

**NYSBA International Section 2018 Seasonal Meeting**  
**Panel 4: Breach and Incident Response**

**Course Outline**

**Panelists:**

- Jonathan Armstrong, Cordery, London
- Vanessa Coiteux, Stikeman Elliott LLP, Montreal
- Gerald Ferguson, Baker & Hostetler LLP, New York
- Nicole Friedlander, Sullivan & Cromwell LLP, New York, and former Chief of the Complex Frauds and Cybercrime Unit for the United States Attorney's Office for the Southern District of New York
- John Bass, Kroll, New York, and former CIA National Clandestine Service operational executive and Senior Representative to the FBI for Counterterrorism

**Chair:** Corey Omer, Sullivan & Cromwell LLP, New York

**Overview:** Working through a simulated data breach, this panel will bring together cybersecurity experts from the U.S., Canada, and the European Union to explore best practices in responding to a multijurisdictional cybersecurity incident. The chair will introduce and walk the five panelists through the simulated incident and the panelists will discuss how best to approach the various challenges and questions that arise in the course of the simulation. The final 10-15 minutes will be reserved for questions.

The key topics that will be discussed during the simulated breach include:

- Preparing for a data security breach;
- Breach discovery and investigation;
- Communications with law enforcement regarding a data security breach;
- Retention of forensic investigation and other vendors to assist in breach response;
- The applicability of Canada's Personal Information Protection and Electronic Documents Act and the EU's General Data Protection Regulation to U.S. companies;
- Breach notification obligations under U.S., Canadian, and EU law;
- Communications with regulators regarding a data security breach;
- Public notice of a data breach and obligations under U.S. and Canadian securities laws; and
- Post-breach remediation.