

# MANAGING THE INFORMATION OVERLOAD IN REGULATORY INVESTIGATIONS

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## **Legal departments may need to draw on extra resources to manage the volume of data required in regulatory disputes and competition investigations**

Los abogados son ya conscientes de la proactividad de la CNC y para afrontar sus procedimientos, de la gran cantidad de información necesaria, afirma Roberto Barber, director de ZyLAB Iberia.

Spain's law firms and in-house legal teams are only now awakening to the impact of an increasingly active Competition Commission – led by Joaquín Almunia – and the deluge of information needed to fight such cases, says Roberto Barber, director of ZyLAB Iberia, which provides discovery and information management services.

"There's a greater amount of information available to prosecutors than there was and, with deeper compliance and regulation requirements, there are greater risks," says Barber. "That mix isn't new,

but the number of new cases has accelerated."

ZyLAB ensures companies are "litigation ready" by archiving their information. It also works with law firms on active cases, retrieving data from "mountains" of emails, documents and video and audio files.

But ZyLAB also helps in the event of "dawn raids" and data being confiscated. Computers, mobile phones, filing cabinets and diaries can all become evidence, leaving in-house legal teams in a state of panic as they try to prepare for litigation or an admission of guilt.

"When there is a need to act quickly, discovering information can be crucial to help produce a fast and accurate response," says Barber. "This is often what prompts a call to us."

The feedback from both in-house and private practice is clear: competition cases are on the increase. "Banks realise there are more risks, they are being watched more closely and many are involved in litigation. But also growing is the number of companies in other sectors being investigated in antitrust cases."

Spanish politician and lawyer Almunia succeeded Neelie Kroes as EC Competition Commissioner in February last year. If, as expected, Almunia continues Kroes' legacy of pursuing competition cases in the Commissioner's home nation, his appointment will mean an upsurge in Spanish competition activity.

"With the euro crisis, everybody is watching everybody. There will be much more transparency, less tolerance towards corruption and fraud, and investigations will be more aggressive," believes Barber.