

DATA SECURITY & CYBER LIABILITY

Wilson Elser is at the forefront of data security and cyber liability defense, handling numerous assignments for a large base of loyal clients.

Led by a lawyer who has been part of the cyber market since its inception and with more than a decade of successfully advising clients facing data breaches and other situations caused by misuse of computers, Wilson Elser's Cyber Team includes accomplished attorneys resident in offices throughout the United States. Wilson Elser also routinely works with lawyers in other jurisdictions throughout the world, as needed to assist clients.

Each information security incident is different, presenting issues that emerge in real time. Wilson Elser has the experience to advise clients facing potential breach situations, permitting swift and prudent responses that comply with legal obligations, protect impacted individuals and preserve the hard-earned reputation of clients that may have experienced a breach.

As a Target Markets Cyber Policyholder, you have access to Wilson Elser's vast resources. The following Wilson Elser services are available to you at no additional cost.

1. A hotline connecting you to Wilson Elser's Cyber Team (1-800-XXX-XXXX), which will provide you with up to an hour of advice, at no cost to you, concerning an urgent situation. This service generally works like an employment practices hotline, but for cyber issues instead of employment issues. Hotline callers can receive help with:

- Evaluating whether a situation qualifies as a data breach triggering legal breach notification obligations
- Determining what jurisdictions' laws may apply to a breach situation
- Assisting in triage of crisis situations – bringing in the right people at the right time to address the problem and craft an appropriate strategy
- Helping to put together a breach response team in the heat of a live situation, designed to facilitate a good breach response that will meet regulators' expectations and contain potential liability

- Accessing qualified vendors at "frequent flyer" rates for all of the services that may be needed in a potential breach situation – from computer forensics and PCI compliance, to breach notification mailing, call centering, credit monitoring and identity restoration services, as well as public relations. Wilson Elser has strong relationships with numerous vendors that may be needed in a breach response situation.

2. For situations where coverage is triggered, a wide variety of Wilson Elser services are available, including but not limited to those listed below. When these services are provided as authorized, costs incurred will satisfy your deductible and then erode the policy's limits:

- Defending you in responding to a potential breach and providing advice in determining:
 - Whether the situation triggers legal breach notification obligations
 - What sensitive information was exposed
 - Who should serve on the breach response team and what are the responsibilities of the breach response team
 - How should the breach response team interact with management, and how should management keep the board and other stakeholders appropriately informed
 - What vendors should be deployed to assist in the breach response, and how should this be done to help ensure attorney-client privilege and work product protections
 - What vendor options are most effective for the particular situation, and what are the best terms under which these vendors may be retained.
- Preparing key regulatory compliance documentation, such as:
 - Breach notification letters to upstream business partners whose data may have been exposed
 - Breach notification letters to attorneys general and other regulators who must be

DATA SECURITY & CYBER LIABILITY

- notified to comply with applicable breach notification laws
 - Breach notification letters to impacted individuals
 - Breach response plan, written information-security plan, red flags rule documentation and other core documents expected by regulators
 - Response to regulators' inquiries and formal investigations.
- Advising key stakeholders, including senior management and members of the board of directors, of the situation, steps under way, and overall plan for identifying and responding to a potential breach
 - Coordinating breach response with upstream business partners and downstream vendors
 - Defending you in the context of a regulatory investigation
 - Defending you in a PCI compliance investigation required by credit card companies
 - Defending you in litigation stemming from an actual or alleged data breach brought against you by regulators, credit card companies or processors, and/or impacted individuals
 - Assisting you with crisis management and public relations, including retaining vendors with relevant expertise, and engaging them in a manner designed to maximize available legal protections

Additional Services

Other Wilson Elser services designed to assist you with cyber security preparedness are not covered by your policy, but are available to you at favorable rates that have been negotiated in advance by Target Markets. Examples of these services include the following:

- Evaluating the state of your cyber security preparedness (Do you have the documents and procedures in place that regulators will expect if you are faced with a breach situation?)
- Preparing or refining key cyber security regulatory documents, such as breach response plans, written information security plans, privacy and security policies, social media policies, and more
- Testing and triggering the breach response plan
- Preparing internal and external plans for communicating with stakeholders when a breach happens while providing available legal protections
- Assisting with "Privacy by Design" evaluation of technology projects under consideration or in process
- Assisting in evaluating key vendors' cyber security preparedness and regulatory documentation

- Crafting and testing joint breach response plans for key vendors holding your data.

Wilson Elser's Cyber Team knows that cyber situations have no boundaries. With 24 offices strategically located throughout the United States, Cyber Team members are able to handle matters in nearly any jurisdiction. In fact, Wilson Elser generally can have "boots on the ground" in less than 24 hours of a data security incident.

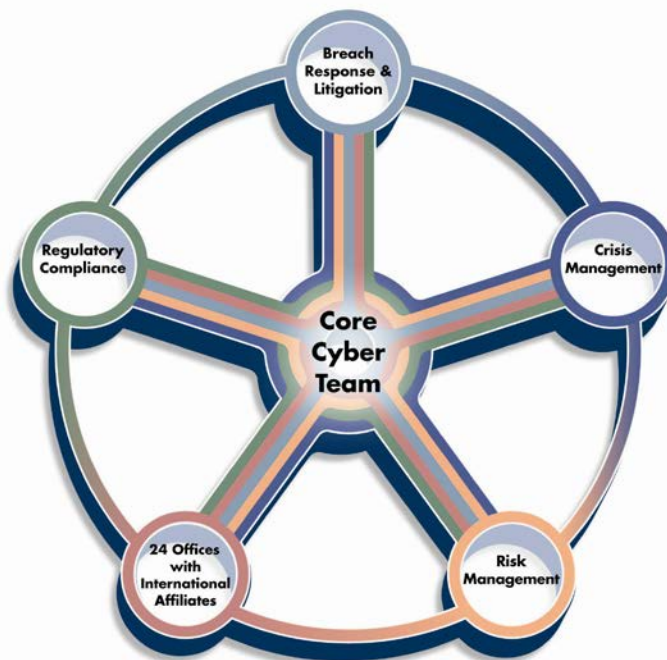
For well over a decade, lawyers in Wilson Elser's Cyber Team have handled breach response and other sensitive situations arising from the misuse of computers and related technology. Also, our firm's uncommonly high concentration of seasoned senior litigators gives us an advantage when handling our clients' most challenging and technical cases. Wilson Elser litigators are adept at handling litigation in virtually any venue and enjoy an enviable record for obtaining favorable outcomes.

DATA SECURITY & CYBER LIABILITY

Wilson Elser is uniquely structured to provide the right resources at the right time to meet clients' cyber needs – in virtually any area of law and in any part of the world. In other words, a client is not “stuck” with only the skill sets of the lawyers initially assigned to the matter. If other skill sets are needed, they can be provided just in time, and only for the time they are needed. Each potential breach situation handled by Wilson Elser is led by a core Cyber Team member who has gained considerable knowledge working as a team member on numerous breaches. Core Cyber Team members are able to anticipate and access the skill sets our clients need – whether the need is for an external computer forensics vendor to be at the client's location in hours or for a lawyer with deep PCI compliance experience to work through a technical issue with a computer forensic vendor investigating a breach. When appropriate and with the client's authorization, Wilson Elser brings these services to bear to meet client needs.

Each of the firm's key substantive practice areas includes a cyber-savvy team member who is available to seamlessly coordinate with Core Cyber Team colleagues to provide the skills needed to protect clients in situations arising from computer misuse. Because Wilson Elser has cyber-savvy members serving a wide variety of market sectors and locations, Wilson Elser is able to assemble teams that literally speak the clients' language. With a keen understanding of their business models and industry jargon, Wilson Elser helps clients with cyber issues in a manner that is sensitive to their business and industry realities. This market-sector sensitivity enhances clients' comfort as Wilson Elser works with them to craft strategies during a time of crisis. You don't need to reinvent the wheel – Wilson Elser has years of experience safely driving the “Cyber Superhighway” and stands ready to assist you.

Wilson Elser Cyber Wheel: Making it Easier to Navigate the “Cyber Superhighway”



For more information contact:

Lori Nugent
Partner, Chicago
312.821.6177
lori.nugent@wilsonelser.com

And visit our Web site:
wilsonelser.com