

Ten Tips for Data Breach Prevention and Response

Below are ten tips that businesses of all sizes should consider in protecting the security and privacy of the data in their possession:

- 1 Identify the protected information you are holding:** Identify the protected information in your possession (PII, PHI) and the law applicable to retaining it.
- 2 Prepare Incident Response Plan:** Prepare (and learn) your incident response plan.
- 3 Conduct Table Top Exercises:** Practice your responses to different threats, so your organization knows the process.
- 4 Retain Investigator:** Retain a forensic investigator before an incident occurs.
- 5 Retain protected information no longer than necessary:** Keep protected information only as long as necessary for your business purposes.
- 6 Involve counsel early:** Involve counsel in the investigation from the beginning of an investigation, in order to assert work product and attorney-client privilege.
- 7 Report to authorities:** Know when you have to report a breach to regulators and law enforcement.
- 8 Notify third parties:** Know whom you need to contact if there is a breach (customers, vendors) and when you need to do so (statutory / contractual).
- 9 Avoid early conclusions:** They may be inaccurate, and will be used against you.
- 10 Keep public announcements factual:** Never say more than what you know to be true.



Eric W. Richardson
 Mobile: 859.750.4069
 Office: 513.723.4019
 ewrichardson@vorys.com

Eric Richardson is a partner in the Vorys Cincinnati office and a member of the litigation group since 1997. His practice is focused on civil litigation and encompasses data breach and complex commercial and intellectual property litigation. Mr. Richardson has represented clients in a variety of significant data breach cases involving national merchants. As part of that data breach litigation, Vorys defended its clients on claims by consumers and by issuing banks, including in class-action litigation and in individual cases pending in various jurisdictions throughout the United States. Mr. Richardson teaches information privacy and data protection law, and intellectual property law, as an adjunct professor at the Northern Kentucky University – Salmon P. Chase College of Law.



Jacob D. Mahle
 Office: 513.723.8589
 jdmahle@vorys.com

Jacob Mahle is a partner in the Vorys Cincinnati office. His practice is focused on government and regulatory investigations, defending False Claims Act matters involving CMS and the Department of Defense, representing retailers and financial institutions in data breach litigation, and counseling clients regarding privacy, data compliance issues, and incident response planning. Mr. Mahle teaches Information privacy law, and intellectual property law, as an adjunct professor at the Northern Kentucky University – Salmon P. Chase College of Law. He received his J.D. *summa cum laude* from the University of Cincinnati College of Law, where he was a member of the Order of the Coif, and his B.A. *summa cum laude* from Xavier University.



J.B. Lind
 Office: 513.842.8119
 jblind@vorys.com

J.B. is a partner in the Vorys Cincinnati office and a member of the litigation group. Recognized for his work in complex commercial litigation matters, J.B. has particular experience with information privacy/data breach litigation, business litigation involving closely held or limited liability corporations, probate/estate litigation and intellectual property litigation. These specific focus areas led to J.B. being named an adjunct professor at the Northern Kentucky University – Salmon P. Chase College of Law teaching in the areas of information privacy and intellectual property. J.B. also handles cases in insurance and product liability/toxic tort litigation.



Brent D. Craft
 Mobile: 606.922.3217
 Office: 513.723.4072
 bdcraft@vorys.com

Brent Craft is an attorney in the Vorys Cincinnati office and a member of the litigation group. His practice is focused on complex commercial litigation, *qui tam* and federal False Claims Act cases, government procurement, intellectual property law, and internal investigations. Brent also counsels clients on cybersecurity and data breach issues, including statutory notification requirements, regulatory compliance, and breach preparation and response. Brent received his J.D. *magna cum laude* from the University of Kentucky College of Law, where he was a member of the Order of the Coif and the *Kentucky Law Journal*. He received his B.A. from Transylvania University.