

Must-Have Security Language

key contractual themes to consider

Eran Kahana
Attorney | Maslon LLP
Research Fellow | Stanford Law School
Co-Author | The Law of Artificial Intelligence and Smart Machines

October 28, 2019

Key Theme

CONFIDENTIALITY – INTEGRITY – AVAILABILITY

Covered Systems

Identify relevant computer network systems

Covered Systems

Restrict access through the agreement and through system settings

Covered Data

Data that will be used

Covered Data

Limited access

Security Events

Attempted vs. actual: sync with incident response plan

Security Events

Disclosure requirements: timing, content and scope

Security Standard

Authorized connectivity

Security Standard

Encryption requirements

Security Standard

Identify standards (by name)

Security Standard

Required certification or attestation and frequency

Security Standard

Prohibit downgrading

Security Standard

Redundancy

Audit Rights

Cooperation

Audit Rights

No cost

Audit Rights

Ensure sufficient timeframe post-termination

Audit Rights

Consequences for non-compliance

Insurance

Cybersecurity insurance – sync with incidents in incident response plan

Thank You



Eran Kahana

eran.kahana@maslon.com

612.672.8385