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BACCF 2025 Cyber Awareness – Securing our World: Practical Steps to Enhance Digital Safety

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Key Takeaways

- ✓ **Know what to do on Day One.** Establish communications protocols, data preservation rules, and a plan for assembling an Incident Response Team. Plan for out-of-band communication channels.
- ✓ **Know how to engage third-party vendors under legal privilege.** Build relationships now. Establish MSAs and SOWs. Understand your cyber coverage. Know how you will make clear that an investigation is proceeding under privilege.
- ✓ **Agree on and document key decisions, roles, and responsibilities.** Know who decides what and whether that will vary by incident type. Identify who will do what in response to an incident, including assessing whether you will need outside help.
- ✓ **Understand your data and your legal and contractual obligations.** Rapid notification may need to occur. Understand when that is triggered, how you would assess risks, and how you would effectuate notice.

Key Takeaways (continued)

- ✓ **Investigations take time.** Stick to the facts, don't speculate. Train on smart communications in advance of an incident. Have standby statements ready to go.
- ✓ **Plan for a defensible response.** Who is performing the investigation matters. Do they have the right skill set and are they best positioned to conduct the investigation?
- ✓ **Understand key security controls.** There are certain common controls (*i.e.*, encryption, immutable backups, EDR) that consistently mitigate the impact of an incident and position an organization to be more resilient and to respond.

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Education

- Barnard College of Columbia University (B.A.)
- University of Michigan Law School (J.D.)

Linda Clark is a partner in Morrison Foerster's Privacy + Data Security Group. Prior to joining the firm, Linda served as the Chief Data Security Counsel for RELX, where she led the data security legal compliance efforts in over 40 countries and across their operations in four different market segments worldwide. Prior to that, Linda was a litigator at a large New York law firm. She has over 20 years' experience advising clients in various areas, including data security best practices and obligations, designing and implementing frameworks for compliance across large multinational organizations, and complex litigation and regulatory matters.

Linda's practice centers on crafting strategic and comprehensive data security risk management programs, providing business-focused and practical advice, and leveraging her knowledge and deep experience to help organizations and their stakeholders, at all levels, prepare for and respond to incidents on a global and operationally feasible basis. This includes working with clients to proactively prepare for cyber incidents, including by developing incident response programs and risk assessment

methodologies and conducting tabletop exercises for global audiences of varying seniority and responsibility. This comprehensive approach to incident readiness helps organizations hone the skills they will need to support critical decision making in high-stakes situations, allowing organizations to implement and leverage an incident response framework that goes beyond legal compliance and supports ethical decision-making.

A defining aspect of Linda's counsel is her ability to translate complex legal issues into actionable advice while accounting for the myriad and diverse concerns of stakeholders at all levels of an organization. She combines an in-depth understanding of technology and cybersecurity with knowledge of the challenges and opportunities clients face when addressing real-world issues. She has a broad command of global privacy and data security laws, having worked on matters in the United Kingdom, the United States, France, Japan, the Netherlands, South Africa, Australia, China, Austria, Brazil, the Philippines, and Germany. She frequently engages with regulators and law

enforcement, enabling her to understand and navigate regulatory reviews, third-party audits, and investigations on behalf of her clients around the globe.

Linda graduated cum laude from Barnard College, Columbia University, and is a graduate of the University of Michigan Law School. While at Barnard, Linda was a Research Assistant for the Human Learning and Memory lab and also focused her studies on human and primate cognition. She is also a Certified Information Privacy Professional (CIPP/US) and a Steering Committee Member, New York City Bar's Cyrus R. Vance Center for International Justice, Miami Chapter of "Women in the Profession." She previously served on the Steering Committee for the Cybersecurity Leaders' Roundtable as well as the Executive Committee of the Leukemia and Lymphoma Society.

