

ON ARRIVAL OF INVESTIGATORS (FOR RECEPTION / SECURITY)

1. Politely ask them to wait until the legal teams have arrived – but do not bar them from entering
 - i. Show investigators to an appropriate area away from staff and any confidential information
 - ii. Keep investigators informed as to timing – they will only wait a short time (if at all)
2. Immediately alert internal and external legal teams and key senior management – but ensure raid is otherwise kept confidential, internally and externally
3. Politely ask investigators for relevant information and provide to legal teams asap: lead investigator's mobile number, the investigators' names and the authority they are from, and a copy of the investigators' mandate

BEFORE INSPECTION BEGINS: 'DOS & DON'TS' (FOR SENIOR MANAGEMENT / INTERNAL LEGAL)

1. DO: Get IT involved asap and take steps to secure potentially relevant information
 - i. Senior IT staff should liaise with investigators asap to establish how relevant data might be accessed etc.
 - ii. Ensure that IT places a temporary stop on all document disposal/destruction
2. DO: Ensure that investigators' mandate is valid and check its scope – external legal team should assist but if investigators won't wait then use checklist below
3. DO: Establish a first point of contact & basic protocol with investigators
 - i. Discuss practical matters with investigators – e.g. how their search might be narrowed
 - ii. Ask investigators to wear a badge/security pass so they can be readily identified
 - iii. Arrange for each investigator to be shadowed and notes to be taken of all documents/files requested, reviewed and/or seized and any questions asked (and answers given)
4. DO NOT: Alert third parties to the raid
 - i. Relevant staff should be made aware of raid and duty to cooperate – but email alert should be kept narrow
 - ii. Beyond legal advisers, third parties must not be made aware of the raid.
5. DO NOT: Destroy or delete any records, whether paper or electronic

CHECKING INVESTIGATORS' MANDATE (IF NEEDED PRIOR TO ARRIVAL OF EXTERNAL LEGAL)

1. What sorts of mandate could you expect to see? Most likely a High Court or Tribunal warrant, but possibly a written authorisation
2. Is the mandate valid?
 - i. Check the date – is the date of inspection correct and is the mandate still enforceable?
 - ii. Are the name and address of the company correct and is the location of the inspection covered?
 - iii. Are the investigators all named in the mandate?
 - iv. It is usually advisable to flag any material discrepancies to the lead investigator and explain that you would like to take external legal advice before the search proceeds
3. What is the legal basis and scope of the investigation?
 - i. Which authority is conducting the investigation?
 - ii. Is the investigation criminal or civil (if in doubt, ask)?
 - iii. What are the powers of the investigators?
 - iv. What is the scope of the investigation and what documents/information can the investigators search/obtain?

TRAVERS SMITH CONTACTS

Dispute Resolution



Heather Gagen
Head of Dispute Resolution,
Co-Head of ESG & Impact
+44 20 7295 3276
heather.gagen@traverssmith.com



Toby Robinson
Partner, Dispute Resolution
+44 20 7295 3035
toby.robinson@traverssmith.com

Business Immigration



Adam Wyman
Partner, Employment
+44 20 7295 3493
adam.wyman@traverssmith.com



Siân Keall
Partner, Employment
+44 20 7295 3357
sian.keall@traverssmith.com

Competition & Consumer Protection Violations



Louisa Chambers
Head of Technology &
Commercial Transactions
+44 20 7295 3344
louisa.chambers@traverssmith.com



Stephen Whitfield
Head of Competition
+44 20 7295 3261
stephen.whitfield@traverssmith.com