

Correspondence between the Committee and SOCA and NCA re Private Investigators

30 March 2012

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25 April 2012

- Letter from Trevor Pearce to the Chair

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- Letter from the Chair to Sir Ian Andrews
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- Letter from Trevor Pearce to the Chair (with confidential Report – not reproduced here)
- Letter from Sir Ian Andrews to the Chair

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- Letter from Sir Ian Andrews to the Chair

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- Letter from Trevor Pearce to the Chair (with redacted Report)

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**Letter from the Chair of the Committee, to Trevor Pearce QPM, Director General,
Serious Organised Crime Agency, 30 March 2012**

Private Investigators inquiry

As you will be aware, the Home Affairs Committee is currently conducting an inquiry into the possible regulation of private investigators.

I am writing to request a copy of the SOCA report Private Investigators: The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data, which was reported by Channel 4 News yesterday.

I believe that this document would be most useful in helping the Committee come to fully informed conclusions about the regulation of private investigators in the UK.

I look forward to receiving your response by noon on 5 April.

Rt Hon Keith Vaz MP
Chair of the Committee

Letter from Trevor Pearce QPM, Director General, Serious Organised Crime Agency, to the Chair of the Committee, 25 April 2012

SOCA Report: Private Investigators: The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data

I am writing further to your letter of 30 March and our subsequent telephone conversation on 19 April in which we agreed the handling issues of the above 'Confidential' report. I can confirm that the Home Office are sighted on these arrangements.

I have asked Martin Molloy, SOCA's Deputy Director Prevention, to make contact with your office to make the necessary arrangements for you to view, in a controlled environment, a copy of the 'Confidential' report together with a redacted 'Not Protectively Marked' (NPM) version. We are happy for the 'NPM' report to be shared with HASC colleagues to help them with their inquiry into the possible regulation of private investigators.

Trevor Pearce QPM, Director General,
Serious Organised Crime Agency

Letter from the Chair of the Committee, to Sir Ian Andrews, Chair, Serious Organised Crime Agency, 24 June 2013

Private Investigators

I am writing to you regarding the Home Affairs Select Committee's inquiry into Private Investigators.

You will be aware of the article in the *Independent* newspaper on Saturday 22 June regarding the SOCA report "*The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data*".

I would be most grateful if you could provide the Committee with the full, un-redacted version of this report by Thursday 27 June.

Rt Hon Keith Vaz MP
Chair of the Committee

Follow-up letter from the Chair of the Committee, to Sir Ian Andrews, Chair, Serious Organised Crime Agency, 24 June 2013

Private Investigators

I am writing to you regarding the Home Affairs Select Committee's inquiry into Private Investigators.

Further to my previous letter, and the report in *The Independent* on 22 June regarding the SOCA report "*The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data*". I would be most grateful if you could provide the Committee with a list of clients who hired Private Investigators to break the law that SOCA is aware of.

It would be very helpful if you could respond by 28 June 2013.

Rt Hon Keith Vaz MP
Chair of the Committee

Letter from the Chair of the Committee, to Sir Ian Andrews, Chair, Serious Organised Crime Agency, 25 June 2013

Private Investigators

I am writing to you regarding the Home Affairs Select Committee's inquiry into Private Investigators.

Further to my previous letter, I would be most grateful if you could provide the Committee with all the information SOCA holds on private investigators and their links with the police and private sector.

It would be very helpful if you could respond by midday on 1 July 2013.

Rt Hon Keith Vaz MP
Chair of the Committee

Letter from Trevor Pearce QPM, Director General, Serious Organised Crime Agency, to the Chair of the Committee, 26 June 2013

Private Investigators

The SOCA Chair has asked me to respond to your letter of 24 June 2013 as it relates to operational issues. A copy of the SOCA report "The Rogue Element of the Private Investigation Industry and Other Unlawfully Trading in Personal Data", as requested, is being hand delivered to the committee offices today.

You will recall that, following a phone conversation between us on 19 April 2012, it was agreed that we would provide you personally with a confidential version of the report, as well as a not protectively marked version of the report for use by the Committee as it took forward its inquiry into private investigators. Accordingly, on 1 May 2012 a copy of the confidential report was hand delivered by SOCA Deputy Director Martin Molloy for you to read. A not protectively marked version of the report together with not protectively marked information on a number of law enforcement operations focussing on private investigators, including SOCA Operation Millipede which was undertaken after the SOCA report was produced, was also provided. The not protectively marked report has been available on SOCA's website since July 2012. In session on 22 May 2012 you referred to the fact that the committee had obtained a copy of the report from SOCA (0462 refers).

In light of media commentary in recent days, it may be useful if I highlight some of the background to the report. SOCA produced it in 2008. It was based on analysis of pre existing law enforcement operations, to identify the types of offences committed by private investigators, their modus operandi and the key enablers which supported their activities. The purpose of the report was to identify for policy makers and law enforcement partners future intervention opportunities to address the threat posed by unscrupulous members of the private investigation industry. The report was forwarded to the Home Office and the Police Service and it was referenced in the SOCA Annual Report 2008-09. Operational activity continued following publication of the report. In addition, SOCA issued Alerts to the banking and telecommunications industries to raise awareness of the threat from the acquisition of personal data by private investigators.

We also provided written evidence to the committee's inquiry on private investigators on 10 February 2012, again at confidential, with your agreement. This made mention of the report.

The report remains confidential under the Government Protective Marking System (GPMS), and therefore the handling requirements that previously applied remain. If it is wished to show it to anyone other than members of the committee and clerks to the committee, I would ask you to revert back to us for approval. The document should be kept in accordance with the requirements of the GPMS. SOCA requirements in respect of the storage of confidential material is that it is kept in a safe in a locked room, within a secure building and that the document should not be left unattended on a desk at any time.

We will respond separately to your second letter of 24 June, and your letter of 25 June asking for a list of clients who hired private investigators to break the law that SOCA is aware of; and for all information that SOCA holds on private investigators and their links with the public and private sector.

Trevor Pearce, Director General
Serious Organised Crime Agency

Letter from Sir Ian Andrews, Chair, Serious Organised Crime Agency, to the Chair of the Committee, 26 June 2013

Private Investigators

Thank you for your various recent letters to me on the subject of the Committee's Inquiry into private investigators. Trevor Pearce responded to your first letter of 24 June earlier today. I am responding to your second of that date and also to your subsequent letter of 25 June.

I understand that you have asked SOCA to provide evidence to the Committee on Tuesday 2 July. We welcome the opportunity to explain the Agency's understanding of the threat posed by private investigators and will of course continue to engage with the Committee's work on this important subject. From the material you saw on 1 May last year, you will appreciate the sensitive nature of much of the information that SOCA holds on private investigators and, in particular, that which relates to ongoing operational activity.

I suggest that the Committee might find it helpful to receive a confidential briefing, which would have to take place on a SOCA site, on the subject of the links between private investigators and the public and private sectors, to augment the written evidence we provided on 10 February 2012. This would enable us to go into more detail than would be appropriate for the public evidence session. We would also be able to provide the Committee with a sensitive briefing on the nature of links between private investigators and organised criminals. If you would wish to take up this opportunity, I should be pleased to make the necessary arrangements at a time convenient to you.

Sir Ian Andrews, Chair
Serious Organised Crime Agency

Letter from Sir Ian Andrews, Chair, Serious Organised Crime Agency, to the Chair of the Committee, 1 July 2013

Private Investigators

I am writing to you further, ahead of my appearance with Trevor Pearce at your Committee tomorrow, to set out clearly the background to the 2008 SOCA report "The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data". I know that Trevor is writing to you separately and further to his letter of last Thursday on the subject of making the report available at a Not Protectively Marked level, and also to provide the Committee with more details of SOCA activity against private investigators.

The report was commissioned to identify for policy makers and law enforcement partners intervention opportunities to address the threat posed by unscrupulous members of the private investigation industry. It informed the then government's consultation process launched in August 2007 on whether to regulate "Private Investigation and Precognition Agents" as provided for in the Private Security Industry Act of 2001.

It was, if you like, a "review of the information available to law enforcement" based on a snapshot examination as at the end of September 2007 of information derived in the process of five law enforcement operations, three of which were being conducted by the Metropolitan Police Service (MPS), and additional information from the Information Commissioner's Office (ICO). A number of these cases had, or subsequently have, resulted in prosecution and conviction of the individuals concerned.

In September 2008, the then government announced its intention to introduce regulation. The statement at the time specifically acknowledged that SOCA had both provided evidence of the level of risk (along with other law enforcement agencies) and had subsequently pressed the case for a regime based on competency criteria to "improve levels of compliance, and discourage unlawful or unethical practices" such as the accessing of data or other information. Licence holders would be both "fit and proper" and demonstrably competent, although it was recognised that regulation would not completely eliminate unlawful or unethical activity.

The report was correctly classified CONFIDENTIAL at the time because compromise of the information could have impeded the investigation of serious crime and caused damage to operational effectiveness. A Not Protectively Marked version was subsequently produced which, as your Committee's Report on Private Investigators published on 6 July last year stated, is "freely available on the SOCA website". This includes the statement that:

"The clients of private investigators can be categorised mainly, but not exclusively, as follows:

- a. domestic - persons seeking to discover activities of their partners, mainly in matrimonial or family proceedings;
- b. debt recovery tracing - seeking to discover the locations of debtors;
- c. insurance claim - loss adjusters investigating the veracity of claims;
- d. media - seeking material for "scoops" about high profile figures;
- e. criminal fraternity- the frustration of law enforcement."

The report did not make any comment on the scale of use by any of the categories identified. It is not within SOCA's remit to investigate unlawful activity by Private Investigators unless it is as part of the facilitation of activities within the scope of the Home Secretary's current strategic priorities. Trevor's letter sets this out in more detail and describes activity that has taken place within this remit. Were SOCA officers to become aware of such practices as a bi-product of another investigation they would pass the information to the appropriate law enforcement or regulatory authority.

Sir Ian Andrews, Chair
Serious Organised Crime Agency

Letter from Trevor Pearce QPM, Director General, Serious Organised Crime Agency, to the Chair of the Committee, 2 July 2013

Private Investigators

I am writing further to my letter of 27 June on whether the report "The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data" could be made available at Not Protectively Marked level, ahead of the SOCA Chair and I appearing before the Committee later today.

I have risk assessed the confidential RIVERSIDE report, and consulted with partners as to its potential release at Not Protectively Marked. I attach a Not Protectively Marked version of the report for use in public. This contains a small number of redactions required by the Metropolitan Police Service (MPS) and SOCA for operational reasons or due to commercial sensitivities or data protection. The reasons for the redactions are footnoted to ensure transparency.

I also want to take the opportunity to provide clarity on what SOCA has done against the threat of private investigators which the Committee's report has rightly identified as an issue. Intelligence indicates that some private investigators continue to work as the proxies of organised criminal groups and there is a continued threat from them to law enforcement operations, information and assets, particularly from those who have knowledge and experience of law enforcement or relevant military covert tactics and techniques and are prepared to exploit these for criminal ends.

However, the period 2009-2012 saw a reduction in intelligence reporting received by SOCA and Law Enforcement partners from across the UK concerning the threat posed to law enforcement from Private Investigators. There may be a number of reasons for this, including negative post-Leveson image in the media, combined with enforcement action by the Information Commissioner's Office and UK law enforcement, which may have had a deterrent effect on the demand for the unlawful services that some PIs provide. It may, however, be the case that enforcement activity has displaced the threat rather than nullified it.

SOCA's strategic priorities are set by the Home Secretary. Its priority threat areas are drugs, cyber crime, firearms, organised immigration crime and fraud. Its activity in relation to Private Investigators therefore is to (a) ensure that others in government and law enforcement know about the problem and to (b) pursue those instances of it which arise in operations tasked under the umbrella of those priorities, where it serves as an enabler of organised crime.

On the first of these, **(a) ensuring that others in government and law enforcement know about the problem**: SOCA has informed appropriate authorities of its nature in a comprehensive and timely manner in line with its responsibilities to assess the overall threats from serious organised crime to the UK. It is then for others to act as appropriate according to their own operational priorities. It has:

- developed intelligence, such as that in the 2008 report, on the threat posed by private investigators, for use by a range of partners;
- at the beginning of February 2008 the RIVERSIDE report was sent to the Home Office. It was also then sent to ACPO and the MPS. SOCA subsequently engaged closely with the Home Office and the Security Industry Authority (SIA) to inform the case for, and scope areas to develop the proposed regulation. SOCA's Annual Report for 2008/09, notes that 'strong evidence provided by SOCA about the threat posed to the UK by corrupt private investigators helped inform a decision in

September 2008 by Home Office Ministers' to introduce the licensing of the private investigation industry¹;

- held discussions with ICO on PIs and the related threat in July 2008;
- SOCA had discussions, in October 2008, with the Ministry of Justice about strengthening the penalty under s55 of the Data Protection Act to two years imprisonment to increase the risk to unlawful acquisition of data not captured under RIPA. In December 2009 SOCA also made submissions to the MoJ consultation (CP22/09) on this issue;
- issued information to public-sector data controllers highlighting the threat from PIs to confidential data in 2008²;
- in 2008, issued an Alert to private sector organisations most affected by illegal activities conducted by PIs. This detailed the techniques used and key vulnerabilities.³ The release of the document was followed with a series of visits and interviews with senior security managers within the Telecom and Banking sectors. This initiative had a tangible effect on training and security awareness for vulnerable staff;
- released a further alert in 2010 to the private sector detailing the threat of criminals, including PIs, using social engineering to obtain personal data;
- released an alert, in December 2011, in collaboration with Ofcom, highlighting the risks of criminals obtaining surveillance, counter-surveillance and protective security equipment to frustrate law enforcement, and seeking the reporting of suspicious activity;
- provided ongoing support to MPS operation TULETA, providing full access to material SOCA had seized in one of its operations, all original computers, in addition to forensically produced hard drive images, original statements and documentary exhibits as required. Access was provided to SOCA officers for further statements and queries;
- in line with an action for SOCA in the Government's Organised Crime Strategy, in October 2012 SOCA provided the Home Office with an assessment of the extent of corruption by organised criminals in the public and private sectors and recommend ways for addressing it.

On (b) pursuing those instances of corrupt private investigators that arise:

- in line with the Integrated Operating Model, SOCA ensures it has operational activity against all the organised criminals against which it leads. This will include those where there are identified links to private investigators⁴;
- in a SOCA operation concerning drug trafficking and money laundering, it was identified in early 2008, that the organised crime group was utilising the services of a number of PIs, one whom was a former MPS and SERCS officer. The PI was identified transporting drug money, later arrested and imprisoned;
- in February 2012 four private investigators were convicted and sentenced for committing fraud by false representation, under offences which were introduced in the 2006 Fraud Act. The case involved the illegal acquisition of confidential information. Philip Campbell Smith, Adam Spears and Graham Freeman used the services of Daniel Summers, an expert in a technique known as blagging, to acquire personal and financial information on behalf of corporate clients and private individuals. SOCA's investigation into the four men began when it received intelligence that Summers' computer may have had information about criminal activity stored on it. When Summers put his computer up for sale, an undercover SOCA officer succeeded in buying it from him for £590 cash. Following the seizure

¹ The 2007/08 Impact Assessment of Regulations to Implement the PSI Act 2001 in respect of Private Investigators and Precognition Agents, published on the Home Office website, references that SOCA provided evidence of a level of risk associated with criminal activity which supports the need for licensing.

² Communities and local Government: DVLA; DWP; HMRC; Home Office; ICO: National Anti-Fraud Network; Royal Mail and SIA.

³ Association of Payment & Clearing Services; British Banking Association; Building Societies Association; Council of Mortgage Lenders; Credit Industry Fraud Avoidance Scheme. It was also sent to the Financial Services Authority.

⁴ A multi-agency approach to improving prioritisation activity and an agreed set of principles to determine which agency should have primary responsibility for taking action against identified organised crime groups.

of a number of computers, SOCA's forensic analysts retrieved files showing that Philip Campbell Smith, Adam Speers and Graham Freeman has been tasking a fourth person, Daniel Summers, to obtain confidential information for payment.

I look forward to explaining further SOCA's involvement in these matters in session today.

Trevor Pearce, Director General
Serious Organised Crime Agency

**Letter from the Chair of the Committee, to Trevor Pearce QPM, Director General,
Serious Organised Crime Agency, 3 July 2012**

Private Investigators

Please find enclosed correspondence Mr Ian Hurst has sent you regarding the evidence you gave the Committee yesterday.⁵

The matters he raises are of course serious and I would be most grateful if you could answer each of the following questions in full:

- The date you handed the Operation Millipede case file and the copy of Phillip Campbell Smith's hard drive disks to Operation Tuleta and the date of the guarantee letter sought from Operation Tuleta, as well as a copy of that letter and Tuleta's request
- The amount of data from Mr Campbell Smith's hard drive that has not been copied to Operation Tuleta
- Which of the material you have provided to Operation Tuleta was original, and which copies
- How bank/credit account information and an Interpol trace can be compliantly obtained by a private investigator
- Why SOCA did not prosecute a client that was identified during Operation Millipede that had obtained bank and credit card statements and an Interpol trace
- Why SOCA allowed a Trojan to be applied to the computer of Mr Hurst and why SOCA failed to warn him of the compromise at any time.

It would be very helpful if you could respond by noon on 8 July 2013.

Rt Hon Keith Vaz MP
Chair of the Committee

⁵ Not printed

Letter from Trevor Pearce QPM, Director General, Serious Organised Crime Agency, to the Chair of the Committee, 8 July 2013

Private Investigators

I am writing in response to your letter 3 July. Given that Operation Tuleta is an MPS led ongoing criminal investigation, you will appreciate that this limits my response. Taking each of your questions in turn:

Question 1 - The date you handed the Operation Millipede case file and the copy of Phillip Campbell Smith's hard drive disks to Operation Tuleta and the date of the guarantee letter sought from Operation Tuleta, as well as a copy of that letter and Tuleta's request.

In relation to case material, SOCA instigated contact with the MPS in May 2011 and has co-operated fully with the investigation. SOCA has been in regular contact with members of the Operation Tuleta team over the last two years. During this period the MPS has been provided full access to all material held by SOCA, and SOCA has responded fully to all information requests from the Operation Tuleta team. SOCA does not recognise what is meant by the term "guarantee letter" in the context of these exchanges.

Question 2 - The amount of data from Mr Campbell Smith's hard drive that has not been copied to Operation Tuleta.

All data retrieved forensically from Mr Smith's hard drive disks has been made available to the Operation Tuleta team.

Question 3 - Which of the material you have provided to Operation Tuleta was original and which were copies

Full access to the operation Millipede exhibits has been given to members of operation Tuleta team on an ongoing basis since May 2011. Original exhibits retained by SOCA for the purposes of the Millipede prosecution have been released to the Tuleta team when requested.

Question 4 - How bank/credit account information and an Interpol trace can be compliantly obtained by a private investigator.

There are clearly private investigators that dishonestly and unlawfully obtain confidential details about people for financial gain. This in part led to SOCA highlighting these issues in the 2008 report. However, there are limited circumstances where a private investigator can legitimately seek and receive personal information by applying to data controllers using recognised exemptions under the Data Protection Act: the ICO provides published guidance on this issue. It is also possible for a private investigator to retrieve significant financial information from the internet without recourse to illegality. Finally, an "Interpol trace" is not a formally defined term. A private investigator can go to the Interpol website (www.interpol.int) and access a range of yellow notice (missing person) or red notice (wanted person) information which is freely available to users.

Question 5 - Why SOCA did not prosecute a client that was identified during Operation Millipede that had obtained bank and credit card statements and an Interpol trace

A recorded operational policy decision was made to refer this to the Information Commissioner's Office which has the appropriate regulatory powers. This action has been pending while an associated criminal investigation takes place.

Question 6 - Why SOCA allowed a Trojan to be applied to the computer of Mr Hurst and why SOCA failed to warn him of the compromise at any time.

This relates to an ongoing criminal investigation, therefore it would be inappropriate for SOCA to comment on this.

I will respond separately to the request from Eleanor Scarnell dated 5 July by noon 16 July 2013.

Trevor Pearce, Director General
Serious Organised Crime Agency

Letter from Sir Ian Andrews, Chair, Serious Organised Crime Agency, to the Chair of the Committee, 12 July 2013

Private Investigators

I am writing to you, further to my appearance before the Committee with Trevor Pearce on the 2 July, and the subsequent letter he received from the Committee, on the 5 July.

You have asked Trevor to provide further information about identity of people or companies which SOCA has intelligence to suggest may have commissioned illegal activity when they instructed private investigators to acquire information on their behalf. The letter rightly observed that this data would be limited to closed cases where SOCA was the lead investigator.

In order to assist the Committee, SOCA has reviewed all of the very extensive case material in Operation Millipede records and has compiled a list of all those clients it could identify who instructed the private investigators who were the targets of this investigation. The fact that they have been identified does not mean that they placed their instructions in the knowledge that the private investigators or their agents would act unlawfully.

As you know, the Metropolitan Police Service is currently conducting investigations under Operation Tuleta, aspects of which rely on evidential material provided from Operation Millipede. You will appreciate that we need to ensure that publication of any such information would not prejudice, or otherwise undermine, any potential prosecution.

We are similarly concerned that publication of the client names from Operation Millipede could prejudice any future enquiry or possible regulatory action on the part of the Information Commissioner, to whom SOCA undertook in April 2012 to pass its Operation Millipede material once the current Operation Tuleta investigations are finalised.

Given the lack of certainty over guilty knowledge on the part of Operation Millipede clients, and the impact that any publication might have on those named (recognising the requirement for public authorities to have respect for individuals' private and family life under the Human Rights Act 1998), together with the possible prejudice which any publication might have on ongoing criminal investigations and future regulatory action, the list of Operation Millipede clients which SOCA has created following your request has been formally classified as "Confidential" in accordance with the guidelines for operating the Government Protective Marking Scheme.

This reflects the fact that the information it contains, if published, might prejudice individual security or liberty, impede the investigation (or facilitate the commission) of serious crime or substantially undermine the financial viability of major organisations by tainting them with public association with criminality.

Given the above assessments, the provision of the information requested by the Committee must be on the basis that such material is sensitive information which will not be published and will be treated "in confidence". In accordance with extant Cabinet Office guidance regarding the provision of sensitive material to Select Committees, I should be grateful for confirmation in writing that the Committee would treat the client information it has requested on this basis so that the concerns SOCA has about possible publication and its consequences are appropriately addressed.

If you would find it helpful to know more of the background to these judgements, or explore alternative ways in which we might satisfy the Committee which would avoid the concerns raised in this letter, I should be happy to offer you a personal briefing on Privy Council terms. Please let me know if you would like to take advantage of this offer.

Sir Ian Andrews, Chair
Serious Organised Crime Agency

Letter from Keith Bristow, Director General, National Crime Agency, to the Chair of the Committee, 12 July 2013

Private Investigators

I am writing to you in response to your letter dated 1 July 2013 where you requested some information in relation to the National Crime Agency (NCA) and activity against private investigators.

Timetable of Serious Organised Crime Agency (SOCA) staff, resources and responsibilities to the NCA.

The NCA will 'go-live' on 7 October 2013. The Home Secretary has signalled her wish to see change being effected in advance of then. Since 1 February 2013 SOCA and other pre-cursor elements have systematically moved across into shadow working. Shadow working describes how the NCA can begin to operate in advance of go-live by utilising the resources that will comprise the Agency against the NCA's expected priorities. It enables the organisational model to begin to be populated and its operating model to be tested internally and externally; effectively stress-testing the prototype to ensure a smooth transition.

The NCA staff matching process has been completed and all officers are being advised where their new role will be within the NCA.

Budget Information

The NCA will be delivered within the budget of its precursor organisations. SOCA's budget (which includes the Child Exploitation and Online Protection Centre) will form the bulk of the budget for the NCA. For the current financial year (2013/14) SOCA's delegated budget from the Home Office is £417m (resource and capital and includes funding for NPIA functions that were transferred to SOCA). From 'go-live', the NCA will organise its budgets to provide focus on the strategic priorities that the Home Secretary will set for it, and will invest in future capability for tackling serious and organised crime. It is too early to set out what these budget breakdowns will be.

Also, the NCA- like SOCA - will be in receipt of other supplementary funding and income streams to support delivery of operations.

SOCA information on Private Investigators

You have requested a guarantee that none of the information that SOCA holds on private investigators will be lost during the transition to the NCA. On 7 October 2013 all information held by SOCA will pass from SOCA to the NCA. In line the SOCA Director General's evidence to you on 2 July 2013, SOCA is obligated to comply fully with data protection and Criminal Procedure and Investigations Act 1996 (CPIA) requirements that dictate how information and evidence is stored and how long it must be held for. I am confident that SOCA complies fully with its obligations as will the NCA following go-live.

NCA role in respect of Private Investigators

Intelligence indicates that some private investigators continue to work as the proxies of organised crime groups and there is a continued threat from them to law enforcement operations, information and assets, particularly from those who have knowledge and experience of law enforcement or relevant military covert tactics and techniques and are prepared to exploit these for criminal ends. While this remains the case, the NCA will continue to have a focus on private investigators. This will mean continuing to work with partners to apply a range of measures, such as:

- developing intelligence on the threat posed by private investigators, for use by law enforcement and government;
- issuing information to enable partners to: take law enforcement action; regulatory action; and take steps to protect themselves; and
- pursuing those instances of corrupt private investigators that arise, and providing ongoing support to operations led by others.

The NCA will build on the capabilities of SOCA and offer new opportunities to achieve further results against serious and organised crime, including through more effective tasking and co-ordination.

**Keith Bristow, Director General,
National Crime Agency**

Letter from the Chair of the Committee, to Sir Ian Andrews, Chair, Serious Organised Crime Agency, 17 July 2013

Private Investigators

Thank you for your letter of 12 July, concerning the provision to the Committee of information about the identities of people or companies which SOCA has intelligence to suggest may have commissioned illegal activities when they instructed private investigators to acquire information on their behalf.

I confirm that the Committee will treat any such information as confidential and that it will be handled in accordance with current guidance on the provision of sensitive information to select committees.

Rt Hon Keith Vaz MP
Chair of the Committee