

Data Security Breaches: A First Response Checklist



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Data Security Breaches: A First Response Checklist
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Why Do You Need A Response Plan?

Thoughtful and Prepared Reaction



Better Decision-Making



Minimized Risk and Loss

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Collect Relevant Documents and Information

- Privacy policy
- Information security policy
- Customer contracts
- Third party vendor contracts
- Litigation hold template
- Contact list

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Create A First Response Team

- Information technology
- Information security
- Compliance
- Legal counsel (in-house and/or outside counsel)
- Public relations/investor relations
- Human resources
- Business heads

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Assign Tasks To Members Of The First Response Team

- Establish a point person
- Identify key personnel for each task
- Prioritize and assign tasks
- Calculate timelines and set deadlines
- Communicate with management
- Establish attorney-client privilege for investigation and communications

Effective Project Management Is Critical

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Determine The Nature And Scope Of The Breach

- Investigate facts
- Interview witnesses
- Determine type of information that may have been compromised
- Identify individuals potentially at risk and determine state or country of residence
- Identify and assess potential kinds of liability

Preserve Company's Reputation and Integrity



Understand Data Breach Notice Laws

- State laws:
 - When is a notice required?
 - Who must be notified?
 - Timing?
 - What information must be included in the notice?
- Applicable industry-specific laws
- Applicable international laws

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Determine Appropriate Notices

- Law enforcement (Federal/State)
- Customers
- Employees
- Federal regulatory agencies
- State agencies
- Consumer reporting agencies
- Third party vendors
- Insurers
- Media

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Prepare State Law Notices

- General description of the incident
- Type of information that may have been compromised
- Steps to protect information from further unauthorized access
- Contact information (e.g., email address; 1-800 number)
- Advice to affected individuals (e.g., credit reporting, review account activity)
- Delivery method (e.g., certified letters, email, website)
- Timing of notices
- Tailor notices based on recipient

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Prepare Answers To Inquiries

- Draft FAQs with responses
- Establish hotline
- Assign group of contact employees
- Train employees to respond to inquiries
- Develop clear escalation path for difficult questions
- Track questions and answers

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Prepare Press Release

- 'Must-have' information
 - Facts surrounding the incident
 - Actions to prevent further unauthorized access
 - Steps to prevent future data security breaches
 - Contact person for questions
- Review by legal counsel



Consider Offering Assistance To Affected Individuals

- Free credit reporting
- Free credit monitoring with alerts
- Identity theft insurance
- Access to fraud resolution specialists
- Toll-free hotline

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Avoid Future Data Security Breaches

- Limit access to personally identifiable information
- Encryption
- Establish privacy compliance program
- Train and test employees
- Periodic audits
- Update and revise procedures
- Enhance technology to strengthen security and reduce risk
- Credential third party vendors (if applicable)

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