



INFORMATION NOTE ON PRIVATE INVESTIGATORS

(1) Definition of Private Investigator

A Private investigator is defined as a person who in the course of a business, trade or profession conducts investigations into matters on behalf of a client and includes a person who:

- (a) obtains or furnishes information in relation to the personal character, actions or occupation of a person,
- (b) obtains or furnishes information in relation to the character or kind of business in which a person is engaged,
- (c) searches for missing persons,
- (d) obtains or furnishes information in relation to the loss or damage of property.

(2) Who is licensable?

From the 1st November 2015, contractors providing any of the activities above will require a licence from the Private Security Authority (PSA). Contractors include sole traders, partnerships and companies.

(3) Who isn't licensable?

Employees of licensed contractors do not require a licence nor do employees whose licensable activities are confined to his or her employers business.

Private Investigators who solely work for a single PSA licensed Private Investigator are deemed to be similar to an employee and do not require a licence.

(4) What is licensable?

Any contractor carrying out activities falling within the definition at (1) above require a licence. Contractors who provide services as debt collectors, tracing agents, summons servers, loss assessors /adjusters, security consultants or other occupation where part of their activities fall within the definition at (1) above will require a licence. See (6) on page 2 for further information.

(5) What isn't licensable?

The following do not require a licence:

- a person who under undertakes technical surveillance counter measures,
- a person who provides information technology security measures,
- a person who has statutory powers to carry out investigations for their employer,
- a person who carries out workplace investigations with the consent or knowledge of the person under investigation and where the matters under investigation are subject to regulation under the enactments listed in Schedule 1 of the Workplace Relations Act 2015,
- store detectives in the normal course of their duties who hold a valid PSA Security Guard (Static) licence,
- law searchers conducting documentation searches,
- a person whose activities relate to accessing publicly available information,
- the professional activities of accountants, auditors, barristers, broadcasters, journalists and solicitors*,
- any other such person as the PSA may decide.

*where these persons engage third parties outside of these professions to undertake activities falling within the definition at (1) above, such third parties will require a licence.



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(6) *Service which may require a licence.*

(a) **Summons Servers** serving a summons on a person named on the summons at the address shown on the summons and on the basis of information provided with the summons documentation is not a licensable activity.

(However the activities of a summons server are licensable where any investigative activities are undertaken e.g. investigative activities undertaken to identify an address other than that stated on the summons).

(b) **Loss assessors or loss adjusters or claims investigators** who assess damages, do site assessments (e.g. take measurements and photographs), take statements from the insured and witnesses, question the insured and witnesses in relation to the statements taken and complete a report on the loss/claim incident based on these assessments and statements are not considered to be carrying out licensable activities.

(However any activities other than these are considered to be investigative activities and are licensable, e.g. investigative activities related to the credibility of the insured or witnesses).

(c) **Scientific and engineering forensic investigators**, who carry out forensic examinations at the scene of losses and may remove samples for forensic analysis, who may also take statements from the insured and witnesses and question the insured and witnesses in relation to these statements and who complete a report based on their scientific and/or engineering expertise are not considered to be carrying out licensable activities.

(Any activities other than the foregoing are considered to be licensable investigative activities, e.g. investigative activities related to the actions of any persons before, during and following the occasion of the loss).

(7) *Applying for a licence.*

Application packs and further information are available from our website, www.psa.gov.ie. You must lodge a valid application with the PSA before the 1st November 2015 if you wish to continue providing private investigator services after that date.

From the 1st November 2015, contractors providing Private Investigator services without a licence will be breaking the law.

Similarly, any person employing an unlicensed Private Investigator contractor will also be breaking the law and face penalties ranging from a €3,000 fine up to 5 years imprisonment. A person includes individuals and businesses.