



## **Data Security Incident Response and Attorney Obligations**

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## **Summary of the Topics to Discuss**

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- Incident Response
- Attorneys' Ethical and Legal Obligations to Protect Client Data
- Recommendations on How to Protect Client Data

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# Where are the threats?

## External Threats

- State-Sponsored
- Cyber-Espionage
- “Hacktivists”
- Vendors



## Internal Threats

- Employee Negligence
- Employee Ignorance
- Malicious Employees



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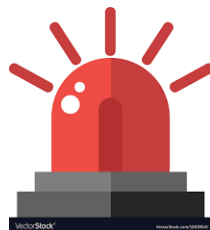
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# Incident Response for Lawyers

## Attack on your own systems:

- Who do you call first?
  - Internal or External IT?
- Share exact details of what happened
- Develop containment plan
  - Is a vendor needed?
- Legal analysis if notification is required
  - State & Federal laws? Model rules?
- Complete notifications



## Attack on your client's systems:

- You may be their first call!
- Get a full explanation of what happened
- Who needs to be involved?
  - Insurance? Vendors? Cybersecurity counsel?
- What value are you adding?
  - Contracting with vendors
  - Attorney-Client privilege
- Develop containment plan
  - Is a vendor needed?
- Legal analysis if notification is required
  - Applicable state, federal or international laws?
- Assist with completing notifications
- Regulatory investigations
- Litigation

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## Lawyers/Law Firms Are Tempting Targets

### Why law firms?

- “Attractive Targets”
  - Large amount of stored information
  - Highly sensitive nature of that information
  - More efficient for hackers, whether to steal confidential data for its own sake or to use in hitting another target, such as a client
- “Soft Targets”
  - “The soft underbelly of corporate cybersecurity”
  - Law firms have many things to be concerned about, including malware, hackers and unpatched software and devices . . .

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## What types of information are at risk?

- “Confidential Information” in Attorney Files
- Trade Secrets
- Strategic Data
  - M&A targets and due diligence
  - Supply contracts, Pricing
  - Development Data/Reserve Estimates
- Personally identifiable Information of all kinds for employees, clients and third parties
- Payment Card / Bank Account Information



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