

## 2nd Annual NetDiligence® Cyber Risk & Privacy Liability Forum

June 9-10, 2011 | The Union League, 140 South Broad Street, Philadelphia

### CONFERENCE CHAIRS:

**Oliver Brew, Senior Vice President of Technology-Media and Telecoms Underwriting, Hiscox USA, New York**  
**Meredith Schnur, Wells Fargo Insurance Services USA, Inc., New York**  
**Toby Merrill, Vice President, ACE Professional Risk, Philadelphia**  
**Richard Bortnick, Esq., Cozen O'Connor, West Conshohocken, PA**

Thursday, June 9, 2011		3:40	Afternoon Break
<b>8:15</b>	<b>Continental Breakfast and Morning Registration</b>	<b>4:00</b>	<b>Social Media Maze: Liability in Behavioral Advertising and Social Media Sites</b> <ul style="list-style-type: none"> <li>• Digital marketing and privacy</li> <li>• Behavioral R&amp;D - internet tracking and tracing</li> <li>• Social media in the workplace</li> <li>• Risky Business – FTC agenda and IP infringement issues</li> <li>• Best practices in social media policies, contracts &amp; insurance</li> </ul> <b>Toby Merrill, Vice President, ACE Professional Risk (Moderator)</b> <b>Lincoln Bandlow, Esq., Lathrop &amp; Gage LLP</b> <b>Jennifer G. Smith, Esq., CIPP, Vice President &amp; Senior Client Advisor, Lockton Companies, LLC</b> <b>Robert Wice, Underwriter, Specialty Lines/Technology, Media and Business Services, Beazley Group</b>
<b>9:00</b>	<b>Welcome &amp; Introductory Remarks</b>	<b>5:00</b>	<b>Adjourn &amp; Cocktail Reception</b>
<b>9:15</b>	<b>State of the Cyber Nation Address</b> <ul style="list-style-type: none"> <li>• Notable recent cases and their impact on this budding litigation area</li> <li>• Current theories of liability and claims alleged</li> <li>• How to present damages in this era?</li> <li>• Considerations to minimize the chance of litigation after a breach and settlement opportunities</li> <li>• More sophisticated defenses</li> <li>• Identity Theft Restoration Act-suing hackers?</li> </ul> How federal courts may change the game <b>Meredith Schnur, Wells Fargo Insurance Services USA, Inc.(Moderator)</b> <b>Jamie Sheller, Esq., Sheller P.C.</b> <b>John Mullen, Sr., Esq., Nelson Levine de Luca &amp; Horst, LLC</b> <b>Richard Bortnick, Esq., Cozen O'Connor</b>	<b>Friday, June 10, 2011</b>	
<b>10:00</b>	<b>Risk Managers Session</b> <ul style="list-style-type: none"> <li>• Is privacy liability coverage important?                -Class action liability                -Business partner requirements                -Good corporate governance</li> <li>• Risk control vs. insurance</li> <li>• Budgetary considerations &amp; convincing your CEO</li> </ul> <b>Oliver Brew, Senior Vice President of Technology-Media and Telecoms Underwriting, Hiscox USA (Moderator)</b> <b>Renee Yozzi, Risk Manager, Horizon Blue Cross Blue Shield of New Jersey</b> <b>Lee Garvin, Director Risk Management, JetBlue Airways</b>	<b>8:30</b>	<b>Continental Breakfast</b>
<b>11:00</b>	<b>Morning Break</b>	<b>9:15</b>	<b>Claims, Claims, Claims: A Privacy Breach Dissected</b> The following discussion guides the audience through breach, response, cost assessment & claims values, litigation results, etc....from claim to coverage. <ul style="list-style-type: none"> <li>• Number of claims submitted, industries most impacted, and claim values</li> <li>• What claims are being paid by insurance companies-at what pace and at what rate?</li> </ul> <b>Robert Parisi, Jr., Esq., Marsh FINRPO US</b> <b>Liz Kim, Head of Claims, Technology Media &amp; Telecoms Division, Hiscox USA</b> <b>Mark Greisiger, President, NetDiligence®</b> <b>Beth Diamond, Claims Focus Group Leader, Technology, Media &amp; Business Services Specialty Lines, Beazley Group</b>
<b>11:15</b>	<b>Regulatory Session-State and Federal Laws</b> <ul style="list-style-type: none"> <li>• HHS scrutiny, HIPAA, HITECH-Enforcement</li> <li>• State and federal breach notification laws                -Aggressive AG enforcement                -Overview of legal requirements</li> <li>• Compliance tools</li> <li>• State data security laws requiring security measures to be taken to protect sensitive information in states like Massachusetts and Nevada</li> <li>• PCI -New industry standards and their impact</li> </ul> <b>Kurtis Suhs, Vice President / Technology E&amp;O &amp; Privacy National Practice Leader, Ironshore (Moderator)</b> <b>Jon Neiditz, Esq., Nelson Mullins Riley &amp; Scarborough LLP</b> <b>Kristen Mathews, Esq., Proskauer Rose LLP</b> <b>Lisa Sotto, Esq., Hunton &amp; Williams LLP</b>	<b>10:15</b>	<b>Cyber Risk Coverage: What Kind of Coverage Are People Getting</b> <ul style="list-style-type: none"> <li>• The kinds of coverage companies are buying</li> <li>• Identifying and understanding pitfalls in coverage</li> <li>• How coverage has changed</li> <li>• First party solutions available</li> </ul> <b>Paul Miskovich, AXIS PRO</b> <b>Mark Camillo, Vice President, Professional Liability, Chartis Insurance</b> <b>Lyndsey Bauer, Senior Vice President &amp; Broker, Paragon International Insurance Brokers Ltd.</b> <b>Lori Bailey, Senior Vice President, Zurich North America</b> <b>Peter Foster, Senior Vice President - National Resource: Privacy/Network Security/E&amp;O, Willis North America</b>
<b>12:15</b>	<b>Luncheon &amp; Keynote Address</b> <b>Jeffrey L. Seglin, Nationally Syndicated Columnist of The Right Thing and Author of The Right Thing: Conscience, Profit and Personal Responsibility in Today's Business</b>	<b>11:00</b>	<b>Morning Break</b>
<b>Attendees to select attending Track 1 or Track 2, running concurrently from 1:30 to 3:40. Track sessions are detailed on the following page. Please select the track you'd like to attend on the registration form.</b>		<b>11:15</b>	<b>“Damages” and Other Litigation Issues after A Data Breach Event</b> <ul style="list-style-type: none"> <li>• Overview of decisions on standing &amp; class certification without proof of identity theft, cyber-fraud, or damages</li> <li>• Satisfying standing, Article III and motion to dismiss standards when it comes to damage allegations</li> <li>• What if the putative class (member) alleges only emotional distress or fear of identity theft?</li> <li>• International perspectives on what alleged damages or events trigger foreign notice obligations</li> </ul> <b>Nick Economidis, Specialty Lines, Beazley Group (Moderator)</b> <b>Theodore Kobus, III, Esq., Marshall, Dennehey, Warner, Coleman &amp; Goggin</b> <b>Hon. David Strawbridge, United States Magistrate Judge, United States District Court for the Eastern District of Pennsylvania</b> <b>Mark Schreiber, Esq., Edwards Angell Palmer &amp; Dodge LLP</b>
		<b>12:15</b>	<b>Adjourn</b>

# Thursday Afternoon Tracks I and II

## Track I

- 1:30 Ethics in Resolving Cross-Border Privacy Issues**
- Privilege issues with cross border technology providers
  - How do you protect client privilege when using international cloud computing and other network support providers
- Thomas Jones, Esq.**, Cozen O'Connor  
**Alan Brill, CISSP, CFE, CIPP**, Senior Managing Director, Secure Information Services, Kroll Ontrack  
**Adam Cohen**, Senior Managing Director-Technology, FTI Consulting
- 2:30 Session Change**
- 2:40 GL vs. Network Security**
- GL underwriter panel topic, GL vs. AIP claims
  - Other's insurance & concurrent insurance
  - Forgotten insurance agreement-when does adv. injury under a GL stop and where does injury begin under media policy
  - Coverage and how the policies respond
- Thomas Srail**, Senior Vice President- Willis Executive Risks, Willis North America (Moderator)  
**Shannon Giese**, Financial Services Group – Professional Risk Solutions, A Division of Aon Risk Services Northeast, Inc.  
**Scott Godes, Esq.**, Dickstein Shapiro LLP  
**Richard Reed**, Vice President & Worldwide Commercial Errors and Omissions Product Manager, Chubb Specialty Insurance, Warren, NJ
- 3:40 Afternoon Break**

## Track II

- 1:30 Data Breach Preparedness and Plan Execution**
- Carrying out an annual privacy risk assessment
  - Addressing top tier risks
  - Developing a comprehensive incident response plan
  - Carrying out risk and forensic analyses of an incident
  - Tailoring response offering to needs of affected population and risk exposure of incident
  - Controlling costs in incident notification and remediation
  - New remedies for data breach in first party context
- Mary Guzman, ARM**, McGriff, Seibels, & Williams (Moderator)  
**Jeremy Henley**, Executive Sales Manager, ID Experts  
**Vinny Sakore, CIPP/IT**, Vice President, Business Development Immersion, Ltd.  
**Alex Ricardo, CIPP**, Zone Leader - Data Breach Services, Kroll Fraud Solutions, New York  
**Adam Sills**, Vice President, E&O, Allied World Assurance Company
- 2:30 Session Change**
- 2:40 Solving Special Computer Security Issues**
- Summary of a forensic survey
  - "Rogue" employees and network administrators- practical and legal issues
  - Portable device concerns and impact on liability
  - SQL injection attack
  - Vendors-choosing the right ones and what your client needs in its indemnity agreements of its service level agreements
  - Targeted malware attacks, potential liabilities and systematic risks
  - Lessons learned from Wikileaks, other cases, and denial of service/DOS
  - Cloud computing & increased outsourcing
    - Compliance obligations and liabilities that exist when using a service provider
    - Vetting providers
    - Contract terms that insureds need to have
    - Coverage issues when a provider is breached
- Dave Molitano**, One Beacon Insurance Group (Moderator)  
**Branden Williams, CISSP, CISM**, Director of Security Consulting, The Security Division of EMC  
**Dave Navetta, Esq., CIPP, Information Law Group**  
**Christopher Novak**, Managing Principal, Verizon Business - Investigative Response  
**Ronald Raether, Jr., Esq., CIPP**, Faruki Ireland & Cox P.L.L.
- 3:40 Afternoon Break**

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