

CyberRisk – Adding value through experience

July 2018

CyberRisk – Our cyber proposition

CyberRisk is an holistic cyber resilience service, going far beyond just incident response.

Our Cyber, Privacy and Data Protection team has extensive experience of working with a range of clients on all aspects of cyber security and related asset-protection and data issues. Our clients range from insurers and insurance-related bodies, major data warehouses and logistics providers, through to retailers, manufacturers, government, the emergency services and other public sector organisations.

The strength of our team lies in its collaborative expertise, seamless delivery and strong working relationships with regulators and law enforcement agencies. The team's members include the former head of incident response at the NCSC and former head of security for the Houses of Parliament. Together we are currently deployed on some of the most high-profile Cyber incidents manifesting globally, from suspected state-sponsored ransom to multi-jurisdictional data breaches. We also consult extensively on cyber risk resilience, helping our clients to minimise the impact of any incidents through the development and implementation of effective strategies, education and training, ensuring that they are properly prepared in case the worst happens.

With all-round expertise covering governance to incident management, policy coverage to DPA and GDPR compliance, information security and regulatory issues (both advisory and the defence of prosecutions by the ICO and other regulatory bodies), we are confident that you won't find a better service to benefit you and your policyholders.

For further information or a discussion about how we can help you, please get in touch.



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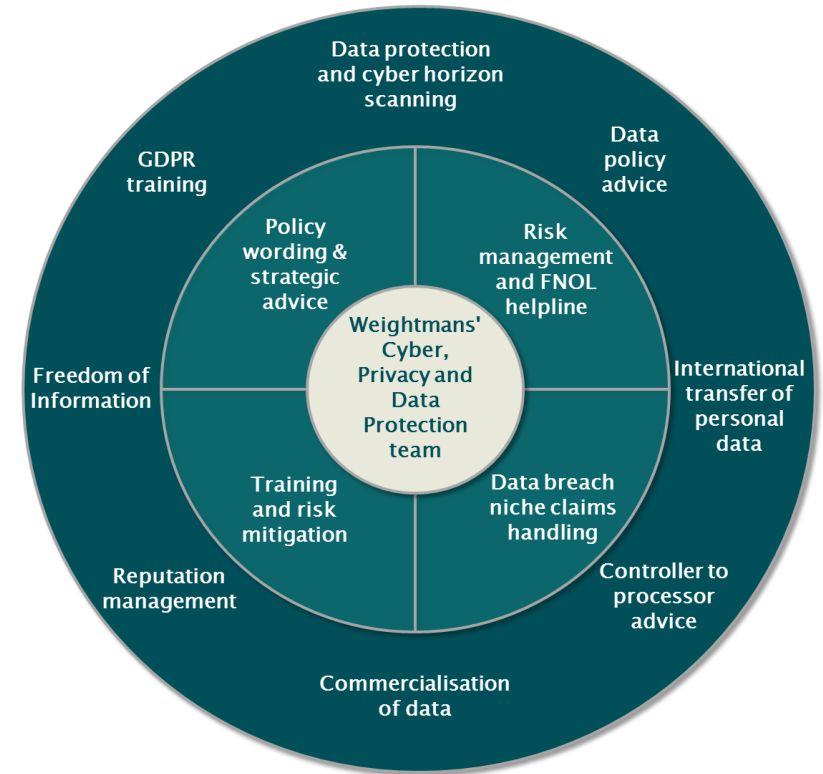
Cyber: adding value through experience

We have advised corporate and insurer clients on asset protection and data security, the core of cyber risk, for many years.

An effective cyber programme necessitates a holistic approach. Continuous education, governance, risk profiling and management are essential components of an authentic offering. Corporate strategy, policy and reputation are strongly influenced by cyber threats and, unlike other liabilities, no insurance policy in isolation can compensate for all the repercussions of a cyber attack or data breach. Indeed, regulatory sanctions, such as fines, often sit outside the insurable consequences and with the GDPR now in force, the importance of good cyber hygiene has never been higher.

Our Cyber, Privacy and Data Protection offering covers a broad spectrum of expertise relevant to data breach and related issues to provide a complete solution for our clients. We recognise that incident response is only one element of a much broader picture; although a data breach is of course typically one of the highest amongst the list of incidents that just about every business wishes to avoid.

We have significant and detailed experience in advising on data issues, confidentiality, privacy and information security law and are especially busy advising numerous clients on the implementation of measures to ensure that they are GDPR-compliant.



Our range of cyber clients

- ✓ Insurers and insurance-related bodies
- ✓ Retailers and manufacturers
- ✓ Major database providers, data warehouses and logistics providers
- ✓ Government, NHS trusts, Police forces
- ✓ Universities
- ✓ Housing associations

What we bring

- ✓ In-depth experience of all aspects of information security, including international transfer of personal data
- ✓ Extensive cyber fraud experience – criminal and civil
- ✓ Excellent claims handling support
- ✓ Business crime unit, specialising in corporate governance, regulatory compliance and investigations
- ✓ Strong working relationships with the ICO, other key regulators, government bodies and law enforcement
- ✓ Access to the most important police forces and crime agencies in the UK
- ✓ Cross-jurisdictional expertise via our international insurance litigation and advisory platform Insurance Law Global and Legalink – USA, Canada, Europe, Far East and Australia

Cyber: adding value through experience

Lloyd's Insurer

Advising on data and information requirements for outsourcing to China, involving the transfer of personal data outside the EU.

Lloyd's Insurer

Advising on the insurer's internal compliance issues regarding the implementation of GDPR.

Insurance Industry Bodies

Advising in respect of a scheme to harmonise requests under section 29 (3) of the Data Protection Act.

Composite Insurer

Assisting in the investigation of a data breach, liaising on the insurer's behalf with the FCA and the ICO, whilst advising on the insurer's strategy to rectify the breach.

Numerous Insurers

Assisting in the creation of processes designed to handle subject access requests.

London Market Insurer

Advising on insurance coverage in respect of hacking attacks made on a policyholder's IT network, including detailed forensic investigation and guidance on the application of *Google v Vidal-Hall*.

Chelsea & Westminster NHS Foundation Trust

Advising in relation to a large number of claims for breach of the DPA, breach of confidence and misuse of private information arising from open circulation of an email newsletter to 781 patients, many of whom were understood to have been diagnosed with HIV.

Lloyd's Insurer

Advising on GDPR for the insurer's technology policyholders, as well as advising on setting up a GDPR clinic and training programme.

Public Figure

Following contact from the Met Police (pursuant to Operation Weeting, the phone-hacking investigation), we acted for a journalist formerly employed by the BBC in an action against Rupert Murdoch's Newsgroup Newspapers Limited and Glenn Mulcaire for breach of confidence, harassment and misuse of private information.

International Legislative Body

Advising on data and information security issues surrounding the use of telematics technology.

Resolving cyber incidents effectively

Cyber and data breach incidents – whether the loss of a USB storage device by an employee or a planned ransomware attack – require a co-ordinated response from a range of delivery partners that is both fast and effective. **Moreover, the response must be co-ordinated by lawyers to preserve legal privilege.**

First response/ notification

- ✓ Call to dedicated FNOL helpline
- ✓ Call triage to determine extent and type of incident and appropriate response from delivery partners
- ✓ Response time – within 1 hour of call

- Early legal advice is critical to ensure a co-ordinated response
- Early input from IT forensics is crucial to ascertain the nature of an incident and how it can be contained and any lost data restored, whilst simultaneously preserving forensic evidence

Incident management

- ✓ Practical analysis of scope–systems, data and/or other digital assets affected and plans to restore/repair
- ✓ Legal analysis of reporting obligations, including civil, regulatory and commercial notification requirements following an incident
- ✓ PR consultancy to contain reputational damage
- ✓ Notification to affected data subjects
- ✓ Credit and identity monitoring
- ✓ Handling calls from affected data subjects
- ✓ Handling enquiries from insured clients
- ✓ Investigation of data breach
- ✓ Identification of current security procedures

- Co-ordinated legal and PR response
- Sensitive management of policyholder and data subject concerns/queries

Containment

- ✓ IT professionals dealing with limiting breach
- ✓ Legal role in minimising legal repercussions of breach, including defence costs and damages
- ✓ Preparation for investigation, fines and penalties
- ✓ Liaising with ICO and other regulatory bodies to minimise impact and mitigate risk of prosecution
- ✓ Ongoing PR/damage limitation and monitoring of public sentiment

- Close management of IT forensics, potentially involving liaison with law enforcement agencies and regulatory bodies
- Swift technical investigations and action plans

Eradication & recovery

- ✓ Remove threat
- ✓ Tighten up any system breaches
- ✓ Reputation management
- ✓ Analyse and update governance, risk management and effectiveness of incident response procedures

- Advice on risk avoidance, response protocols and effective use of PR
- Sharing best practice recovery analysis and techniques

Our cyber offering: range of services

Our track record in cyber is extensive and we will use our experience to anticipate your needs and those of your policyholders, delivering pragmatic legal solutions on time, every time.

Incident response

- ✓ Rapid incident/breach response with trusted delivery partners specialising in:
 - IT forensics & IT security
 - First notification, triage, breach notification & identity repair
 - Breach coaching
 - PR/reputation management
 - Forensic accountancy
 - Credit monitoring
 - Ransom negotiation
- ✓ A dedicated 24/7 FNOL helpline

Typical incident management components – on a short-term and on-going basis:

- ✓ Strategies for mitigation
- ✓ Media and reputation management/rebuilding
- ✓ Legal liability guidance and evidence preservation/collation
- ✓ Addressing and establishing procedures for employee well-being
- ✓ Co-ordinating third-party support, dealing with the media, tracing data, etc

Claims handling services

- ✓ Management and resolution of 1st party claims under the policy
- ✓ Advising on and managing regulatory investigations and public prosecutions
- ✓ Defence of actions against policyholders
- ✓ Recovery actions against the perpetrators of cyber crime
- ✓ Financial recoveries, including recovery target enquiries
- ✓ Private prosecutions
- ✓ Data and asset recovery
- ✓ Injunctions

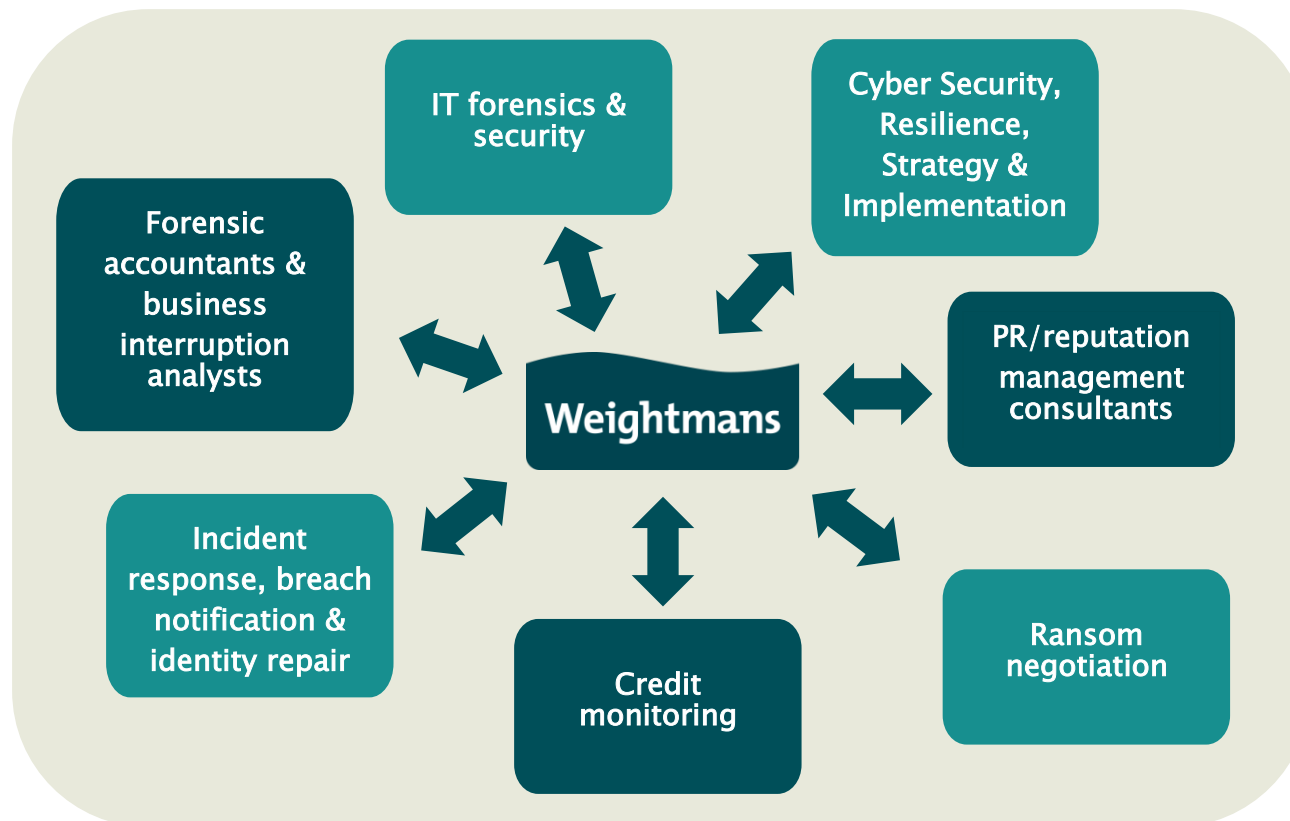
Policy coverage advice & underwriting support

- ✓ Advice on policy wordings before you launch your cyber offering
- ✓ Working with underwriters on individual placements, both before and after inception
- ✓ Regular review programmes to ensure policy wordings evolve in step with the global cyber threat profile and that policies remain economically viable, whilst attractive to your customers
- ✓ Advice on policy coverage where claims for an indemnity are made by policyholders

Our cyber offering: trusted delivery partners

Working with expert service providers in the cyber space is integral to ensuring that we are able to provide a comprehensive service.

We demand that any organisation with whom we work shares our level of commitment to client care. We therefore adopt a vetting and on-boarding process for every organisation from whom we procure expert services for our clients. We have a number of carefully selected delivery partners on our cyber panel and choose the right ones on an incident by incident basis, depending on the nature, location and scale of the incident in question. Of course, if you have a preferred panel already, then we would be happy to work with any of your chosen partners instead.



Our cyber offering: complimentary and consultancy services

As well as having extensive experience to share with you, we can also provide a number of complimentary and consultancy services, both for your business and your policyholders.

Complimentary & consultancy services

Cyber claims & policy/underwriting

- ✓ Training for handlers – claims surgeries
- ✓ Buddying and mentoring programmes
- ✓ Improving claims performance – service delivery, detailed MI on claims portfolio (trends and areas to improve)
- ✓ Staff secondments to bridge short-term gaps
- ✓ Keeping claims teams at forefront of future strategic challenges and industry developments that may threaten indemnity spend

Cyber & data risk management know-how

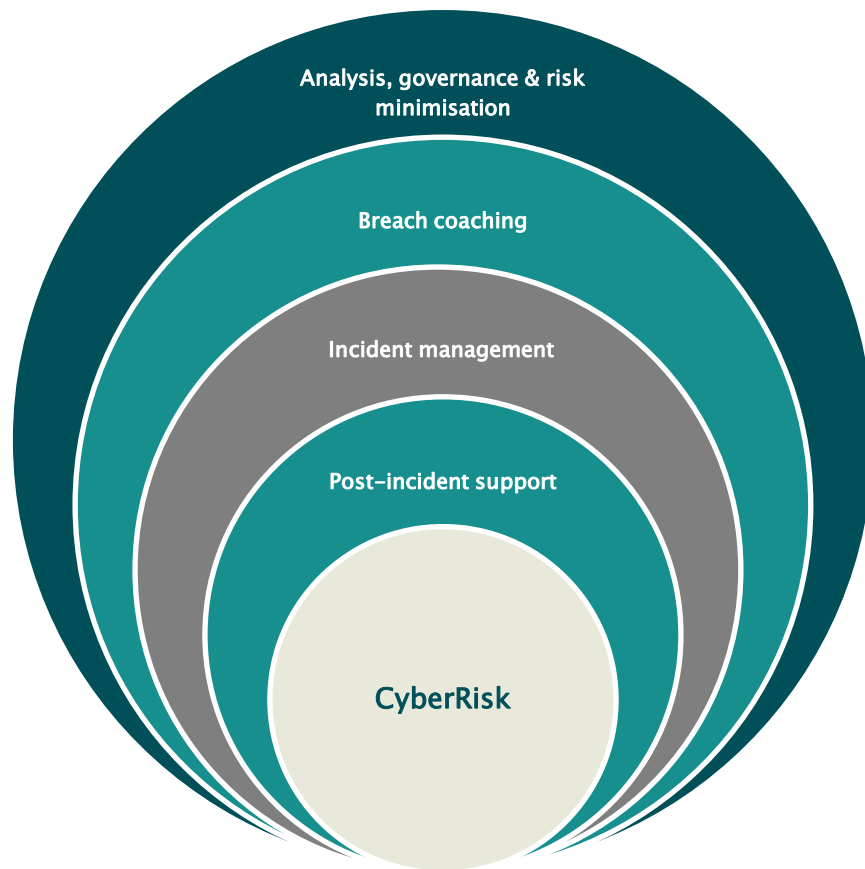
- ✓ Consultancy and training on cyber threats, risk profile, data protection, information security, regulatory issues and more...
- ✓ Breach coaching
- ✓ Cyber education roadshows
- ✓ GDPR clinic
- ✓ CELS: a suite of interactive e-learning courses covering Cyber security and Cyber-crime prevention, Anti-money laundering, Anti-bribery and Data protection
- ✓ Updates on changes in UK and EU legislation and regulatory risk
- ✓ Cyber Forums
- ✓ Boardroom training (covering cyber and data, as well as business crime, directors' statutory duties and employment practices)

A range of services from Weightmans to support your cyber strategy and add value for current and potential policy holders.

These services can also be provided to policyholders on a FOC or paid-for basis or as part of an agreed on-boarding service for new policyholders where we are nominated as main panel lawyers.

Our cyber offering: CyberRisk consultancy service

Working with our trusted delivery partners, we can provide a full cyber security consultancy service, which could be offered to your policyholders as part of a broader offering, enabling you to positively differentiate your cyber proposition from those offered by your competitors.



Our cyber offering: CyberRisk consultancy service

Analysis, governance & risk minimisation

- Understanding and identifying the risks
- Scenario planning and stress testing for both predicted and unpredicted crises
- Evaluating the appropriate levels of prevention and protection
- Drafting and maintaining appropriate guidance, policies and procedures
- Regular audits of policies, procedures and practices for both compliance and effectiveness of communication to staff
- Remedial report based on outcome of audits and recommended measures
- Drafting a cyber crisis management protocol – steps to be taken, who has responsibility for decision-making, interaction with the media, communication with shareholders, etc
- Key points of contact with external parties
- Educating staff about minimising risk
- Designing a holistic cyber resilience, strategy and a fully integrated implementation plan (integrating the constituent elements, goals, activities, suppliers, departments)

Breach coaching service

We can provide a holistic coaching service which goes beyond the action to be taken in the event of a breach. We believe that a solid understanding of the relevant legal and commercial context should help businesses to understand how best to deal with breaches if they occur. Our coaching service covers the following steps:

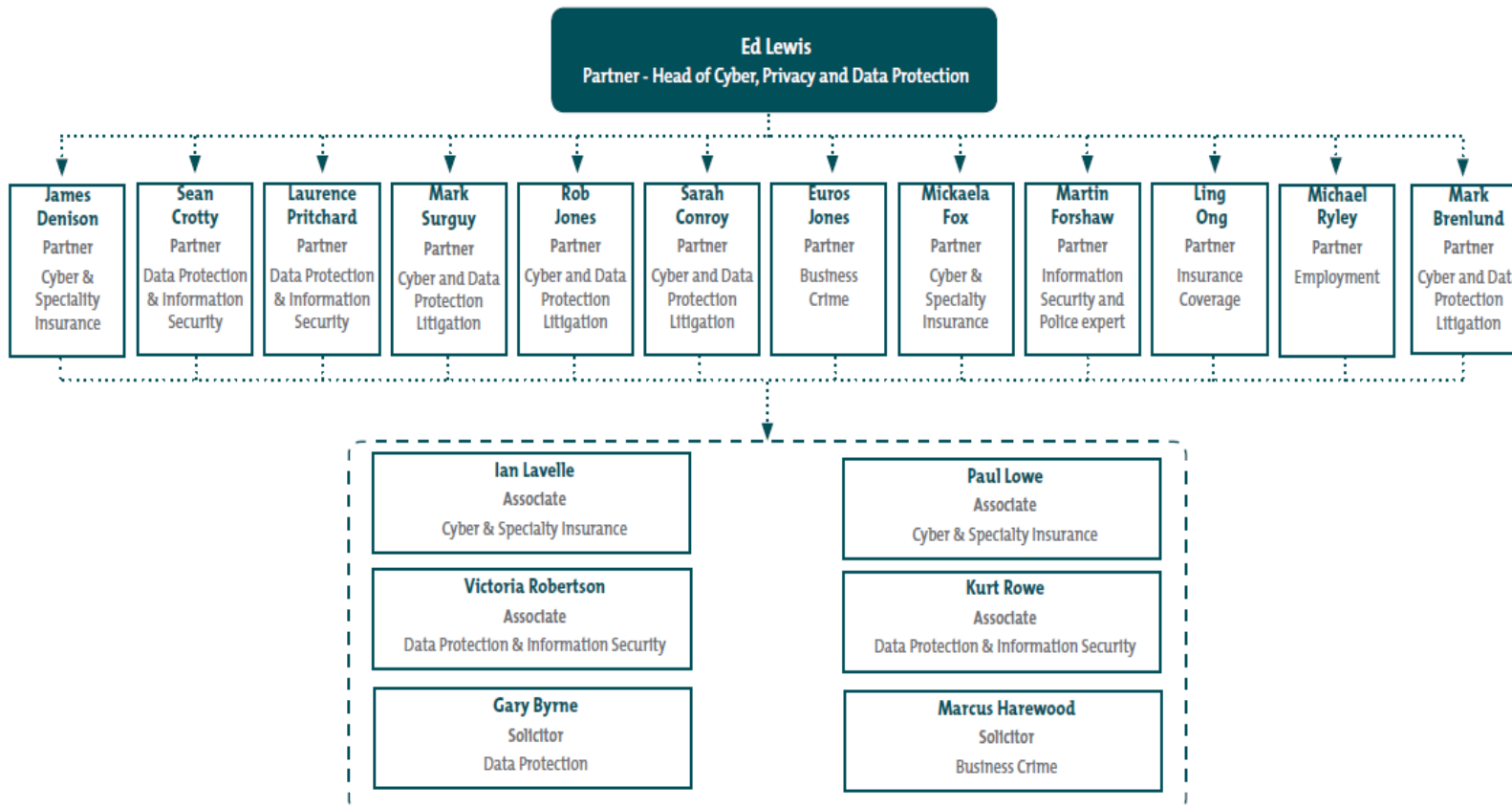
- **Legal basics:** an essential guide to data law, processor responsibilities, major developments in data law, expectations for the future
- **The impact of data breaches:** first and third party costs, reputational damage, legal and regulatory exposure
- **Data breach causes:** case study driven and the importance of stress-testing and ongoing training
- **Know thyself:** what are the client organisation's own specific vulnerabilities and how can front-end analysis help to prepare bespoke solutions to handle breach events?
- **Identification:** what has happened, who is responsible, can it be remedied?
- **Damage limitation:** prevention of further loss, data recovery
- **Notification:** to insurers, the ICO and other regulatory bodies
- **Public relations:** calm, consistent and in control
- **Staff training:** how to deal with enquiries from customers, the public and the press
- **Fire alarm tests:** breach simulation
- **Horizon scanning:** legislation and case law pipelines, as well as sector and political analysis

Post-incident support

- Advising on consequential litigation
- Analysing the legal and practical lessons learned – and feeding these back into the prevention/minimisation phase
- Removing threat
- Identification of weaknesses

Our dedicated cyber team

A highly experienced team comprising commercial data, privacy, insurance and coverage experts from across our business, as well as trusted delivery partners specialising in all aspects of strategy design, implementation and incident response.



WHAT WE BRING

- ✓ Experience and strength in depth across all disciplines
- ✓ Access to a wider UK and international team (via ILG and Legalink) as required
- ✓ Responsive senior personnel
- ✓ Effective supervision and delegation
- ✓ Strong working relationships
- ✓ Pragmatic and commercial advice
- ✓ Collaborative approach
- ✓ Trusted delivery partners

Our trusted delivery partners

IT forensics & security	Incident response, breach notification & identity repair	Crisis/reputation management	Forensic accountants & business interruption analysts	Ransom Negotiation	Pre and Post Incident Strategy Implementation
					
					
					

3B Data Security

Specialises in digital forensics and data breach management services to all types of public and private sector organisations, including retail, financial, ecommerce, utility companies and government institutions. They possess years of experience in forensically investigating data breaches and have developed services which support all types of organisations should an incident occur.

6point6 Technology Services

An independent award-winning technology consultancy specialising in Big Data & Analytics, Cyber Security, and Digital Transformation, retained by various government departments and professional service firms to safeguard their systems.

Citypress

One of the fastest growing integrated UK agencies and the principal communications advisor to many of Britain's biggest companies and brands. Its team of 80 consultants, located across five UK offices, provide full service public relations support, from boards of directors and commercial teams to marketing departments and press offices. Former journalists and crisis communications specialists provide a suite of services to help clients prepare, respond and recover in the event of a crisis.

Context IS

Has significant experience in handling complex, high profile and business critical investigations. CIS's team of accredited consultants have specialist technical skills and analytical experience to quickly, accurately assess and recommend response and remediation activities and have close relationships with the National Cyber Security Centre (NCSC), where a wider law enforcement or government involvement will support goals of the investigation.

CyberScout

A leading provider of cybersecurity solutions and offers expert advice on identity management, breach response and remediation, and monitoring services. In conjunction with CyberScout we are able to provide FNOL and handle enquiries from a client's customers who may have been affected by a data breach via a 24/7 hotline service.

Cyjax

Threat intelligence, ransom negotiation and stolen assets recovery specialists operating in the financial, energy, transportation and media sectors.

First Response

A digital forensic company that carries out both covert and non-covert operations for a wide variety of clients including banks, law firms, energy companies and public sector bodies

KCS Europe

One of the world's leading strategic business intelligence, risk, and security management companies with offices in Europe, Asia and the United States. KCS's clients include government agencies and some of the largest multinational businesses worldwide.

Navigant

Navigant's Information Security & Incident Investigations practice is experienced, responsive, and cost-effective and has a proven track record of handling thousands of forensic investigations worldwide.

RGL Forensics

A global forensic accounting and consulting firm specialising in the quantification of economic damages, financial analysis, and providing expert witness services.

Starbek Associates

An international consultancy with exceptional strategic and operational experience born of the security services and FTSE 100. They work with you in-house teams to develop a practical and holistic approach to the human elements of Cyber Risk Management in concert with the latest technical thinking. Understanding, exercising designing and implementing bespoke and effective plans

About Weightmans

189
partners
1300
employees

Advise
25%
of FTSE 100
companies

ISO/IEC27001: 2013 accreditation
Bi-annual external audits to main certificate
status for this international standard

Revenue
£95
million for 2016/17

Lexcel
accredited UK
law firm



Award success

We scooped
numerous
accreditations,
including



top
employer

for the eleventh
year running

7 UK locations
Birmingham • Glasgow • Leeds • Leicester
Liverpool • London • Manchester



Established members of Legalink,
a network of commercial law firms across
the world, providing global coverage,
advice and legal services

6 core
segments

- ✓ Built environment
- ✓ Corporates
- ✓ Insurance
- ✓ Owner-managed businesses
- ✓ Private client
- ✓ Public bodies

112 specialism rankings
and 226 individual
rankings in Chambers
2018 and Legal 500 2017

Early adopter of
Cyber Essentials
Plus certificate
- highest award provided
by the UK Government



Over £920k
raised for charity
during 2016

About our insurance practice

Core insurance sectors

- ✓ **Brokers**
- ✓ **Composites**
- ✓ **Legacy**
- ✓ **London Market**
- ✓ **Mono**
- ✓ **Niche**
- ✓ **TPAs.**

Extensive team

National insurance team of **400** lawyers, led by **40** partners.

International network



Founders of Insurance Law Global, a multi-jurisdiction legal network, which we established to help our clients operate in an increasingly global market.

Our offering

We provide a **full service claims proposition** to our clients, from first notification of loss through to strategic litigation across a broad range of insurance disciplines.

We handle all sizes of claims with an estimated **£2.3 billion of claims reserves** under our management at any one time.

Reputation

Formidable **national reputation** and heritage in insurance litigation. We commonly deal with **major test case litigation** and class actions.

Our clients

Advise many of the **leading insurers** and numerous “household name” self-insured organisations.

Cross-border

We currently handle litigation in more than **40 jurisdictions** across the world.

Working with the sector

We regularly work with industry groups such as **ABI, BILA, CII, IRLA** and **AIRMIC** on a regional and national level.

Insurance lines

- ✓ A&H
- ✓ Business Interruption
- ✓ Casualty – EL/PL and Product Liability
- ✓ Catastrophic Personal Injury
- ✓ Construction
- ✓ Contingency
- ✓ Cross-border & Travel
- ✓ Cyber
- ✓ D&O/Management Liability
- ✓ High Net Worth & Specie
- ✓ Intellectual Property
- ✓ Marine
- ✓ Medmal
- ✓ Motor
- ✓ Political Risk & Terrorism
- ✓ Professional Liability
- ✓ Property Damage
- ✓ Reinsurance
- ✓ Sport
- ✓ Technology



Via our Board-led Innovation Group, we are currently driving our AI agenda – numerous applications of technology to transform our business, as well as collaborating with insurance clients to run a number of proofs of concept. We see our role in the AI world as legal subject matter experts, deployed in collaboration with clients, academia and software experts, to deliver practical solutions that fix our clients’ problems.