Reasons Businesses Call a Cyber Lawyer
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 purpose 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.
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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.