

Vinson&Elkins

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CYBERSECURITY PREPAREDNESS *for* THE ENERGY INDUSTRY

Moderated by:
Devika Kornbacher

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TODAY'S PANEL



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DUSTIN SACHS
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JON JANES
SENIOR VICE PRESIDENT
WILLIS TOWERS WATSON

INFORMATION SECURITY PROGRAM

BASICS



INFORMATION SECURITY PROGRAM

POLICIES - CONSIDERATIONS AND PRACTICES

- **Identify, Protect, Detect, Respond, Preserve, Recover**
- Consider **ISO 27000 standards**, **NIST Framework** for Improving Critical Infrastructure Cybersecurity (Feb. 2014), or **DOJ Guidance** on “Best Practices” for Cyber-Incident Response Plan (Apr. 2015)
 - Department of Energy issued “Energy Sector Cybersecurity Framework Implementation Guidance” for implementation of NIST Framework (Jan. 2015)
- **Cover all bases**
 - ✓ Human (e.g., chief information security officer (CISO))
 - ✓ Physical (e.g., off-site redundancy)
 - ✓ Digital (e.g., two-factor authentication)
- **Only as good as the implementation and education**

INFORMATION SECURITY PROGRAM

POLICIES – INCIDENT RESPONSE PLAN POINTS

- Contact outside counsel to put activities under scope of attorney-client privilege
- Determine nature of breach/data compromised and affected devices
- Review cybersecurity insurance policy and notify carrier
 - Some notification windows are as short as 3 days
- Don't reimage or delete files; preserve all evidence
- Order a litigation hold, if prudent
- Perform analysis of state, federal and foreign breach notification requirements for every data type
- Evaluate company's policies – internal and online
- Ensure that all public statements are accurate and provide an appropriate description of the breach and compromised data
- Prepare for defense of third-party claims and governmental investigations

- Periodic **penetration testing** by outside vendors
- **Phake phishing**, etc. to test effectiveness of training
- **Trial runs** of incident response plans



- **Traditional** monitoring (e.g., cameras and access logs)



- **Technological** monitoring (e.g., managed security services)



- **Audits:**
 - Statement on Standards for Attestation Engagements 16 (SSAE-16), SOC-2
 - NIST, ISO, PCI-DSS, HIPAA, etc.

BIOGRAPHIES AND CONTACT INFORMATION



KATIE CLARK
VICE PRESIDENT,
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For more than 20 years, Katie has been helping clients protect and promote their brands in sectors including transportation, retail, consumer packaged goods, foodservice and natural resources. As a senior leader in Edelman Atlanta's Crisis & Risk practice, she has significant experience counseling clients on crisis preparedness, issues management, crisis response and reputation recovery. She also serves as a member of Edelman's global crisis network and supports the firm's Data Security and Privacy Group.

Katie's crisis response and management experience is extensive. Her diverse background in communications gives her unique insight into a variety of issues related to data security & privacy (including data breaches), health and safety, restructuring, litigation, accidents, corporate malfeasance, regulatory investigations, corporate transactions and product quality (recalls, strategic sourcing issues). She helped businesses prepare for and respond to data and security breaches, as well as incidents and issues involving malware or privacy.

She is trained in ICS (Incident Command System), a standard on site command and control system used by many global companies, governments and agencies around the world to manage emergency incidents and planned events



Edelman is a leading global communications marketing firm that partners with many of the world's largest and emerging businesses and organizations, helping them evolve, promote and protect their brands and reputations. The trust of customers and the public is developed by how companies manage reputational risk and crisis response. This is where our global Crisis & Risk team can help, especially when the stakes are highest.

Our team has built a proven record, validated by very high client satisfaction scores, of protecting the most important, yet fragile, organizational asset: reputation. We represent multidisciplinary backgrounds that include skilled litigators, investigative journalists, business intelligence specialists, veterans of government service and communicators from a variety of business sectors. With team members in more than 60 offices around the world, Edelman is connected 24/7 to provide strategic support and advocacy.

BIOGRAPHIES AND CONTACT INFORMATION



JON JANES
SENIOR VICE PRESIDENT,
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Jon has more than 12 years of experience in all aspects of Executive Risk Liability Insurance, including:

- Risk profile analysis including cyber risks for the natural resources industry
- Structure and placement of coverage for publicly and privately held companies, including Fortune 500
- Initial public offerings, mergers and acquisitions and other liquidity events
- Legal and market trends
- Claims

He serves as the FINEX industry practice leader for Willis Towers Watson's North American natural resources industry practice and is a member of the FINEX Advisory Committee, which is tasked with developing product, coverage and process solutions for our clients and colleagues. He is also a frequent speaker on Executive Risk Liability Insurance trends, claims and legal developments. Jon is a graduate of Trinity University, B.S. Business Administration, and the University of San Francisco School of Law, cum laude.

WillisTowersWatson

Willis Towers Watson (NASDAQ: WLTW) is a leading global advisory, broking and solutions company that helps clients around the world turn risk into a path for growth. With roots dating to 1828, Willis Towers Watson has 40,000 employees serving more than 140 countries.

We design and deliver solutions that manage risk, optimize benefits, cultivate talent, and expand the power of capital to protect and strengthen institutions and individuals. Our unique perspective allows us to see the critical intersections between talent, assets and ideas — the dynamic formula that drives business performance. Together, we unlock potential.

BIOGRAPHIES AND CONTACT INFORMATION



DEVIKA KORNBACHER
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Devika is a partner in Vinson & Elkins' intellectual property group. She received a bachelor of science in engineering from the University of Houston and her juris doctor from Harvard Law School, where she was a member of the Harvard Journal of Law and Technology. Devika also worked with the Berkman Klein Center for Internet & Society at Harvard University and the Chief Technology Officer of Massachusetts. She is also an IAPP Certified Information Privacy Professional (US), Co-chair of the Houston KnowledgeNet Chapter, and Chair of Vinson & Elkins' Cybersecurity Task Force.

Devika counsels clients in fields such as energy, aviation, sports, software and hardware on digital media, cybersecurity, data privacy, open source software, and other technology matters. She leverages her background and experience to provide comprehensive strategic advice to clients regarding domestic and international matters. She has spoken and published articles on topics such as Navigating and Negotiating Information Technology Agreements, Cybersecurity and the Cloud, Protecting Data in Unlikely Places, and revising privacy policies in view of recent FTC actions regarding geolocation data.

Vinson & Elkins LLP
Established 1917

V&E's Cybersecurity & Data Privacy practice offers experienced legal counsel and top-tier service to sophisticated corporate clients in numerous industries. We have a deep bench of lawyers across our dispute and counseling practices ready to act on behalf of our clients to help identify gaps in their security coverage and establish a framework for cybersecurity incident response.

Our clients benefit from V&E's established working relationships with data protection authorities, third-party security service providers, public relations firms, and law enforcement, as well as our experience appearing before domestic and international legislative and regulatory bodies. Our clients also benefit from our strategic advice in developing data-use and privacy policies and extensive experience negotiating information technology and outsourcing agreements. We combine our legal and technical experience with our knowledge of our client's unique business operations, objectives and IT structures to help in the areas of counseling, compliance, investigations, and litigation matters.

BIOGRAPHIES AND CONTACT INFORMATION



Joel began working for Data Foundry in 2001 and has held several positions within the company including Network Engineer, Operations Manager, and Director of Engineering before moving into his current position as Director of Sales Engineering. This move was for the express purpose of working directly with customers to help them run efficient, secure and strategic data center deployments.

Joel has a B.S. in Mechanical Engineering from the University of Texas.



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DATA FOUNDRY

Founded in 1994, Data Foundry is one of the first 50 ISPs in the United States. During our 20+ year history, we have supported thousands of enterprise companies in every industry, including high performance computing, energy, financial services, healthcare and technology.

Data Foundry provides the infrastructure services your company needs to not only operate optimally, but to fulfill your company's security standards as well. We offer a consultative approach when it comes to helping you choose cabinets, cages, PDUs and other important elements that make up your deployment's infrastructure. We also provide options for making your infrastructure cost with us completely OpEx. We offer a suite of security services to protect your network and your physical data center deployment. Our services include 24 x 7 x 365 monitoring and security alerts.

Data Foundry has made the investment in critical infrastructure, tools, services and personnel required to achieve regulatory compliance with SSAE 16, HIPAA, and PCI. Our compliance reflects our commitment to support the highest standards for business process control, data security and privacy.

BIOGRAPHIES AND CONTACT INFORMATION



DUSTIN SACHS
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Dustin is an Associate Director in the Global Legal Technology Solutions Information Security practice at Navigant. He oversees and manages the digital forensics and information security capabilities, including the forensics lab, in the Houston office and Texas region. He assists with all phases of the forensic and information security process, from planning and collection to analysis and reporting so that attorneys, auditors, and investigators can make informed decisions. He provides objective assessments of digital evidence in matters related to legal or ethical issues, data breach incidents, theft of valuable information, and other corporate investigations. For more than ten years, Dustin has analyzed thousands of computer laptops, desktops, servers, and mobile devices in the support of civil and criminal litigation and internal investigative matters. He has received extensive training in digital forensics, evidence handling, and computer investigations.

Dustin is a Certified Cyber Forensics Professional (CCFP), Certified Computer Examiner (CCE), Certified Fraud Examiner (CFE), EnCase Certified Examiner (EnCE), and a Cellebrite Certified Mobile Examiner (CCME). He also is a Licensed Private Investigator in the states of Texas, Michigan, and Florida.



Navigant is a specialized, global professional services firm. Our teams apply experience, foresight, and industry expertise to pinpoint emerging opportunities to help build, manage, and protect the business value of the clients we serve. At Navigant, we've assembled the leading minds in cybersecurity to create an integrated suite of intelligent information security solutions to help global organizations assemble a sound defense before incidents occur—and react decisively in the event a challenge arises.

We regularly advise Boards of Directors, members of the C-suite, general counsel, outside counsel and other stakeholders at all stages of any cyber incident—helping organization be prepared by understanding their risk profile to handling all necessary aspects of a cyber incident response.

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