

2016 HOSPITALITY LAW CONFERENCE

FEBRUARY 22-24, 2016,

DATA SECURITY INCIDENT RESPONSE PLANS

Presented by:

Sandy B. Garfinkel, Esq.

Eckert Seamans Cherin & Mellott, LLC



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PRESENTERS

Sandy B. Garfinkel



Member, Eckert Seamans Cherin & Mellott, LLC

- ❖ Sandy Garfinkel is the founder and chair of the Data Security & Privacy Practice Group at the law firm of Eckert Seamans Cherin & Mellott, LLC. He specializes in assisting companies and organizations in responding to breaches of data security and provides incident planning and preparation counseling and services. In the course of his practice Mr. Garfinkel has handled a large variety of types of data incidents for clients within a number of different industries, including hospitality, retail sales (including internet sales), manufacturing, energy, education and insurance, among others.



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DATA INCIDENT RESPONSE PLANS:

Why does your company need one?



RESPONSE TIME IS KEY!

Faster response reduces costs and exposure –

- Stop Continuing Data Loss
- Faster Notification – Reduce Fraud Loss
- Faster Reaction – Reduce Potential for Regulatory Investigation, Regulatory Enforcement and Private Claims



wiseGEEK



PLAN, PREPARE, PRACTICE

1. Make a written Data Incident Response Plan
2. Make sure everyone knows what it says
3. Practice – do “drills”



WHAT SHOULD BE IN THE PLAN?

ESTABLISH AN INCIDENT RESPONSE TEAM:

- CORPORATE TEAM LEADER
- LEGAL DEPARTMENT AND/OR OUTSIDE COUNSEL
- IT DEPARTMENT
- COMMUNICATIONS / PUBLIC RELATIONS
- RISK MANAGEMENT



ESTABLISH A PROCEDURE WHEN INCIDENT OCCURS

- WHERE WILL THE TEAM MEET?
- WHO WILL NOTIFY?
- PHONE IN FOR REMOTE ATTENDEES



ESTABLISH A RESPONSE PROTOCOL

- CONFIRM THE INCIDENT AND SOURCE
- IDENTIFY CAUSE, PRESERVE EVIDENCE
- REMEDIATE
- COMMUNICATIONS PLAN (INTERNAL, EXTERNAL)
- NOTIFICATION – AFFECTED PERSONS, REGULATORS
- INTERNAL REPORTING
- IDEALLY CLOSURE



QUESTIONS?

