

DATA BREACH RESPONSE

How we can help you respond to a data breach



Our approach

These days the biggest commercial asset of many businesses is data, but that asset can quickly become a serious liability in the event of a loss or breach, exposing the organisation to the risk of business interruption, financial loss, legal liability and / or reputation damage. High profile incidents have demonstrated the damage that can be done to brand, the leadership team, employees and shareholders.

To help support you, Addleshaw Goddard has put together its Data Breach Response team. It includes regulatory, media, employment, insurance, financial services and litigation specialists. All are well versed in understanding both the legal and the commercial implications of data breaches.

We provide immediate and practical advice to help you protect your business and minimise the potential for further damage.

Our Services

Nobody wants to have to deal with a data breach, but they do happen. We can help you to reduce the chances of a data breach, as well as supporting you if the worst happens.

Data breach prevention – We offer training to educate your staff on how to avoid a data breach as well as how to deal with one if it happens. This will involve our team staging a mock data breach to simulate a real event and taking you through the response.

Data breach app and e-learning tool – Our dedicated data breach app contains useful information on how to deal with a data breach. Our e-learning tool provides an introduction to data protection compliance and the General Data Protection Regulations (GDPR) to help prevent breaches.

Data breach response – in the event of a data breach our dedicated team will provide you with the full data protection and reputation protection services.

"Pre-eminent practice for data protection"
Chambers Legal Directory



Our data breach response services

In the event of a data breach, we can provide you with a full service response team to secure your data and reputation. The team would swing into action as follows:

Immediate response and recovery

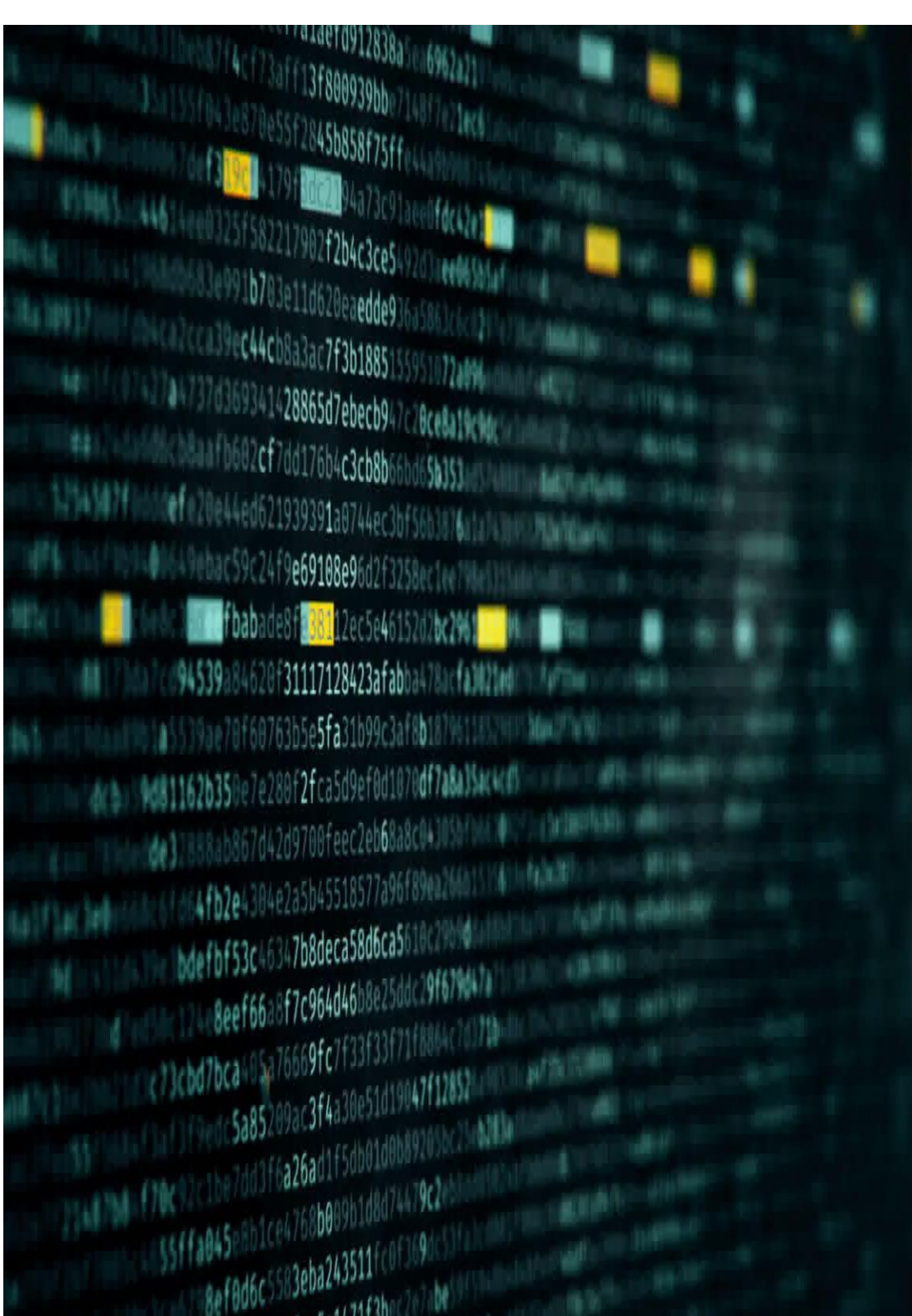
Within 24 hours of notification we will support you either in person at your premises or by conference call to advise on steps needed to identify the nature, extent and scope of the breach and advise you on immediate practical steps to minimise the legal impact, including regulatory liability, risk management, insurance notification and reputation protection.

Full risk evaluation

- ▶ Going forward, supporting you in taking the steps required to evaluate the full extent of the breach (including interviewing staff, contractors, or suppliers and liaising with your information security specialists as required);
- ▶ Evaluating materials necessary to assess the severity of the breach – for example to assess any breach of undertakings in customer contracts, reviewing responses to evaluate data categories affected.

Breach notification

- ▶ Within 48 hours of the breach notification, assessing whether it is necessary to report the breach to applicable regulatory authorities and / or data subjects, as well as relevant insurers
- ▶ Liaising with regulatory authorities to report the breach
- ▶ Assembling the documentation necessary to report the breach and drafting formal full breach notifications for both regulators and, as appropriate, data subjects and insurers.



Reputation protection

- ▶ Working with your comms team to manage communications with all stakeholders and media and online coverage
- ▶ Setting the record straight after the event
- ▶ Training on crisis response, including full crisis simulation exercise for your crisis response team

Regulatory negotiation and liaison

Engaging with the regulator on your behalf to ensure smooth progress of any regulatory investigation and negotiation to minimise the impact of regulatory sanctions. Advising on any regulatory settlement offered.

Breach register and prevention

- ▶ Updating your breach register as required
- ▶ Providing a report recommending actions needed from the perspective of legal risk management, to minimise the risk of further breach
- ▶ Assisting you as required in implementing breach prevention actions (including providing updated procedures, training, guidance, policy and contractual documentation).

Litigation risk/claim analysis

- ▶ Mitigating litigation risk, e.g. claims from data subjects and/or counterparties affected by the breach
- ▶ Advice on your potential claim(s) against e.g. service providers

Insurance

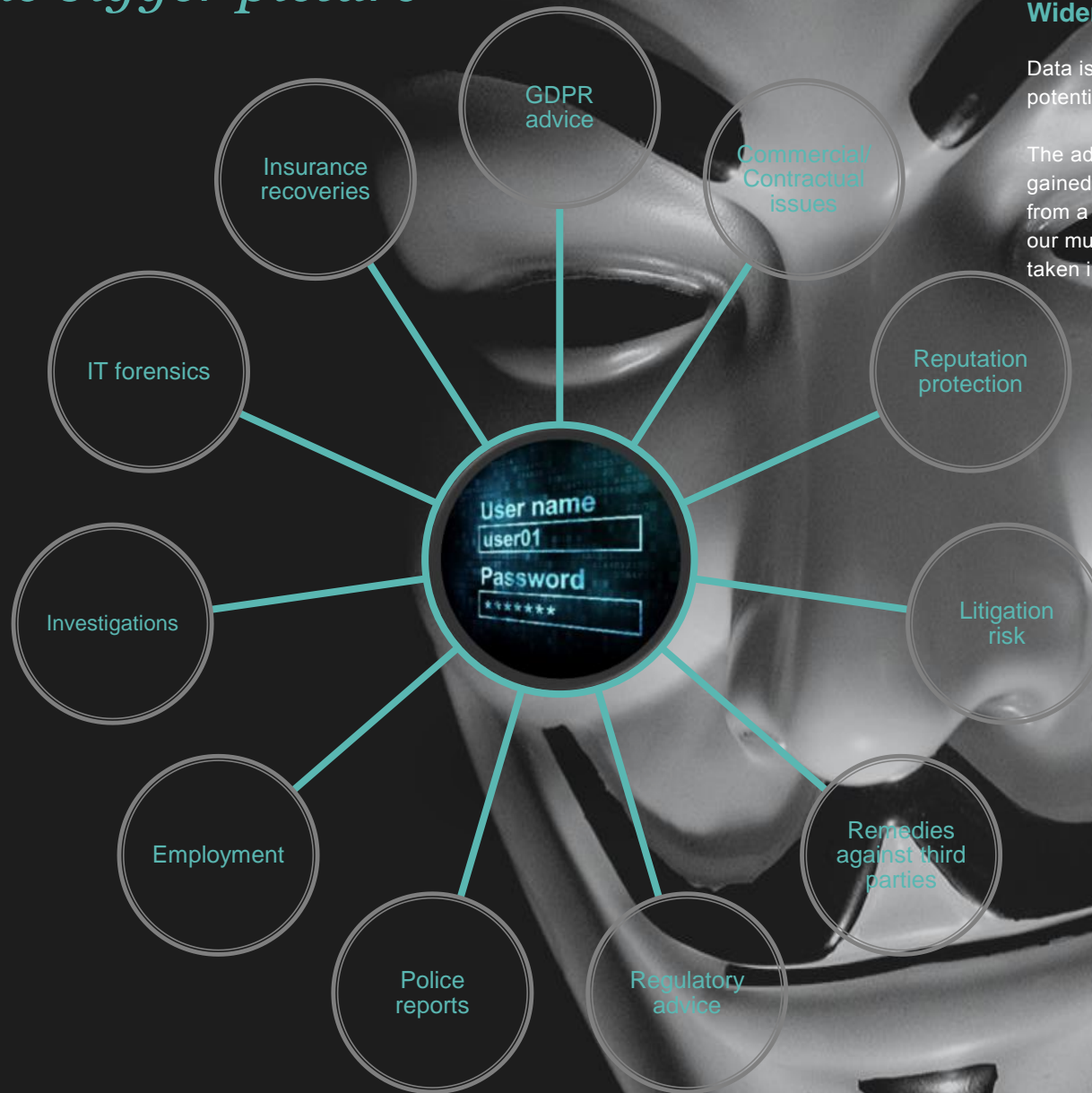
- ▶ Advising on coverage under relevant insurance policies and assisting in the presentation of your claim to maximise the potential recovery



The first 24 hours... our top tips

1. **Record the date and time** when the breach was discovered, as well as the date and time when response efforts begin, i.e. when someone on the response team is alerted to the breach.
2. **Alert and activate** everyone on the response team, including external resources, to begin executing your incident response plan.
3. **Secure the data system access points.**
4. **Stop additional data loss.** Take affected machines offline but do not turn them off or start probing into the computer until your forensics team arrives.
5. **Document everything** known thus far about the breach.
6. **Interview those involved** in discovering the breach and anyone else who may know about it. Document your investigation.
7. **Review protocols** regarding disseminating information about the breach for everyone involved in this early stage.
8. **Assess priorities** and risks based on what you know about the breach.
9. **Bring in your forensics team** to begin an in-depth investigation.
10. **Report to police**, if/when considered appropriate.
11. **Notify regulators**, if needed, after consulting with legal counsel and upper management.
12. **Notify insurance broker(s)** to ensure compliance with policy terms.

The bigger picture



Wider potential impact when data is lost

Data is a valuable commodity, and unless it is handled properly, has the potential to impact business.

The advantage of involving our data breach response team is the experience gained from advising our clients on the broader issues which have resulted from a data loss. When the immediate focus is often on the problem at hand, our multi-disciplinary team help to ensure that the broader picture is also taken into account

Contact us

For more information on preventing or dealing with a data breach please contact one of our team.



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