

LEGAL ALERT

GRIESING LAW LLC
PERSONAL ATTENTION | PROVEN RESULTS

How to Stay One Step Ahead of Cybersecurity Risks

October 14, 2014

Every day the news media has blazing headlines of cyber breaches attacking our nation's biggest companies and putting us at risk of invasion of privacy and identity theft. As our largest enterprises struggle to stay ahead of the perpetrators and the lawsuits that these breaches leave in their wake, what do businesses large and small need to know about federal government efforts to establish cybersecurity best practices? October 10, 2014, the eve of Columbus Day weekend, marked an important date that could have easily been overlooked in bombardment of holiday weekend sales. It marked the deadline for public comments on the Cybersecurity Framework.

The Cybersecurity Framework was announced by the Obama administration on February 12, 2012 and developed by the National Institute of Standards and Technology, a division of the Commerce Department. It is the culmination of an industry and government partnership intended to create voluntary cybersecurity best practices and strengthen the security and resiliency of critical infrastructure. Department of Commerce General Counsel, Kelly Welsh, said in a keynote speech on October 1, 2014 that compliance with the Cybersecurity Framework "can be a valuable tool for organizations seeking to reduce their legal risks, as well as their cybersecurity risks." Kelly Welsh's comments indicated that adoption of the Cybersecurity Framework may serve as a legal defense in the event of a data breach resulting in litigation. Version 1.0 of the Cybersecurity Framework can be found [here](#). The Cybersecurity Framework is still being finalized. With the window for public feedback now closed, the administration is expected to announce updates to it soon.

We are often asked: What can companies do now to reduce risk and liability with regards to a potential cyberattack? Here are some key recommendations based on the latest legal developments in this space.

- Start to become familiar with the Cybersecurity Framework and consider implementation, as appropriate, as part of a cybersecurity risk management strategy.
- Review representations in your company's online end user agreements and privacy policies for accuracy and precision. These agreements are being used with increasing success by plaintiffs in overcoming the initial pleadings pitfalls that previously caused many consumer data breach litigation cases to be dismissed.

For the remaining key recommendations please visit our blog page by clicking [here](#).



Dina Leytes, Esq.

Dina Leytes is the Firm's Practice Group Chair, Intellectual Property and New Media. Dina represents established businesses, non-profit organizations and entrepreneurs in counseling and litigation matters related to the unique challenges of our digital age, including privacy, data security and information law; trademark and copyright clearance, registration, asset management and enforcement; online education; technology agreements related to end users, cloud services, and software development and licensing; domain name disputes; and social media legal risks.

You can read Dina's full bio by clicking [here](#). You can also reach Dina at dleytes@griesinglaw.com or at 215-732-3924.

Griesing Law represents Fortune 500 corporations and closely held companies in complex business transactions, high stakes litigation, intellectual property and employment matters. Our clients are predominately in the biotechnology, chemical, communications, financial services, alcoholic beverage, foodservice, hospitality, insurance, internet commerce, manufacturing, technology, pharmaceuticals, professional services, real estate and retail industries. The Firm received the National Association of Minority and Women Owned Law Firms 2013 Law Firm MVP Award and the SmartCEO 2014 Philadelphia Law Firm of the Year Award. Prior to launching Griesing Law, LLC, the founding team at Griesing Law worked at top AmLaw 100 firms.

Comments in Griesing Law's Legal Alert are not intended to provide legal advice. Readers should not act or rely on information in Legal Alert without seeking specific legal advice from Griesing Law on matters which concern them.