

May 26, 2016

## Recent Developments in Cybersecurity Law and Policy

Jon Gannon  
Executive Director & Senior Legal  
Counsel  
AT&T Services, Inc.

© 2016 AT&T Intellectual Property. All rights reserved. AT&T, Globe logo, Mobilizing Your World and DIRECTV are registered trademarks and service marks of AT&T Intellectual Property and/or AT&T affiliated companies. All other marks are the property of their respective owners.



## What We'll Cover

- Timeline
- Executive Action from 2013 to 2015
- Cybersecurity Act of 2015

## Timeline – Law & Policy

- 2012: No Congressional Action on Cyber Legislation
- 2013: Executive Order 13636
- 2014: NIST Cybersecurity Framework
  - FTC/DOJ Guidance on Antitrust
  - DOJ Guidance on ECPA
- 2015:
  - Executive Order 13691
  - Cybersecurity Act of 2015

3

## Timeline – Law & Events

Year	2012	2013	2014	2015
<b>Law &amp; Policy</b>	<ul style="list-style-type: none"> <li>• No Congressional Action</li> </ul>	<ul style="list-style-type: none"> <li>• EO 13636 – Critical Infrastructure Cybersecurity</li> </ul>	<ul style="list-style-type: none"> <li>• NIST Framework</li> <li>• Antitrust/ECPA Guidance</li> </ul>	<ul style="list-style-type: none"> <li>• EO 13691 – ISAOs</li> <li>• EO 13694 – Cyber Sanctions</li> <li>• Cybersecurity Act of 2015</li> </ul>
<b>Events</b>	<ul style="list-style-type: none"> <li>• Theft from USG and Defense Contractors</li> <li>• DDOS Attacks Financial Institutions</li> </ul>	<ul style="list-style-type: none"> <li>• National Security Disclosures</li> <li>• Target Attack</li> </ul>	<ul style="list-style-type: none"> <li>• Retail Store Breaches</li> <li>• Indictments Against Chinese Military Members</li> <li>• Sony Attack</li> </ul>	<ul style="list-style-type: none"> <li>• OPM Breach</li> <li>• Agreement on Economic Espionage</li> <li>• Ukrainian Electric Grid</li> <li>• Ransomware</li> </ul>

4

## 2012: No Congressional Action on Cyber Legislation

- Over 50 cyber bills introduced before the 2012 general election
- House passed Cyber Intelligence Sharing and Protection Act (CISPA)
- Senate failed to move Cybersecurity Act of 2012 forward
- Competing approaches: regulatory regime versus voluntary, incentivized private sector participation

5

## E.O. 13636 – “Improving Critical Infrastructure Cybersecurity” (2013)

- Increase in information sharing, among other things, to assist private sector
- Identification of most critical infrastructure
- Development of National Institute of Standards and Technology (NIST) Cybersecurity Framework

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Recent Developments in Cybersecurity Law and Policy

Also available as part of the eCourse

[2016 Technology Law eConference](#)

First appeared as part of the conference materials for the  
29<sup>th</sup> Annual Technology Law Conference session  
"Recent Developments in Cybersecurity Law and Policy"