

Arrival of Inspectors



- Review/copy the search warrant or authorisation and inspector's IDs
- Immediately alert external counsel and senior management
- Show inspectors to waiting room, away from offices/documents
- Ask inspectors to await arrival of external counsel before commencing search
- Inquire about the reasons for the search
- Be cooperative but do not take the lead
- Assemble a team to shadow each inspector
- Suspend any document destruction policy

Document Search



- Involve senior IT personnel
- Provide access (including passwords) to documents/files upon request
- Shadow inspectors at all times, taking note of all documents copied and search terms used
- Query with inspector any attempt to review/copy potentially out of scope documents
- Alert external counsel if inspectors attempt to review/copy potentially privileged documents
- Put disputed documents aside for discussion at the end of the inspection
- Take copies of all documents seized/copied
- Assert confidentiality over all documents seized

Employee Interviews



- Ensure external counsel is present during questioning
- Be cooperative (but do not volunteer information)
- Keep answers concise and to the point
- Do not guess or speculate; if you do not know the answer to a question say so
- If you do not understand the question ask for it to be repeated or put in writing
- Reserve the right to amend any answers at a later stage
- Keep a detailed record of all questions asked and answers given

Conclusion of Inspection



- Request to take a copy of the authority's minute and/or inventory of documents seized
- Confirm with inspectors that their search is complete
- If inspectors intend to return they may affix seals to doors/cabinets; do not break seals
- De-brief with external counsel; consider any immediate follow-up actions
- Collect all notes/lists/records made during the day
- Consider whether a public statement may be necessary
- Circulate document retention notices
- Ensure employees do not discuss the inspection (in particular externally)

Our Team



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