

Small Business, Big Threat

Security Breach Recap – The Do's & Don'ts

Do –

- ✓ Have a written breach response plan ready
- ✓ Test your plan before a breach happens
- ✓ Identify a breach response team and make sure people know what role they will play when a breach happens
- ✓ Have a communications plan regarding the breach
- ✓ Know what regulations, statutes and contracts cover your post-breach obligations
- ✓ When a breach happens, pull out the stops to prevent further exposure of data
- ✓ Find out what happened as soon as possible and preserve the evidence
- ✓ Contact your insurance carrier and seek legal advice regarding whether the breach triggers notifications requirements and whether those notification requirements apply to your company
- ✓ Involve technology and legal experts as needed
- ✓ Have draft model notices ready to be customized depending on the facts
- ✓ Contact law enforcement, credit reporting agencies, and keep regulators informed where required by law and where appropriate

Don't –

- × Delay in providing notices when legal counsel determines they are required or advisable – the time deadlines are strict
- × Communicate with the public about the breach until you know the fundamental facts
- × Ignore your important business customers and partners – keep them informed
- × Necessarily accede to every demand from a business customer and partner – weigh demands carefully in light of your total response plan
- × Skimp in providing help to consumers – their goodwill could forestall legal difficulties
- × Forget to update your post-breach response plan regularly