1. ***Introduction***

Hello Ma’am

This is Jagadish Mali calling from Clifford Chance, the biggest integrated global legal practise in the world. On your inquiry regarding the ICO Dawn Raids, We've done some research and have a few points we want to emphasise for you.

1. ***What is an ICO Dawn Raid?***

So first of all, the data protection laws grants the ICO a range of investigative authorities, including the right to visit a company's location and examine records in order to determine if the law is being followed. This power is also known as a "Dawn Raid."

This law gives the ICO the authority to seek access to a Company's premises with at least seven days' notice by issuing an assessment notice. Without a warrant, the ICO can enter and inspect without having the ability to employ any seizure powers in cases where the Company does not consent to the entrance or inspection.

Evidence of this will probably be discovered on the company's premises. The commission has a reason to suspect that the company has disregarded an enforcement notice or violated the data protection regulations. According to the commission, the company must comply with a need in less time than seven days. Less than seven days before to the inspection, the commission may still seek a warrant. In fact, the warrant may even allow for an unannounced inspection.

1. ***What are the ICO's Power's in a Dawn Raid?***

The ICO inspectors have the essential powers during a Dawn Raid that are:

the right to enter and search company property; the right to inspect, review, and make copies of information and documents; the right to search IT networks, including hardware, media storage, emails, document servers, laptops, and other portable electronic devices; the right to seize and remove documents and hardware; the right to require anyone present to explain any documents or other objects; and the right to provide any other information that may lawfully be needed for the investigation.

1. ***What information can be withheld from the ICO?***

But even so, Inspectors cannot demand the supply of material that is legally protected. This implies that any private communications made for the primary goal of providing or receiving legal advice between a client and their attorney or between a client or their attorney and a third party for the primary purpose of conducting hostile litigation not need to be revealed. For instance, legal advice about your duties, privileges, or responsibilities under data protection laws will probably be protected by constitutional protection.

Inspectors are also outlawed from requesting records that are unrelated to the inquiry.

1. ***Practical information on how to react***

So, here are some suggestions on how to handle a Dawn Raid if you are the target of one. Senior executives, legal teams, and IT teams are a few examples of key employees who must be involved in the inspection and should be designated in advance as such. They should also undergo the necessary training. They should be particularly knowledgeable about the business's data flows and storage facilities. This will make the inspection less disruptive and more effective overall.

Clear guidelines on how to interact with inspectors should be provided to personnel working in security and at the front desk. When inspectors are welcomed at reception, the legal team and other important personnel must be immediately informed, together with the number of inspectors present and the name and phone number of the lead inspector.

The date, location, and scope of the investigation should all be verified against the warrant or authorization.

When an inspection starts, external counsel should be informed since they might need to step in quickly if a problem does arise.

Given that the inspectors could need access to IT systems and inboxes, it would be beneficial to have a senior member of the IT team on hand to help.

Inspectors are supposed to be counterbalanced during their searches, and a staff member needs to keep meticulous records of the documents accessed, the questions inspectors asked, and the answers provided.

Organizations and their employees should generally assist and cooperate with investigators.

1. ***Any other information***

Regarding getting ready for a Dawn Raid, Employees should receive training beforehand so they are aware of what an ICO Dawn Raid is and how to respond if one occurs. They must understand, for instance, that they are not permitted to let anyone from outside the organisation know that an inspection is taking place. Investigators have the authority to question employees or ask them for information, so it will be more effective if they are aware of what a Dawn Raid is.

Additionally, you might want to create a "Dawn Raid Response Team" and assign important workers’ duties and tasks for when an inspection happens.

***End call and offer your assistance going forward***

I really hope that this information has been useful to you as a starting point and has given you some suggestions for how your company might get ready for an ICO Dawn Raid.

We would be more than pleased to offer you written advice on the subject or arrange a training session for your staff as additional assistance.

I hope we can talk again soon, and please let us know if you have any inquiries.

Bye for now and wish you have a nice day Ma’am.