Antonio, TX
May 31-June 2	NAPPS 25th Annual Conference	Portland, OR

[Click here to view our Upcoming Conferences & Seminars page](#)

Newsletter Archives

December 2006: <http://www.irbsearch.com/newsletter/archive/12-06.pdf>

Winter 2007: <http://www.irbsearch.com/newsletter/archive/02-07.pdf>

Closing Comments

IRBsearch continues to develop more products and services that benefit our customers. Whether you are a private investigator, process server, repossession or bail agent, or in the judgment recovery business, we strive to find new ways to support you and your business. As we continue to fulfill the needs within these professional industries, we welcome all comments and suggestions.

IRBsearch values all the relationships we have with both our individual clients and the various state associations within the industries that we serve. We have a huge range of promotions, giveaways, and door prizes at conferences. We love to see our customers face-to-face so be sure to stop by our booth and say hello!

- Webinars will be available this Spring!
- Please continue to visit our website to keep up to date with all the [Upcoming Conferences & Seminars](#) that IRBsearch sponsors and attends.
- We value your feedback! If you have any comments or concerns about the contents of this newsletter, please share them by emailing us at Marketing@irbsearch.com