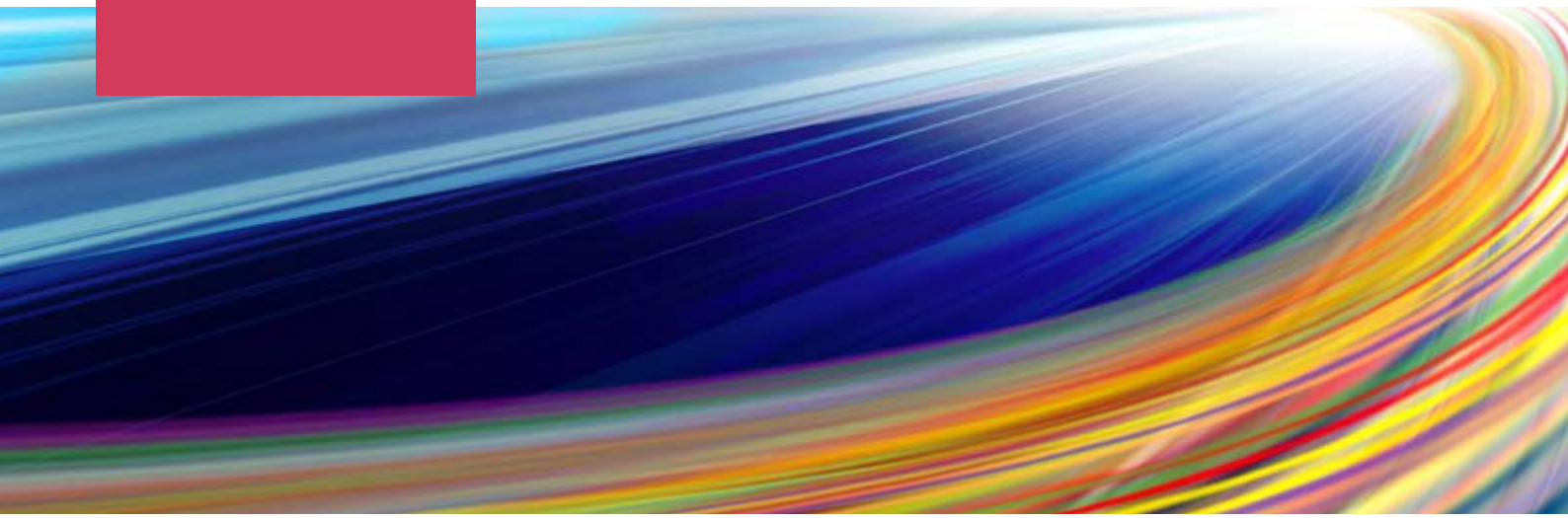
K&L GATES

OUR GLOBAL CYBER LAW AND CYBERSECURITY PRACTICE



Every company has cyberrisk. With data security breaches, distributed denial of service (DDoS), and other attacks on the rise, addressing and mitigating cyberrisk is top of mind among companies across the globe. Reports of high-profile cyberattacks make headlines almost every day and the headlines confirm the reality: cyberattacks are on the rise with unprecedented frequency, sophistication, and scale. And they are pervasive across industries and geographical boundaries.

In the wake of more frequent and severe cyberincidents, regulators around the world have implemented changes to address these heightened risks. For example, the U.S. Securities and Exchange Commission (SEC) Division of Corporation Finance has issued guidance on cybersecurity disclosures under the federal securities laws and has advised that companies "should review, on an ongoing basis, the adequacy of their disclosure relating to cybersecurity risks and cyber incidents;" in Germany, the federal government is currently working on a cybersecurity law; and in the United Kingdom, the government has issued guidelines for businesses as part of its National Cyber Security Programme.

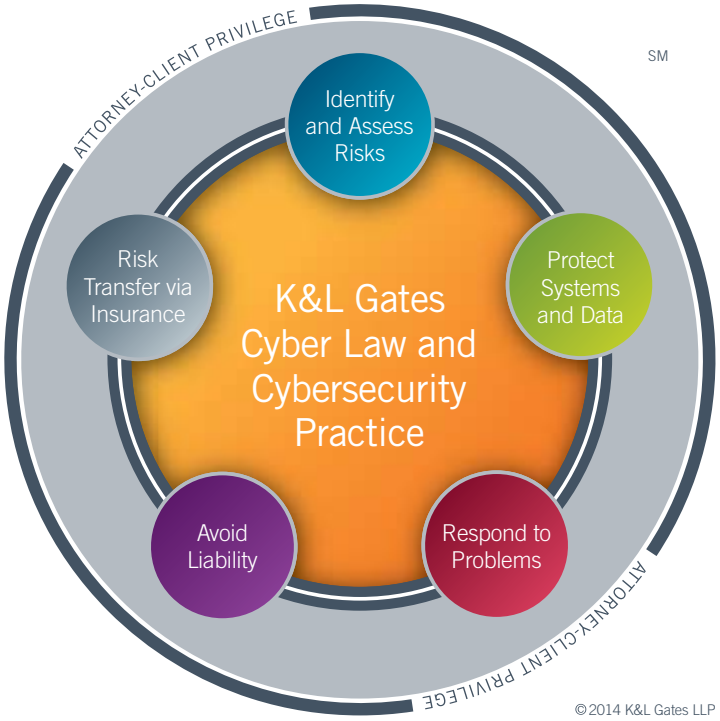
Amid increased exposure to such risks, companies need assistance in handling security breaches and preventing future cybersecurity threats.

Our Practice

From helping clients to assess network/data security and insurance coverage prior to an attack to dealing with the aftermath of an attack, our international cybersecurity team has deep experience in assisting clients with all aspects of addressing and mitigating cyberrisks. Our capabilities include preventing and deterring attacks, pursuing perpetrators, responding to problems, and helping clients to mitigate risk and loss through insurance.

Our cybersecurity group includes an experienced policy team, cyberforensic investigators with extensive experience in successful internet tracking, a rapid response team to handle active attacks, and experienced insurance coverage counsel, among others. Our team has a unique blend of skills that span various practice areas and jurisdictions to help clients deal with cybersecurity issues. We have experience in internet and technology law, legal and regulatory, government regulations, and insurance coverage, as well as

K&L Gates Cybersecurity Lifecycle



"Our team has a unique blend of skills that span various practice areas and jurisdictions to help clients deal with cybersecurity issues."

established relationships with registrars, internet service providers (ISPs), service providers, and law enforcement.

What We Do

Managing Threats and Attacks

Our cybersecurity team helps manage internet security and prevent cyberattacks and data breaches through a unique skill set that includes a technical lab and cyberforensic investigators, extensive experience in internet tracking, and a rapid response team of professionals to deal with current attacks. Our team in the United States has experience working with the FBI and IT forensic consultants after attacks. In Europe, we are experienced in working with national and regional data protection authorities.

Legal and Regulatory Risk

Our team works with clients to prepare them for data breaches and minimize their potential legal exposure by drafting internal policies and procedures and contractual provisions regarding discovery, investigation, remediation, and reporting of breaches. We also investigate incidents to determine the scope of a breach and analyze what is required under applicable laws. In the European Union, we assist our clients in their notifications to local data protection authorities in case of personal data security breaches, as well as in legal remedies and technical patches they may have to implement and disclose to those authorities, as well as to their customers or employees.

Government Regulation and Legislation

Our team has significant experience in government regulation and legislation related to data breaches and cybersecurity crimes. For more than 20 years, we have advanced information technology issues before administrative bodies, regulatory agencies, and, in the Congress. We work to ensure that government cybersecurity standards and mandates are industry-led and technology neutral and we have obtained legislation to broaden and strengthen criminal penalties for cyber crimes. In the United States we led the effort to liberalize export controls on American encryption products and to prevent U.S. domestic limitations on the use of encryption. In Europe, we have assisted clients in cybersecurity initiatives at regional and local levels, notably with the European Commission and various member states.

Insurance Coverage

A complete understanding of a company's insurance program is key to maximizing protection against cyberrisk. Our team is skilled in obtaining coverage for various types of cyberrisks, considering the adequacy of existing insurance programs, analyzing new insurance products, and drafting and negotiating cyberinsurance policy placements.

Cyberinsurance

As part of the U.S. Securities and Exchange Commission Division of Corporation Finance's guidance, disclosures may include, among other things, a "[d]escription of relevant insurance coverage." Our insurance team has a comprehensive understanding of both the coverage that may be available to respond to cyberrisks under traditional policies as well as the newer "cyber" products on the market. We have substantial experience in helping clients structure and negotiate insurance programs to protect themselves from cyberrisk.

Our global cybersecurity team regularly assists clients with:

- internet safety
- privacy, data protection, and information management
- internal policies
- employment issues
- data breach responses
- analyzing breaches
- investigating incidents
- international data transfers
- litigating data security breach actions
- insurance coverage for data security breaches and other cyberrisks
- contracting with customers, service providers, and affiliates
- U.S. SEC disclosures and data breach notifications under Sect. 4 Directive 2002/58/EC
- government enforcement actions
- mergers and acquisitions

Learn more about our Cybersecurity practice at klgates.com.

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