

# RSA®Conference2015

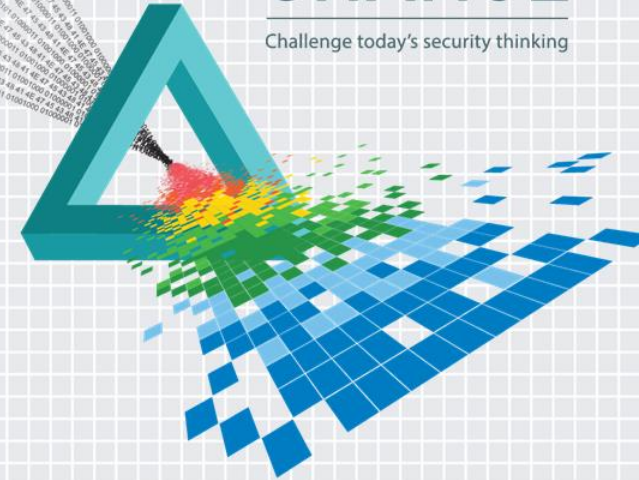
San Francisco | April 20-24 | Moscone Center

## CHANGE

Challenge today's security thinking

SESSION ID: LAW-R02

# Big Tech's Burden to Develop Predictive Indicators to Combat Cyber Attacks



**William S. Rogers, Jr., Esq. Moderator**

Partner, Prince Lobel Tye, LLP, Boston, MA;

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Twitter: @princelobel

PRINCE LOBEL

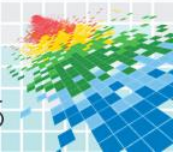
Duane Morris® Verrill Dana LLP  
Attorneys at Law

#RSAC

# Who are the Speakers?

- ◆ Panelist: Jon Stanley, Esq., CEO, Law Office of Jon Stanley, Cape Elizabeth, ME.
- ◆ Panelist: Mark Silvestri, Vice President, CNA Financial Corp., Boston, MA.
- ◆ Panelist: Joseph M. Burton, Esq., Partner, Duane Morris, LLP, San Francisco, CA.
- ◆ Panelist: Rita Heimes, Esq., Counsel, Verrill Dana, LLP, Portland, ME.

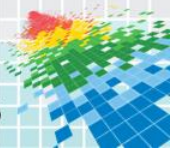
▶ PRINCE LOBEL





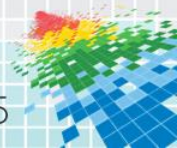
# Why A Change In Approach Is Required and What it Means For Information Security

- ◆ Today's defense is "rear view" driving
- ◆ Shift from retrospective barrier-based posture to predictive avoidance - based posture
- ◆ Multi-channel intelligence
- ◆ Rights to access data enabled by commerce or law
- ◆ Unintended consequences



# Let's Assume: Congress Has Taken Action!

- ◆ Senator Burr has proposed the Cyber Information Sharing Act of 2015 (“CISA”)
- ◆ CISA is a bill to improve Cybersecurity in the United States through enhanced sharing of information about cyber threats and for other related purposes
- ◆ Is Big Tech positioned to address the problem?





# Cybersecurity Information Sharing Act of 2015

- ◆ CISA is overbroad.
- ◆ CISA allows for Countermeasures.
- ◆ CISA has an interesting clause on securing content...

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. BURG introduced the following bill, which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

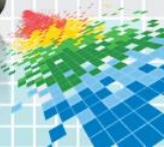
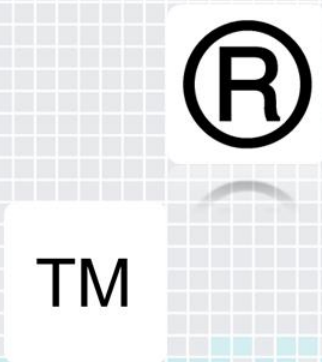
1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*  
3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**  
4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Cybersecurity Information Sharing Act of 2015”.  
6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title, table of contents.  
Sec. 2. Definitions.  
Sec. 3. Sharing of information by the Federal Government.  
Sec. 4. Authorizations for preventing, detecting, analyzing, and mitigating cybersecurity threats.



# How Might Commercial Considerations Drive Behavioral Change?

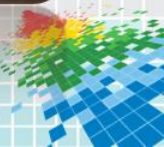
- ◆ Commercial Considerations favoring behavioral change
- ◆ Commercial Considerations opposing behavioral change





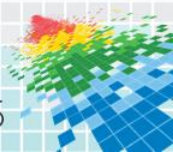
# Legal Implications of New Policy

- ◆ Governmental Regulation and Enforcement
- ◆ Liability Exposure (Criminal and Civil)
- ◆ Contractual Enforcement



# Ethical Implications of New Policy

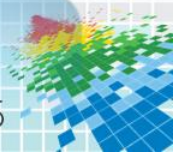
- ◆ Privacy (legal and ethical implications)
- ◆ Accuracy, Bias and Accountability of Collected and Reported Information
- ◆ Verification that Process Serves its Intended Purposes





# Technical and Feasibility Issues of New Policy

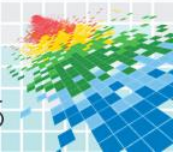
- ◆ Enabling Technology
- ◆ Internal vs. External Oversight
- ◆ Performance Implications
- ◆ Technical Performance Issues



# Summary of Program



VS





# Thoughts on Future Application of Themes



# Thank you.

## ◆ ASK THE PANEL: ANY QUESTIONS?

- ◆ Jon Stanley: [mjstanl@maine.rr.com](mailto:mjstanl@maine.rr.com)
- ◆ Mark Silvestri: [mark.silvestri@cna.com](mailto:mark.silvestri@cna.com)
- ◆ Joe Burton: [jmburton@duanemorris.com](mailto:jmburton@duanemorris.com)
- ◆ Rita Heimes: [rheimes@verrilldana.com](mailto:rheimes@verrilldana.com)
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