DATA BREACHES AND CYBERSECURITY INCIDENTS:

The Legal Guide to Preparedness and Response

PROGRAM CHAIR

Imran Ahmad
Partner, Head of Technology, Co-Chair Data Protection, Privacy and Cybersecurity, Norton Rose Fulbright Canada LLP

REGISTRATION OPTIONS

December 3, 2021:
Online, Live
9:00 a.m. - 5:00 p.m.

OR

January 21, 2022:
Online Replay
9:00 a.m. - 5:00 p.m.

Can't make the date?
Registration includes 120-day unlimited, online access to the recorded program.

Data breaches and ransomware attacks are on the rise. Get the tools you need to avoid and respond to a data breach or cyber incident.

This **solutions-focused program** features **practical and interactive learning with real-world scenarios,** including:

- Data loss and breach prevention strategies and tools – ransomware attacks, double-extortions and cross-border breaches in Canada, the US and Europe/UK
- What to include in a cyber preparedness plan – incident management plans, data breach response strategies, contract and reputation management
- Strategies and tips for building a playbook to navigate ransomware attacks

PLUS! Participate in a live, interactive simulation where you will deal with a cyber incident.

> *Good material, expertly presented. All presenters were knowledgeable and the information provided was useful [including] the breach reporting guidelines for various jurisdictions and the importance of cyber security insurance as a mitigation tool.*
>
> **Dennis Gregoris, CCO,** International Financial Data Services (IFDS) Canada

Register today at:

osgoodepd.ca/databreaches

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Data Breaches and Cybersecurity Incidents:

The Legal Guide to Preparedness and Response

Data breaches, ransomware and cyber-attacks are more frequent and complex as a result of the COVID-19 pandemic. **The average cost of a data breach is now more than $4 million,** making proactive cybersecurity and data protection and preparedness a top business and legal priority.

To avoid costly missteps, this essential program will equip you with the knowledge you need, including **the right questions** to ask, appropriate **protocols** and **procedures,** and skills to respond to a security incident or to advise your team and stakeholders.

Using **real-world examples** of cybersecurity designs, plans, contracts, insurance policies and procedures, you will get a **practical** overview of how to prepare for and respond to a data breach and cyber incident.

You Will Learn:

- Strategies for acclimating to the new cyber landscape and trends in law and practice
- Tactics for navigating cross-border breaches in Canada, the US and Europe/UK
- Key considerations and components for developing a ransomware playbook
- Cybercrime trends and expert tips on cybersecurity and working with law enforcement
- Conducting an organizational review to minimize and mitigate data breach risks
- Important data and privacy updates and developments in law and practice
- Crucial regulatory requirements, updates and compliance tips
- Approaches for navigating an insurance policy during an incident

PLUS! You will have the opportunity to participate in a cyber-simulation exercise where you will apply key concepts and get feedback from leading experts.

Who Should Attend:

- Lawyers in corporate law, privacy law or information technology law
- Business leaders – executives, information/privacy officers, technology officers, risk officers
- Cybersecurity, data management, privacy, compliance, risk management and anti-money laundering professionals
- Professionals in technology, innovation and new product design
- Government, policy makers and regulatory representatives
- Financial services professionals and executives
- Anyone with a keen interest in cybersecurity, data breaches and privacy

Agenda

9:00 a.m.
Chair's Welcome and Opening Remarks

9:10 a.m.

Key Challenges, Developments and Trends in Law and Practice

Ali Arasteh, Managing Director, Mandiant FireEye

Timothy Banks, Partner, nNovation LLP

This opening session will give you a practical overview of the cyber environment, including the types of attacks and big issues/cases and resources, including:

- Review of key risks, challenges and issues involving data breaches and cyber threats
- Notable updates and developments in law, regulation and practice – caselaw, legislation and regulatory enforcement
- Special risk focus – key considerations and challenges on the technical side of things

10:20 a.m.
Health Break

10:30am

Ransomware: Building a Playbook for Navigating the Leading Cyber Threat

Jason Kotler, Founder, President and CEO, CYPFER Corp.

- What is ransomware and why is it important?
- Essential considerations, challenges and risks – including pandemic impacts and trends
- Navigating ransomware part 1: building a ransomware playbook - a decision-tree walk-through, your crucial checklist, key ransomware negotiation tips
- Navigating ransomware part 2: what to do when your data is stolen - double-extortion attacks, key privacy and B2B considerations, working with a ransom negotiator
- Liability issues – personal information, B2B, trade secrets, service standards, supply chain management
- Risk management best practices and top tips to avoid common pitfalls
- Where are things going and what do to get prepared
- Session includes additional resources/tables/worksheets

11:45 a.m.

Strategies and Practical Tips for Navigating Cross-Border Breaches

Ian Birdsey, Partner, Clyde & Co LLP

Lisa R. Lifshitz, Partner, Torkin Manes LLP

Lisa Sotto, Partner, Hunton Andrews Kurth

- Survey of key issues, challenges, developments and trends
- Overview of the important laws and requirements in Canada, the US and Europe/UK
- Strategies and practical tips for dealing with cross-border breaches
  - How to address conflicts, redundancy and other jurisdictional matters, with key considerations and tactical insights for Europe/UK and US
  - Top tips and takeaways for avoiding some common pitfalls
- Risk management best practices
- Session includes additional resources/checklists

12:30 p.m.

Lunch Break and Keynote

A Fireside Chat with Law Enforcement: Behind the Scenes of a Cybercrimes Investigation

Vern Crowley, Detective Sergeant, Cybercrime Investigations Team, Ontario Provincial Police

Incident response often involves working with law enforcement and yet many do not know how to do so effectively. Hear directly from a leading cybercrimes investigator and get a rare, behind-the-scenes look at what actually happens during a cybercrime investigation. Discussion includes insights on cybercrime trends and tips for cyber preparedness, incident response and working with law enforcement.

1:15 p.m.

Understanding What Cyber Preparation Should Include

Imran Ahmad, Partner, Norton Rose Fulbright Canada LLP

- What is it? A plan of proactive measures to assist holders of data
- What does a good cyber preparation plan entail? Who is responsible?
- Working through the cyber preparation plan
  - Contracting – data breaches, potential data breaches, data processing agreements
  - Contract review with 3rd party vendors, business partners
  - Maintaining a 'living, breathing document' - scheduling a review/update, responding to new threats or risk, who to involve, timelines, tips for ensuring collaboration
- Risk management best practice and tips to avoid common pitfalls
- Session includes additional tables/worksheets

2:00 p.m.

The Mechanics of Navigating an Insurance Policy During a Cyber Incident

Gregory Eskins, Managing Director, Cyber Product Leader, US & CAN, Marsh Canada Limited | FINPRO | Marsh JLT Specialty | Marsh & McLennan Companies

Jennifer Hunter, Partner, Lerners LLP

- Understanding insurance policies as a risk management tool for cyber incidents
- Overview of the interplay between insurance and other remedies
- Common types of insurance policies, key distinctions, lines of coverages and important exclusions and other considerations
- Incident response – the mechanics for using an insurance policy
  - Summary of the process, timelines, key steps and parties involved
  - Facilitated walk-through of the mechanics - what to do (or not do) and when
  - Strategies for managing parties listed under the policy and what to do about them – vendors, forensic firms, lawyers, 3rd parties
  - Tips for managing timelines, communications, documentation and follow-up items
  - Drafting considerations and tips – what to disclose, when and to whom
  - Top tips and takeaways to avoid pitfalls

3:00 p.m.

Health Break

3:10 p.m.

Crucial Regulatory Requirements, Updates and Compliance Tips

Sonja Hanisch, Manager, Breach Response Unit, Office of the Privacy Commissioner of Canada

The regulatory framework for breach reporting is rapidly changing. Hear directly from a major regulator on the latest, including clarification on your legal and reporting obligations.

- Summary of crucial regulatory requirements, developments and updates
- Understanding the key requirements – are organizations over-reporting or underreporting?
- What are the common reporting mistakes?
- What happens when the regulator begins an investigation? How should you respond?
- Duty to maintain confidentiality

4:00 p.m.

Interactive Cyber-Simulation Exercise

Imran Ahmad, Partner, Norton Rose Fulbright Canada LLP

Lynn Larson, VP Legal, CPO, Medcan

Experience a cyber incident. Expert facilitators will take you through an interactive and facilitated cyber-simulation where you will engage in a structured discussion of a scripted scenario and break down the issues, identify key risks and challenges. You will brainstorm solutions and discuss actions and recommendations, getting feedback and insights from the facilitators.

You will emerge with a better understanding of how to evaluate your organization's own data governance and cyber preparedness and response plans, including practical tips and tactics to put to immediate use.

5:00 p.m.

Program Concludes

Optional Primer: Fundamentals of Data Breaches and Cybersecurity Incidents

(Approx. 2 hours total, 4 segments, available on-demand)

For those new to the area or looking for a refresher, this online primer will provide you with a succinct overview of the broad principles pertaining to cybersecurity law, data breaches and reporting requirements. Recorded in short segments, you will get a practical overview of legal and regulatory regimes, and an introduction to key technical concepts and terms, explained in a simple and easy to follow manner.

- General Framework of Reporting (37 mins)
- Reporting to the Office of the Privacy Commissioner of Canada (25 mins)
- Notification to Individuals (38 mins)
- Record Keeping (24 mins)

Faculty: Timothy Banks, Karen Burke, Lyndsay Wasser

Program Chair

Imran Ahmad
Partner, Head of Technology, Co-Chair Data Protection, Privacy and Cybersecurity, Norton Rose Fulbright Canada LLP

Keynote Speaker

Vern Crowley
Detective Sergeant, Cybercrime Investigations Team, Ontario Provincial Police (OPP)

Faculty

Ali Arasteh
Managing Director, Mandiant FireEye

Timothy Banks
Partner, nNovation LLP, and author of the Privacy Officer's Guide to Personal Information Protection and Electronic Documents Act (Lexis Nexis Canada)

Ian Birdsey
Partner | Clyde & Co LLP (London, UK)

Karen Burke
Data Protection and Innovation Consultant, Burke Consulting

Gregory Eskins
Managing Director, Cyber Product Leader, US & CAN, Marsh Canada Limited | FINPRO | Marsh JLT Specialty | Marsh & McLennan Companies

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VP Legal and CPO, Medcan

Lisa R. Lifshitz
Partner, Torkin Manes LLP

Lisa Sotto
Partner, Hunton Andrews Kurth (New York, NY, USA)

Lyndsay Wasser
CIPP/Canada, Co-Chair, Privacy and Data Protection, and Co-Chair, Cybersecurity, McMillan LLP

> *"Great presenters, very well-prepared and clear. All speakers were clearly experts in their area. Online webinar was organized and interactive, and the use of polling the audience was appreciated."*
>
> **Simon Fenn,** Chairman, Fenn and Fenn Insurance Practice

Registration Details

Fee per Delegate
Program: $695 + TAX
Online Primer: $295 + TAX
Bundle Program + Online Primer: $795 + TAX (save $200)
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We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

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Program: LSO (ON): 7h 35m CPD (5h 50m Substantive; 1h 45m Professionalism).

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