



# FTI Technology Designs Robust Data Minimisation Strategy to Support Defensibility in European Regulatory Investigation

FTI Technology's client was facing a high-profile conduct investigation by a European competition authority, requiring response to a complex and broad internal document request spanning more than 1,400 employees over a multi-year period. Working closely with the external legal team, FTI's digital forensic, discovery and strategic data experts established and executed an approach to defensibly reduce and refine the scope.

## Situation

The scope of this exercise was immense, representing more than 55TB of data, or tens of millions of documents, that required forensic collection and legal review. Traditional approaches would have resulted in significant delays and legal fees.

## Our role

FTI Technology's forensic, discovery and artificial intelligence experts supported the client and outside counsel in advocating for, developing and implementing a robust, end-to-end data minimisation strategy that was accepted through negotiations with the agency.

The team delivered:

- **A robust in-situ search strategy to minimise data volumes from the outset:** By applying more than 4,000 keywords within the client's Microsoft 365 instance, FTI Technology's forensic experts were able to reduce the dataset requiring downstream discovery processes by half, without impacting defensibility or completeness. This resulted in millions of pounds in legal savings and shortened the timeline required to comply with the agency's request. Further, Microsoft 365 automation by FTI Technology's digital forensic experts ensured email for numerous custodians could be exported in parallel to help the legal team meet the tight review deadlines.

The team delivered (continued):

- **AI and other analytics to reduce legal review requirements:** A variety of analytic and AI technologies were used to further reduce and refine the document set requiring review. This included using email threading and predictive coding after extensive technical negotiations with the agency's case team. By defensibly applying these technologies, more than 850,000 documents were excluded from review.
- **Forensic analysis of mobile devices:** More than 50 mobile devices were forensically imaged to preserve chat messages and other business information within scope of the information request. This included in-depth analysis of several devices to ascertain when certain applications were installed and removed, as well as if any chat messages were deleted.
- **Bespoke processing tools to ensure efficient review of chat and Microsoft Teams messages:** Emerging data sources experts implemented custom scripting and innovative workflows to parse chat data into a format conducive to efficient legal review, including re-association of linked attachments to related messages.
- **Proactive risk management of cloud systems:** Cloud systems regularly implement updates to their systems that can have significant downstream impact on discovery exercises. To mitigate this risk, a robust validation method was incorporated to ensure any cloud system issues were quickly isolated and resolved to avoid delays or the need for supplemental productions to the agency.

## OUR IMPACT

- The combination of strategic data experts and analytic and AI tools effectively reduced the overall data volume by 40%, saving close to £1 million in associated legal spend and ensuring timely compliance with the regulatory deadline.
- Custom workflows and automation enabled enhanced throughput and efficiency across the millions of documents collected, reviewed and produced to the agency in accordance with agreed timelines.
- FTI Technology's proactive validation approach provided early error identification and mitigation. On multiple occasions, data issues were detected and addressed at the collection stage, preventing erroneous data from entering downstream processes, thereby avoiding costly reconciliation efforts that would have impacted timelines and resources.

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