

Complainant's Submissions

1. These submissions are made in accordance with the Authority's directions dated 26 January, and in response to the written comments provided by Mrs Haden dated 2 February.

Mrs Haden's breach of the Authority's direction that she must not publish further information about me online

2. As a preliminary point, I note that Mrs Haden has not complied with the Authority's direction that she, "is not to post, or arrange for others to post, any further information of any sort relating to or mentioning [me] on her company website or any other website, blog, or public forum while the complaint is in progress".
3. Since the direction was issued Mrs Haden has added further text to one of her previous posts about me, which includes another threat to post more information in the future. The relevant extract is shown on the screenshot **attached marked 'A'**.

General comments on Mrs Haden's response

4. Mrs Haden's response contains numerous allegations about me, including in relation to a new conspiracy theory. Because the allegations are plainly unfounded I have decided not to respond to them in any detail here. However, I would like to note for the record that I do not accept any of them.
5. I would however like to briefly respond to several other issues raised by Mrs Haden, as follows:
 - a. In relation to paragraph 10(a), it should be recognised that Mrs Haden's online posts about me are on-going acts of harassment;
 - b. In relation to paragraph 10(b), I am currently preparing a Statement of Claim against Mrs Haden under the Defamation Act, which I plan to file in March; and,
 - c. In relation to paragraph 10 (d), Mrs Haden has misrepresented the outcome of the Netsafe investigation. Netsafe reached the view that I am not distressed by Mrs Haden's behaviour. As such, the 'serious emotional distress' criterion that applies under the Harmful Digital Communications Act was not met. Netsafe did not reach the view that Mrs Haden's behaviour was not serious enough to warrant an order under that Act.

Mrs Haden's misconduct has occurred in the course of business

6. The main issue I would like to focus on in these submissions is Mrs Haden's assertion that her misconduct has not occurred in the course of business. She argues that the behaviour has not been, 'associated to (sic) my work as a PI or to verisure (sic)' and, 'does not relate to the business of Verisure ...' (at paragraph 15).
7. There are two main points I would like to make in response:
 - a. First, the behaviour I have raised is in fact part of an ongoing investigation undertaken by Mrs Haden. Further, she has expressly stated online that she has undertaken the investigation in her capacity as a private investigator; and,
 - b. Secondly, the websites Mrs Haden has used to blog about me are an integral part of her business activities. She uses the blogs as a marketing tool for Verisure.
8. Each of those points is explained in more detail below.

Mrs Haden's misconduct is part of her work as a private investigator

9. In relation to the first point, Mrs Haden has repeatedly stated online that her investigation of Mr Wells and the Animal Welfare Institute of New Zealand (AWINZ) was carried out in her capacity as a private investigator, and on behalf of a client. Examples of this are **attached marked 'B'**.
10. Mrs Haden's harassment of AWINZ's lawyers (including me) was part and parcel of the investigation. She is harassing and defaming me in an attempt to convince me to provide information she can use in her investigation of AWINZ. She has expressly offered to remove the blogs if I do so.
11. I acknowledge that Mrs Haden's client may not have instructed her to harass and defame me. However, that is beside the point. A private investigator can be held accountable for actions that are beyond the scope of the instructions provided by the client involved.
12. In addition, I note that investigative work can include activities that are not billed to a client (see eg *Ravnjak v Wellington International Airport Ltd*, a copy of which is **attached**).

Blogs used as a marketing tool for Verisure

13. In relation to the second point, the websites¹ Mrs Haden has used to harass, defame and blackmail me used as a marketing tool for Verisure. They are an integral part of Verisure's business activities.

14. For example, the websites:

- a. Frequently refer to Mrs Haden as a private investigator, and represent the activities she blogs about as investigative work. Further, her fictional revelations are meant to demonstrate her skill and experience as a private investigator;
- b. Expressly seek paid work for Mrs Haden and Verisure, including public speaking engagements, in the same way as the Verisure website (refer the examples **attached as Annexure 'C'**); and,
- c. Include numerous links to the Verisure website, which are clearly intended to create web traffic for that website and also generate paid work. More specifically, each of Mrs Haden's posts about me includes a link to the Verisure website on the right margin (refer the examples **attached as Annexure 'D'**).

15. In summary, the reality is that Mrs Haden's blogs about me are being used as a marketing tool for herself and Verisure.

Summary

16. For the above reasons, it is my submission than Mrs Haden's behaviour towards me has quite clearly been, 'in the course of business'.

Vivienne Holm

28 February 2018

¹ The two websites Mrs Haden has used to blog about me are www.transparency.co.nz and www.anticorruption.co.nz. I provided copies of blogs form the former with my original complaint. The blogs on the latter are **attached as Annexure 'E'**.