



Conducting an Internal Investigation? Here's Why—and How—you Should Start With Slack

The information you need for an effective internal investigation is on Slack. Here's how to get it.

What's happening inside your organization?

- Are any of your employees experiencing harassment or workplace discrimination?
- Is a whistleblower accumulating information about misconduct to turn over to a regulatory agency or the media?
- Do you have a soon-to-depart employee stealing trade secrets for their new employer?

The risks that enterprises must guard against are unceasing, varied, and often invisible—at least until they blow up into a public spectacle or regulatory inquiry. Never has this been more true than now, with the coronavirus pandemic leading to a massive uptick in working from home. Millions of employees are no longer reporting to offices to work, pushing information about their activities even further below the radar. But organizations are still responsible for creating and maintaining a functional, productive work environment with an inclusive culture.

Organizations use internal investigations to quickly and effectively gain accurate insights into what's really going on inside—and outside—their walls. But investigations are only as good as their data sources, and many are missing out on an excellent source of unfiltered, unmonitored daily communications. We're talking about Slack, the collaboration app that's taken the business world by storm.

This Guide begins by summarizing the essential features of internal investigations. It then explains how collaboration applications—especially Slack—have changed the way that organizations communicate, both internally and externally, and sets out the challenges around incorporating Slack data into standard investigation and ediscovery workflows. Finally, the Guide explains why good investigations start with Slack and offers best practices for how you can use Slack to improve your investigations.



The Key Attributes of Successful Internal Investigations

Ideally, investigations should tread a middle ground: not getting bogged down in extraneous details or sidetracked by unimportant events or discussions, but at the same time not glossing over important incidents or missing the true concerns lurking below the surface. At the end of the day, internal investigations should reach a correct, defensible conclusion about what really happened—and they should do so quickly and reliably.

They Encompass the Appropriate Scope

Investigations need to be suitably—yet flexibly—scoped. If an investigation is too narrow, it risks missing critical instances of misconduct or evidence to support its findings. Overly narrow investigations reach conclusions that are incorrect or incomplete, leading to remedial interventions that aren't useful because they don't address the true issue. On the other hand, if an investigation expands to include every possible concern, it can drag on forever, at an enormous cost to the company. Erring on either side contributes to credibility and image issues. The goal is to find a “Goldilocks” scope that's just right, including everything relevant and impactful while excluding side issues or inconsequential information.

They're Completed Quickly

Investigations that take months or years to complete leave victims without redress, give perpetrators free rein to continue their misconduct unabated, and cultivate a culture of inaction, helplessness, and distraction. By contrast, good investigations are fast, enabling prompt remediation that corrects any underlying contributory factors and encouraging a return to business as usual.

They're Accurate and Reliable

A well-scoped, quick investigation that reaches a wrong conclusion—or that smacks of a cover-up—is perhaps worse than an unwieldy or slow investigation that eventually reaches a correct conclusion. Discerning the true facts, without bias or prejudice, is the core feature of an effective internal investigation.

So, how can you correctly define the scope of an investigation, take rapid and decisive action, and come to an accurate, trustworthy decision that guides your organization to design a thoughtful response with appropriate remedial measures that protect the company's reputation and limit any fines or penalties? You need a way to quickly get a **full view of the facts** for what's really going on.

And if you're still looking only at email, you're going to miss a lot.





Collaboration Apps Have Changed Where (and How) We Communicate

Workplace communications used to happen via email. Whether you needed to check with accounts payable about the status of an invoice, set up a meeting with a colleague, submit a leave request to HR, review progress or ask questions about a pending project, or send a report to your supervisor, chances are that you started with an email.

With collaboration, those days are gone.

Now, your organization probably uses collaboration apps to communicate about practically everything. Those apps may include:

- project management tools like Jira, Asana, Trello, Monday, and Basecamp;
- instant messaging or chat applications like Slack, Ryver, and Microsoft Teams; and
- specific solutions like Expensify for expense reports, Buffer for social media management, and Google Calendar for shared calendar events.

These apps, which allow multiple users to interact instantaneously, from anywhere, have revolutionized workplace communications. Now email is seen as a more formal mode of communicating, while most conversations and check-ins and quick questions are addressed elsewhere.

On the bright side, teams are able to stay in touch despite working remotely, being subject to stay-at-home orders or enforced quarantines, and—after the current pandemic—traveling for routine business matters. Collaboration apps make it easy to interact with the entire team and keep everyone up to speed. They allow a fast, casual “chat” environment that many employees find more fun and rewarding due to the incorporation of memes, GIFs, emojis, and reactions. They’re also well integrated with other business tools, with many allowing attachments and notifications from other apps. A growing trend is the inclusion of external participants, such as clients, customers, vendors, or business partners.

But just as the nature of collaboration apps has changed how and where we communicate, it’s also changed what we include in those conversations. The “watercooler” mentality that accompanies many collaboration apps evidently causes many people to forget that their communications are, in fact, in writing. Some may make jokes or share private details that aren’t appropriate for the workplace. Others will mix personal, non-work discussions—which would be unlikely to occur over email—into their chats.

That means that collaboration apps—and particularly Slack—are the perfect place to look when seeking support for allegations of workplace misconduct. An effective Slack search can both rapidly define the scope of an internal investigation and give a fast, accurate look at whether there’s likely to be truth behind an allegation.

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When Investigations Lead to Litigation

Many internal investigations concern matters that could, if mishandled, evolve into litigation. Even for those that don't, there are many parallels between ediscovery and information gathering for investigations. Both involve scoping the breadth of an issue, identifying and preserving relevant information for later use, and reviewing that information to get to the truth of the matter. Get a jump start on any potential litigation by holding your investigative fact-finding to the same high standards as your litigation readiness.

The Challenges of Slack Data

We've already noted some of the differences with Slack data, but the challenges with incorporating Slack into internal investigation and ediscovery workflows don't end there. This isn't Slack's fault: it was designed for collaboration, not for internal investigations, ediscovery, or information governance. It excels at its intended purpose—but, unsurprisingly, doesn't always play well with existing information management and ediscovery tools or workflows.

Accessing Slack Data

Within Slack, only the administrator has access to the entire environment. Slack allows users to edit or delete their own messages and there are no automatically generated audit logs. That creates an increased risk of data misuse or manipulation.

Make sure you've set up your Slack application so that you don't lose information when a user edits or deletes messages. Otherwise, employees could destroy or modify evidence, undercutting your investigation and potentially subjecting your organization to regulatory consequences or spoliation sanctions.



Identifying Custodians of Information

With email, the custodians for specific information are clearly defined by discrete mailboxes. In a fairly straightforward situation like an employment dispute, the important custodians might be the human resources manager, the complaining employee, and that employee's supervisor. Drill down into the email archives of those individuals using a few well-designed keywords and you can get a solid picture of what they've said to and about each other.

Slack is different in that there's no paper-based corollary for it; it's an entirely new method of communication. With the exception of direct messages, conversations on Slack aren't sent "to" a single person; they're posted in a channel for anyone who belongs to that channel to see. If a custodian belongs to that channel, they may have seen that information, even if it wasn't directed to them. The novelty of Slack's structure also means that standard investigation and ediscovery review tools—which were designed to deal with things that looked like paper—have no idea what to do with the complexity of Slack data. So while you can still know exactly who you're interested in and where they've posted on Slack, it's impossible to know what messages those custodians have read in Slack.

Searching for Relevant Content

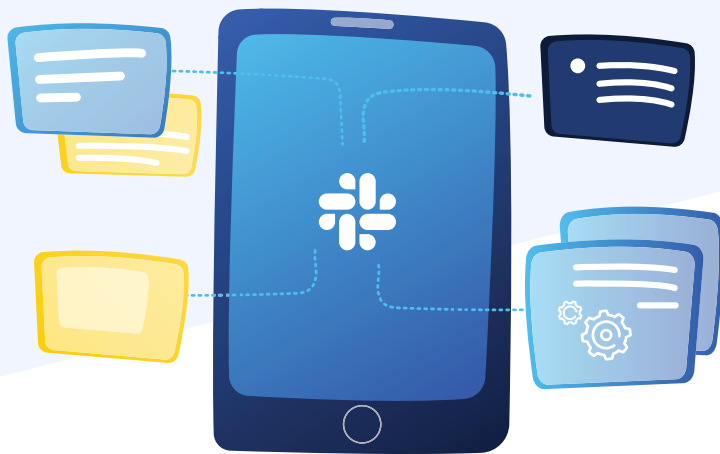
While the casual, rapid-fire nature of Slack is fine for users, it causes a few headaches for investigators and ediscovery professionals. To make this situation still more challenging, Slack's native search functions aren't as powerful as those in a standard ediscovery platform. That makes it hard to find responsive, relevant information.

Discerning Context and Meaning

There's another problem with searching for information within Slack. For one thing, individual Slack messages tend to be short and—without the context of the entire surrounding conversation—entirely devoid of meaning. Often conversations will unfold with sentence fragments and single words. Misspellings abound, as do abbreviations, shorthand, inside jokes, and colloquialisms. And incorporating emojis, reactions, and GIFs makes Slack more fun for collaborators but, again, more challenging when it comes to investigations and ediscovery. How do you figure out what a message meant when it's a one-word response or an emoji, devoid of any apparent context?

This becomes a huge issue due, in part, to the sheer volume of Slack. Organizations can easily generate millions of lines of conversation or millions of direct messages in a single day, most of which have zero relevance to a given investigation. While you can try to search Slack for particular words that relate to an allegation or complaint, expect to sift through hundreds of lines within a channel to figure out whether a particular message is relevant or even what exactly it means. All of the context surrounding any given line or text is necessary and important to figure out what was, and what wasn't, said.





Exporting Information in a Reviewable Format That Integrates With Existing Tools

Once you've gone through the hard work of identifying relevant information for an investigation, what do you do with it to get it out of Slack where you can actually do something with it? How can you preserve it, review it, and, if necessary, produce it to your outside counsel or a regulatory agency?

A Slack corporate export produces files in the JSON (JavaScript Object Notation) format, which includes the metadata for each line of communication as well as the communication itself. That metadata includes information about who wrote a post, when, and in what channel, along with other data fields. The upshot is that a one-line message can take pages of text and code to fully display. That, needless to say, is not very helpful when it comes time for an investigator or an attorney to sit down and review the messages within a channel.

Remember that Slack also incorporates different file types—users can attach documents, spreadsheets, images, videos, and so on—and integrates with other apps. If, for example, your Slack instance is integrated with your project management, time-tracking, or expense software, your Slack channels may include notifications about what's happened in those other programs. Any and all of that information might be relevant and discoverable to an investigation, which means you need a way to capture it and review it. The corporate export does not include any embedded files, though it does provide links to access those files.

Not only are Slack exports not amenable to review, but they also don't integrate smoothly with existing ediscovery and investigative tools. While you likely already have technology designed to preserve data, cull it, and export it in a review-ready format for ediscovery, you need a way to fold information from Slack into that workflow.

The bottom line is this: while your internal investigations should start with Slack, you're going to need a little help to do so. You need an investigation solution that will allow you access to all of the messages—public and private—within your organization's Slack, coupled with a robust search algorithm, the ability to fully explore the surrounding context of messages, and the capability to export relevant information into an existing investigation or ediscovery workflow.





Best Practices: Using Slack to Get the Most From Your Internal Investigations

So, you're convinced that there's useful information for your internal investigations hidden away in Slack and you're ready to overcome its challenges. These five tips will help you complete fast, accurate, reliable investigations by starting with Slack.

- 1. Use your initial Slack search to define the scope of the investigation.** As with litigation matters, the first step in an internal investigation is defining the scope of the investigation. Who is involved, either as a wrongdoer, victim, or witness? What specific allegations have been made? Where—either digitally or physically, on-site or off-, did those actions occur, and when? Keep your eyes open for other instances of misbehavior, but maintain a narrow focus on the alleged misconduct and don't get sidetracked by unrelated concerns that you may discover.
- 2. Get a good view of your documentary evidence before you start interviews.** Don't jump into interviews with witnesses or the accused individual until you have a solid grasp on what's been said in Slack and elsewhere. That way, you'll have evidence to counter any false assertions, and you'll be prepared to seek clarification on ambiguous or concerning statements.

- 3. Take steps to safely preserve any relevant evidence outside of Slack.** Whether you only need that information for the investigation or eventually have to turn it over to a regulatory agency or use it in litigation, you need to ensure that the information you find is safely preserved. The best approach is to enable a message retention period with automatic deletion in Slack (and your other communication channels) by preserving broadly in place. Then use targeted collections for rapid assessment.
- 4. Use what you've found in Slack to design remedial measures that will not only address this instance but also prevent future occurrences.** If you find evidence of wrongdoing—regardless of whether it rises to the level of being actionable in an investigation or litigation matter—use the communications you've discovered in Slack to both illustrate the problem and create a remediation plan that will correct the underlying issues. For example, if a supervisor subtly expresses a preference for some employees or undercuts others, determine whether this disparity is based in bias or is an unintentional, unrecognized pattern and create corrective training materials or interventions.
- 5. Include Slack in your corporate policies.** Make sure your HR handbooks and corporate policies include acceptable use policies that explicitly reference Slack and any other collaboration apps you use. Those policies should be written to protect employees' privacy and to provide a safe work environment. Also, be careful that you don't fall into a "do as I say, not as I do" trap. If your policies state that the main Slack channels are only intended for work, don't be lured into sharing personal stories or details there. Keep the watercooler conversation professional, and keep it in the chat channels.



Strong Internal Investigations Start With Slack

Misconduct can happen anywhere—which is why organizations of all types and sizes need to be ready to answer allegations with quick, decisive action, informed by accurate fact-finding investigations. Those investigations should start with Slack, aided by a purpose-built Slack discovery solution that facilitates both investigations and ediscovery, unearthing relevant and helpful information from the morass of scattered, incomplete Slack chat messages.

Hanzo gives investigation teams the ability to complete properly scoped, fast, accurate, reliable internal investigations by starting with Slack. With Hanzo, you can:

- access your entire Slack instance, public and private;
- identify custodians' communications wherever they may have occurred;
- conduct powerful searches for relevant, helpful information;
- explore the surrounding context and meaning of any potentially important content; and
- export data for outside review using existing investigation and ediscovery workflows and tools.

There's a world of valuable information in your organization's Slack. Don't start your next internal investigation without it.

About Hanzo

Hanzo helps global enterprises manage and reduce legal risk wherever work gets done. Our vision is to provide enterprises with a single source of truth for their complex communications data. Hanzo solutions capture investigations, litigation, and compliance data from wherever employees collaborate — including hard-to-capture sources like Slack, Google Workspace, Jira, project management, collaboration platforms, and internal SaaS systems. Hanzo's software empowers defensible preservation, targeted collection, and efficient review of dynamic content. Hanzo is SOC 2® Type 2 certified, demonstrating its commitment to data security and serving large corporations worldwide.

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