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

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TRANSFORM



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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

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

- 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

- 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?

War Story – Sherpas in the Wilderness

- 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 third-party reporting if organized correctly.

- Story Notes:
 - Monopoly and Business Discussions



War Story – Everyday Context

- 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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