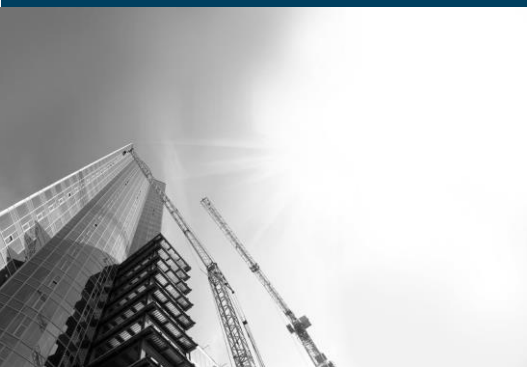


# Tech and Cyber Claims Services



Insurance



Beale & Company

London | Bristol | Dublin | Dubai

## Tech, Cyber Claims and our Breach Response Service

The technology industry is a significant area of expertise for the Firm where we advise on contentious and non-contentious matters. This experience and our understanding of our clients' needs enable us to deliver when it matters most.

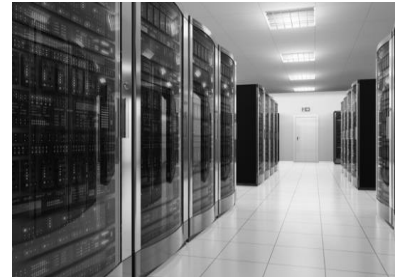
Cyber security issues are now at the top of Board and audit committee agendas. The cyber insurance market has seen rapid growth in the last five years to match this increased demand. The introduction of the General Data Protection Regulation (GDPR) from 25 May 2018, with the potential for fines of up to 4% of annual worldwide turnover or €20m (whichever is the greater), will only fuel this trend.

We are involved in key industry/Government bodies such as the Cyber-Security Information Sharing Partnership, a body which facilitates the exchange of cyber threat and vulnerability information in order to increase overall situational awareness of the cyber threat and therefore reduce the impact on UK business enabling us to share our know-how across the market and to our clients.

### Non-contentious

We have a wide experience of advising all types of clients – from UK start-ups to established, multinational companies – on all types of IT projects and contracts, including digital and electronic communications, software and media. We provide IT advice to organisations to support them in running their business.

Our services include: Advising on and drafting all forms of IT agreements (including outsourcing, website development, software development, SaaS, system integration and SLAs); Advising on data protection compliance and





introduction of the GDPR; Advising on Freedom of Information Act requests, including limiting the scope of information disclosed; Advising on the retention of personal data and relevant policies and procedures; Drafting data protection policies; Confidentiality and non-disclosure; Copyright and moral rights; Registered and unregistered trademarks; Defamation/malicious falsehood; Digital rights e.g. domain names (UK and overseas); Licensing of IP rights; and Registered and unregistered design rights.

We are able to advise on both first and third party risks exposure, including:

**First party risk exposure:**

- + Loss or damage to digital assets/data
- + Business interruption
- + Cyber extortion and crime
- + Reputational damage
- + Regulatory matters

**Third party risk exposure:**

- + Security and privacy breaches
- + Customer notification expenses
- + Multi-media liability
- + Loss of third party data

**Contentious**

We provide advisory and claims services to insurers and their insureds following all types of cyber events including Distributed Denial of Service (DDOS), Malware, Ransomware and Phishing attacks.

We advise on both first and third party claims, including loss or damage to digital assets, business interruption, cyber extortion and crime, reputational damage, theft of money or digital assets, security and privacy breaches, customer notification obligations and related administration and loss of third party data. We also advise on recovery and tracing actions where monies are stolen including injunctive action for speedy identification and freezing of relevant assets.

We manage regulatory notification and related investigations.



We provide advisory services to insurers on the development of policy wordings, new products and extensions to existing policies. We can assist with the drafting and interpretation of policy wordings and coverage issues.

## Cyber Breach Response Service

An effective response to a cyber incident requires a coordinated and multidisciplinary approach. Our response team are available 24 hours a day and ready to respond immediately in the event of a data breach or Cyber-attack.

Our response team includes our third party Partners providing external technical/IT expertise, PR advice and credit monitoring.

From the moment an emergency call is made, we will co-ordinate the necessary response in conjunction with our third party experts in order to rapidly:

- + **Assess** and contain the threat
- + **Advise** on the legal implications of the data breach, third party liability etc.
- + **Mitigate** reputational damage
- + **Advise** on any statutory or contractual notification obligations of the breach to the authorities and clients/customers
- + **Resolve** liability claims and potential future risks

Some of our cyber/data protection experience includes:

- + Advising an international engineering body on potential liability issues arising from their members' use of unmanned aircraft systems (drones).
- + Advising a listed company on the loss of an unencrypted memory stick containing personal data and their obligations under the Data Protection Act 1998.
- + Advising an insurer on coverage following an IT consultant infringing a third party's intellectual property.



- + Advising an international service provider on cross-border transfers of personal data to ensure compliance with the Data Protection Act 1998 and the EU-U.S. Privacy Shield Framework.
- + Advising a cloud software supplier including on the recovery of social media accounts (Facebook, Twitter and LinkedIn) after they were hacked by a former employee.
- + Advising a listed professional services company on a multi-million pound claim against a supplier of enterprise resource planning software.
- + Advising on Norwich Pharmacal orders to obtain the identity of an individual posting defamatory comments about the company on a blog and also to trace stolen monies from cyber fraud.
- + Partner, Stephen Reilly, has in house experience of overseeing cyber claims while working for insurers including the management of data breach response services with other law firms.

## Traditional Tech IT claims

We also act for Insurers and their IT Insureds on traditional Tech PI policies and related claims for IT and software providers often in relation to key IT project implementation that has failed or become the subject of contractual dispute. Such cases bring with them potentially serious reputational and business risk, wasted costs and material loss of anticipated savings/profit claims.

The handling of these claims can require careful and expert review of the history of these projects, the specific contractual requirements in place, required project milestones and measurement of the adequacy of the product delivered by the IT supplier throughout the life of the project as well as the contractual notices served by the parties along the way.

We can also provide early proactive advice to IT Insureds who anticipate project problems to best navigate difficult issues and (hopefully) to avoid costly and often binary litigation.





## Key contacts



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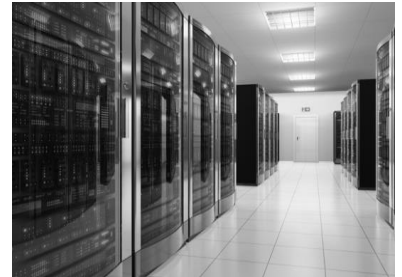
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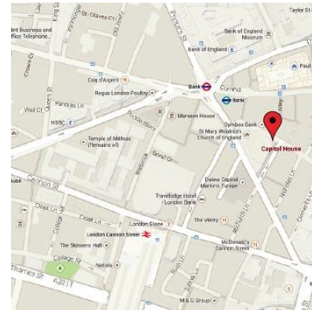




## London

### Beale & Company Solicitors LLP

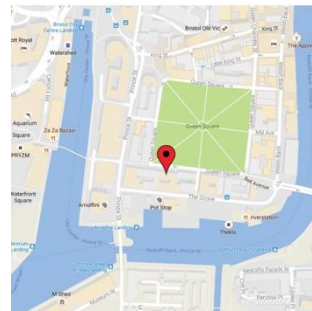
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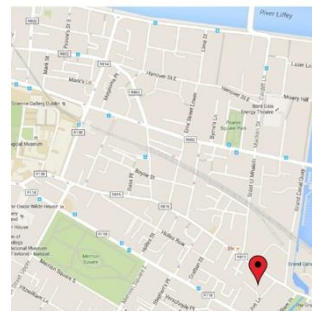
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