## Global Data Privacy and Security Team

Bryan Cave's Global Data Privacy and Security Team has responded to hundreds of data security breaches and routinely helps clients, before a breach happens, analyze and improve upon their ability to respond to a breach if (or when) one occurs.

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## BRYAN CAVE

# Incident Response Plans: At A Glance

The best way to handle any emergency is to be prepared. When it comes to data breaches incident response plans are the first step organizations take to prepare. Furthermore, many organizations are required to maintain one. For example, any company that accepts payment cards is most likely contractually required to adopt an incident response plan.

A good incident response plan does not attempt to predict every type of breach that may occur. Rather the fundamental component of an incident response plan is that it establishes the framework for who within an organization is responsible for investigating a security incident, what resources that person has at their disposal (inside and outside of the organization), and when a situation should be elevated to others within the organization. They can also provide a reference guide for the type of actions common to most security investigations.

This brief guide is intended to help you start thinking about your incident response plan, or to review a plan that already exists.

The amount one Number of Number of study suggests companies with a companies that are companies that plan that have no not sure if their plan have no incident is effective. response plan. plan lowers the cost of a data breach.1 22% 50%

### What are organization's top concerns when it comes to incident response plans?

The plan has little relationship to how the organization actually handles issues

The plan has never been tested

The plan does not cover all of the issues that arise from a data breach

### Checklist for drafting an effective incident response plan:

- ✓ The plan assigns a specific person or group to lead investigations.
- The plan provides a clear plan for escalating information about an incident.
- The plan discusses the need for preserving evidence.
- The plan incorporates legal where appropriate to preserve privilege.
- The plan discusses how the organization will communicate externally concerning an incident.
- The plan includes contact information for internal resources.
- ✓ The plan Includes contact information for pre-approved external resources.
- ✓ The plan is reviewed annually.
- The plan is tested.

<sup>&</sup>lt;sup>1</sup> Statistics based upon Ponemon Institute, Is Your Company ready for a Big Data Breach? The Second Annual Study on Data Breach Preparedness (Sept. 2014).