Regulatory Requests

Updated: May 5, 2025

A formal demand made by a government agency or regulatory body for information, documents, or action from an individual or organization to ensure compliance with laws and regulations.

USE CASE IN PRACTICE

Second Request Compliance

Companies must notify the Federal Trade Commission (FTC) before proceeding with a merger. If the FTC has concerns about the transaction, it may issue a Second Request for additional information. The Legal Data Intelligence model can be employed to identify and produce relevant documents in response to the request, ensuring there are no delays in finalizing the transaction.

MODEL WORKFLOW

Initiate

Scope Project

Acknowledge and circulate to stakeholders

Validate request against requirements for regulatory agency

Develop a timeline and determine if extension is an option

Negotiate scope and deadline, if possible

Assemble an appropriate team of subject matter and technical experts, including any specific external experts that may be required (e.g., external and internal counsel, business leads, IT leads, LDI practitioner, forensic expert)

Identify, document, and preserve the same data set as swiftly as possible, if the regulator has collected the client's data

Identify what types of data/information may be useful, especially if this includes non-standard data types

Evaluate composition of team and revise, if necessary, based upon the analysis above

How Technology Can Assist

Identifies potential gaps or areas of focus using analytics and AI systems

Captures and organizes objective metrics for each matter (e.g. fees, costs incurred, time to resolution) to enable informed decision-making

Notes

Use of analytics and AI should be subject to local regulation, transparency requirements, and ethical constraints.

Identify Data

Define data sources, custodians, and specific criteria (e.g., date ranges) through consideration of requests from regulator, known data collected to date by the regulator, custodial interviews, and discussions with IT administrators regarding messaging, file storage, and other relevant data sources

Ensure identification exercise is sufficiently robust (consider if you need an expert to assist) and periodically reevaluate to account for additional sources discovered

How Technology Can Assist

Tracks data sources from identification through preservation, collection, and processing to ensure nothing is missed

Quickly identifies sources and locations of potentially relevant data when using a well-integrated and up-to-date knowledge management or information governance system

Analyzes common data to identify additional data sources or off-channel communications

Notes

Determine if a client's in-house systems have search and identification functionality that are sufficiently robust.

Collect Data

Gather data from identified sources

Notes

More challenging sources, or sources containing potentially ephemeral data like mobile devices, may need to be imaged swiftly to ensure preservation.

Extract and Process Data

Select and extract the data to be processed from the data that has been collected so it can be loaded onto a review and production platform

How Technology Can Assist

Applies filters and other criteria to minimize data to be extracted and processed, thereby reducing the processing of ROT data

Quickly manages large data volumes

Reads and records metadata of files for searching and analytics

Extracts attachments and expands compound files

Indexes content to enable searching and analytics

Identifies encrypted files and files that could not be read for exception handling

Eliminates manual workflows and reduces human error

Reduces hosting of ROT data and thus hosting cost through de-duplication, de-NISTing, etc.

Develop Review Protocol

Draft review protocol, process, and staff review based on data volume and deadlines

![Legal Data Intelligence logo]

Notes

This step should happen in parallel with the Collect Data and Extract and Process Data steps.

Continue to evaluate and assess to ensure the review protocol remains in line with requirements.

Investigate

Search and Evaluate Results

Run searches/analytics/machine learning to find pertinent data, review the search results, and cull unresponsive data

How Technology Can Assist

Allows for complex Boolean searches and filtering using content and metadata

Performs complex searches (potentially based directly on requests from regulators) and summarizes large data sets using generative AI

Quickly identifies information suggesting that there may be an issue using generative AI-powered early case assessment tools, which can be used to assist clients in swiftly determining the best way to respond to the regulator(s)

Enables custom tagging and foldering to classify and stratify data

Reduces review volume/ROT data

Reduces the ultimate universe of data to be reviewed using email threading, deduplication or suppression of near-duplicates, categorization, and clustering

Codes documents based upon training or prompts using traditional and generative AI tools

Creates custom chronologies using traditional and generative AI tools

Notes

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Analyze Data

Examine data to find relevant information, patterns, and insights

How Technology Can Assist

Recovers deleted material

Extracts potentially useful or relevant information from non-user files using digital forensic techniques (e.g. internet search histories or location information from mobile devices)

Performs complex searches including regular expressions

Identifies specific data sets and privilege through prompts and training using generative AI

Creates visualizations and allows for gap analysis

Summarizes files for potential use in listings (e.g. privilege logs)

Provides explanations and citations to help validate output

Notes

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Apply Strategic Decision-Making

Determine the data that will be produced

How Technology Can Assist

Prioritizes data for review based upon training or prompts using traditional or generative AI tools

Exports fielded data in custom formats for metadata privilege logs, key document chronologies, and so on using review and production platforms

Notes

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Implement

Synthesize and Redact

Conduct defensible quality control review of the data set

Ready the data set for production according to requirements (e.g., redaction)

How Technology Can Assist

Applies defensible verification of any predictive coding or generative AI methodologies

Tracks document counts and tags files

Automates and/or applies redactions

Performs quality control by identifying errors or inconsistent coding, standardizing production rules, etc.

Notes

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Generate Output

Run production to create required output

How Technology Can Assist

Applies Bates or other stamping, if needed

Creates output in formats as specified by the regulators

Produces data that meets requirements in relevant jurisdiction(s) and agreed protocols

Produce

Deliver required output

How Technology Can Assist

Exports/migrates data in required format

Record/Document

Document results and metrics for use in future analytics and analysis

Document any lessons learned to assist with future matters