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How to Keep a Dawn Raid Under Control

Part 1: Shadowing

"During a dawn raid conducted by the Slovak Antimonopoly Office, each inspector should always be accompanied by a company representative. Active shadowing helps ensure that inspectors remain within the scope of their powers and enables the company to promptly raise and record any objections to irregularities during the inspection." Martin Bako

Unannounced inspections by the Slovak Antimonopoly Office (AMO), commonly known as **dawn raids**, are among the most stressful situations a company can face. Inspectors may enter the company's premises without prior notice and may gain access to virtually all databases, emails and documents available to the company.

In practice, several inspectors may review the devices and communications of multiple employees simultaneously. This means that multiple inspection activities are taking place simultaneously on the company's premises, all of which need to be monitored in parallel.

What should you be aware of?
Although AMO is required to conduct dawn raids lawfully and proportionately, companies should not assume that inspectors will never access information falling outside the scope of the investigation unless the inspection is actively monitored. This is particularly relevant to information unrelated to the subject of the investigation, whether commercial or private in nature, as well as communications protected by legal professional privilege and other protected information.

At the same time, companies are liable for the conduct of their employees during a dawn raid. Any obstruction of the inspection may result in significant fines.

For this reason, companies should establish clear internal procedures in advance to always maintain an overview of the inspection and respond promptly whenever necessary.

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How to proceed?
Companies should not expect AMO to guide individual employees throughout the inspection on what they may and may not do.

On the contrary, inspectors usually communicate at the start of the dawn raid and provide written and oral instructions to just one company representative – typically a director or the most senior employee present. They proceed with the assumption that the company representative will ensure that other employees are briefed and cooperate as well.

For these reasons, companies should have a dedicated dawn raid response team prepared and trained in advance, ideally supported by external legal counsel. During the dawn raid, team members will be assigned to monitor the inspectors' activities while coordinating other employees' cooperation.

Ideally, shadowing should be carried out by appropriately trained personnel capable of identifying, in real time, information that falls outside the scope of the inspection and of responding immediately to any procedural irregularities, attempts to access protected information, or any conduct exceeding the scope of AMO's powers.

How to prepare.
We recommend taking the following steps in advance:

- train selected staff on inspection procedures and applicable rules;
- establish internal procedures and rules, e.g. by adopting internal guidelines; and
- regularly test the company's readiness through practical exercises (simulated dawn raids).

Proper preparation will enable a company to respond to a dawn raid more efficiently and confidently, while significantly reducing the risk of costly and avoidable mistakes.

If you have any questions, please contact:

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