



# The International Councilor

## Spring 2018

### President's Message

**Brett Mikkelson**



And in a blink of an eye, the Ides of March have come and gone. The "Ides of March" became a popular phrase from Shakespeare's "Julius Caesar" written in 1601. This was a warning to Caesar of his impending death; "Beware the Ides of March!". The ides referring to the 15<sup>th</sup> day of the month of March.

This year has not been easy so far with difficult decisions having been made from divided perceptions. After a practically even amount of votes going either way, we decided to send our trusted Executive Director to Hong Kong to put the planning of the AGM in order. The trip was a success and we now have the basic structure of the AGM worked out as well as a signed contract with reasonable demands. We had a similar scenario with the Regional Meeting for DC. After noting that no accommodations were set for the location, the task was thrust upon Ryan Colley who picked up the pieces and set things in motion there as well. With only a slight of concern, we were able to meet the meeting the lodging requirements of the contract with the selected hotel.

Such that all the world's a stage and all the men and women merely players, I continue my focus on these three points for 2018:

**Continued page 17**



## 2018 AGM set for August 28 to September 1

Plans are being finalized for what is shaping up to be one of the most anticipated AGMs in the recent past.

What's not to like.? Here are just some of the plans Jack Chu and his team , Grace, David and Hwan are putting into play:

- 6 educational seminars
- Networking opportunities
- Hospitality suite
- Tour of H.K. & Victoria Peak
- Cocktail cruise of Victoria Harbor
- Opening cocktail reception
- Spouse tour with dim sum lunch
- Awards Luncheon
- Gala Banquet
- Optional trip to Lantau Island
- Option to buy tailored suits
- And much, much more

**To register today click here:**

[2018 CII AGM Registration Form](#)

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## The International Councilor

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Lois Colley

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Spring 2018  
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# Editor's Message

by Lois Colley



Dear CII Members,

As 2018 steps into full swing, we look back on successful regional meetings in Cyprus, India/ South-east Asia, and the Eastern U.S., and we look forward to an incredible AGM in Hong Kong.

Other than our regional and annual meetings, we PI's usually like to stay under the radar- but this year, data privacy and cyber security are front and center, throwing open-sourced and public information into the limelight, and putting some of our best information collection methods in jeopardy.

Even as serious cyber security events actually decreased in number last year, the events that were significant to cause a loss or damage rose, according to CSOnline.com. The "impact scale" is changing as cybercriminals gain new capabilities- and as of 2021, cyber crime damages are expected to hit \$6 trillion dollars annually. In tandem, cybersecurity spending is expected to propel information security to \$1 trillion dollars by 2021. As regular users of the internet increase annually, so does the base of potential targets for cyber crime, as well as the base of future cyber criminals. Cyber crime remains a great threat to our client base- as Ginny Rometty (CEO of IBM) recently remarked:

*"We believe that data is the phenomenon of our time. It is the world's new natural resource. It is the new basis of competitive advantage, and it is transforming every profession and industry. If all of this is true – even inevitable – then cyber crime, by definition, is the greatest threat to every profession, every industry, every company in the world."*

As 2018 continues, those of us in the intelligence arena must acknowledge that it will be an uphill battle to remain at the vanguard of developing information about "the world's new natural resource." But one of the ways we can stay at the forefront is to rely on our professional associations, networks, and connections to build on our experience and education. As members of CII, we work for one another, train one another, and trust one another (and we don't mind the occasional party at the AGM either).

In this issue of The Councilor, Sachit Kumar (former President of CII) discusses the need to update our approaches to due diligence in the UK and the E.U. as the General Data Protection Regulation (GDPR) takes effect. Anne Styren also adds to the GDPR discussion with her second submission on the issue and how to cope with it. We also discuss approaches to OSINT in the age of increasing data privacy awareness. Finally, we're pleased to present Daniel Benny's analysis of protective services in relation to our field.

Your editor,  
Lois Colley

# 2018 C.I.I. Annual General Meeting Provisional Schedule

August 28 through September 1, 2018

Regal Kowloon Hotel Hong Kong



## Tuesday 28 August 2018

- 9 AM – 5 PM – Registration
- 9 AM – 12 Noon – Committee meetings
- 12 Noon – 2 PM – Board luncheon
- 2 PM – 5 PM – Board of Directors Meeting
- 5:30 PM – 7:30 PM – Cocktail reception with hors d' oeuvres
- 9 PM – 12 mid – Hospitality Suite



## Wednesday 29 August 2018

- 9 AM – 10 AM – Opening ceremony
- 10:00 AM – 10:30 AM – Coffee Break
- 10:30 AM – 3:30 PM – Spouse/Partner shopping tour w/ luncheon
- 10:30 AM – 12:30 PM – Seminars # 1 & 2
- 12:30 PM – 2 PM – Lunch
- 2 PM – 4 PM – Seminars 3 & 4
- 8 PM – 12 mid – Hospitality Suite

## Thursday 30 August 2018

- 9 AM – 12 Noon – Annual General Meeting
- 12 Noon – 2 PM – Awards Luncheon
- 2 PM - 10 PM – Hong Kong Tour including Victoria Peak  
Victoria Harbor Cruise and dinner (Charity auction)
- 10 PM – 12 mid – Hospitality Suite



## Friday 31 August 2018

- 9 AM – 11:00 AM – Seminars
- 11:00 AM – 11:30 AM – Coffee break
- 11:30 AM – 1 PM – Seminar
- 1:00 PM – 6:00 PM – Free time to tour
- 2:30 PM – 4:30 PM – Board Meeting
- 7 PM – 12 Midnight – Cocktail reception and Gala Banquet



## Saturday 1 September 2018

Conference officially over –optional tour date to Lantau Island



## US East Region Meets in DC

### Seminars , Tours, & Networking fill the weekend

About two dozen members, friends and colleagues met over the weekend of March 16– 18 in Arlington VA, just across the Potomac River from the US Capital city of Washington DC for the US East Regional Meeting.

The meeting kicked off with a pizza party / cocktail reception on Friday, followed by a late night hospital-suite session where all things investigative were discussed and solved.

The following morning, education took the forefront with seminars by **Ed Gavin** (Child Trafficking and Exploitation); **Nancy Barber** (Navigating the Federal Government for FOI Documents); and **Larry Ross** (Asset Searches).



**Brett Mikkelsen** also addressed the attendees on the State of the Council. The morning session included a continental breakfast and a scrumptious buffet lunch.

The afternoon was open for touring. Thanks to the persistence of **Ken Cummins** some members were fortunate to have tickets to the African American Museum, which is the hottest ticket in Washington these days. Others toured various Smithsonian



exhibits and the Marine Corps Memorial.

The group met for dinner on Saturday evening to close out the meeting.

Members and colleagues in attendance included: **Ryan Colley, Don Johnson, Chris Nielsen & Kathy Kerr, Brett Mikkelsen, Jeremy King, Tina Skirvin, Tawni Tyndall, Nancy Barber, Galen Clements, Mike Russell, Francie Koehler, Togun Kehinde, Larry Ross, Allison De Wolfe, Jim Kerins, and Mark Krogness.**



## Peru in May

In conjunction  
with ABL meeting  
*Chance to visit  
Machu Picchu*

In our continuing efforts to promote our CII members collective talents to business attorneys from around the world, CII has decided to host a regional meeting in Lima Peru, May 10—12 to coincide with the Alliance of Business Lawyers (ABL) semi-annual meeting. CII members in attendance will have the opportunity to socialize and network with some of the top business litigators in the world. CII President Brett Mikkelsen will be presenting a seminar to the ABL. But, it will not be all business. There will be several social events that CII members will be

**Most excitingly, ABL is arranging a three day post conference event to travel to Machu Picchu, at the top of the Andes.**

invited to attend at nominal costs. Most excitingly, ABL is arranging a three day post conference event to travel to Machu Picchu, at the top of the Andes.



**If you would like to attend you need to contact Brett Mikkelsen ASAP to reserve your attendance. [brett@bminvestigations.com](mailto:brett@bminvestigations.com)**

**Your dues are what fuels the CII engine. If you haven't paid your 2018 dues the easiest way to pay would be to simply [Click here](#)**

# 2018 Europe Regional Meeting a Cypriot Festival

Submitted by John Withers

Our gracious host this year was Polys Kyriacou from Templar Investigation Intelligence & Security, who together with the endless support of Anne Styren organised an excellent regional meeting in the picturesque setting of Larnaca on the beautiful eastern Mediterranean island of Cyprus, which is famously known as the Island of Venus and also for the birth place of Aphrodite.

While some arrived early and had the opportunity to experience a special mini tour to Nicosia – we officially kicked off on Thursday evening with a welcome drink (grateful thanks to the sponsor Sachit Kumar) and dinner in a traditional Cypriot Taverna called ‘Militzis’. Here we enjoyed our first experience of the Cyprus Meze, a never-ending procession of local delicacies! An evening with local musicians, dancing and of course the opportunity to greet both old and new friends from the CII family - this was a great start.

In more formal surroundings on Friday morning we received 3 excellent guest speakers who covered topics including Offshore Companies, the hiding of assets, world financing, “how to bankrupt a bank” and the ACFE. In the afternoon we held a group discussion on the important European matter of the moment; the GDPR, which has a worldwide reach if you’re processing the personal data of a European citizen. This becomes enforceable from 25 May 2018. The ability to ask questions and hear the different views on the GDPR from colleagues in different countries was invaluable.

Friday evening’s farewell dinner was held in a Taverna on the seafront in Larnaca where we enjoyed a meat and fish meze and some then went out dancing..

There was an optional tour on Saturday to the mountains to visit a monastery, followed by an interesting visit to a vineyard to sample some local wines. After a delicious countryside lunch, the Saturday trip had a final stop in Lefkara, famous for the laces and embroidery and some of us of course did some shopping.

Another excellent European Regional Meeting, the opportunity to reacquire and meet new CII members is most valuable. The opportunities to talk with our CII colleagues in a relaxed atmosphere allows for great network building as well as social bonding.

The attendance in Cyprus this year was extraordinary!

23 Certified International Investigators including:

Past Presidents; Eddy Sigrist, Alan Marr, John Sexton & Sachit Kumar

Past Chairman; Tom Davies

and our newest CII members in attendance; Stephan Gussmann from Switzerland and Carolina Bettencourt from Portugal, both elected this year.

3 employees of CII members

6 professional guests

5 family members

3 speakers

As they say in Cyprus, *Antío* (goodbye) and I look forward to welcoming you all to Belfast, Northern Ireland for the 2019 European regional meeting.



## **CII Members Treated to an Awesome Experience**

### **CII Asian/South East Asia Regional Meeting**

### **8 – 11 March, Amritsar, Punjab**

The CII Asian Regional Meeting in Amritsar, Punjab – the holy city of the Sikhs, was an astounding success with 40 attendees both members and non-members from the region. We were graced by the presence of members from Singapore, Malaysia, and most members from India. It was a first for three past presidents, Ponno Kalastree, Pawan Ahluwalia and Sachit Kumar, to be attending a regional meeting at the same time. The non CII members attending were keen to know of our organisation, and are looking forward to joining our CII family!

The Asian CII Regional Meeting kicked off with a Cocktail Reception at the Radisson Blu Hotel in Amritsar, followed by a dinner at the Hotel's Asian Wall Restaurant. The following day, we had a half day seminar with two very eminent speakers. The first speaker, Lt Gen Jasbir Dhaliwal, spoke on *Kashmir - A Military Perspective*. A very interesting session, where the speaker share his experience and personal views on the subject. The second speaker, Brig JPS Ahluwalia spoke on Security of Radisson Hotels & - *A commentary on Amritsar and the Golden Temple*. Most attendees were more interested and fascinated on the commentary of the Golden Temple.

In the afternoon after lunch at a local eatery on the Attari Border – it was the trip to the Wagah Border – the border between India and Pakistan. We watched one of the world's most famous military ceremonies on the Wagah Border. Elaborate military drills and gate-closing performed by soldiers from both nations. It was a rare experience where one soak up the pomp and ceremony, and fervent atmosphere – something most will remember for a long time.

Day 2 started with two seminars which kept the attendees captivated. The session on Indo - Iran relations in the backdrop of sanctions by Brig MM Chaudhary, who shared his personal experience, while he was based in Teheran. It was an insightful session as what one reads in the media compared to the actual situation viewed by another. The next session, equally captivating was the topic on Punjab Terrorism - *Operational strategies to bring End game- personal experiences*" by Mr. C Pal Singh who shared his experience on the impact on Punjab after "Operation Blue Star" and the steps taken to normalise the situation and creating anti-terrorism

strategies.

After lunch at a local eatery known for its vegetarian cuisine in Punjab, we made it to the magnificent Golden Temple – the holy shrine of the Sikhs. Known for its sanctity among the Sikhs worldwide, it is also a sight to behold. The entire top of the temple is made of pure gold and it is surrounded by water, known as "Pool of Nectar". The temple has four entrances, which signifies acceptance of all. The temple is considered holy and 35% of those visiting daily are non-Sikhs. The temple operates a "Langgar Hall" (the free kitchen) and it is estimated that 100,000 meals are served daily.



After a breath taking visit to the Golden Temple, all returned to the Hotel for dinner and drinks. The atmosphere was cheerful as most had made acquaintances and the spirit of fellowship/networking prevailed. A simple closing was done where the hosts – Ponno and Pawan talked about CII, its benefits and opportunities for members and welcome non-members to apply for membership.

Overall, the general feedback was that the 2018 Asian CII Regional meeting was an astounding success. There was much knowledge exchange and social interaction. Members renewed acquaintances and made new friends who are potential CII members. The CII flag continues to run high in Asia!

*Submitted by co-hosts:*

**Ponno Kalastree** – Regional Director, South East Asia

**Pawan Ahluwalia** – Regional Director, India / Middle East

# To Market To Market



In our continuing effort to promote our members' services as well as recruit new qualified members, C.I.I. is participating in four upcoming events.

In May, President **Brett Mikkelson** and several other C.I.I. members will be attending the Alliance of Business Lawyers (ABL) spring meeting in Lima, Peru. Brett will be presenting a seminar and promoting our members many talents to this highly regarded group of attorneys with an international practice.

Following that we will be hosting a informational booth at the Association of Certified Fraud Examiners (ACFE) annual conference June 17-19 in Las Vegas. This will be the third year C.I.I. has attended this event, which draws over 3,000 auditors, accountants, security directors and security/investigation professionals from around the world. If you are attending this conference please stop by the booth and say hello. Special thanks to **Marc Reed** for subsidizing this marketing initiative.

Mark the dates of October 17—20, as our two affiliate organizations, ABL and Integra are having a joint meeting in Florence, Italy. C.I.I. has been invited to join the two groups and will be doing so in spades. All CII members are invited to attend and meet top attorneys and accountants from around the world.

Finally, in November, the Council will be hosting a booth at the Super Conference being held in New York City, November 8-11. This event is expected to draw over 500 private investigators from around the world and is being co-managed by C.I.I. member **Steve Rambam**. More information can be found at <http://www.2018investigators.com>.

## Advertise on the website or in the Councilor!

The Councilor is offering members only the opportunity to advertise their services on the website or in the Councilor. Rates are affordable but space is limited. The website advertising runs for three months period and is a very affordable \$250. It includes a banner ad / logo and link to your website. The next available time block is January 15—April 15. The Councilor is also accepting ads at rates of:

1/2 Page—\$125 per issue

1/4 Page—\$75 per issue

Bus Card—\$50 per issue

To place your ad simply go to:

[Website / Councilor advertising form](#)

Or contact Steve Kirby at [skirby@cii2.org](mailto:skirby@cii2.org)

## 64th Annual AGM Hong Kong August 28—Sept 1

[2018 CII AGM Registration Form](#)



### SUBMISSIONS WANTED

#### For Educational Website and the Councilor

If you have a video presentation or an educational article  
you would like to post on the CII educational website or in the Councilor please  
contact Steve Kirby at [skirby@cii2.org](mailto:skirby@cii2.org)

# 2018 AGM in the Heart of Kowloon

Fantastic rates at the Regal Kowloon

[Regal Kowloon Hotel registration form for 2018 CII AGM](#),



We're not sure how Jack Chu and his crew did it but we are sure appreciative that they did. There was concern that the hotel rates in Hong Kong would be cost prohibitive, but Jack negotiated an unbelievable rate of HK\$1100 single or HK\$1200 double, which is equivalent to US\$140 single and US\$152 double and 113 Euro single and 123 Euro double. These spacious accommodations are located in the heart of the Kowloon district, known for it's nightlife, restaurants, and shops. The hotel a short two block walk to Victoria Harbor. There is also a large park, directly adjacent to the hotel, to relax outside.

The phenomenal rate includes a sumptuous breakfast buffet; free wi-fi; and complimentary transportation to and from the airport.

The hotel is holding this room block until July 26 so it is imperative that you book as soon as possible. To download the hotel registration form, click here [Regal Kowloon Hotel registration form for 2018 CII AGM](#), You will then need to fill it our and fax or email the form to Chanel Li at the Regal Kowloon.



The Regal Kowloon scores a 4.5 our of a possible 5 on Trip Advisor, based on over 12,000 reviews!

## Pictures from the India / Asia 2018 Regional Meeting



## Current Membership Numbers

Certified	330	Affiliate	9
Qualified	20	Honorary	7
Associate	1	Emeritus	4
Senior	21	Applicants	8

Total Membership 392  
Countries Represented—67  
Continents Represented—6

## PENDING APPLICANTS

**Eliot McKenzie**  
EMK Consultants  
Glasgow Scotland, UK

**Sharon (Ron) Glaser**  
S.O.G. Investigations  
Bern, Switzerland

**Bernard Cantin**  
TRAK Investigations  
St. Hubert, Quebec Canada

**James Ellis**  
JKE Texas Private Investigations  
Irving, (Dallas) Texas

**Kenneth (Kenny) Long**  
Super Recongnizers International Ltd.  
London UK

**Juan Duran**  
Defion Internacional  
Lima Peru

**Marc Hurwitz**  
Crossroads investigations  
Miami FL USA

**Omid Aria**  
AIS Investigation Services  
North Sydney NSW Australia

More information about the applicants can be found on the CII website. Anyone with knowledge of these applicant's qualifications can contact Galen Clements at [galen.clements@cii2.org](mailto:galen.clements@cii2.org)

**(Remember no posting about applicants on the listserv)**

## New Members 2018 WELCOME

**Carolina Bettencourt**  
Portugal

**Shalk Dippenaar**  
Republic of South Africa

**Stephan Gussmann**  
Switzerland

**Oliver Lawrence**  
Australia

**Christophe May**  
Switzerland

**Matt Mowbray**  
United Kingdom

**Sean Peirce**  
Republic of South Africa

**Jeffery Schare**  
United States

**Kenneth Springer**  
United States

**Anna Stowe**  
United States

**Jan Willem Vermatt**  
Netherlands

## Membership status changes

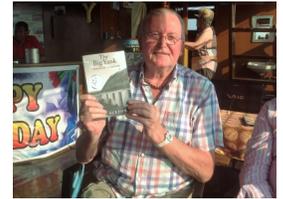
The Board is pleased to announce that **Tim Daly** of Boston MA, USA and **Bernard Owusu-Twumasi** from Ghana have had their membership status revised from Qualified to fully Certified. Congratulations to both.

# Watching the Detectives

Submitted by Steve Kirby



Things have been pretty quiet since the last Councilor went to press but a few pieces of gossip have been learned through human sources, surveillance, and thin walls...Several CII members were seminar speakers at the recent Intellenet conference including **Goolam Monsour, Rodney Johnson, Eric Flores** and **Jeff Williams**...They were joined by dozen or so of other CII members for what was not doubt a fine conference in a great venue...For the first time ever Intellenet founder and CII member **Jim Carino** was unable to attend in person but made a grand entrance via Skype... People are starting to wonder about **John Sexton's** Irish heritage given that he spent St. Patrick's day in Cairo Egypt...However, thanks to **Alan**



**Marr**, John's lineage is proven as while visiting India Alan was caught reading John's memoirs of growing up Irish as prosed in John's biography, *The Big Yank*...**Cynthia Hetherington** braved unseasonable cold and snow in Washington DC to address the members of NCISS on Open Source Investigation...**Sandra Stibbards** is also teaching a class in OSINT right in the neighborhood of C.I.I. Headquarters. Sandra will be in Downers Grove IL May 3-5...Most of us know **Brett Mikkelson** as an Army man but apparently he has seagoing experience as he spent a weekend teaching his boys, Brett Jr. and Brandon how to navigate those tricky open waters. No word yet if the boys applied to be Panama Canal captains...Speaking of the Army, **Jim Kirby's** son Joe has just transitioned from the Army Reserves to full active duty as a medic in the 1st Armored at Fort Bliss in El Paso Texas. Wishing Joe nothing but the best...It's two for the price of one for **Rick Quinn** and **Norm Willox** as both members recently had double knee replacement surgery. Next time we have both of them at a AGM we will have to have them race to see who had the better doctor...Until next issue, keep watching those detectives. You never know what you will see.



Rick Quinn's  
Doctor

## C.I.I Needs You

(yes you)

to run for office



Always looking for fresh faces with fresh ideas you are invited to place your name in the hopper to serve as a Board Member of the Council. Nomination forms will be going out to the membership in mid May over the listserv. Nominees must:

- Be Certified, Senior or Emeritus members in good standing for three (3) years
- Have attended two (2) meetings; 2 AGM's or one (1) AGM and one (1) Regional Meeting
- Have registered and intend to attend the AGM at the time of nomination - in order to be present at the board meetings after the election.

It's not a tremendous amount of work. The Board meets quarterly. They meet at the Annual General Meeting in person and then via teleconference in December, March and June. The meetings typically last 90 minutes. This is your opportunity to help lead your organization into the future.

## On the Mend

**Walt Atwood**, one of just four Emeritus members of the Council wrote to say that he is recovering from recent surgery. Walt has been a C.I.I. member for 30 years and recently celebrated his 96th birthday! You can send Walt a note at [atwoodw@att.net](mailto:atwoodw@att.net).



# Featured Article

## How are you coping with the GDPR? - Part 2 (European Data Protection Regulation)?

Submitted by Anne Styren, CII



In this article I want to follow up on the article published in the last Councillor. Some months have passed, and at Profile Intelligence we've been working steadily to be ready and compliant by the end of May when the law comes into full effect and can be enforced. Again, just to be clear, I am not in any position to offer legal advice – the below are my personal views and experiences in coping with our GDPR preparations and also some input from European colleagues.

### What have we done so far at Profile Intelligence AB in Sweden?

As you might recall, I decided to split my GDPR work into two sections,

1. that relates to the company's general business, where the information managed is there independently of the work I do, and
2. a second that is specifically looking at my company's operations (the projects I do for my clients) and how they are affected by GDPR.

I wrote in the last article that "the first section is quite straight-forward" and compared to the second section that is true – but we've found that the first section hasn't exactly been a walk in the park either.

### General business activities and GDPR

We started by making an initial inventory of the personal information my company holds. We simply listed anything that had someone's name on it; client registers, lists of those we've sent marketing material to, lists of old clients from way back, lists of subcontractors and contacts "that may come in handy", boxes with business-cards, notes taken in meetings with people, e-mail contacts, the e-mails themselves both recent and old, copies of letters – all this and more went onto our list.

Then we needed to figure out what we did with the material, and why – basically the compliance for each kind of item on our list. We needed to make sure that we'd considered and decided the legitimate reason for keeping, storing and handling the information. We created a new list with one set of facts for each "information item" where we answer these questions.

Below are examples – the black is the consideration and the blue an example of our answers (that varies for each item of course):

- Reason for data processing;  
*to fulfil agreement with clients*
- Category of data;  
*personal name, address,*
- Does the register contain sensitive data?  
*No/Yes*
- Transfer to third countries?  
*No/Yes*
- Where is it stored and how?  
*Cloud with encryption, locked drawers*
- Time limit of removal of data;  
*End of project or agreement*
- Lawful basis for processing;  
*Accounting or labour legislation*
- Description of technical and security measures:  
*Refer to Risk & Vulnerability Assessment*
- Name and contact information for data processor  
*Those who process the data on behalf of the data controller*

This was pretty easy too, we felt, until we wanted to make sure all was really up to par and we found this list of ours was still too basic. The question; "what is the lawful basis for processing?", needed for example a proper legal reference, not just a sweeping statement. So, we had to find out which specific Swedish law it is that demands us to keep this kind of information and state that law, not just broadly citing "labour law, accounting principles". So, back to the list, checking each item, entering it into the excel form and being more detailed got us in better shape. Creating a word document with details set out explicitly, as an attachment, helped further along.

And finally, each place we store information (cloud, e-mail, hard copy documents) needs to be evaluated from a risk and security standpoint. This includes the suppliers' handling of security, for example Microsoft

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and Dropbox; are the resources we use secure? In this document we also note how we verify that things are kept secure and our procedure if something happens. Because as we need to report immediately if personal data is lost, we also need to know *how* we know whether it is lost or still secure.

We're also working on our privacy policies/notices which we'll be adding to e-mails (you know the long text at the end of each e-mail that you often skip to read?)

*"The GDPR imposes new rules on companies, government agencies, non-profits, and other organizations that offer goods and services to people in the European Union (EU), or that collect and analyze data tied to EU residents. The GDPR applies no matter where you are located."*

and setting up routines for keeping everything up to date.

Does this seem to be a bit "over the top" for a company with less than five employees? Yes, indeed. But it is basically what the law requires all to do.

However, we also note that there in some places for example is written that "small companies might not need to keep detailed regis-

ters" but these statements have not, as far as I can see, been supported with legal text. So we are being pragmatic, and doing our best to follow all rules as best we can. We cannot spend countless hours on this or employ a special GDPR specialist full time. I know we'll not have everything 100% by the book by May – but we've certainly tried our best. We'll be able to show what we've done, how we've reasoned, what sources we've used as guidance and it'll be ok (I hope).

If you've read this far and feel – "oh, I really need to do something about this!!" I generally recommend the British Information Commissioners Office <https://ico.org.uk> as a starting point. While each country has their own set of additional rules, the ICO has a lot of very good guidelines, GDPR preparations-in-12-steps, getting ready for GDPR check-lists and so on. Another suggestion is to look at a cloud/secure storage site that also has good input and advice as secure storage of information is important for GDPR too: <https://tresorit.com/gdpr/gdpr-requirements>.

### Investigative services and GDPR

So, what's happened so far on the second side of my GDPR project? The side that deals with my investigative services and client projects? Well, it's "clear as broth" as

we say in Swedish. Looking good, but not crystal clear. Again, take note, the below are my views, not legal advice!

### Do we have to?

The GDPR applies to almost everyone, but there are exemptions (article 23). If for example:

- the prevention, investigation, detection or prosecution of criminal offences;
- the protection of judicial independence and proceedings;
- breaches of ethics in regulated professions;

would be considered applicable to the services we provide, then the GDPR would not apply to our services/investigations.

There's also another small window to look at:

*Member States may adopt specific rules to set out the powers of the supervisory authorities laid down in points (e) and (f) of Article 58 (1) in relation to controllers or processors that are subject, under Union or Member State law or rules established by national competent bodies, to an obligation of professional secrecy or other equivalent obligations of secrecy where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. <sup>2</sup>Those rules shall apply only with regard to personal data which the controller or processor has received as a result of or has obtained in an activity covered by that obligation of secrecy.*

I think for example that Austria has licenses for investigators which includes an obligation of secrecy, making them exempt from GDPR. But for us, Profile Intelligence, none of the above seems to apply at the moment. So, assuming GDPR applies to our services – what's next?

### We have to face the music.

First we need to determine two things;

- that we have a lawful basis for processing (remember the 6 lawful bases? Consent, contract, legal obligation, protect someone's life, public task, legitimate interest)
- if we are the Controller or Processor

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# Featured Article

## Social Media Privacy: A Very Public Issue

Lauren Sowers



5,000 days. As of the writing of this issue of the Councilor, social media (as we have come to know it) has been around for 5,000 days. I recently shared this statistic when we presented at a PI training seminar, and the statement was met with a sea of surprised and inquisitive expressions.

As spring arrives here in the U.S.A., it's a good time to take inventory of what's actually new around us. For those of us who toil in intelligence, who dwell day in, day out in the endless underbelly of web research, it's hard to believe that our current processes for modern investigations are actually *all* brand new. We take for granted certain tools or ways of gaining information, but they've only been around for a couple of years- they rapidly change and unfold, as the technologies that support them dictate their evolution.

Just as we investigators get a real handle on social media investigations, the general public is becoming vastly more aware of data mining and adjusting their privacy settings accordingly. Privacy is becoming a very public issue- look no further than Mark Zuckerberg's U.S. Senate testimony about Facebook's accountability (or lack thereof) in privacy maintenance, or Europe's new GDPR (General Data Protection Regulation) to see that the tide is indeed turning. Facebook certainly isn't the only organization being scrutinized by several governments- it's only one among 30 organizations currently being investigated in the U.K.'s political data inquiry.

But as always, just as some tools disappear, others will develop in their stead. In the meantime, we'll have to go back to the basics, and be more creative and fluid in our approach, and rely on our trusty human brains and analyst's eyes. One of the ways to do so is to stay on top of the trends. For instance, did you know that the Facebook user base is aging? In 2014, one study reported that an estimated 56 percent of adults aged 65+ have Facebook accounts. Young people aren't currently flocking to Face-

book as we saw in the previous decade- teenagers in particular seem to see it as a place where their parents connect with friends. Meanwhile, Snapchat, Tumblr, Instagram and Twitter are trending with the younger set.

Another thing to keep in mind is that many apps are connected or fully integrated (i.e. Instagram is owned by Facebook, a Pinterest/Facebook integration exists). Cut your research time down by knowing where these connections are.

And as always, you need to "outsmart" the apps. Sites like Facebook will "intelligently" limit your search results based on your network, connections, and previous inquiries. For instance, if you're looking for info on a "Bill Smith" that you don't know, Facebook is going to gear your search results toward the Bill Smith you're related to, and a different Bill Smith with whom you share mutual friends. That's why using tools from outside the application, or querying the API can be beneficial. Additionally, it's already a good practice to use a distinct profile and an entirely separate browser. This limits your potential for error (like accidentally friend requesting a target from a personal account, or being suggested to the target as a potential friend request based on your poking around their profile and network- a real possibility on sites like LinkedIn).

### **So, in short:**

#### **The downside...**

*As data privacy becomes a mainstream conversation, expect settings to tighten and your work to get harder.*

#### **The upshot...**

*Tighter privacy settings require a human eye and real insight and angling for information, not just an automated data mine that could be handed off to a database provider. This might equate to some level of temporary job security for analysts whose work might otherwise become obsolete with the rise of AI (artificial intelligence).*

# RESOURCE OF THE MONTH

## ONLINE INVESTIGATION SOFTWARE SOLUTIONS

By Lauren Sowers

Are your online investigations a mish-mash of saved files and screenshots? Does the home screen of your laptop look like a virtual landfill? If you're like me, more than once in an investigation, I have to revisit my browser history to figure out where on the web I found one tidbit or another. Sometimes, I'll have visited so many pages within a one hour investigative scope, and taken so many screenshots, that it's faster for me to just formally search for the information again, rather than to mine my own web history from the previous hour. Luckily, there are a couple of products out there to organize your online investigations as they develop.

One idea is *Evernote*, the popular workflow application. Within Evernote, you can use the Evernote Helper to drop screenshots into a file and add quick notes to them. This could speed your report writing time later. Also, if you like to dictate and you use a Mac, you can actually capture the screenshot, which automatically drops into the assigned file, and with it, add a voice note.

Something newer and more targeted to our line of work is *Hunchly*- an application that claims to be your investigative "sidekick" in allowing you to "track, analyze and store" the information in your online investigation in a sensible way. For \$129 a year, you can get one user license for Hunchly, which will track every step you took in your investigation. It also captures the web pages in their entirety as you move along, indexing them for searchability within the application. All of the information captured by Hunchly is saved to your local machine, as opposed to a cloud storage with other vulnerabilities.

Have you tried any applications to better organize your online investigations? Let us know!

<https://www.hunch.ly>

<https://evernote.com/>

## UPDATING YOUR APPROACH TO DUE DILIGENCE IN THE UK

Submitted by Sachit Kumar

A note to advise anyone carrying out Due Diligence enquiries in the UK that some organisations are clamping down on the release of information ahead of changes to data privacy laws which come into force in May under the GDPR (General Data Protection Regulation).

The new laws effectively tighten up the existing regulations but as always will be open to interpretation. In recent weeks, universities in particular have demanded more information before verifying educational qualifications.

Previously, a general release from the applicant authorising the release of information was sufficient but recently a number of requests have been rejected.. As a guide, each university or organisation will require a hand signed authorisation from the applicant authorising it specifically to release data and naming the person or agency to whom it can be released.

My advice is to make sure you have a detailed CV from the applicant and that any release authorises the specific institution to release information. If a person has attended one or more university each one should be named in the release which should also name the organisation or agency to whom data can be released and the agency should submit the request on headed notepaper from its own e-mail address - some requests sent from personal e-mail and, in particular, Gmail accounts have been rejected.

The laws are subject to interpretation - one university, for example, insisted the applicant send a hand signed authority from their own personal email account to two different departments authorising the release of information to us and required us to send a separate request for the information.

Numerous changes taking place in United Kingdom in UK Laws and the GDPR (European General Data Protection Regulation) should be useful for future reference.



## FEATURE ARTICLE

### PROTECTIVE SERVICE RESOURCES FOR THE PRIVATE INVESTIGATOR

Daniel J. Benny, Ph.D., CPP, PCI, CII, CFE, PPS, CMSP

A situation may arise in which members of your investigative organization will require training with regard to a protective service program. If it is determined that your organization requires training either to establish a protective detail or to gain knowledge to work effectively with other visiting agencies, there are numerous sources of information and training. If your department has qualified individuals with prior protective service experience or training, they may be utilized to provide training and or help establish a protective unit. Other options may include sending members of your staff to a protective service training program or the hiring of a security consultant with protective service expertise to provide on-site training in the establishment of a proprietary program.

Whether you decide to send your staff to a training facility or contract with a consultant for on-site training, it is important to examine the educational background and experience of the trainers and or consultant. There are many schools, trainers, and consultants who claim to be experts in executive protection procedures. Look for individuals with extensive private protective service experience or have complete protective service training through and federal or military protective service organizations. This may include the Secret Service, State Department Office of Security, Office of Naval Intelligence, Naval Criminal Investigative Service, the Army Criminal Investigation Detachment, or state police protective details in the United States. In the United Kingdom experience with Scotland Yard, MI5 or local police protective service details or training would be of value.

There are several excellent sources from which to obtain training for your staff. The United States Secret Service in the United States provides workshop for local public and security services with regard to protective service details. The goal of this

training is to provide an orientation to local agencies so that they can work effectively with the Secret Service.

For more in-depth training, there are two internationally known schools in the United States which provide several weeks of basic protective service training, as well as advanced and specialized training on this topic. Located in Berryville, Virginia is the Executive Protection Institute –Nine Live Association. In Aspen, Colorado is Executive Security International, Ltd, which is operated by Bob Duggan. I am a graduate of both. By insuring the members of your staff have the best possible training they will be able to perform there protective service duties in a professional and effective manner to the benefit of your clients.

#### CII Executive Board 2017–2018

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# GDPR Compliance

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Lawful basis; yes we do have that (and I won't go into too much detail about that here – if I do this article will never end!) but we have for example investigations where we have consent, or we need to fulfil a contract (KYC) or there is a legitimate interest. Now – the legitimate interest has a little twist to it that I'm struggling to understand completely; if my client needs to investigate a person for a contractual matter, it's my client that has both the contract and the legitimate interest. My interest is to help him solve the problem! But it is a legitimate interest for me to do this service for him, that is my profession. So talking about legitimate interest is not as easy as one might imagine at first glance.

But why is it important to define if you are the Controller or Processor? Because your responsibilities are defined based on your function. This is also a bit complicated, but in layman's terms I'd say that: The Controller is liable for compliance (comply with the individual's rights to be informed, have access, rectification, and erasure too) and if a Controller uses a Processor then the Controller need to have a contract in place that in detail describes exactly what the Processor is supposed to do as the Controller is responsible for the work done by the Processor.

The Processor is less responsible for compliance with the subjects' rights, but on the other hand the Processor's contract will say in detail what he/she is to do; example: call Companies House on this number and ask the following question....

The latter would mean that I'd give up my know-how to the Controller!

## Is the above really true??

Well, yes and no. First; if you work in a sector where the subject has given consent, or where National laws demands consent/prior information (Holland is a good example) then the situation changes. But my advisors have been very clear that I do need a solid and detailed contract with my client/Controller and I certainly need to look at each case to determine the need for personal data processing.

The Controller/Processor agreements can be the true crux of the matter.

I have a feeling that the current consensus in the European investigative world is that we are all Processors and that we need to have contracts in place.

## Going forward

At the CII Regional meeting in Cyprus, we had a round table session on the GDPR. The above; the Controller/Processor/Agreements/right to information-issues were the main topics of the round-table session and the answer was crystal clear; it's all very un-clear!

The GDPR is interpreted differently, national rules vary, our services (the services provided by CII members) are very varied, our companies more or less accustomed to complying to more or less strict privacy laws in place before, and so on. So, among us our understanding of the GDPR and what we need to do varied. The official work with the GDPR is also continuing with more guidelines coming forward as the law is tested or tried.

I still have to learn more so I will continue to read the website of the ICO in the UK, and I also recommend that you reach out to your national investigation association (if you have one) as they might have local advice, or if you are a member of the ABI, look at their GDPR material, which is extensive. Also check your service providers such as Tresorit mentioned above or see if you can find national business associations that have material you find useful. You must gather as much information as you can to create your own knowledge-base.

***“The GDPR requires you to maintain records of your processing activities. You are also required to be able to show how you comply with the data protection principles for example by having policies and processes in place”.***  
***(ico.uk)***

## So, what happens next?

Profile Intelligence will continue our work to be compliant. The CII Members present at the RM in Cyprus has decided to set up a GDPR Discussion Group (if you want to be part of this, contact me, for access to the slack group) and we'll see where this leads us. But it's important to discuss and find common ground and I am very grateful for the support and help from fellow CII members.

Perhaps we'll have a follow-up round-table session at the AGM in Hong Kong?

*I want to thank Leena, Paddy, Toine, John, Mike and others for their input to this article. Any and all errors in context, content and English are mine alone. A.S.*

**EDITOR'S NOTE: The AGM seminar committee is planning a seminar session at the AGM to address the implications of the GDPR on our profession.**

# President's Message

## Continued from Page 1

1. Business growth for members
2. Education and educational opportunities
3. Getting the Regional Directors to be more involved in their roles.

Business Growth: We've been getting good feedback mostly from ABL and their members. I've had the opportunity to consult with one of their lawyers out of Texas and my client was happy with their assistance. Although we haven't had much time to work with them so far, before the end of 2018 we will have at least two fantastic opportunities to mingle, Peru and Florence.

Peru – In May of this year, less than a month, we will be brushing elbows with some of the best lawyers from ABL while running our Regional Meeting in tandem to their conference. I will be speaking to them on KYC and how it has evolved over the years. We have few members showing for this, but we do have 5 guests from Panama, Nicaragua, Colombia, Argentina and Peru that have confirmed their participation. The combined meetings also give an opportunity to travel together to Machu Picchu. What a great opportunity to be in such a wonderful location.

Florence—In October this year CII has been invited to join the ABL and Integra for a joint meeting in lovely Florence Italy. CII will be hosting a regional meeting there to coincide and offer our members the chance to meet with and network with top international lawyers and accountants.

Education: Since brevity is the soul of wit, I will be brief. We need to call out again to the members for material that we can add to the library. We will have several opportunities to capture more educational material at the Regional Meetings in DC, India, Cyprus as well as Peru. It is imperative that the hosts of these meetings are prepared to obtain quality film of the presentations.

Website Updates: A huge thanks to Steve Kirby, David MacLeod and Galen Clements for their continued work on the CII website. A lot of work has gone in to the Membership Application Form. Several members had noted that it needed to be worked on and it was time to put the right people on it. Because of their combined efforts, the

new form was completed and is up and running. Some are born great, some achieve greatness and some have greatness thrust upon them.

Regional Directors: Such stuff as dreams are made of, our RGs have accomplished so much and our minimum of three Regional Meetings has been surpassed with 5 meetings planned and in motion.

Truth be out, we need to make an adjustment to the Regional Meeting Guidelines established in September 2014. All Certified members should be encouraged to host Regional Meetings whenever possible, but the venue, the preparations, costs and planning should be put out in writing and presented to the Conference Committee Chairperson to ensure that everything fits the good of council. We have been very relaxed on how the meetings are being handled and with no intent to cause too much concern, we really need ensure that our enthusiastic hosts get a plan to us as much in advance to their meeting as possible.

FURTHER RECOGNITION: As President of CII, I bear a charmed life and it is solely due to the good people we have on our board. I'd like to appreciate the efforts of David MacLeod (Vice-President), Toine Goorts (Secretary), Sachit Kumar (Treasurer) Sant Kaur Jayaram, Ryan Colley, Marc Reed, Bob Fenech and Chris Nielsen.

Our Executive Regional Director, Galen Clements constantly shows us our Primrose path through his diligent vetting; it seems that we are well on our way to reach 400 members before the year ends.

Our Executive Director, Steve Kirby, continues to guide us all and has given me the fortitude to stiffen the sinews on more than one occasion since taking on the presidency.

In closing, I wish the best to all who are to kick off their regional meetings. It is through hard work, dedication, night owl antics and good faith in our membership that we continue to succeed.

To those who have taken the time to read my report, I've added 12 quotes from Shakespeare. Be the first to find all 12 quotes, email your answers to me at [brett@bminvestigations.com](mailto:brett@bminvestigations.com) and I'll sponsor your conference fee for Hong Kong! (Board Members Excluded; Non-transferable, non-negotiable!)

Very truly yours,  
Brett Mikkelsen, CII  
President