

# Performance Standards for Private Investigators



August 1, 2021



<b>1. Conditions to Providing Private Investigator Services .....</b>	<b>1</b>
<b>2. Administrative Standards</b>	
2.1 General Requirements.....	1
2.2 Licencing .....	2
2.3 Insurance .....	2
2.4 Notification of changes .....	2
<b>3. Basic Service Standards for Assignments</b>	
3.1 ICBC's Vision and Objectives for PI Services.....	3
3.2 PI Assignment Service Standards .....	4
3.2.1 Deliverables and Time Requirements .....	4
3.2.2 Investigation Reports .....	4
3.2.3 Documentation Requirements .....	5
3.2.4 Ethical Investigating Standards.....	5
3.2.5 Internet or Electronic Research.....	7
3.2.6 Scene Investigations .....	8
3.2.7 Subcontracting assignments.....	8
3.2.8 Limitation Periods, Coverage, Policy Limits Enquiries .....	8
<b>4. Payment .....</b>	<b>9</b>
<b>5. Forms and Procedures .....</b>	<b>9</b>
<b>6. Release of Information and Code of Ethics</b>	
6.1 Freedom of Information and Protection of Privacy Act.....	9
6.1.1 Personal Information Defined .....	10
6.1.2 Customer Request for Information under FIPPA.....	10
6.1.3 Security, Retention, and Disposal of Records and Information.....	10
6.2 Personal Information Protection Act .....	13
6.3 ICBC Code of Ethics.....	13
6.4 Media Inquiries/High Profile Claims.....	13
<b>7. Withdrawal or Removal from the Pre-qualified List</b>	
7.1 Withdrawal of Services .....	14
7.2 Suspension or removal from the list.....	14
<b>8. Changes to the Performance Standards for Private Investigators .....</b>	<b>15</b>

# 1. Conditions to Providing Private Investigation Services

ICBC will maintain a list of pre-qualified private investigators (PIs) and PI firms. Pre-qualified PI firms will be assigned ICBC vendor numbers and pre-qualified investigators will be assigned resource numbers. ICBC assignments will be given to PIs appearing on the pre-qualification list, unless there are no pre-qualified PIs in the geographic region or the pre-qualified PIs are unable to accept the assignments. All assignments and instructions will come directly from an ICBC claims contact. PIs cannot accept any instructions from counsel or a non ICBC claims contact unless specifically instructed to do so by the ICBC claims contact. Inclusion on the list of pre-qualified private investigators is not a guarantee of work from ICBC.

Pre-qualified PI firms must have the capacity to perform the work referred to them. No PI can perform any work on behalf of ICBC without first having a valid ICBC resource number. PI firms must only refer work to independent contractors who have been pre-approved by ICBC and have a valid ICBC resource number. If the PI firm is, or becomes, unable to perform the work referred to them they must decline the assignment or refer the assignment back to ICBC at the earlier possible opportunity. ICBC will not pay for work performed by unauthorized personnel.

Each PI is accountable for the quality of the services provided to ICBC and for adhering to the **ICBC Performance Standards for Private Investigators**. In addition, the principal of each firm is responsible for ensuring PIs in their employ or providing services on their behalf meet the expectations outlined in these performance standards.

Each incorporated PI firm must remain in good standing under the laws of its incorporation.

PI resource numbers are not portable from one firm to another unless approved in advance by ICBC. ICBC has the sole discretion in deciding whether to approve the transfer of a PI resource number from one pre-qualified PI firm to another. Claims Services will oversee the transfer approval process and will advise the pre-qualified firms of ICBC's decision in writing. See Section 2.4 for additional information.

These performance standards apply to all PIs accepting ICBC assignments.

## 2. Administrative Standards

### 2.1 General Requirements

PIs must:

- Possess a valid Private Investigators licence issued by the Government of British Columbia.
- Provide uniform and prompt service to the ICBC claims contact.
- Adhere to the Private Investigators' Code of Ethics.
- Adhere to the Code of Conduct in the Security Services Regulation.
- Adhere to ICBC's Code of Ethics. See section 6.3 for further information.
- Maintain confidentiality of information, which includes personal information and confidential ICBC corporate information.

## Performance Standards for Private Investigators

---

- Comply with ICBC's performance standards.
- Conduct themselves in a professional manner at all times with all parties.
- Comply with all legislation applicable to the PI and to ICBC, including without limitation, the *Freedom of Information and Protection of Privacy Act*. See section 6.1 for further information with respect to privacy legislation.

ICBC may conduct reviews to ensure that PIs are meeting the performance standards set herein. The PI shall provide ICBC with access to all relevant records and premises during regular business hours upon request from ICBC.

### 2.2 Licencing

All pre-qualified PI firms will comply with the following:

- Possess a valid City/Municipal Business Licence for the premises.
- Possess valid certificates from the Government of British Columbia confirming that the principals of the firms are appropriately licenced, including the possession of a valid Security Business Licence.

### 2.3 Insurance

All pre-qualified PI firms will comply with the following:

- Insurance must be in the form of a Protective Services Liability policy or similar package and must include;
  - (a) Failure to perform coverage
  - (b) "Personal injury" coverage
  - (c) Minimum limits of \$1,000,000
  - (d) Errors & omissions coverage of \$250,000.

Such insurance shall be maintained in force for at least twelve (12) months after the date of termination or the completion of any agreement.

- The policy shall be issued by an insurance company licenced to carry out business in Canada or the jurisdiction in which the PI Firm conducts business and shall provide for thirty (30) days advance notice of cancellation to ICBC.
- The firm must be registered in good standing with WorkSafeBC and carry WorkSafeBC coverage for the firm's principals and workers while they are engaging in the work of private investigators.
- All vehicles used for ICBC investigations will be appropriately registered, insured and rated for their use.

If requested, the PI firm will provide ICBC with supporting documentation within 14 calendar days.

### 2.4 Notification of changes

Pre-qualified PI firms will notify ICBC in writing within 14 days when:

- An approved investigator leaves their employment for any reason.
- An approved investigator is relocated to a different office.
- The firm ceases doing business or amalgamates with another company.
- The firm closes any of its offices.
- The firm changes its name, address, phone, email, or fax number at any of its offices. (Submit a CL174D, New/Change Vendor Application – Professional.)
- The firm opens a new office from which an ICBC approved investigator will be working. (Submit a CL174D, New/Change Vendor Application – Professional.)
- The firm hires an approved investigator who was previously working for another firm and wishes to have the investigator's ICBC resource number transferred to their firm. (Submit for approval a CL174D, New/Change Vendor Application – Professional, plus a copy of the investigator's licence from the Government of British Columbia.) ICBC reserves the right to refuse the transfer of resource numbers.
- The firm ceases to be in good standing under the laws of its incorporation, if applicable.
- The firm cancels its Errors & Omissions Insurance or it has been cancelled by the carrier.
- The firm cancels its WorkSafeBC coverage.
- An investigator within the firm has his/her PI licence under review or suspension by the Security Programs Division of the Government of British Columbia for any reason.
- An investigator within the firm has his/her driver's licence suspended or prohibited for any reason.

All changes will be forwarded to [supplierprograms@icbc.com](mailto:supplierprograms@icbc.com). Supplier Programs & Administration will process all requests for change and will provide written communication to the Private Investigation firm advising when the change request has been completed.

## 3. Basic Service Standards for Assignments

### 3.1 ICBC's Vision and Objectives for PI Services

ICBC expects PIs performing work on behalf of ICBC to provide high-quality, cost-effective and results-oriented services. ICBC takes all allegations of fraud seriously and follows up on tips and information. Working together, PIs can assist ICBC in combating fraud and providing customers with the best insurance coverage at the lowest possible rates.

PIs are expected to act at all times in a manner consistent with ICBC's values and at all times must ensure they reflect ICBC in a positive manner.

PIs will work with ICBC, as valued business partners, to deliver effective claims services in a timely manner. The PI's adherence to performance standards and quality of services will be measured through:

- Claims contact evaluation surveys
- Claims file reviews
- Occurrence of any issues arising from the conduct of PIs

### 3.2 PI Assignment Service Standards

PIs may only accept a new assignment if and when:

- They are capable of performing the assignment within the required timelines.
- There is no conflict of interest.
- They have the appropriate expertise and resources to successfully complete the assignment.
- They are employed by more than one firm they have extended the appropriate conflict checks to include all firms and there is no conflict.
- If there is a conflict or potential conflict they must protect the privacy of the parties involved and not state the reason for declining the assignment.

Upon receiving instructions from the ICBC claims contact, PIs must clarify any ambiguities in the scope of the assignment with the ICBC claims contact prior to proceeding with the assignment.

ICBC requires that the degree of investigation undertaken on a claim file be proportionate to the complexity and risk associated with the claim. PIs must use discretion and common sense regarding the amount of information gathered in preparation of all reports. When conducting an investigation, it must be done in the least obtrusive way possible.

If a PI believes a more in-depth investigation is warranted, the PI must discuss the file with the ICBC claims contact before engaging in additional investigation.

If a PI feels more explicit information is needed from ICBC to narrow the focus of the investigation, they must seek clarification from the ICBC claims contact prior to commencing their assignment.

PIs must not accept assignments or instructions on ICBC files directly from counsel or third parties without prior approval from the ICBC claims contact.

ICBC will not pay for an investigation that was not approved.

#### 3.2.1 Deliverables and Time Requirements

The following sets out the time requirements for PIs who accept an assignment of work:

1. Submit written acknowledgment of assignment and confirmation of instructions within 24 hours to the claims contact with a copy to Claims Services at [Claims.Services@icbc.com](mailto:Claims.Services@icbc.com).
2. Provide preliminary verbal reports within 5 days of the assignment.
3. Provide a full detailed report within 30 days of the assignment.
4. Provide subsequent reports as instructed by the ICBC claims contact.
5. Forward copies of all correspondence sent and received to ICBC with reports.
6. Submit invoices as detailed in section 4.

### 3.2.2 Investigation Reports

The following sets out the requirements for the completion of written reports submitted to ICBC:

1. All reports submitted to ICBC should be an objective accounting of relevant facts. It is not necessary to repeat information given by the claims specialist except to confirm instructions, nor should the PI include material which does not add value or clarity to the report. An account of the investigation written in plain language is all that is required.
2. Reports must not contain the PI's opinion or unsubstantiated and gratuitous comments.
3. The initial report must confirm instructions given by the claims specialist.
4. All investigators who actually carried out the assignment must be identified in the report and on the invoice.
5. Copies of digital video footage must be converted to a common industry format that is viewable on most personal computers, such as AVI or MPEG.

All files, reports, information, video and other records compiled in the course of conducting an investigation on behalf of ICBC ("ICBC records") are the property of ICBC.

No files, reports, information or video evidence may be used for any purpose other than reporting to ICBC. They cannot be disclosed to any other person, except as required to carry out the specific investigation and with the permission of ICBC or as required by law.

Unless otherwise instructed, reports should be delivered to the file handling ICBC Claims Office.

### 3.2.3 Documentation Requirements

All written communications with ICBC must include:

1. The claim number
2. ICBC claims contact's name
3. Insured's name, if provided by the claims contact, and claimant's name.

ICBC requires legible originals of all statements and professional services reports.

PIs must not write on original documents.

Typewritten copies of signed statements are not required (unless requested by the ICBC claims contact).

### 3.2.4 Ethical Investigating Standards

ICBC requires that PI's conduct investigations in a reasonable manner and in accordance with the following standards. A PI who is unsure whether a proposed course of action will contravene these standards should not proceed without first contacting Claims Programs and Technical Services for guidance. See standards below:

1. PIs must confine the investigation to the type and scope requested by ICBC. ICBC will not pay for unauthorized work.
2. PIs shall not use information collected in the course of an investigation for any purpose other than reporting to ICBC and may not disclose such information to any other party, except as is required to carry out the specific investigation or with explicit permission from an authorized person from ICBC or as required by law.

## Performance Standards for Private Investigators

---

3. If asked for identification, the PI must provide his/her name and state that he/she is an owner, partner or employee (whichever is the case) of a provincially licenced private investigation firm that has been retained by ICBC. Identify the PI firm, but do not claim to be or give the impression of being an employee of ICBC.
4. PIs must not obtain information by methods which contravene any municipal, provincial or federal laws, including but not limited to:
  - *The Criminal Code*
  - *The Freedom of Information and Protection of Privacy Act (FIPPA)*
  - *The Privacy Act*
  - *The Personal Information Protection Act (PIPA)*
  - *The Personal Information Protection and Electronic Documents Act (PIPEDA)*
  - *The Credit Reporting Act*
  - *The Workers Compensation Act*
  - *The Human Rights Act*
  - *The Employment and Assistance Act.*
5. PIs should not give advice to an employee of a private company or public body, or an employee or member of another organization, as to whether any disclosure of information would violate the company's or organization's policies or any law governing the release of such information. (See sections 6.1 & 6.2 for further information.)
6. PIs must not induce a person who is being investigated to engage in an activity in which that person would not otherwise be disposed to engage.
7. PIs conducting investigations on behalf of ICBC must do so in a manner that will not alarm claimants or anyone else, nor give anyone reasonable cause for apprehension for public safety and security. All investigations must be carried out in the least obtrusive way possible while complying with the following requirements:
  - (a) Do not:
    - enter on the private property of the person being investigated, except where the property is used by that person for commercial purposes, and the investigation relates to that commercial purpose;
    - use a pretext or misrepresentation to gain access to any premises.
  - (b) Surveillance is authorized only:
    - when conducted from a public vantage point;
    - in circumstances where the person being investigated is not in a position where he or she would have a reasonable expectation of privacy.
  - (c) Surveillance is not authorized:
    - where the person being investigated has a reasonable expectation of privacy;
    - while the person being investigated is in the privacy of a home and is in circumstances where they would have a reasonable expectation of privacy;
    - in, at or near places used predominantly by children, such as school yards, playgrounds and daycare centres.



## Performance Standards for Private Investigators

---

PIs should be aware of recent case law in Canadian courts around the reasonable level of privacy and where warrantless surveillance activities are authorized.

- (d) At all times, PIs must make all reasonable efforts to protect the privacy of individuals who are not under surveillance. In situations where people not under surveillance would have a reasonable expectation of privacy, investigators must never capture their image or record their voices in a way that would allow them to be identified.
  - (e) Do not use third-party audio surveillance without prior approval from Claims Services. (See also paragraph 9, below.)
  - (f) If a Private Investigator becomes aware that their presence is known by the subject, they must stop the surveillance and contact the ICBC claims representative.
8. PIs should operate their vehicles in a safe manner and adhere to all traffic laws while conducting surveillance or other investigations on behalf of ICBC. While in no way limiting this section, investigators must not use any handheld devices of any nature whatsoever while operating a motor vehicle.
  9. PIs should not surreptitiously electronically record conversations. It is only permissible for a conversation to be electronically recorded if it is done openly with all participants agreeing in advance that this is acceptable to them. Investigators must begin a tape-recorded interview by having the interviewee(s) state on the tape their agreement to the method of recording.

Rarely, a situation may arise where the claimant's ability to speak is itself an issue in a claim and the PI may wish to engage the claimant in conversation to surreptitiously record his or her voice. In such circumstances, PIs must not proceed without first obtaining approval from Claims Services.
  10. In order to avoid alarming or threatening children or their parents, investigators should not contact a minor until Claims Services has reviewed the investigation and the Claims Operations Manager has reviewed and approved the investigation. In addition, PIs must not interview a minor unless a parent, guardian or other adult who is responsible for the care of that minor is present. When a claimant is a minor, careful thought must be given before undertaking surveillance or any other form of investigation. This is to ensure that the proposed course of action is unlikely to cause apprehension for the claimant's safety. In every case, the approval of Claims Services must be obtained.
  11. It is ICBC's policy to be sensitive to the beliefs and customs of all sections of our multicultural community, and this must be reflected in all investigation work done on ICBC's behalf. In particular, surveillance and other investigations must not be conducted during a religious ceremony where there is a reasonable expectation of privacy.
  12. Investigators may not use GPS tracking devices under any circumstances when conducting surveillance on behalf of ICBC.

Any suspected or confirmed breach of the above ethical standards, or any other violation of the Performance Standards, must be reported to the ICBC Stakeholder Relationship Manager immediately.

### 3.2.5 Internet or Electronic Research

Internet or electronic research and investigation conducted on behalf of ICBC should only be commenced when instructed by an ICBC claims contact, and is subject to the following restrictions and documentation requirements:

Restrictions on investigations:

1. PIs may not misrepresent their identity or the purpose of accessing, requesting, or collecting any information through internet research.
2. PIs will not contact claimants or their associates online or attempt to “befriend” them to gain access to their social networking profiles.
3. PIs will not conduct online investigations on claimants under the age of 16. Any exception must be approved by the ICBC Unit manager and Claims Services must be advised.
4. PIs may not use “common” or “mutual friends” to gain access to claimants’ profiles. Common or mutual friends are defined as the people who are social network friends with both you and the person whose profile you are viewing. If the PI discovers a common or mutual friend in the course of the internet investigation, the balance of the investigation must be concluded by another investigator within the firm to avoid the possibility of access being gained through the common or mutual friend.
5. Investigators should use cloaking software to prevent the claimant from tracking an IP address that may show the PI has accessed their site or profile.
6. To ensure personal safety, PIs must not use home or personal computers to conduct online research. IP addresses could be used to identify and locate the investigator.

Documentation to be provided to ICBC:

7. PIs must document and report the uniform resource locator (URL) address of the information and report the online “pathing” used to locate the cyber information.
8. PIs must confirm the identity of the Subject and provide details to support that conclusion.
9. Photos and evidence should not be preserved in JPEG format. PIs should capture all evidence, including photographs, in portable document format (PDF) and store it on a CD/DVD that cannot be edited or over-written.
10. PIs will identify in their reports the software used to conduct their investigations.

### 3.2.6 Scene Investigations

PIs may occasionally be asked to perform investigations at crash scenes. ICBC requires PIs to adhere to WorkSafeBC Regulations governing investigations on or near a highway.

### 3.2.7 Subcontracting Assignments

If a firm, or one of its employees or contractors is unable to accept an assignment and meet the timeline requirements of section 3.2.1, they must return the assignment to ICBC. PI firms are permitted to subcontract assignments as long as the subcontracted vendor is pre-approved by ICBC and holds all appropriate licensing requirements, as well as the claims handler is aware and doesn’t have any concerns about the arrangement; and there is no conflict of interest as outlined in section 3.2.

### 3.2.8 Limitation Periods, Coverage, Policy Limits Enquiries

PIs must refer all questions from customers regarding limitation periods, insurance coverage, or policy limits to the ICBC claims contact.

### 3.2.9 Collateral Investigations

When interviewing multiple witnesses to an accident, each witness must be interviewed separately in order to avoid evidence contamination and to preserve each party's account of the incident.

When conducting collateral investigation, it must be conducted in the least obtrusive way possible and PIs must never misrepresent their status or identity. The objective of an investigation should be limited to ascertaining whether the claim being pursued is forthright and reasonable. The purpose of all investigative techniques must be fact-finding and intended to test the evidence being advanced. It must not be to intimidate or embarrass the subject. A "shotgun approach" to contacting a host of potential witnesses should be avoided and contacting collateral witnesses should be done with restraint and incrementally, as opposed to all at once.

Arriving unannounced at the home of a third party, to attempt to obtain information, should only be done after the PI has attempted to contact that witness through other mediums first (email, text message, phone, etc.). "Cold calls" and neighborhood canvasses must be used sparingly and the level of investigation must be proportionate to the claim being advanced.

## 4. Payment

PIs must submit invoices for payment as follows:

- Invoices must be submitted to ICBC every 30 days, unless the total amount payable is less than \$500. If the total amount is less than \$500, then an account must be submitted within 90 days, unless it is the final invoice (see below).
- The final invoice must be submitted within 14 days of the completion of the assignment.
- All invoices must be submitted to ICBC using a CL268, *Itemized Statement of Account*. All invoices must show the firm's vendor number and the PI resource number.

**Note:** ICBC will not make payment on invoices submitted more than 90 days after the completion of the assignment.

ICBC may update or change its billing process and vendor payment system from time to time. PIs will be notified of any changes and are expected to comply with these changes. Without limiting the generality of the foregoing, PIs may be required to submit their invoices in electronic format using predetermined billing codes. ICBC reserves the right to remove PIs from the pre-qualification list that are unable or unwilling to comply with billing process requirements.

## 5. Forms and Procedures

All forms referenced in the Performance Standards and used by ICBC pre-qualified PIs are available on the business partners' page at icbc.com.

ICBC may, from time to time, issue ICBC claims bulletins and claims memos pertinent to the work of PIs. ICBC will post these claims bulletins and claims memos on the business partners page. PIs must be aware of and comply with current ICBC claims bulletins and memos that pertain to their assignment. Claims bulletins and memos will be deemed to be in effect on the date that they are posted on the business partners' page.

ICBC may, from time to time, issue notice of a new claims bulletin or claims memo being posted to the business partners page, but has no obligation to provide such notice. Therefore, PIs should continually check the business partners' page and not rely on any notice being provided.

## 6. Release of Information and Code of Ethics

### 6.1 Freedom of Information and Protection of Privacy Act

PIs that have been retained by ICBC are service providers, as defined by the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). Service providers must comply with the provisions of FIPPA, which gives individuals rights of access to documents held by or on behalf of public bodies, including ICBC, and imposes conditions concerning privacy protection. ICBC must ensure that information is collected, used or disclosed in a manner that is authorized by FIPPA. As well, PIs must always consider and respect the privacy interests of the individual and ensure their actions are consistent with ICBC's brand promise of "Building Trust, Driving Confidence".

#### 6.1.1 Personal Information Defined

FIPPA defines **personal information** as "recorded information about an identifiable individual other than contact information (defined below)." This can include but is not limited to:

- Name
- Address
- Gender
- Date of birth
- Drivers licence number
- Vehicle registration number
- Medical reports
- Wage loss information
- Registered owner name & address
- Licence status

All personal information that is necessary for the PI to perform their duties (and no more) can be disclosed to the PI. Under FIPPA, **contact information** means "information to enable an individual at a place of business to be contacted, and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual."

PIs must not disclose or ask ICBC staff to disclose personal information except as permitted by FIPPA. In situations where the right to disclose this information is unclear, the PI should seek clarification from the ICBC claims contact.

PIs must promptly notify ICBC of any misuse, unauthorized disclosure, theft, loss, or misappropriation of personal information and will inform ICBC of any steps undertaken to rectify the problem.

### 6.1.2 Customer Request for Information under FIPPA

If a PI is contacted directly by an ICBC customer or any other party with a request for information under FIPPA relating to an ICBC investigation, the PI must immediately forward the request to the ICBC claims contact or that person's manager.

There are strict legislated timelines for responding to requests made by the claimant or insured for information or records under FIPPA. These requests must be referred without delay to the designated ICBC claims contact. A copy of the request must be sent to the Manager, Customer Relations and Review Services, Privacy and Freedom of Information Department, 151 W Esplanade, North Vancouver BC, V7M 3H9.

### 6.1.3 Security, Retention, and Disposal of Records and Information

In the course of conducting their duties, PIs are provided with the personal information of claimants and insureds. **Since FIPPA prohibits the use or disclosure of this information for any purpose other than the adjustment of the claim**, PIs must take security measures to prevent the theft, unauthorized use, disclosure or disposal of claim file information.

1. All notes, files, reports, information and video must be retained for a period of seven years from the date of the PI firm's closing report. The original medium on which video footage was recorded, whether tape, DVD or memory card must be stored in a locked cabinet or other designated area which is kept secure. A digital copy can be provided to the claims specialist, but the original must be available for use in court.
2. All notes, files reports, information, computers, computer file data, and video must be stored in a secure environment to ensure confidentiality. All of these documents and information must be stored in a locked cabinet or other designated area which is kept secure. If any records are taken from the office at any time, particular care must be taken to ensure their safety.
3. All ICBC material must be stored by the firm to which the assignment is given. None is to remain in the hands of individual employees after the assignment is completed.
4. If sensitive ICBC-related information (personal or confidential) is stored on a computer hard drive, the information should be properly encrypted, using a 128 bit encryption system.

Access to the information must be appropriately secured to prevent unauthorized users from accessing this information. The security controls would include all of the following:

- Each individual user will have a unique password.
- If emailing personal information, avoid the use of webmail services such as Hotmail, Google and Yahoo! as many use mail servers outside of Canada.
- All information to be sent electronically should be reasonably encrypted through protocols such as SSL or TLS.
- Use appropriate information security controls such as anti-virus software, firewalls and updated security patches if the computer is connected to a network and/or internet.

## Performance Standards for Private Investigators

---

Another way to ensure the security of information stored in an electronic format is to save confidential information on diskettes, CD's, DVD's, USBs or Flash Media which can be locked away separately. If information is stored this way it should also be encrypted using industry standard, non-proprietary encryption system which is a 128 bit or greater.

Please note that industry standards and best practices in this area change from time to time and PI's are expected to adopt such practices as are reasonable. For information on the latest best practices please contact Claims Services.

5. Materials relating to ICBC investigations must not be left in unattended vehicles at any time.
6. If any ICBC file materials go missing or are stolen, ICBC must be informed immediately with a list of information. The PI is responsible for reporting the theft to the police and providing the police case number to ICBC.
7. Unless otherwise advised by an ICBC manager, at the conclusion of seven years from submission of the final private investigator's report, all ICBC file material must be entirely destroyed in order that it cannot be used by any other party for any purpose. This information is confidential, so the following safeguards must be followed:
  - (a) Notes, files, reports and information:

All paper documentation must be fully shredded. Paper shredding should be conducted by a bonded, confidential destruction service, or arrangements can be made to utilize shredding machines through ICBC. Otherwise, if a firm wishes to shred their own documents, they must use "cross-cut" or "confetti" shredding machines.
  - (b) Information Stored on Computer:

When computer equipment or any other electronic equipment that has memory, such as a fax machine, is disposed of, steps must be taken to ensure that all information contained on the hard drive, all computer disks, USBs, Flash Media and any other memory systems are rendered irretrievable. Simply deleting or erasing is not sufficient. The most effective way to ensure that confidential information cannot be retrieved is to remove the hard drive and destroy it. Alternately, disk wipe software that meets current industry standards should be used to ensure all data contained on the disk is rendered irretrievable. Please contact Claims Services to determine the latest industry standard.
  - (c) Videotapes:

It is mandatory that all videotapes be destroyed. Erasing videotapes is not sufficient. If wished, the tapes may be forwarded to ICBC for destruction.
8. If a private investigation firm goes out of business, changes ownership, ceases to do business or is terminated:
  - (a) all notes, files, reports, information and video must be returned to ICBC immediately, without any cost to ICBC.
  - (b) all computer-stored materials and information must be destroyed in accordance with #7, above.

- (c) ICBC reserves the right to demand delivery of all ICBC related file materials, which are to be surrendered without any cost to ICBC.
9. In the event that the assigned private investigator transfers out of the private investigation firm, is terminated, or resigns, all files assigned to that private investigator must remain with the private investigation firm.
  10. In order to comply with sections 30.1 and 31.1 of FIPPA, firms must store and access all personal information obtained in the course of working for ICBC only in Canada. A firm or an employee of a firm that fails to do so will be removed from the pre-qualified list and the signed agreement for services will be terminated. An exception exists where the disclosure of information outside Canada is necessary to investigate a particular claim, but firms should contact Claims Services before making any disclosure or use of personal information outside Canada.

### 6.2 *Personal Information Protection Act*

The *Personal Information Protection Act* (PIPA) regulates the collection, use, and disclosure of personal information by organizations not otherwise subject to existing provincial or federal privacy legislation.

PIs must not warn or advise a representative of an organization from whom information is being sought that the organization may be subject to PIPA, as providing such warning or advice could constitute offering legal advice for which PIs are not qualified.

If the representative of an organization subject to PIPA being interviewed raises a concern about divulging personal information, the PI must acknowledge that the information is being sought subject to the relevant privacy laws and refrain from inducing or encouraging the representative of the organization to divulge such information.

### 6.3 ICBC Code of Ethics

ICBC's Code of Ethics applies to all ICBC Board members, employees and contractors. Service providers hired by ICBC or who represent ICBC are also expected to adhere to the same high standards. ICBC's Code of Ethics may be viewed through ICBC's website at [icbc.com](http://icbc.com).

ICBC expects business partners to understand our Code of Ethics and to conduct themselves in accordance with the Code of Ethics. Contravening ICBC's Code of Ethics may result in termination of services and/or removal from the pre-qualified list.

While in no way limiting the scope of the Code of Ethics, PIs are referred to the section **Acceptance of Gifts and Entertainment**. ICBC employees are restricted in their ability to accept gifts and entertainment from service providers.

PIs may contact Claims Services with any questions concerning the ICBC Code of Ethics.

### 6.4 Media Inquiries/High Profile Claims

ICBC's Media Relations Department responds to all ICBC-related questions from the media on behalf of ICBC. If a PI receives an inquiry from the media or is told that the claimant has spoken with or intends to speak with the media, the PI must immediately inform the ICBC claims contact or that person's manager. The PI should try to identify the reporter, the publication or broadcast agency and the nature of the inquiry. The ICBC claims staff will then refer the matter to ICBC's Media Relations Department.

If a PI believes that a claim has potential to attract high profile attention and that possibility was not specifically addressed in the instructions from the ICBC claims contact, the PI should immediately advise the ICBC claims contact. "High profile" includes issues that may have a reputational risk for ICBC, pose a threat to current legislation or regulations, and/or involve well-known or high profile individuals.

## 7. Withdrawal or Removal from the Pre-qualified PI List

### 7.1 Withdrawal of Services

PIs may withdraw from the pre-qualified list at any time by notifying in writing Supplier Programs & Administration — 8350 Eastlake Drive, Burnaby BC, V5A 4P6. PIs withdrawing must immediately make arrangements for all ICBC claim related materials to be returned to ICBC. The claim related materials are to be surrendered to ICBC without any cost to ICBC.

### 7.2 Suspension or Removal from the List

By giving written notice to a PI or PI firm, ICBC may in its sole discretion suspend or remove a PI or PI firm from the pre-qualified list, or take other action against a PI or PI firm as a result of:

- a contravention of the **ICBC Performance Standards for Private Investigators**
- a breach of the Agreement between ICBC and the pre-qualified PI
- actions potentially detrimental to the reputation of ICBC, including, but not limited to:

#### Category A

- misrepresentation;
- fraud;
- contravention of ICBC's Code of Ethics;

#### Category B

- substandard investigative work;
- unprofessional conduct (e.g., as defined in the Code of Conduct or other professional standards);
- contravention of FIPPA;



- breach of confidentiality;
- breach of the Agreement between ICBC and the pre-qualified firm, including the Performance Standards for Private Investigators, not otherwise set out in Category A or Category C;
- conflict of interest;
- failure to cooperate with Claims Services;
- actions or omissions detrimental to the reputation of ICBC;
- other reasons related to the performance of the services outlined in the Agreement as determined by ICBC;

### Category C

- failure to meet the administrative or pricing requirements as set out in the Agreement;
- failure to comply with licencing, certificate, or insurance requirements.

If the occurrence of any of the defaults noted above by a PI firm or PI are identified or suspected, ICBC may, but is not required to, conduct an investigation to better inform its course of action.

ICBC will decide on a course of action, which may include:

1. Category A—termination of all existing assignments, removal from the pre-qualified list and termination of the signed Agreement for services.
2. Category B—disciplinary action up to and including suspension of existing or future assignments for a period of time up to 90 days or removal from the pre-qualified list and termination of the signed Agreement for services.
3. Category C—Suspension of existing or future assignments for a period of up to 14 days during which the PI or PI firm will be expected to correct any deficiency. Failure to correct the deficiency within 14 days will result in a further suspension of up to 90 days or removal from the pre-qualified list and termination of the signed Agreement for services.

## 8. Changes to the Performance Standards for Private Investigators

ICBC is entitled to periodically update the Performance Standards for Private Investigators. ICBC may, from time to time, issue notice of a change via email, but has no obligation to provide such notice. All changes will be posted on the business partners' page at icbc.com. PIs are expected to regularly check this site for updates. Changes to the Performance Standards for Private Investigators will come into effect 14 calendar days after they are posted to the business partners' page unless otherwise indicated.