

BRIGGS

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PROFESSIONAL ASSOCIATION

Small Business Forum

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Reasons Businesses Call a Cyber Lawyer



CYBER SECURITY
SUMMIT 2016

The goal for small and mid-size businesses

- Pursue your core mission.
- Understand your company's cyber risk.
- Be smart about how you avoid or mitigate risk.
- Be proactive rather than just reactive.
- Use trusted consultants wisely – pay now, or pay later.



YOUR BUSINESS CUSTOMER IS BREACHED

- Your company provides services for other businesses. Your business customer is breached and points the finger at you.
 - Do you have liability?
 - Do you have insurance claims?
 - Do you need to plug gaps?



YOUR BUSINESS CUSTOMER IS BREACHED

- What can you do today to limit the impact of this happening?
 - Understand and evaluate contracts.
 - Make informed insurance decisions.
 - Make sure IT is implementing management's risk decisions.
 - Conduct a risk assessment.



YOU LOSE PERSONAL DATA

- Could be data of a customer or employee.
 - Was there a breach?
 - Do you have a notification obligation?
 - Will you be sued or investigated?



YOU LOSE PERSONAL DATA

- What can you do today to limit the impact?
 - Know where personal data is and how it is secured.
 - Have the right policies in place.
 - Train your employees.



DISPUTE FOLLOWING SALE OF BUSINESS

- Following the purchase or sale of a business, a dispute arises between buyer and seller about valuation or risk arising out of cyber issues.
 - Is there a violation of reps and warranties?
 - Was there knowledge of issues that could support a fraud claim?



DISPUTE FOLLOWING SALE OF BUSINESS

- What can you do today to limit the impact?
 - Thoughtful and thorough due diligence by a buyer.
 - Potential sellers should get their houses in order.
 - Accurate documentation.



SHAREHOLDER DISPUTES

- Shareholder value is impacted by a cyber incident, leading to finger pointing.
 - Disputes in small and closely held companies are rampant and can be driven by emotion.
 - It may not be clear who has responsibility for an issue like this.



SHAREHOLDER DISPUTES

- What can you do today to limit the impact?
 - Understand cyber risk, and implement the right policies.
 - Educate board and executives so that risk decisions are owned by the group.



QUESTIONS?





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The **Privacy, Data Security and Cybersecurity** practice group at Briggs and Morgan offers a full range of services to help clients prevent, prepare for, and minimize the impacts of data security breaches and cyber attacks. We also represent clients in litigation following data breaches.

