



Dealing with a dawn raid

Dealing with a dawn raid can be daunting and time consuming for a business. In order to prepare for this Ogier's experts in dispute resolution have produced this helpful guide to dealing with dawn raids.



Arrival of inspectors

- Alert your company's dawn-raid coordinator immediately
- Invite the inspectors to wait in a separate area pending the coordinator's arrival
- Confirm to inspectors that a coordinator is on route
- Comply: Do not obstruct the inspectors, if the inspectors insist on entering. Obstruction is a serious offence
- Co-operate with the inspectors at all times

For more information please contact our team via their details below.



Office searches

Do not

- ✗ obstruct searches
- ✗ interfere or delete documents
- ✗ deny access to devices or phones

Do

- ✓ shadow inspectors
- ✓ take detailed notes
- ✓ copy/photograph documents which are reviewed or seized



Arrival of co-ordinator

- Contact Ogier immediately (see contacts at the end of this guide)
- Provide details to your Ogier contact:
 - o Location
 - o The regulatory body
 - o Whether Gardaí are present
 - o Photos of inspectors' documentation
 - o Photos of the warrant
- Read the inspectors' documentation to ensure the details are correct and identify the subject-matter and / or purpose of the inspection
- Alert Ogier to any issues you identify in the documents
- Ask each investigator to confirm their identity and to provide ID documents for you to take a photocopy
- State any objections to the inspectors' documentation, but do not obstruct
- Record objections made to the inspectors
- Set up separate meeting rooms for the inspectors and for the business / Ogier



IT/document management

- Provide assistance – your IT team should assist with the inspectors' IT requests
- Take a copy – ensure that a copy is made of all digital records that are taken by the inspectors
- Ensure any documents that the business is claiming privacy over are kept separate from other electronic documents for resolution later



Privileged documentation

- Do not hand over privileged documents
- Do not dispute/ obstruct – if there is a disagreement about privilege/ relevance of documents, do not obstruct but record the complaint
- Request privileged documents are stored separately – ask for the privileged documents to be put in a sealed envelope for resolution later



Employee interviews

- Wait for interviews to answer inspectors questions (do not answer unless in a formal interview setting)
- Request legal representation
- Seek clarification if questions are unclear
- Do not refuse to answer
- Take detailed notes of the interview



Post inspection

- Confirm the search is complete
- Do not tamper with or remove seal
- Ensure you have an exact replica copy of all the data / documents seized / copied
- Ask the investigators to sign a record of materials taken
- Debrief:
 - o with the officials (to confirm they are satisfied with business's cooperation)
 - o with facilitators and staff (to discuss next steps)
- Store copies of all documents which have been inspected, copied or retained by the inspectors

I am experiencing a dawn raid – what should I do?

If your business is undergoing a dawn raid in one of our six key legal jurisdictions, get in touch immediately with a member of our global response team below, depending on where your office is based. A member of our team will be ready to assist you.

BVI



Nicholas Brookes
Partner
+1 284 852 7366
nicholas.brookes@ogier.com

Cayman Islands



Jennifer Fox
Partner
+1 345 815 1879
jennifer.fox@ogier.com

Guernsey



Alex Horsburgh-Porter
Partner
+44 1481 752272
alex.horsburgh-porter@ogier.com

Ireland



Stephen O'Connor
Partner
+353 1 232 1074
stephen.oconnor@ogier.com

Jersey



Rachel Cropper-Mawer
Head of Legal Regulatory
+44 1534 841520
rachel.cropper-mawer@ogier.com

Luxembourg



Audrey Bertolotti
Partner
+352 2712 2023
audrey.bertolotti@ogier.com