

FTC Opening Remarks

Good morning and welcome. Let me wish each of you a very Happy, prosperous and interesting New Year.

Our time for this meeting is very limited, the agenda is ambitious and we have a lot of ground to cover.

I am Robert Townsend, Legislative Chair for the National Association of Legal Investigators. There are many individuals who contributed to create this meeting. This meeting could not have been organized but for those extraordinary efforts. I do wish to thank the FTC for agreeing to facilitate this very important meeting, especially the assistance of Peggy Twohig, of the Federal Trade Commission who will also act as our moderator today.

I appreciate that you each took valuable time away from your personal plans and businesses, expended the necessary resources to discuss the interests of law-abiding citizens and the individuals right to privacy.

The purpose of this meeting is to establish an open, direct dialogue between those who are interested in privacy of personal information for the law abiding, innocent citizen.

Everyone here wants the criminal or civil wrongdoer brought to justice and held accountable for injurious or illegal activity. All of us want the assets of the wrongdoer, swindler or financial deadbeat located, the molester identified, convicted and incarcerated, the errant spouse made accountable for unpaid child support, the rapist determined and brought to justice, the victim of a kidnapping located alive and well, released from captivity unharmed. And the wrongly convicted or accused exonerated and freed or found not to be legally liable for real or imagined injury. Everyone here wants the purveyors of illegal and illicit drugs taken off the streets of this country.

The current method of handling such matters by law enforcement fall well short of the mark. Licensed Private Investigation is a much needed, substantial but little recognized or understood important adjunct to law enforcement.

We, the Licensed Private Investigators will not be able to continue to fulfill our mission thoroughly, accurately and economically on behalf of the law abiding citizen and protect their privacy with certainty without continued electronic access to public or legally accessible records which contain personal identifiers. Stolen identities are not a result of the majority of private investigators having access to personal identifiers. Indeed it is the access to personal identifiers by private investigators that keep the law abiding, innocent individual from being wrongly accused or improperly enveloped in our legal system, possibly creating a economic hardship on the misidentified to correct the improperly applied data. The John Smith that commits a wrong ought not be able to be confused with the law abiding John Smith. That certainty can only be accomplished through the continued access to commonly accepted personal identifiers. The Financial Privacy Act of 1999 more commonly known as Financial Services Modernization Act, the Gramm Leach Bliley Act has provided the swindler with a means of camouflaging or hiding assets by merely opening a checking account in a bank in the United States. Similar well meaning legislation with such unintended adverse consequences must be avoided at all cost.

We, the Licensed Private Investigators recognize the concerns of many who feel that improving the means to electronically access records that have always been public or legally accessible, invade the privacy of individuals and organizations who are drawn into our justice system. This need not be a concern. There is a solution. We simply need to jointly find that solution. We MUST if we really intend to protect the privacy of the law abiding innocent individual. The majority of Licensed Private Investigators as well as the professional qualified professional but unlicensed investigators eagerly and actively promote licensure in states in which they do business that do not currently require a license. I believe that licensure as a Private Investigator must require comprehen-

sive licensing procedures, prerequisites and extensive certified training and testing prior to issuance of a license. The majority of professional investigators believe the concept of mere registration as a Private Investigator being considered the equivalent of licensure at the state or local level is unacceptable.

Today, you have the opportunity to begin to create a framework wherein the needs of the law-abiding citizen for privacy can be met as well as the consumer protected who finds his/herself in the legal arena.

That having been said, I encourage us to have candid, frank, discussion and suggestions on the issues addressing how the laudable goals of those present can best be met.