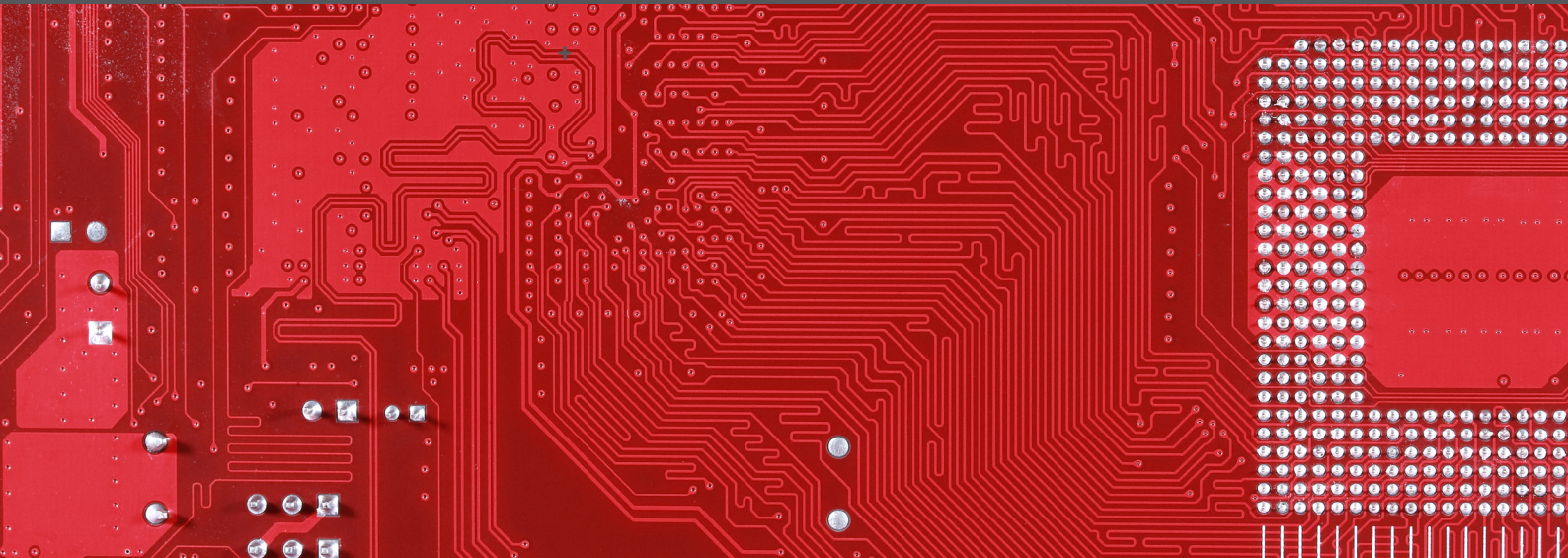


# INFORMATION SECURITY



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*Insecure web pages (including hacking)  
made up 44% of security breaches for  
UK general businesses in Q3 2015/16*

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INFORMATION COMMISSIONER'S OFFICE

# INTRODUCTION

The ease with which confidential or commercially sensitive information can be unlawfully obtained and/or circulated is a growing challenge for many businesses. Data breaches, cyber attacks, hacking, loss of confidential information and regulatory investigations/proceedings can all put at risk the reputation of a business, its brands and its directors.



# THE INFORMATION SECURITY CYCLE

Our Information Security practice understands that prevention is better than cure, but that sometimes data breaches happen and mobilising the response is business critical. An integrated, multi-disciplinary approach is necessary to understand and detect potential risks, respond to threats when they arise and then adapt and revise procedures accordingly. Our practice pulls together experts from all relevant disciplines to provide this holistic approach to help our clients meet the challenges faced in protecting data in an ever-evolving technology landscape.

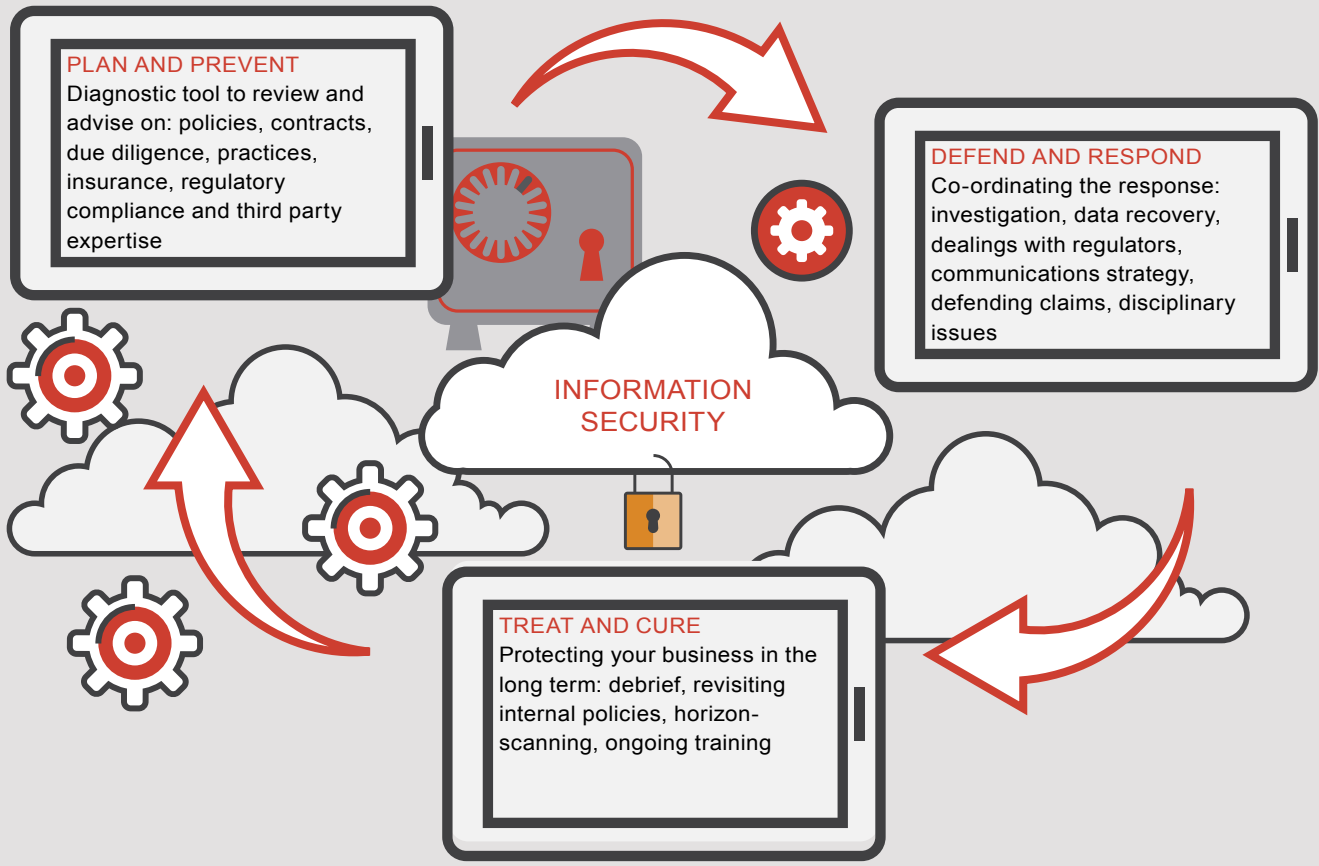
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*1,673 data breaches led to 707 million data records being compromised worldwide during 2015.*

*Identity theft remained the primary type of breach, accounting for 53% of data breaches and 40% of all compromised records.*

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GEMALTO BREACH LEVEL INDEX, 2015



**PLAN AND PREVENT**

Diagnostic tool to review and advise on: policies, contracts, due diligence, practices, insurance, regulatory compliance and third party expertise

**DEFEND AND RESPOND**

Co-ordinating the response: investigation, data recovery, dealings with regulators, communications strategy, defending claims, disciplinary issues

**INFORMATION SECURITY**

**TREAT AND CURE**

Protecting your business in the long term: debrief, revisiting internal policies, horizon-scanning, ongoing training

## Plan and Prevent

Safeguarding your business and employees from information security risk. Using our diagnostic tool, we can review and advise on:

- ▶ Policies: data security, data retention and destruction, electronic device usage, social media usage, crisis management/response
- ▶ Contracts: employment contracts, non-disclosure agreements, third party supplier/contractor contracts
- ▶ Due diligence: for M&A and IPO transactions
- ▶ Practices: training programmes, employee monitoring, impact and risk assessments, data residency mapping
- ▶ Insurance: reviewing coverage/exclusions
- ▶ Regulatory compliance
- ▶ Third party expertise: we regularly work with and can recommend third parties with relevant skills including IT forensics, PR and communications, foreign regulatory/legal expertise.

## Defend and Respond

Helping you to respond quickly to the data breach as soon as it has occurred and mitigating loss:

- ▶ Co-ordinating the response: managing the crisis team including external advisers (legal, IT forensics, comms)
- ▶ Investigations: assisting with internal investigations and/or responding to regulatory investigations
- ▶ Recovering data and/or preventing (further) misuse: injunctions, search orders, disclosure orders, delivery up, notice and take down to ISPs
- ▶ Regulatory: reporting obligations
- ▶ Communications: advising on the key messages to be communicated to (a) key stakeholders, (b) employees, (c) data subjects, (d) the media and public generally
- ▶ Insurance: managing relationships with insurers in order to optimise changes of recovery under any available cover
- ▶ Defending claims: brought by employees, customers, other third parties
- ▶ Disciplinary issues: advising on the suspension, disciplining and/or dismissal of employees
- ▶ Whistleblowers: handling employees who report data security issues/breaches.

## Treat and Cure

Protecting your business in the long term:

- ▶ Post-incident debrief and lessons learned
- ▶ Re-visit internal policies and procedures
- ▶ Horizon-scanning for changes in the law / new technologies
- ▶ Ongoing training
- ▶ Ongoing monitoring of the need for changes to the type and limits of available insurance cover.

## Experience

- ▶ Acting for a Gulf-based bank in relation to the pursuit of an insurance claim arising out of significant pre-paid travel card losses caused by cyber fraud
- ▶ Advising FTSE 100 companies on the drafting and implementation of their global data strategies, working with a number of stakeholders across such groups, on a multi jurisdictional level
- ▶ Advising a FTSE 100 company on risk-based strategies relating to the use of big data, joint ventures, debt portfolios, customer profiling, data aggregation, legacy data and database consolidation
- ▶ Advising FTSE 100 companies in relation to data breaches (including regulated entities such as high street banks)
- ▶ Conducting enterprise-wide data protection audits for numerous clients
- ▶ Acting for a Gulf-based real estate company and bank in an \$800m claim in breach of confidence (and libel and malicious falsehood) which included allegations of hacking
- ▶ Acting for a leading bank in defending a claim for alleged misuse of a customer's data and breach of the DPA
- ▶ Acting for circa 100 individuals in claims for breach of confidence, privacy and/or breaches of the DPA in relation to phone hacking.

# CONTACTS



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*12,000 - the number of businesses  
which have been targets by “CEO  
E-mail Fraud” scams from October  
2013 and February 2016*

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FINANCIAL TIMES

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Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo\*

\* a formal alliance with Hashidate Law Office

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