

BakerHostetler

Internal Controls and Compliance

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Introductions – Mandiant & BakerHostetler



- Trusted Partner to Organizations Worldwide Expert Responders to Critical Security Incidents
- True Thought Leaders
- Assist With All Stages of Incident Response and Preparedness
- Global footprint with over 300 consultants worldwide

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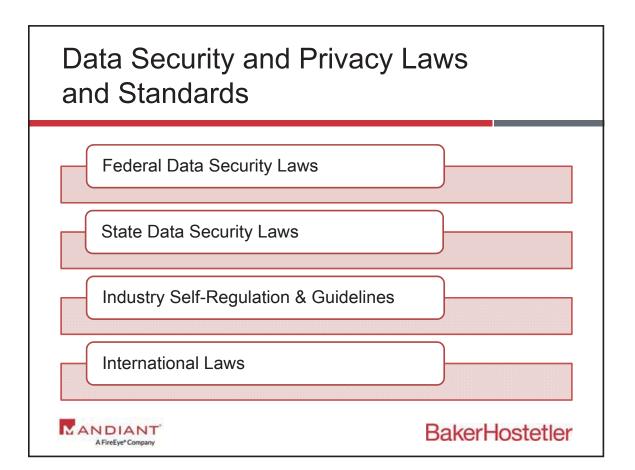
- Chambers USA nationally ranked Privacy and Data Protection practice
- Privacy and Data Protection "Practice Group of the Year" by Law360 (2013 – 2016)
- Over 2,100 incidents handled (450+ in 2016 alone)
- Team includes 40+ attorneys specializing in privacy and data security law across the country

Agenda

- Data Security and Privacy Laws and Standards
- Security Frameworks
- Implementing a Security Program
- Prioritizing Security Controls



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Federal Privacy / Data Security Laws

Gramm Leach Bliley Act (GLBA)

[codified within 15 U.S.C. §§ 6701-81, 6801–27, 6901-10 and elsewhere]

- Privacy Rule: Requires disclosure to consumers and customers of how information is collected, shared, and protected.
- Safeguards Rule: Requires development, implementation and maintenance of written comprehensive information security program.

HIPAA / HITECH

(https://aspe.hhs.gov/report/health-insurance-portability-and-accountability-act-1996)

- Privacy Rule: Requirements for use and disclosure of "PHI" by "covered entities" and "business
 associates"
- Security Rule: Establishes administrative, technical, and physical security standards for protection of e-PHI.

FTC Act - Section 5 and FTC Enforcement

- Section 5 of the FTC Act prohibits "unfair or deceptive acts or practices in or affecting commerce."
- The FTC has alleged that companies who fail to protect data after promising to do so have acted deceptively.
- The FTC has brought enforcement actions for failure to employ "reasonable security measures" to protect consumers' personal information as unfair business practice. (e.g., In re LabMD)



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State Data Security Laws

Reasonable Security Procedures

Several states require entities to "implement and maintain reasonable security procedures" to
protect personal information, but without specifying particular safeguards or practices. E.g., Ark.
Code Ann. §4-110-104(b); Cal. Civ. Code § 1798.81.5; Tex. Bus. & Com. Code § 521.052.

Massachusetts (201 CMR 17.00 et seq.)

- Implement and maintain physical, administrative and technical information security measures
 to safeguard personal information.
- Maintain a "written comprehensive information security program" that contains specific security requirements (access control protocols; encryption of PII; firewalls; A/V)
- Designate employee to maintain WISP



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