



*HB Litigation Conferences presents*

# **NetDiligence® Cyber Risk & Privacy Liability Forum**

October 9 - 11, 2013

Marina del Rey Ritz Carlton, CA

Co-Chairs

**Mary Guzman** McGriff Seibels Williams

**Oliver Brew** Liberty International Underwriters

**Chris Keegan** FINEX Global (Willis Financial & Executive)

**Tim Francis** Travelers Bond & Financial Products

**Mark Schreiber** Edwards Wildman

## **Wednesday, October 9, 2013**

**5-7 pm Pre-Conference Reception**

## **Thursday, October 10, 2013**

**7:30 Registration and Continental Breakfast**

**8:30 Introduction and Opening Remarks**

### **8:45 Claims, Claims, Claims: Claims & Loss Updates**

- Breaches: The Types of Claims Insurers are Paying
- Costs: Where and What They Are
- Claims Notice & Handling: What the Process Looks Like
- NetDiligence Cyber Claims Industry Study: Industries, Trends and Values

**Peter Foster, Willis**

**Marcello Antonucci, Beazley**

**Mark Greisiger, NetDiligence**

**Thomas Kang, Ace**

### **9:45 BREAK-OUT SESSIONS**

#### **Choice A: Cyber Basics**

- Defining insurable and uninsurable cyber risks: evolving risks, currently uninsurable risks
- Basic Terminology - what do all of these acronyms stand for? PCI DSS, HITECH, DLP
- Basic coverage offered under a network security and privacy policy
- Application questions, which ones really matter? Why would a market decline a risk?
- What should you NOT do in the event of a breach event?

**Oliver Brew, Liberty International Underwriters (moderator)**

**Eric Cernak, Hartford-HSB**

**John Coletti, XL**

**Carl Morello, Sequoia Insurance**

**Rebecca Pearson, Wells Fargo**

### **Choice B: Advanced Cyber Coverage**

- Corporate Intellectual Property - Cyber Espionage. Is it possible to insure your stolen IP?
- Critical Infrastructure - Cyber Warfare and/or Terrorism. Can property damage and bodily injury be addressed from an electronic attack? How can financial loss from a network interruption be addressed?
- Cloud Computing - Data Aggregation. Can insurers and reinsurers overcome aggregation risk?
- Reputational Risk – How to value and insure a company's reputation from a cyber event?
- What if loss ratios become so bad that all insurers poll out of this type of coverage?
- What is the federal government legislates that all companies must carry data breach insurance? What is the effect on other parts of the industry?

**Tim Francis, Travelers Bond & Financial Products (moderator)**

**Anthony Dagostino, ACE**

**Sarah Stephens, AON**

### **10:45 Morning Break**

### **11:15 State of Litigation: Data Breach & Coverage Litigation Update**

- Case Law - the impact of the most notable recent decisions
- Breach Litigation - minimizing risk of suit, finding settlement opportunities
- Coverage Litigation - development in cyber and privacy actions
- Damages - how to present them; who is responsible for what harm?
- Defenses - a review of more sophisticated approaches
- ID Theft Restoration Act - how US courts change the game

**Mark Schreiber, Edwards Wildman (moderator)**

**Timothy Blood, Blood Hurst & O'Reardon**

**Jay Edelston, Edelston McGuire**

### **12:15 Lunch and Speaker**

### **1:45 The Cloud: Insurance Aggregation, Cloud Contracts & Technology**

- Loss Aggregation issues that worry insurers (one loss = 1000 claims?)
- Contract issues: Do you own your data in the cloud? Information sharing challenges
- Technical issues: Clouds outsourcing to third parties, social media concerns

**Robert Parisi, Marsh FINPRO**

**David Umbers, Ascent Underwriting**

### **2:45 BREAK-OUT SESSIONS**

#### **Choice A: Technology To Mitigate Risk: The Latest from Security Experts**

- Cyber security metrics, requirements, standards
- Cloud security issues
- Mobile App security issues
- BYOD security issues

**Alan Friel, Edwards Wildman (moderator)**

#### **Choice B: Examining the Payment Card Industry (PCI) Adjudication Process**

- What responsibilities does a merchant have when they are the source of a breach, or suspected breach, of card information?
- What types of fines or penalties is a merchant subject to if they are the source of a breach of payment card information? How are fines/penalties determined?

- Can a merchant be liable for fines/penalties or other damages if they are compliant with the Payment Card Industry (PCI) Data Security Standards at the time of the breach?
- Are there caps or limitations on the amount of a merchant's financial responsibility? If so, what are they and under what circumstances do they apply?

**Nick Economidis, The Beazley Group**

**Craig Hoffman, BakerHostetler**

**Dave Navetta, InfoLaw Group**

### **3:45 Afternoon Break**

### **4:15 Anatomy of a Data Breach from the Attorneys General Perspective**

- Do regulators interpret notification requirements the same way businesses do?
- How do regulators assist companies when responding to breaches?
- When an investigation is instituted, what are regulators looking for?
- What can companies expect during an investigation?

**Jason Weinstein, Steptoe (moderator)**

**Ryan Krieger, VT AG**

**Patrice Malloy, FL AG**

**Adam Miller, CA AAG**

### **5:15 Cocktail Reception**

## **Friday, October 11, 2013**

### **7:30 Continental Breakfast**

### **8:30 Data Analytics and Aggregators**

- Big data
- Behavioral advertising issues (wrongful data collection exposure)
- Regulations that increase exposure

**Chris Keegan, Willis (moderator)**

**Dominique Shelton, Alston & Bird**

**Christina Tusan, FTC**

### **9:30 BREAK-OUT SESSIONS**

#### **Choice A: Health Care**

- The changes in federal regulations between the interim and final versions of the HIPAA Privacy
- Healthcare breaches and enforcement actions pursuant to the HITECH Act
- HHS' Office of Civil Rights (OCR) enforcement priorities
- What coverages or services are healthcare entities looking for that are not currently offered?
- Contracts and Healthcare Facilities: Who is taking responsibility or passing the buck?
- How does the underwriting of healthcare risks differ from other industries?

**Doug Borg - Duke Medical**

**Katherine Keefe, The Beazley Group**

**Lisa Philips, Lockton**

**Lynn Sessions – Baker Hostetler**

### **Choice B: Dissecting a Data Breach Claim**

- The claim is noticed, now what happens?
- No two claims are the same
- Corporate culture considerations – dealing with “the human element”
- Forensics, legal consultation, crisis management...how many parties get involved?
- When do you know how bad (or not) the claim is?
- When does it end?

**Winston Krone, KIVU**

**Larissa Crum, Immersion**

**Ozzie Fonseca, Experian Data Breach Resolution**

**Robert McEwen, McEwen & McMahon**

### **10:30 Morning Break**

### **11:00 Intellectual Property – The Real Cyber Risk: Threats, Valuation & Protection**

- Impact and legal implications of copyright, trademark and trade secret theft
- A growing threat—especially with the rise of digital technologies and Internet file sharing networks
- International threats and concerns
- Protections
- Enforcement

**Robert Chiang, Navigant**

**Jonathan Fairtlough, Kroll Cybersecurity**

**Marshall Heliman, Mandiant**

**Garrett Koehn, CRC/Crump**

**Jeff Kinrich, Analysis Group, Inc**

### **12:00 Closing Remarks**