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*presents*

# Inaugural Annual Privacy Summit

Session 5, Track 2

Managing Cybersecurity and Ransomware Threats:  Be Prepared!

MCLE: 1.0 Hours

Friday, February 10, 2023
10:15 a.m. – 11:15 a.m.

Speakers:

Scott Koller, Partner Baker Hostetler
Jonathan Fairtlough, Principal, KPMG
Benjamin Benhan, Privacy Counsel/Global Operations, eBay
Brett Cook, Lead Counsel Privacy and Security, ServiceNow
John “Jack” Bennett, Managin Director, Global Head of Government Affairs, Kroll

Conference Reference Materials

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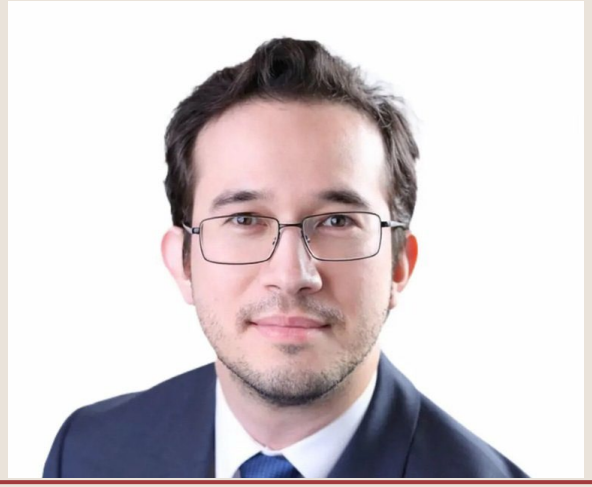
# Managing Cybersecurity and Ransomware Threats: Be Prepared!

Paul Lanois | John Bennett | Brett Cook | Benjamin Benhan | Scott Koller | Jonathan Fairtlough



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**Paul Lanois**
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Paul is a Director at the European law firm Fieldfisher, based in the firm's Silicon Valley office. Prior to joining Fieldfisher, he was Vice President and Senior Legal Counsel at Credit Suisse at its headquarters in Switzerland, and the bank's Hong Kong office. Paul advises companies on global data privacy and cybersecurity matters, having lived and worked in the United Kingdom, France, Luxembourg, Switzerland, Hong Kong and the United States. He teaches privacy compliance at UC College of the Law, San Francisco.


**John (Jack) Bennett**
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Jack is a managing director in the Cyber Risk practice of Kroll, and a Kroll Institute Fellow, based in the San Francisco office. Prior to joining Kroll, Jack was the Assistant Director in Charge leading the FBI Los Angeles Field Division, the third largest FBI field division, with a staff of 1500 and 120 management personnel. Jack's significant responsibilities include coordinating with large enforcement agencies, providing investigative assistance and developing policies and programs for federal and global government agencies.

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**Jonathan Fairtlough**
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Jonathan is an experienced cyber-security expert with over 20 years of investigating, prosecuting and remediating cyber and data incidents. A former LA County Prosecutor, Jonathan co-founded the LA High Tech Crimes Division. He prosecuted the first major breach case in the US and co created the curriculum at the US DOJ National Computer Forensic Institute. He is a testifying expert on Theft of Intellectual Property, Computer Intrusion and Identity Theft, and a trusted C-Suite advisor on qualifying and managing cyber risk globally.

**Scott Koller**
mskoller@bakerlaw.com

Scott Koller is a skilled privacy and data security attorney whose practice focuses on data breach response and security compliance issues. Clients in a broad range of industries turn to Scott for his experience and practical solutions on managing risks associated with data and information technology, including incident response preparedness, developing information security programs, cybersecurity training and helping to guide organizations through data security incidents.

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**Benjamin Benham**
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Benjamin is a seasoned technology lawyer whose practice focuses on cybersecurity and privacy compliance matters. He gained extensive technical experience throughout years of military and public service, throughout which he supported the technical infrastructure for critical defense and homeland security networks. Benjamin merges technology and the law in a practical manner to resolve challenging regulatory problems.


**Brett D. Cook**
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Brett is Lead Security & Privacy Counsel for ServiceNow, a global SaaS development company, where he advises business teams and senior leaders regarding regulatory requirements, breach notification and cybersecurity legal strategies. He has extensive experience in building compliance programs, developing incident response procedures, and managing risk associated with international data transfers.

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**Disclaimer: The views and opinions expressed in and during this panel program are those of the respective speaker only and do not necessarily reflect the views or positions of their employer or any entities they represent.**

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“Ransomware is attractive to attackers because it does not have to be hidden like other malware varieties. Malware is often designed to evade detection, but ransomware is designed to be detected.”

Abhijit Mohanta – Security Researcher at Uptycs

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# Oh no! We've been hit!


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# Current threat landscape


SECURITYWEEK
CYBERSECURITY NEWS, INSIGHTS & ANALYSIS

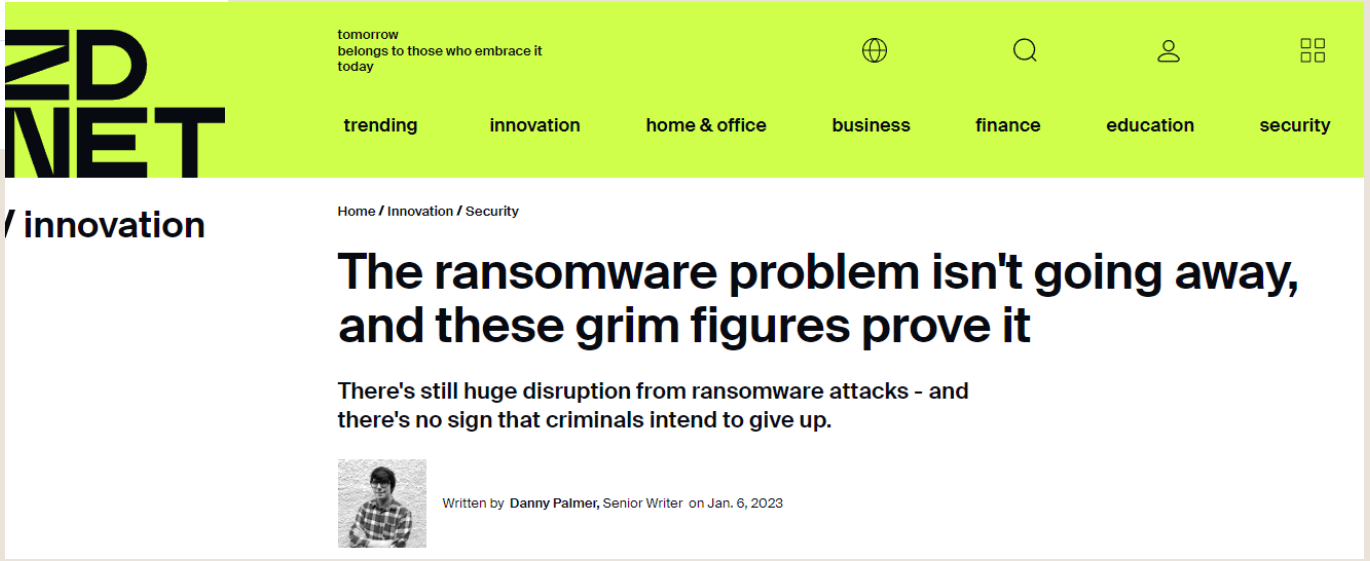
Malware & Threats | Security Operations | Security Architecture | Risk Management | CISO Strategy | ICS/OT | Funding/M&A

CYBERCRIME

## Ransomware Hit 200 US Gov, Education and Healthcare Organizations in 2022

More than 200 government, education, and healthcare organizations in the United States fell victim to ransomware in 2022, data gathered by cybersecurity firm Emsisoft shows.

By Ionut Arghire
January 6, 2023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## The ransomware problem isn't going away, and these grim figures prove it

There's still huge disruption from ransomware attacks - and there's no sign that criminals intend to give up.

Written by **Danny Palmer,** Senior Writer on Jan. 6, 2023

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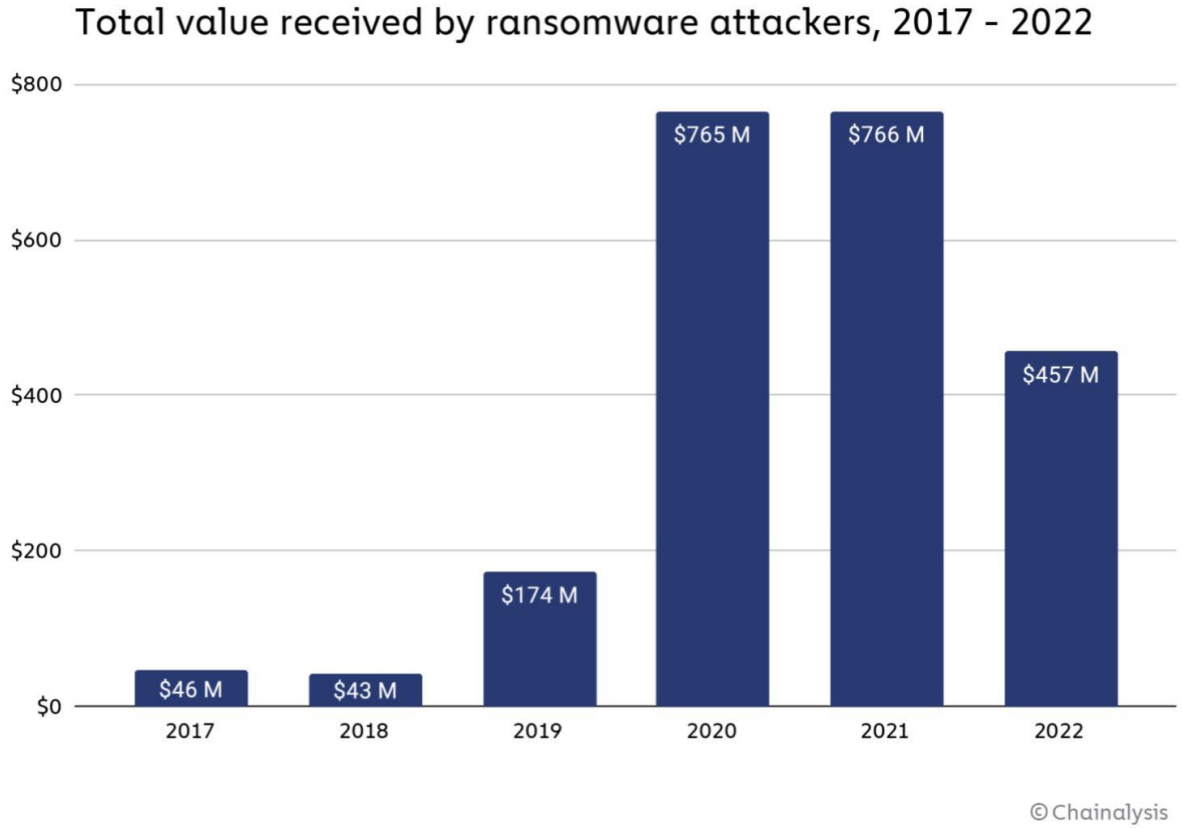
# Current threat landscape (cont.)




| | 2019 | 2020 | 2021 | 2022 |
|---|---|---|---|---|
| Paid | 76% | 70% | 50% | 41% |
| Did Not Pay | 24% | 30% | 50% | 59% |

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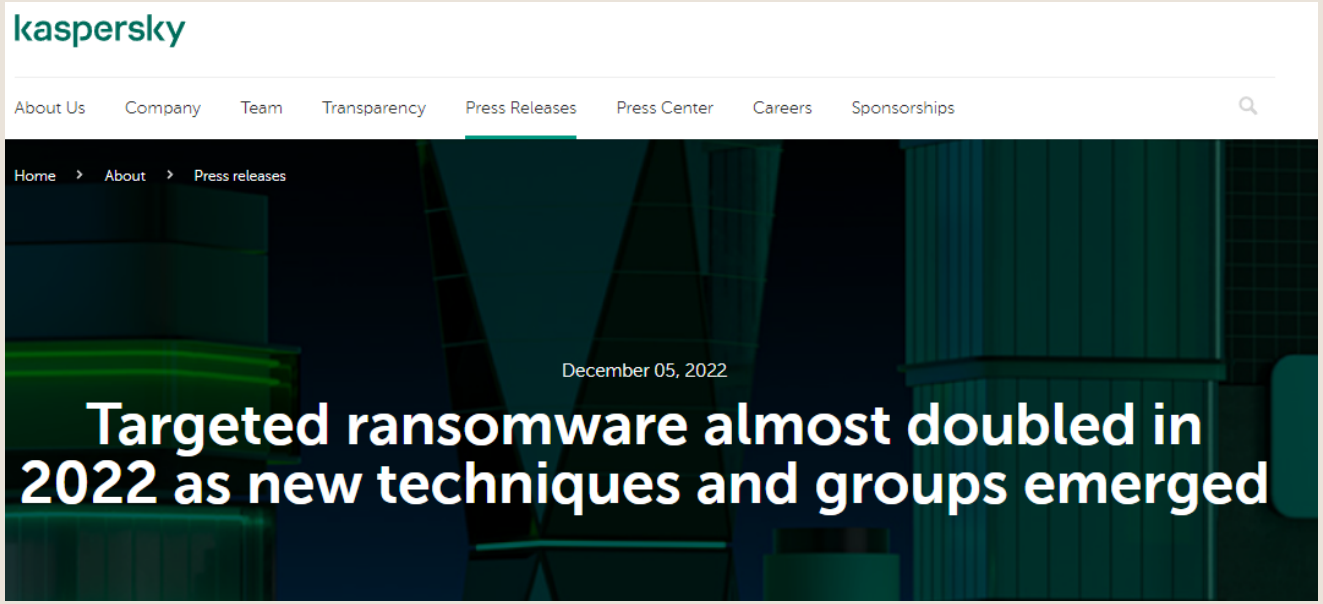
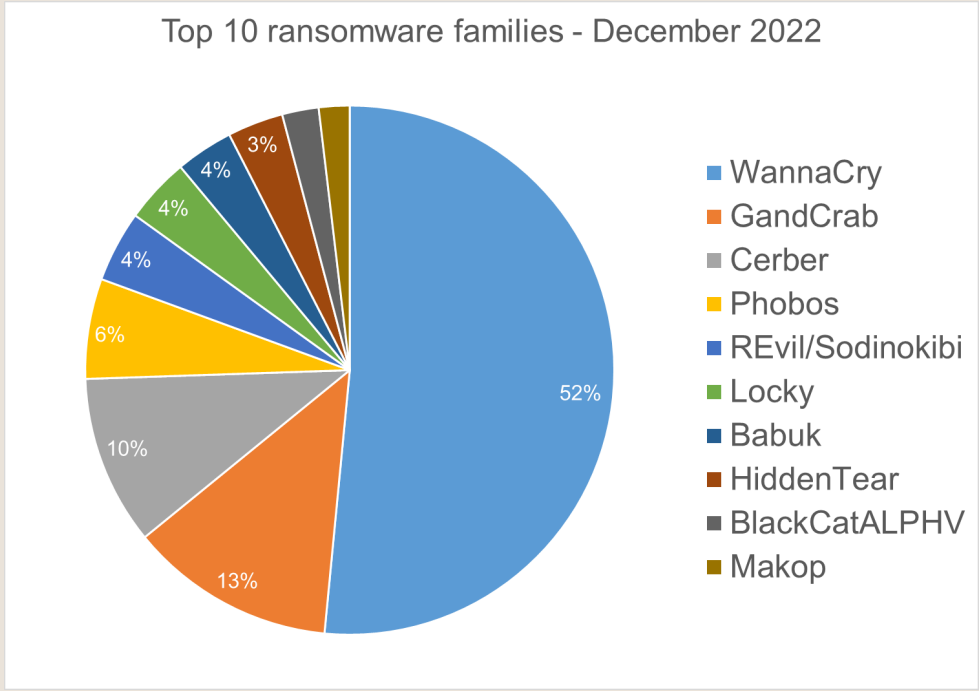
# Ransomware is a multi-billion dollar global criminal industry




Source: Bitdefender
(https://businessinsights.bitdefender.com/bitdefender-threat-debrief-december-2022)

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# DOJ takes down Hive (26 January 2023)

THE UNITED STATES DEPARTMENT of JUSTICE

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JUSTICE NEWS

**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE — Thursday, January 26, 2023

**U.S. Department of Justice Disrupts Hive Ransomware Variant**

**FBI Covertly Infiltrated Hive Network, Thwarting Over $130 Million in Ransom Demands**

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# Common threat vectors

- Emails with malicious links and attachments
- Phishing
- Remote desktop protocol (RDP) brute forcing
- Malicious websites and drive-by downloads
- System and software vulnerabilities

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# Common threat actors

- Scammers
- Thrill seekers
- Script kiddies
- Ideologues
- Insiders
- Nation-state threat actors

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# *To pay or not to pay* - ransomware payments issues

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# *To pay or not to pay* - ransomware payments issues (cont.)

- **General Rule:** The Treasury Department prohibits ransom payments to individuals / entities on the SDN list

- Civil penalties + criminal penalties if payor is aware that recipient is on the SDN list

- Treasury Department Office of Foreign Asset Control (OFAC) mandates filing a Suspicious Activity Report (SAR) in certain situations:
  - Ransomed financial institution Payor to file a SAR if it knows, suspects, or has reason to suspect a transaction conducted or attempted by, at, or through the financial institution involves or aggregates $5,000 and

    (1) involves funds derived from illegal activity, or attempts to disguise funds derived from illegal activity; OR

    (2) is designed to evade regulations under the BSA; OR

    (3) lacks a business or apparent lawful purpose; OR

    (4) involves the use of financial institution to facilitate criminal activity

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“Ransomware is unique among cybercrime because in order for the attack to be successful, it requires the victim to become a willing accomplice after the fact”

James Scott, Sr. Fellow, Institute for Critical Infrastructure Technology

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# Cyber-insurance: the perfect solution?

## Mondelēz settlement in NotPetya case renews concerns about cyber insurance coverage

The legal dispute between the snack giant and insurer Zurich American, which lasted four years, raises further questions about how insurers cover acts of cyber war.

Published Nov. 8, 2022

David Jones
Reporter

Bloomberg Law

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## Cyber-Insurance Premiums to Double to $23 Billion in Three Years

Nov. 7, 2022, 6:19 AM

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# Practical considerations

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# National Cybersecurity Strategy: The New Biden Administration's Aggressive Cyber Policy

- The imposition of mandatory regulations on multitude of American Industries
- U.S. defense and intelligence agencies to go on the offense
- Strategy to "disrupt and dismantle" hostile networks
- FBI's National Cyber Investigative Joint Task Force and Private Companies To Join Force
- A "hunt forward" and "persistent engagement" strategy

# Thank you!

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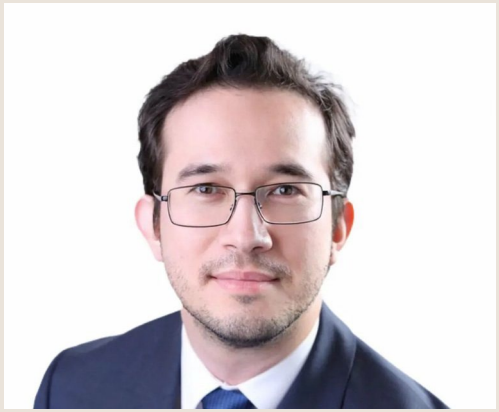

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