

Bird & Bird

Breach Counsel

*Expert guidance through cyber
and data breaches*



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“The Bird & Bird data protection and cybersecurity practice is able to provide a *one-stop worldwide and regional service* to advise on data privacy and cybersecurity-related laws.”

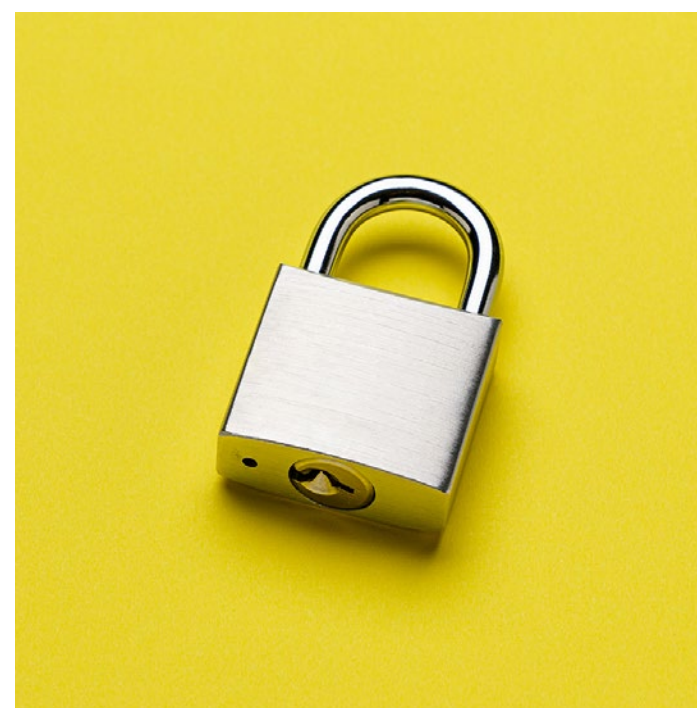
Legal 500, 2024



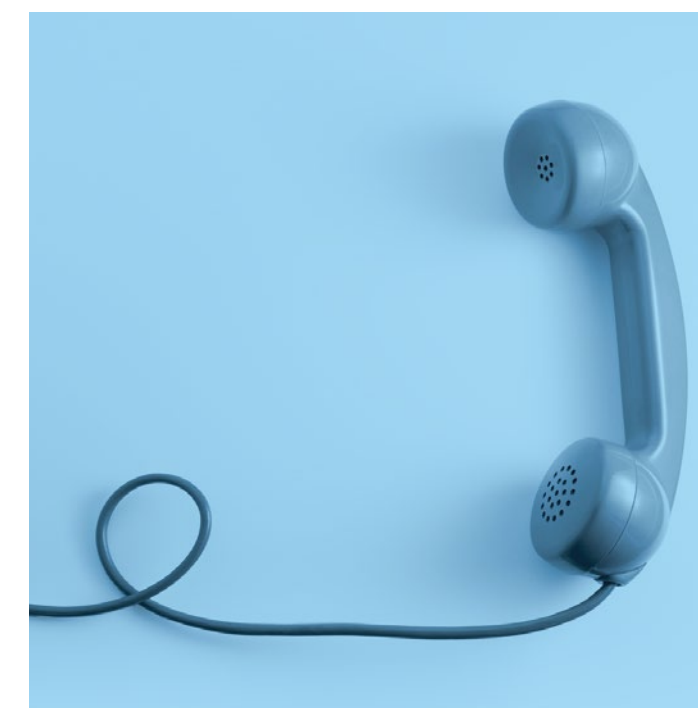
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Market-leading incident response to support you

Bird & Bird has a market-leading data protection and cybersecurity practice. With lawyers in 32 international offices across 22 countries – we are leading the way on issues relating to data & cybersecurity. We strongly believe that a multidisciplinary legal approach is best.

Our teams are formed with a blend of expert commercial, technology, data protection, dispute resolution, intellectual property, employment and brand reputation lawyers. We are top ranked in legal directories and are appreciated for our commercial approach and efficient, streamlined service.

Our group can assist on all aspects of data and cybersecurity including:

- Incident response planning, helping clients understand their cyber and data breach risks and building their resilience;
- Developing the policies, plans and procedures to lay the foundations for a better security posture and ability to respond to incidents;
- Advising on regulatory compliance requirements;
- Supporting in the management of a cyber incident or data breach;
- Adopting and testing data breach policies;
- Advising on cyber insurance including coverage and policy wording; and
- Supporting the corporate side of the cybersecurity industry in funding, buying, selling and floating cybersecurity businesses.

Global Leader in Data Privacy
Who's Who Legal 2024

Band 1: Data Protection
Chambers Europe 2024

**Tier 1: Data Protection,
Privacy and Cybersecurity**
Legal 500 UK 2024

**Tier 1: Data Protection
and Cybersecurity**
Legal 500 Singapore 2024

**Band 1: Data Protection
and Information Law**
Chambers UK 2024



Breach Counsel Service

Our Breach Counsel Service covers everything you need to manage your legal response in the event of a data breach. We're on hand to assist you anytime and anywhere.

From planning and incident management through to remediation support, we tailor our market-leading expertise to whatever your situation requires.

With an end-to-end service encompassing a project management platform, we're with you at every step of the journey to get you back on track.

The Bird & Bird Breach Counsel Service is made up of three key components:



Data breach readiness



Data breach response



Ongoing support and mitigation





Component 1: Data breach readiness

Having a proper breach response plan is a legal requirement in many countries; it is also your advance management plan for a crisis that has not yet happened. We will support you in creating your incident response plan and work with you to assess the risks and your preparedness, providing “quick wins” to help you achieve improved protection.

We also help you to develop a comprehensive data breach approach and communications plan to ensure you are well placed ahead of time to respond quickly and effectively if an incident occurs, and to minimise time spent in a crisis situation. This guarantees you will be in the best shape possible to respond to and mitigate the effects of a major data breach.

Part of your data breach preparedness can also include our expert team keeping you informed about emerging threats, changing regulations and requirements, and regularly reviewing your plans to ensure they address the changing legal landscape, allowing you to have complete peace of mind.

Our data breach readiness approach can be combined with the firm’s CyberBox offering which is a multidisciplinary task force that provides support on the development of cyber resilience programmes to support your regulatory compliance requirements. Our team is happy to talk to you about how CyberBox can help to provide you with seamless protection.

Table-top training exercises – stress-test your policies through our data breach simulations.

As part of our data breach preparedness, we also offer table-top training simulation exercises – These exercises identify any gaps in your preparations so that you can resolve them before an incident occurs. We then help you implement proportionate security enhancements, plans and training so you are always fully prepared for any future incidents.

Get in touch with our team to find out more.

Component 2: Data breach response

Experienced incident management can mitigate the consequences of a data incident. Our processes leverage team know-how, industry best practice and regulatory guidelines. Our core services include:

- Drafting and submitting filings to authorities and managing necessary responses to further questions;
- Information gathering and advice on communication strategies and legal privilege;
- Managing interactions with insurers;
- Liaising with law enforcement and cybersecurity agencies;
- Providing practical advice to anticipate and reduce risk;
- Assessing breach notification obligations under personal data and cyber security laws;
- Drafting communications to impacted parties; and
- FAQs and call-centre scripts for notifications to customers.

Component 3: Ongoing support and mitigation

Contract management

A data incident can trigger contractual obligations to your business partners or employees. We can evaluate your obligations, including time-sensitive breach reporting duties. Our international capacity allows a timely review of large numbers of agreements in many languages.

Remediation assistance

Remediation support includes possible litigation or conflict settlement and subsequent communication with authorities including in relation to potential fines and measures to protect your company against recurrence. We will also help you to learn from the incident, as often it will prompt a review of policies, the use of new technologies and security measures to protect the company and adjustment of contracts or risk management strategies.

Additional services

We tailor our incident response services to your needs. If needed, we can offer:

- **24/7 emergency assistance** – our one-stop support can be available wherever the incident occurs or whatever regions might be affected.
- **Procuring forensic support or implementing 3-way forensic services agreements** if preferred to facilitate privilege.
- **Procuring credit monitoring services**, post-out and email sending and call centre services; and
- **Comprehensive cyber insurance policy reviews** and expert guidance in managing ransomware incidents;
- **Employment specialists** to assist on employee investigations;
- **Trade secrets specialists**, and teams who enforce intellectual property rights in multiple jurisdictions to prevent use of trade secrets taken during a cyber-attack;
- **Dispute resolution specialists**; and
- **Brand reputation specialists** to support with PR aspects.










Breach Counsel Platform

A central project management tool at your fingertips. Bird & Bird's Breach Counsel Platform is an efficient, highly intuitive project management tool that helps you easily navigate data breach responses effectively.

Key benefits:

-  **Proven platform:** clients who experience data breaches have been using our platform – it is tried, tested, and continuously being improved.
-  **Central location to store documentation:** provides structure and organisation via a shared platform in storing documents and other communications.
-  **Document collaboration:** work on documents together in real time so that you can bring the right people together in providing information quickly and accurately.
-  **Transparent project management with a set template:** we give you visibility on the progress of each phase and task in managing a data breach. While we appreciate every organisation is different, we implement a structure provided by Bird & Bird Data Protection experts that is proven to be helpful in managing data breaches.
-  **Timeline view:** we give you a timeline view so you know the upcoming deadlines we are working to.



Overview of your Breach Counsel Platform

twoBirds ACCESS

Breach Counsel Clientsite template > Overview Documents Response Plan Admin

Welcome to your Breach Counsel Platform

Key contacts

Simon Assion
Partner
Email
+4969742226236

Deirdre Kilroy
Partner
Email
+35315749851

Tasks for your team

No due date
Assign project leader **Complete**
Assigned to Client (View and Upload and Delete) ▾
in Project Start List

All tasks

Overdue
Invite client team to breach management website **Not started**
Due on 09 Jul 2024
in Project Start List

Today
Align on dates for weekly meetings **Not started**
Due on 10 Jul 2024
in Project Start List

No due date
PoA forms **Not started**
in Project Start List

Analysis of the breach **In progress**
in Initial Assessment List

Initial Data Breach Assessment **Not started**
in Initial Assessment List

Tasks due today

Today
Align on dates for weekly meetings **Not started**
Due on 10 Jul 2024
in Project Start List

Add notification obligations to project plan **Not started**
Due on 10 Jul 2024
in Mitigation and Containment List

Overdue tasks

Overdue
Invite client team to breach management website
Due on 09 Jul 2024
in Project Start List

A case study

What was the issue?

A US-based online digital services client used the platform during a live multi-jurisdictional incident where they were dealing with a data breach involving several million individuals.

How did we help?

The breach required us to advise on and file data breach notifications in over 30 jurisdictions across the world and manage the specific requirements of each regulatory regime.

The platform allowed us to create and maintain a 'single version of the truth' to ensure efficiency and consistency globally. It minimised the amount of work required of the client to provide information and answer questions. The ability to create, allocate and track actions meant that our global team could work consistently across time zones to meet tight deadlines wherever and whenever they fell.

Working with this client also provided valuable insight in continuing to refine and improve the platform.



Get in touch

Our Privacy & Data Protection team are on hand to provide you with further information in relation to our Breach Counsel Service and Platform. If you would like a free demo of our Breach Counsel Platform, or have any questions, get in touch with your usual Bird & Bird contact or one of our team [here](#).

Band 1 for Europe-wide
Information Technology and
Data Protection
Chambers Europe 2024

#1 Global Firm for Data
Who's Who Legal 2024

Tier 1 for TMT in
12 Jurisdictions
Legal 500 2024

Band 1 for Global Multi-
jurisdictional TMT & IP
Chambers Global 2024



Bird & Bird

One firm. Your firm.

Our sectors

Automotive

Aviation & Aerospace

Defence & Security

Energy & Utilities

Financial Services

Life Sciences & Healthcare

Media, Entertainment & Sport

Retail & Consumer

Technology & Communications

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