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Can You Handle The Truth? Lawyers Can Be CyberPro's Best Friend



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Opening Question



 When was the last time you asked your General Counsel whether an Information Security activity was a good idea?

We've all heard stories...



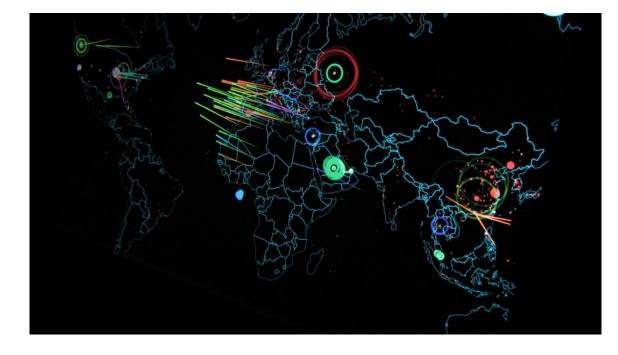


Offensive Operations

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 Running cyber attacks in MENA <u>https://www.reuters.com/world/us/american-hacker-mercenaries-face-us-charges-work-uae-2021-09-14/</u>

 General Nakasone comments on Cyber Command/NSA disrupting operations





Paying the Ransom





- Paying the Ransom
 - Protecting data is complex
 - Recent US Treasury statement reporting strongly encouraged

Legal solutions can be limited

Legal obligations are increasing



Political Allies

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- Help security teams get what they need
 - Increased budget,
 - Larger staff,
 - Better technology solutions,
 - More respect for security at the executive / board level

Example:
 SEC/FTC fines for other companies =
 justifications for more security \$

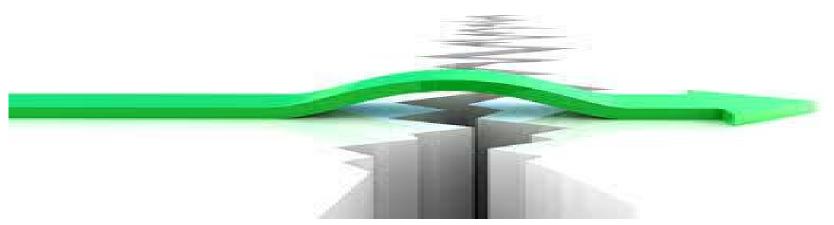




Security Program Plan



- Lawyers can focus the company on compliance matters that open doors for InfoSec
- Compliance Gap Analysis means more emphasis on data security
 - Justifying choices forces better choices





War Story – Shelter in Corporate Change





- During mergers, acquisitions, divestitures, bankruptcies and other major corporate events
 - Working closely with lawyers can protect security decisions and choices from scrutiny
 - Brings Information Security into the room

Marriott/Starwood Merger:
 What Happens When Nothing Happens?



War Story – Breach Response

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 Effective legal support is crucial to meet the standards and avoid being scapegoated after a significant incident

- Number of laws, regulations, contract provisions and likely litigations
- Complex obligations are being imposed on data privacy and security responses
- Cyberinsurance, Roadmaps to Compliance, Attorney Client Privilege Emerging Requirements



War Story – Supply Chain Roulette or 20 Questions





 What happens with all the questions you ask vendors in the supply chain risk process?





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- Security professionals can no longer avoid the application of legal standards
 - Cyber insurance contracts and customer agreements can drive reports and standards
 - Lawyers will be crucial to providing these guidelines.
 - Security managers are likely to be called into some form of litigation preparation
 - and will need company lawyers (and possibly personal attorneys) to protect the organization, their teams and their own jobs.



• When do you need your own lawyer?





War Story – Protection for Sensitive Communications



- While limited, multiple lawyer-client privileges may protect security data from forced publication and misinterpretation.
 - Lawyers can provide privileged communications and protected thirdparty reporting if organized correctly.

- Story Notes:
- Monopoly and Business
 Discussions









- Focus the company on compliance matters that open doors
 - Data mapping, wireless internet service providers (WISPs), and training documentation.
 - To solve the problems, you need the opportunity to try.
- Story Notes:
 - Compliance Gap Analysis means more emphasis on data security
 - Justifying choices forces better choices





"Apply" Slide



- If you haven't already, in the next two weeks you should:
 - Meet with your corporate counsel to talk about cyber, compliance, and risk to the company
 - Discuss use of internal and external counsel for cyber issues
- In the next three months:
 - Build a plan for legal involvement in cyber activities (compliance, incident response, investigations, etc.)
 - Establish regular meetings with internal AND external counsel
- Within six months you should:
 - Be starting appropriate, new activities under attorney client privilege
 - Continue regular dialog with legal partners



Thank You



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