

Artificial intelligence in corporate investigations

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With the variety and sophistication of today's digital communications, widespread remote and hybrid work schemes, and ever greater volumes and complexity of data, artificial intelligence has emerged as a valuable tool in corporate investigations.

The greater capacity of electronic equipment, along with long-term retention of documents in the cloud or on physical storage devices, has increased the volume of data produced and stored by individuals and companies to the point where conducting efficient and effective investigations has become nearly impossible without integrating AI-powered analysis and screening solutions from the outset of the project.

There can be no doubt that AI is a powerful ally in corporate compliance. It can be used to (i) monitor compliance policies, contracts and procedures, (ii) collect and classify information contained in complaints received through whistleblowing channels, (iii) correlate data with individuals under scrutiny, streamlining investigations that would take much longer using traditional methods, and (iv) support decisions on corrective measures following investigations, by facilitating the analysis of data and enabling comparison of disciplinary measures.

Before using AI solutions, however, companies' Compliance divisions, working with the Human Resources and Information Security departments, must ensure that the organization's members are informed that artificial intelligence may be used both in investigations of complaints and suspected violations of the law or company policy and in routine compliance audits. Essential steps in this process are training sessions on the company's data privacy and protection policy, and obtaining members' consent for access to data. These actions ensure respect for individuals' privacy while preserving the integrity, efficacy and fairness of corporate investigations.

Traditionally, investigations relied on keyword lists to select relevant data. AI solutions allow for a context-based analysis that correlates events, dates and individuals, which can be mapped at the beginning or the investigation or allowed to emerge dynamically in the course of the analysis. AI tools can also identify non-standard interactions, enabling investigators to widen or narrow the scope of investigations, making them more robust and less costly in terms of time and money.

Another important gain from the use of AI in corporate investigations is AI's capacity to transform content in diverse formats, such as images, voice, spreadsheets and PDFs, into analyzable data. AI technology also contributes to the transparency of investigations because processes carried out using AI solutions, like data deduplication and optical character recognition, can be tracked. Notably, AI-based investigation methodologies and criteria have won increasing acceptance in the courts. In addition to gains in speed,

efficiency and robustness, therefore, AI can support the reliability of corporate investigations from a legal standpoint.

Beyond corporate investigations but still within the field of compliance generally, AI solutions have helped companies improve compliance monitoring by checking documents, e-mails and messages. These checks can identify sensitive issues that are often difficult to investigate, such as harassment and other improper conduct. This proactive approach allows for early identification and assessment of risks, and earlier and more effective prevention, detection and remediation.

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