FTC Safeguards Rule

IT Provider Selection

Cyber Liability Insurance



MILLION

AVG RANSOMWARE PAYOUT IN 2023

MILLION

GLOBAL AVG COST OF A DATA BREACH IN 2023

Source: https://www.cobalt.io/blog/cybersecurity-statistics-2024

COST OF CYBERCRIME IN 2024

TR

\$13.8 TRILLION BY 2028

THE ULTIMATE GUARDIAN: YOU - THE HUMAN FIREWALL

First Line of Defense Security-Conscious Culture Continuous Training



What is the **FTC Safeguards Rule?**

FTC Safeguards Rule -**June 2023**

Objective: protect the security, confidentiality, and integrity of customer information.



November 12, 1999

Congress passed the Gramm-Leach-Bliley Act (GBLA)

- Meant to modernize financial industry
- FTC responsible for implementation
- Went into effect May 23rd, 2003



Protections and disclosure requirements were based on the technology of the time.



• GBLA was unclear Also didn't have "teeth"

Heartland Payment Systems 135 Million CC's Exposed 2008



 GBLA was unclear Also didn't have "teeth"

Heartland Payment Systems 135 Million CC's Exposed

2008

2013

Experian Subsidiary 200 Million Records Leaked



Unfortunately...

 GBLA was unclear Also didn't have "teeth"

Heartland Payment Systems 135 Million CC's Exposed 2008 2013

> **Experian Subsidiary 200 Million Records Leaked**



First American Financial Corporation 885 Million Records Leaked 2019



The technology landscape is radically different from 2000's.

In December 2021, the FTC Safeguards Rule was revised.

Dramatic Change in Scope – "Financial Institutions"

Original 2002 Verbiage:

Scope. This part applies to the handling of customer information by all financial institutions over which the Federal Trade Commission ("FTC" or "Commission") has jurisdiction. This part refers to such entities as "you." This part applies to all customer information in your possession, regardless of whether such information pertains to individuals with whom you have a customer relationship, or pertains to the customers of other financial institutions that have provided such information to you.

After Dec 2021 revision:

Scope. This part applies to the handling of customer information by all financial institutions over which the Federal Trade Commission ("FTC" or "Commission") has jurisdiction. Namely, this part applies to those "financial institutions" over which the Commission has rulemaking authority pursuant to section 501(b) of the Gramm-Leach-Bliley Act. An entity is a "financial institution" if its business is engaging in an activity that is financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956, <u>12 U.S.C. 1843(k)</u>, which incorporates activities enumerated by the Federal Reserve Board in <u>12 CFR 225.28</u> and <u>225.86</u>. The "financial institutions" subject to the Commission's enforcement authority are those that are not otherwise subject to the enforcement authority of another regulator under section 505 of the Gramm-Leach-Bliley Act, 15 U.S.C. 6805. More specifically, those entities include, but are not limited to, mortgage lenders, "pay day" lenders, finance companies, mortgage brokers, account servicers, check cashers, wire transferors, travel agencies operated in connection with financial services, collection agencies, credit counselors and other financial advisors, tax preparation firms, non-federally insured credit unions, investment advisors that are not required to register with the Securities and Exchange **Commission, and entities acting as finders.** They are referred to in this part as "You." This part applies to all customer information in your possession, regardless of whether such information pertains to individuals with whom you have a customer relationship, or pertains to the customers of other financial institutions that have provided such information to you.

Section 314.2(h) of the Rule

(h) (1) *Financial institution* means any institution the business of which is engaging in an activity that is financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956, <u>12 U.S.C. 1843(k)</u>. An institution that is significantly engaged in financial activities, or significantly engaged in activities incidental to such financial activities, is a financial institution.

• June 9, 2023 – Took Effect

- October 2023 Revisions and 6 Months to Comply
 - May 13, 2024 In Force **Notification Required for 500+ Records Breached 30 Days**
 - Tax Pros Plus IRS and State (WISP)
 - IRS Publication 5708 (Aug 2024)

Also created <u>punitive</u> <u>consequences</u> for failing to adhere to these parameters.

Civil penalties can help the FTC deter conduct that harms consumers.

- Up to **\$100,000 per violation** for Institutions
- Up to **\$10,000 per person** for Board Members, CEO and Owners.
- Loss of business license
- 5-year prison sentence



Examples of Covered Entities

- Mortgage lenders
- Pay day lenders
- Finance companies
- Mortgage brokers
- Account servicers
- Check cashers
- Wire transferers

 Some travel agencies • Real estate appraisers Credit counselors Automotive dealerships Tax preparation firms Non-federally insured credit unions Some investment advisors

Industry Example: Auto Dealers



- Same level of consumer data as a bank
- High turnover rate
- Employees trained in sales, not security Razor-thin margins (incentive to skimp
- on security costs)
- Easy targets for hackers



Examples of Exemptions

(4) Examples of entities that are not significantly engaged in financial activities are as follows:

- (i) A retailer is not a financial institution if its only means of extending credit are occasional "lay away" and deferred payment plans or accepting payment by means of credit cards issued by others.
- (ii) A retailer is not a financial institution merely because it accepts payment in the form of cash, checks, or credit cards that it did not issue.
- (iii) A merchant is not a financial institution merely because it allows an individual to "run a tab."
- (iv) A grocery store is not a financial institution merely because it allows individuals to whom it sells groceries to cash a check, or write a check for a higher amount than the grocery purchase and obtain cash in return.



Safeguards Rule Requirements







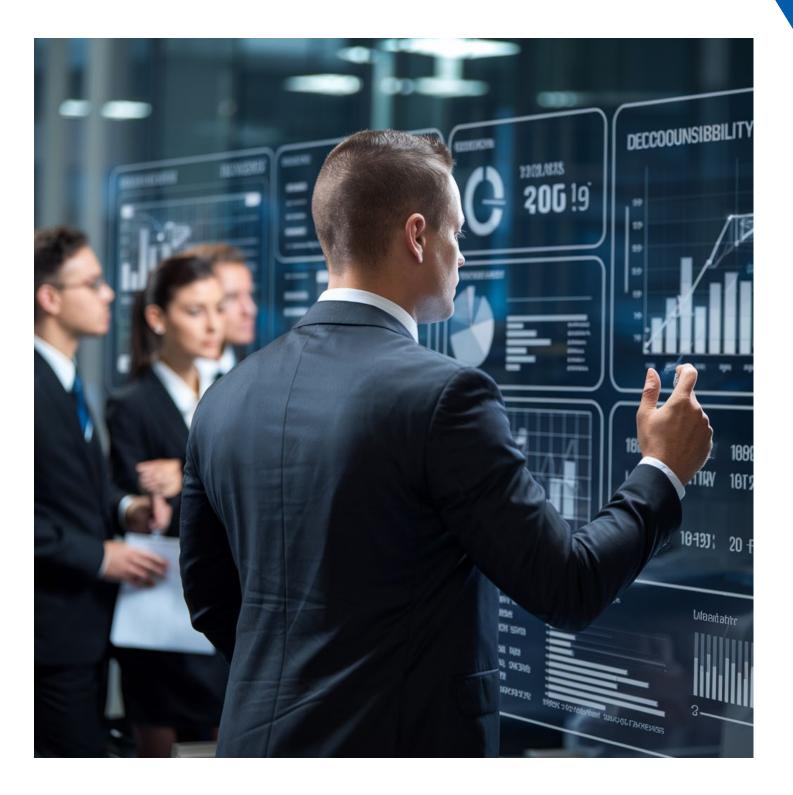
Covered Entities are required to:

- 1. Designate a **Qualified Individual** 2. Document Risk Assessments 3. Apply Controls 4. Validate Controls
- 5. Develop Training and **Auditing Program**

6. Monitor Service Providers 7. Develop Continuous Improvement Cadence 8. Document Incident **Response Plan** 9. Provide Annual Reporting to Senior Leadership

1. Designate a <u>Qualified</u> Individual to implement and supervise your company's information security program.

- In charge of overseeing/implementing
- Can be employee, affiliate, or service provider of the client
- Client retains responsibility if delegated outside of their organization



2. Conduct a Risk Assessment.



- Identifies all assets



Must include criteria for evaluating risks and assessment of systems and customer information (PII)

Requires periodic refresh

Sample Risk Assessment

NIST Risk Assessment Template: Adversarial

Refer to the guidance before completing this sheet.

Ē

Entity Being Assessed ABC Company Tie Assessment Date Assesso

1	2	3	4	5	6	7	8	9	10	11	12	13
		Threat Source Characteristics										
Threat Event	Threat Course	Conchility	Intent	toracting	Relevance	Likelihood of	Vulnerabilities and Predisposing Conditions	Severity and	Likelihood Initiated Attack	Overall Likelihood	Lovel of Impost	Risk
	Threat Source	Capability		targeting		Attack Initiation		Pervasiveness	Succeeds		Level of Impact	
Phishing Attacks			Very High	Moderate	High	High	Moderate	Moderate	Moderate	Moderate	High	Moderate
Spear Phishing Attacks			Very High	High	High	High	Moderate	Moderate	Moderate	Moderate	Very High	High
Deliver modified malware to internal organizational information systems.		Moderate	Moderate	Moderate	Moderate	Moderate	Low	Moderate	Low	Low	Moderate	Low
Data Theft by Employee	Internal	Very High	High	High	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	High	Moderate
	•			·	•	•						

Source: https://www.securityscientist.net/

Sample Risk Assessment

NIST Risk Assessment Template: non-Adversarial

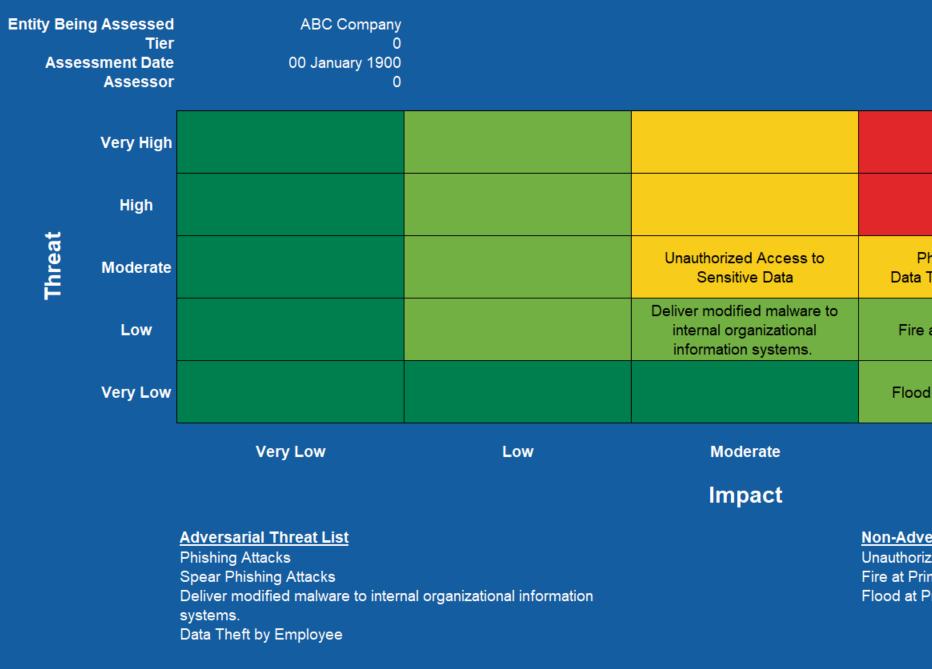
Refer to the guidance before completing this sheet.

Entity Being Assessed Tier Assessment Date Assessor	ABC Company 0 00 January 1900 0									
1 Threat Event	2 Threat Sources	3 Range of Effects	4 Relevance	5 Likelihood of Event Occurring	6 Vulnerabilities and Predisposing Conditions	7 Severity and Pervasiveness	8 Likelihood Event Results in Adverse Impact	Overall	10 Level of Impact	11 Risk
		Moderate	Moderate		High	Moderate	Low	Moderate	Moderate	Moderate
		High	High	Low	Low	Low	High	Low	High	Low
		High	High	Low	Very Low	Low		Very Low	High	Low

Source: https://www.securityscientist.net/

Sample Risk Assessment

NIST SP 800-30 Risk Assessment Report



Source: https://www.securityscientist.net/

Phishing Attacks Theft by Employee	Spear Phishing Attacks
e at Primary Facility	
od at Primary Facility	

High

Very High

Non-Adversarial Threat List Unauthorized Access to Sensitive Data

Fire at Primary Facility

Flood at Primary Facility



1. Implement and periodically review access controls. Determine who has access to customer information and reconsider on a regular basis whether they still have a legitimate business need for it.



2. Know what you have and where you have it. A fundamental step to effective security is understanding your company's information ecosystem. Conduct a periodic inventory of data, noting where it's collected, stored, or transmitted. Keep an accurate list of all systems, devices, platforms, and personnel. Design your safeguards to respond with resilience.

3. Encrypt customer information on your system and when it's in transit. If it's not feasible to use encryption, secure it by using effective alternative controls approved by the Qualified Individual who supervises your information security program.

4. Assess your apps. If your company develops its own apps to store, access, or transmit customer information – or if you use third-party apps for those purposes – implement procedures for evaluating their security.

5. Implement multi-factor authentication for anyone accessing customer information on your system. For <u>multi-factor authentication</u>, the Rule requires at least two of these authentication factors: a knowledge factor (for example, a password); a possession factor (for example, a token), and an inherence factor (for example, biometric characteristics). The only exception would be if your Qualified Individual has approved in writing the use of another equivalent form of secure access controls.

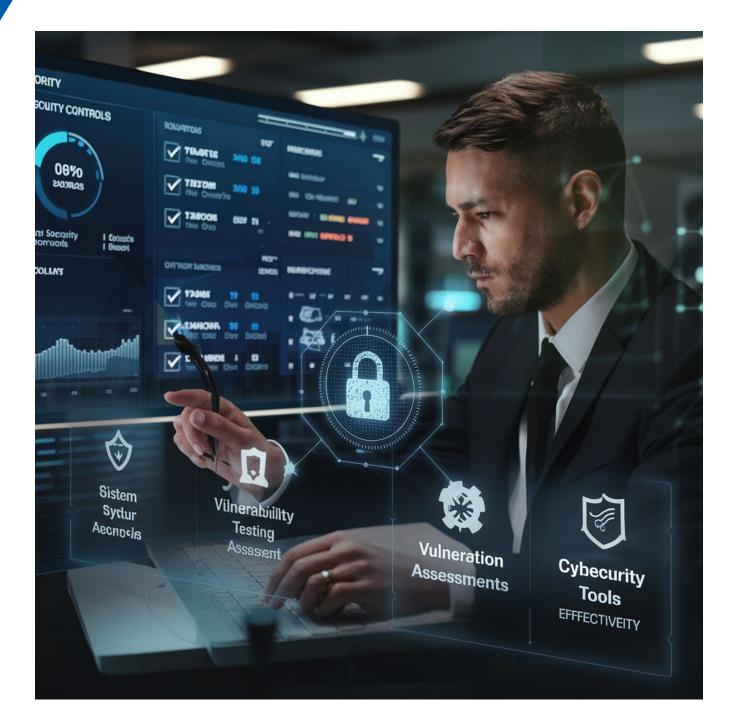
Know. Have. Are.

6. Dispose of customer information securely. Securely dispose of customer information no later than two years after your most recent use of it to serve the customer. The only exceptions: if you have a legitimate business need or legal requirement to hold on to it or if targeted disposal isn't feasible because of the way the information is maintained.

7. Anticipate and evaluate changes to your information system or **network.** Changes to an <u>information system</u> or network can undermine existing security measures. For example, if your company adds a new server, has that created a new security risk? Because your systems and networks change to accommodate new business processes, your safeguards can't be static. The Safeguards Rule requires financial institutions to build change management into their information security program.

8. Maintain a log of authorized users' activity and keep an eye out for unauthorized access. Implement procedures and controls to monitor when authorized users are accessing customer information on your system and to detect unauthorized access.

4. Regularly monitor and test the effectiveness of your safeguards.



- Annual penetration tests





Regularly test and monitor controls' effectiveness - ex: test backups, restoring

Information systems require continuous monitoring – vulnerability scans

5. Train your staff

- Implement security awareness training explaining risk assessment findings
- Maintain sufficient staffing to run the security program
- Verify that security personnel are staying current on security threats



Training Programs





6. Monitor Your Service Providers



- implementation

Engage service providers that can maintain appropriate safeguards

Make sure service provider contracts include safeguard

Periodically assess service providers

7. Keep your information security program current

Evaluate information security program based on:

• Testing

- Material changes in your organization
- The results of a risk assessment



8. Create a written incident response plan



Your "What if?"



Response and Recovery Plan

Incident Response Plan Goals



- response
- you learned

Clear roles, responsibilities and levels of decision-making authority **Communications and information sharing** both inside and outside your company A process to fix any identified weaknesses in your systems and controls Procedures for documenting and reporting security events and your company's

A post mortem of what happened and a revision of your incident response plan and information security program based on what

9. Require your Qualified Individual to report to your **Board of Directors.**

- Designated Qualified Individual must provide annual report to leadership body
- Include overall status of security program and compliance
- Must also have material matters related to the information security program (assessments, incident reports, improvement recommendations, etc.)

314.6 Exceptions

- Section 314.4(b)(1), (d)(2), (h), and (i) do not apply to financial institutions that maintain customer information concerning fewer than five thousand consumers.
- 314.4 (b)(1) requiring a written risk assessment
- 314.4 (d)(2) requiring **continuous** monitoring, annual penetration testing and bi-annual vulnerability assessment
- 314.4 (h) requiring a written incident response plan
- 314.4 (i) requiring an annual **written** report by Qualified individual to the board of directors

Takeaways – FTC Safeguards

- Objective is designed to protect consumer information
- Expands the definition of financial institution
- 9 key requirements
- New penalties for non-compliance
- Notification Requirements: Effective May 13, 2024, for certain incidents affecting 500+ consumers.







IT Vendor Selection and Internal Team Recommendations

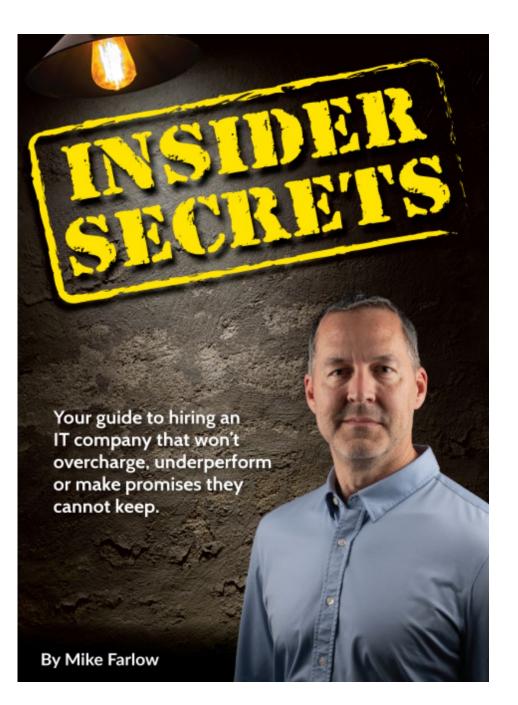
How Are You Handling This?

Staying off the radar

Going all in with full compliance?





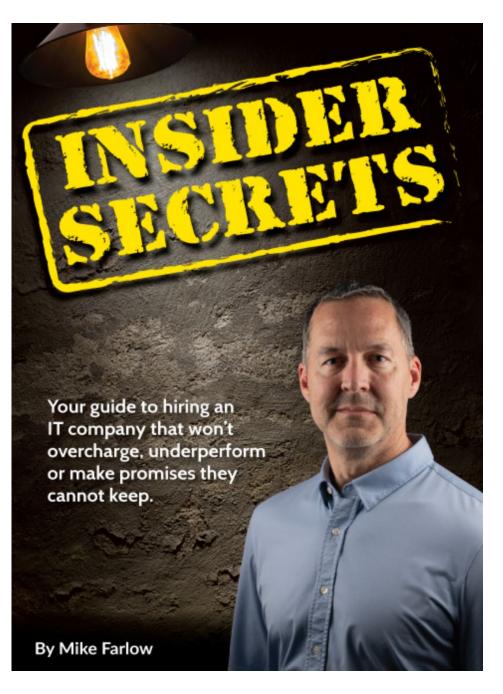


Critical Factors for Compliance and Security:

- 1. Cybersecurity Expertise
- 2. Zero-Trust Cybersecurity Framework User, Device, Apps, Data, Network
- (FTC), and safeguarding client data.

Ask about Cybersecurity certifications such as CISSP, CEH, or CompTIA Security+

3. Ensure IT vendor or team is well-versed in security standards, regulatory compliance

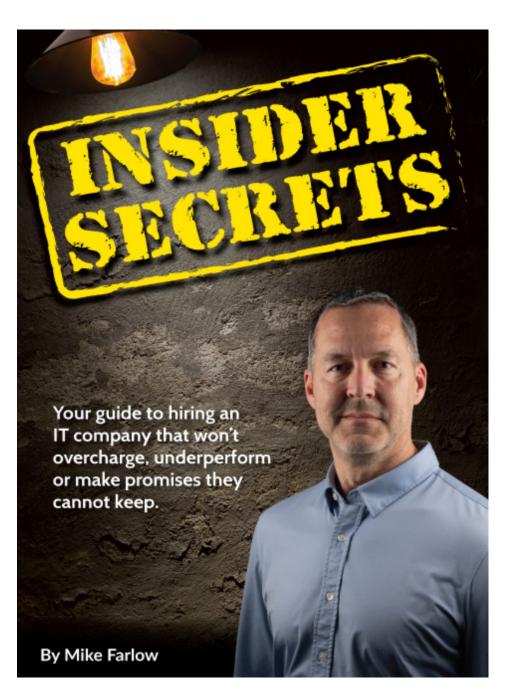


Critical Factors for Compliance and Security:

- 3. Data Backup and Disaster Recovery
 - Where is Data backed up?
 - How many different places?
- 4. Ensure IT conducts full network completed

How quickly can data be recovered? assessments for themselves and for you. Ask how often network assessments are





Critical Factors for Compliance and Security:

- 5. Ask about Third-Party Audits
- 6. Cyber Liability Insurance
- **Avg US MSP Response Time = 16 Hours**
- 7. Response Time and After-Hours Support 8. Network Documentation and Transparency



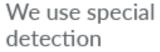


Zero-Trust Strategy layers multiple protections to provide

defense against modern threats. Continuous verification of applications and controls keep systems safe.

ALERT

Ransomware Detection and Isolation



SIEM

advanced

logging for

servers and

firewalls,

software that identifies active ransomware activity. It stops the process and isolates the computer from the network.

đ



threat.



Microsoft 365 **Risk Watch** includes SOC monitoring for threats in

your Office 365 cloud. Unusual activity, forwarding rules, international logins and more are monitored.



COMTECH

Password Manager

company managed credentials are

a challenge to maintain. Our password manager solves this nagging problem.



Ring Fencing puts a fence around your applications and data so hackers or

Office 365 meets insurance

and compliance requirements.

malware can not access them in an unauthorized manner.





Application Controls

for installing & running programs. By

locking down the systems to only allowed programs and processes. Simply put - if it can't execute then the threat level is greatly reduced.



Human error is the primary cause of cybersecurity events. A properly trained staff helps eliminate errors.



24/7 Monitoring

by a live security operation center (SOC). If a security event is

detected on critical assets, then action can be taken immediately to isolate or remediate the

Adopt a Framework

YouTube



Compliance Simplified: Choosing a Cybersecurity Framework - Larry Zorio on frameworks and NIST CSF.



Ripple FX





Cyber Defense Matrix Detect Respond Recover Protect Identify Devices **Applications Networks** Data Users Degree of Technology Dependency Process/Govern COMTECH



Beware!

Common Surprises:

- Auto-renewing Contracts
- Surprise Invoices
 - Software Licenses
 - Hardware Licenses
- What You Own vs "Managed" Devices
- Remediation Charges
- Trip Charges
- Projects vs Standard Support





Your guide to hiring an IT company that won't overcharge, underperform or make promises they cannot keep. Come Visit the ComTech Booth for a free copy!

By Mike Farlow

Cyber Liability Insurance







Key Pillars of a Cyber Insurance Policy





Prevention

- Pre-breach assessments
- Access to pre-vetted vendors
- Cybersecurity information

Assistance

- Forensic Investigators
- Legal Services
- Notification
- Credit Monitoring
- Call Center Services
- Crisis Management
- Public Relations



Operations

- Costs incurred to keep or return the business to operational Loss of revenue, income, turnover
- Costs incurred to recreate/restore data and information



Liability

 Legal costs and damages from claims alleging privacy breach or network security failure

What is Cyber Insurance?

- Containing the Breach
- Remediation
- Cyber Forensics
- Recovering Data
- Customer Notifications
- PR Costs





 Credit Monitoring Legal Expenses Regulatory Fines Extortion Costs Business Interruption

What's Covered?

First-party coverage – Intends to cover damages a business suffers because of a cyber breach. This can include things like investigative services, business interruption coverage and data recovery. **Third-party coverage** – Intends to cover damages if a business' customers or partners are affected by a cyber attack. This can include legal fees, settlement costs, security failures and media liabilities. **Cyber crime** — Intends to cover damage due to any type of illegal activity that occurs using digital means. Examples of cybercrime are extortion/ransomware, phishing, social engineering, and wire transfer fraud.



Do Small Businesses Need Cyber Insurance If They Practice Good Cyber Hygiene?

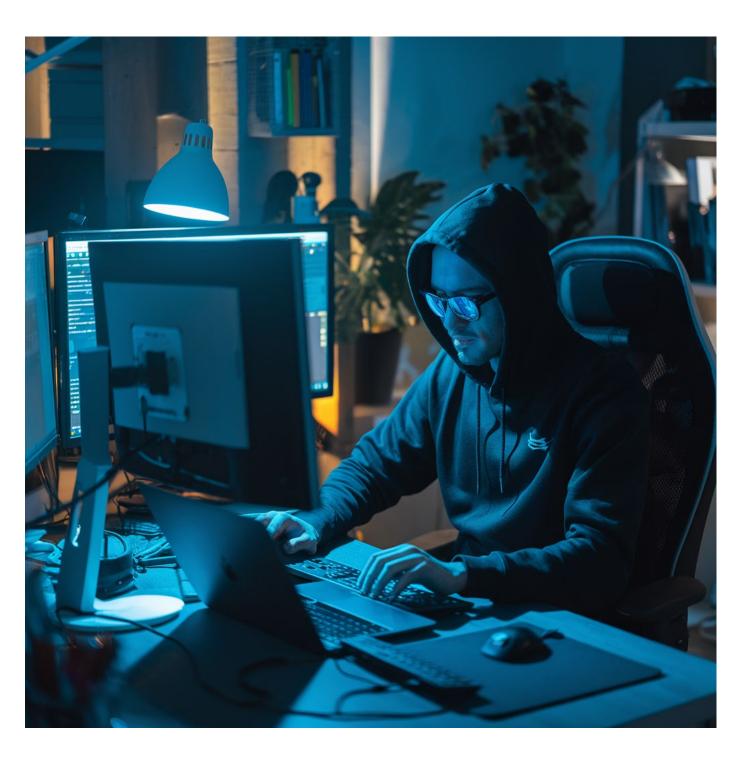
YES!



Do Hackers Really Bother with Attacking Small Businesses?

Yes! A recent Verizon report notes that 43% of all cyber attacks are against small businesses. Worse, 63% of small businesses had experienced a breach in the last 12 months.

Any business with a computer and an internet connection is at risk.



Doesn't My Current Business Insurance Cover Cyber Attacks?

Maybe







What Should I Consider When Choosing Between Purchasing a Stand-Alone Cyber Policy vs. Adding an Endorsement to an Existing Policy?

Aggregate Limit/Retention Business Interruption/Loss of Revenue Extortion/Ransomware Regulatory Fines 1st Party, 3rd Party, Cyber Crime

Look Inside a Cyber Liability Policy

First-Party Insuring Agreements

Breach Response

• Following a system breach, provides coverage for activities such as forensic and legal review, notifications to affected parties, public relations, etc.

Business Interruption & Extra Expenses

• Provides coverage for lost revenue due to an interruption in business caused by breach of internal systems or those of a third-party provider.

Digital Restoration

• Aimed at covering the costs to recover, re-create, and restore affected data.

Cyber Extortion

• Intended to provide coverage if a ransom payment is made and/or the expenses incurred to recover data/system control without paying the ransom.

Cyber Crime

• Coverage that targets fraudulent payments via Social Engineering or Funds Transfer Fraud.





Look Inside a Cyber Liability Policy

Third-Party Insuring Agreements

Network & Information Security Liability

• Designed to provide protection in the event of claims for failing to protect client or third party personally identifiable information (PII), including but not limited to SSN, credit card numbers, medical information, passwords, etc.

Regulatory Defense & Penalties

• Covers defense expenses and penalties levied by regulatory agencies due to a data breach.

Multimedia Liability

• Leveraged to cover claims that allege invasion of privacy, copyright/trademark infringement, and other Wrongful Media Communications Acts.

PCI Fines & Assessments

• Designed to cover fines and assessments imposed by credit card companies or banks for issues of non-compliance with Payment Card Industry Data Security Standard (PCI DSS).





	VALID UNTIL	12/24/24	12/24/24
	ADMISSION STATUS	Non-Admitted	Admitted
	ISSUING INSURER	See quote letter	Coalition Insurance
	AM BEST RATING Financial strength rating	A+ (Superior) A- (Excellent)	A- (Excellent)
	AGGREGATE LIMIT / RETENTION (DEDUCTIBLE) Maximum amount paid by the insurer / The amount of a claim you pay	\$1,000,000 / \$2,500'	\$1,000,000 / \$2,500'
	NOTIFICATION COSTS Cost to notify affected individuals after a data breach	\$1,000,000	\$1,000,000
	BREACH COSTS INSIDE/OUTSIDE Will the breach costs erode the aggregate limit (Inside) or are separate (outside)	Outside	Inside
ж	BUSINESS INTERRUPTION Covers lost profits incurred due to not operating	\$1,000,000	\$1,000,000
Y COVERAGE	BI WAITING PERIOD Minimum duration of business interruption before coverage starts	8 hours	8 hours
RIST PART)	CONTINGENT BUSINESS INTERRUPTION Losses from an interruption in 3rd party computer services or software	\$1,000,000	\$1,000,000
Ē	DATA RECOVERY The cost of recovering lost data	\$1,000,000	\$1,000,000
	EXTORTION/RANSOMWARE Covers damage and ransom payments from an attack	\$1,000,000	\$1,000,000
	BRICKING When computers and electronic hardware are damaged beyond repair	\$1,000,000	\$1,000,000

12/24/24	11/29/24
Non-Admitted	Admitted
Certain Underwriters at	Spinnaker Insurance
A (Excellent)	A- (Excellent)
\$1,000,000 / \$2,500'	\$1,000,000 / \$1,000'
\$100,000	\$1,000,000
Outside	Inside
\$1,000,000	\$1,000,000
10 hours	6 hours
\$1,000,000	Refer to quote letter
\$1,000,000	\$1,000,000
\$1,000,000	\$1,000,000
\$1,000,000	\$50,000

끯	Third party liability costs
N N	PCI
THIRD PARTY COVERAGE	Covers fines or penalties impose credit card companies
ART	REGULATORY
RD P	In case you're fined by regulators breaching consumer privacy)
Ē	MEDIA
	When your content triggers legal you (e.g libel, plagiarism)
	COMPUTER FRAUD Covers funds or property stolen i hack
CRIME	FUNDS TRANSFER FRAUD When a criminal deceives a bank transfer funds
6	SOCIAL ENGINEERING

INVOICE MANIP

TOTAL	(Approximate ²)\$875.78	(Approximate ²)\$1,479	(Approximate ²)\$1,598.66	(Approximate ²)\$1,703
INVOICE MANIPULATION Invoice Manipulation means the release or distribution of any fraudulent invoice	\$250,000	\$250,000,	\$250,000,	Refer to quote letter
SOCIAL ENGINEERING When cyber criminals deceive a business to transfer funds willingly	\$250,000	\$250,000,	\$250,000.	\$100,000.
FUNDS TRANSFER FRAUD When a criminal deceives a bank/institution to transfer funds	\$250,000	\$250,000,	\$250,000	\$1,000,000.
COMPUTER FRAUD Covers funds or property stolen resulting from a hack	\$250,000	\$250,000,	\$250,000	\$1,000,000.
MEDIA When your content triggers legal action against you (e.g libel, plagiarism)	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
REGULATORY In case you're fined by regulators (e.g., for breaching consumer privacy)	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
PCI Covers fines or penalties imposed by banks or credit card companies	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
NETWORK SECURITY AND PRIVACY LIABILITY Third party liability costs	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

Cyber Liability Claims Scenarios Ransomware

An employee at a small business accidentally clicked a malware link, resulting in a ransomware attack that encrypted **2,500 customer records containing sensitive information. The hackers demanded \$38,000 in Bitcoin within 48 hours to unlock the files**. The business contacted its cyber insurance provider, which assigned a breach coach to oversee a forensics team. This team assessed the damage and paid the ransom demand, while the insurer confirmed coverage and helped file a claim to minimize business interruption impacts.

\$6,000
\$7,150
\$5,100
\$1,425
\$25,433
\$13,200
\$38,000
\$13,600
\$109,908

CIDENT RESPONSE

Resolution: Although the business had regular online backups, the hackers also encrypted these, leaving no recovery option. The insurance company and breach coach determined that paying the ransom was the quickest way to restore operations. Using their Bitcoin account, the insurer paid the ransom, swiftly unlocking the files and minimizing business interruption, allowing the business to resume quickly.

Cyber Liability Claims Scenarios Outdated Software

INCIDENT RESPONSE

Forensic investigation costs to isolate vulnerability, analyze damage, ensure containment and calculate loss	\$7,500
Identity theft and credit monitoring services	\$4,140
Incident response fees	\$5,650
Public relations fees to minimize reputational impact	\$8,000
Call center set up and operation to field inquiries	\$6,000
NOTIFICATION COSTS	\$1,000
DATA RECOVERY Costs associated with replacing lost or corrupted data	\$9,200
REGULATORY	
Legal expenses arising from regulatory investigation due to mismanagement of private information	\$10,925
Legal expenses and settlement costs for claims	\$7,950
Business interruption	\$19,376
TOTAL POTENTIAL CLAIM	\$79,741

Hackers exploited outdated software at a small automobile dealership, compromising **1,150 records** containing names, emails, credit card, and banking details. Local authorities alerted the dealership after multiple complaints of suspicious activity. Upon discovery, the dealership's insurance carrier brought in forensic experts to start the IT recovery and notification process.

Resolution: The dealership's cyber policy activated, providing immediate response services. A forensic team isolated the breach, while a claim was filed to cover legal, consulting, and media costs. The insurance and IT teams strengthened the dealership's cyber defenses with updated firewalls, intrusion detection, and encryption. Local media informed affected customers, offering credit monitoring, and legal teams managed responses. Finally, forensic consultants helped establish a new plan with regular updates, testing, and staff training to prevent future incidents.

Cyber Liability Claims Scenarios Social Engineering

An attacker accessed a medical equipment company's emails, posing as the General Manager to trick an employee into transferring funds to the hacker's account. Upon discovering \$244,600 in unauthorized payments, the company froze the funds and alerted their cyber insurer, recovering \$220,000 of the losses.

INCIDENT RESPONSE		Resolu alone
Forensic investigation costs to locate the breach, analyze damage, and ensure containment	\$8,800	and in
Legal fees	\$6,200	After consu
FUNDS TRANSFER FRAUD Transferred funds not recovered	\$24,600	enhan
TOTAL POTENTIAL CLAIM	\$39,600	covera the fir

lution: The medical company's standcyber policy covered social engineering ncluded essential response services. notifying their insurer, an IT forensic ultant helped repair the system and nce security. With expanded cyber crime rage, the company was reimbursed for inancial loss, less the deductible, as well as forensic and legal costs.

Cyber Liability Claims Scenarios Lost Hardware

An employee at a copy machine company lost a laptop containing an Excel file with records of 4,100 customers, including sensitive information. Upon discovery, the company notified their insurer, which provided a breach coach to assess the damage and ensure compliance with regulatory and notification requirements.

INCIDENT RESPONSE	
Forensic costs to assess and contain damage	\$7,600
Legal fees	\$11,930
Public relations fees to minimize reputational impact	\$8,600
NOTIFICATION COSTS	\$1,075
DATA RECOVERY Costs associated with replacing lost or corrupted data	\$9,200
REGULATORY Settlement fine	\$19,665
Patient liability settlements	\$41,113
TOTAL POTENTIAL CLAIM	\$99,183

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Resolution: The breach coach assigned a forensic team to assess the potential data exposure, confirming that customer records were compromised. Affected customers were notified and offered credit monitoring. To manage reputational impact, a PR agency was engaged, and legal counsel addressed customer claims. The company also proactively contacted the Department of Health and Human Services, reaching a settlement that included a corrective action plan and employee cybersecurity training.

Cyber Liability Claims Scenarios Former Employee

A financial institution was hacked by a former employee whose credentials were not revoked upon termination. The ex-employee sold 1,050 customer records, including names, contact information, and credit card details, on the dark web. The institution promptly informed their insurer, which provided forensic, legal, and media support to control the impact, along with a breach coach to manage both financial and reputational damage.

INCIDENT RESPONSE

Ē

Forensic investigation costs to analyze damage and ensure containment	\$7,600
Identity theft and credit monitoring services	\$3,780
Legal fees	\$8,900
Public relations fees to minimize reputational impact	\$8,100
Call center set up and operation to field inquiries	\$5,700
NOTIFICATION COSTS	\$1,000
DATA RECOVERY Costs associated with replacing lost or corrupted data	\$8,300
TOTAL POTENTIAL CLAIM	\$43,380

Resolution: The forensic team quickly identified the breach and coordinated with the financial institution's IT department to make repairs. Guided by the breach coach, the institution informed affected customers, offering identity protection and credit monitoring. Legal counsel was advised to pursue action against the former employee. Working with media relations, the institution responded transparently to the press. The insurer and forensic team also recommended updates to the cyber response plan, enhancing IT policies and technology. This swift response minimized both costs and reputational damage.

Cyber Liability Market Overview

2024 Trends

Rates Expected To Remain Stable In 2024

- Ample carrier capacity
- Competitive market environment

Ransomware Events

- Up 1281% over last 5 years
- Increased 214% alone in Q4 '23

Claims Activity

- Up 65% Year over Year
- Top claims by type
 - Ransomware
 - Funds Transfer Fraud (FTF)
 - Business Email Compromise

Source: Aon Cyber Solutions





Cyber Liability in the Financial Services Industry

In the News

Bloomberg.com

Davos 2024: JPMorgan Says Hacker Attempts Have Increased This Year

JPMorgan Chase & Co. has seen an increase in hackers attempting to infiltrate its systems as the Wall Street giant and its rivals continue...

Jan 17, 2024

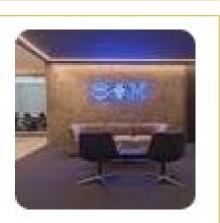
FinTech Magazine

IBM: Finance and Insurance is Second-Most Attacked Industry

By Tom Chapman. February 21, 2024. 4 mins. Research from IBM has Laid Bare the Cyber Challenges Facing Financial Institutions. Picture: IBM.

Feb 21, 2024





Cyber Liability in the Financial Services Industry

Why are financial institutions targeted?

- Client files/access to sensitive information
 - Personally Identifiable Information (PII)
 - Payment Card Information (PCI)
- Frequent transactions between clients, vendors, and financial firms
- Key link in economic infrastructure \rightarrow Breach of financial institutions can cause massive downstream effect

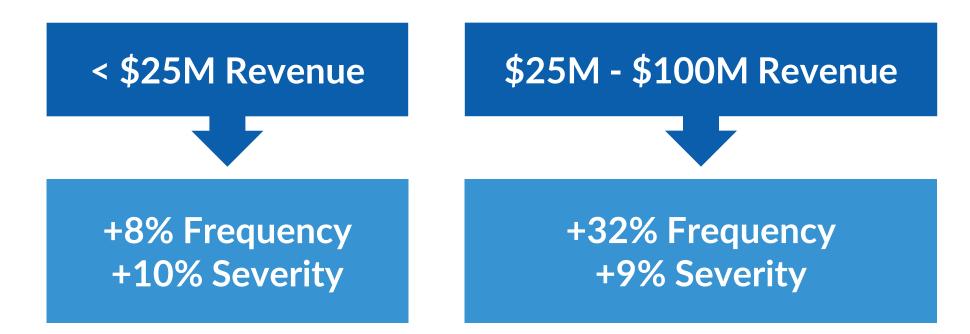




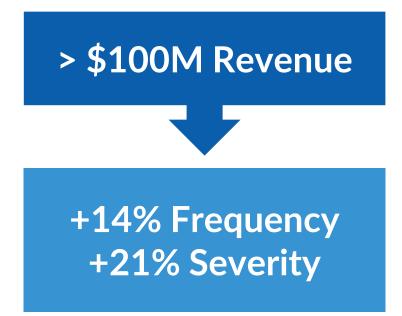




99% Of All Cyber Claims Come From Companies With Annual Revenue Under \$2 Billion



- Average ransomware claim: \$812,360 across all organization sizes
- Ransomware claims account for nearly 30% of all filed cyber claims
- 27% of data breach claims and 24% of first-party claims contained exclusionary language in the policy, which prevented payout



Perspective of a Cyber Liability Carrier

The 2024 Travelers Risk Index

Overview

- Over 1,200 business decision makers surveyed
- Representative of all business sizes and industries

Cyber Preparedness by the Numbers

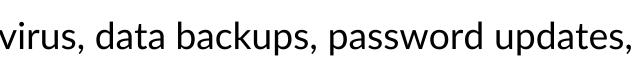
- 20% of businesses are not implementing basic tools firewall, antivirus, data backups, password updates, etc.
- 53% do not utilize an endpoint detection and response (EDR) tool
- 51% of businesses do not have an incident response (IR) plan
- 37% do not use multifactor authentication (MFA) for remote or admin access – According to Microsoft, 99.9% of attacks can be blocked by MFA

Small Business Focus - Even Less Prepared

- 81% do not use EDR
- 69% do not have an IR plan
- 52% do not use MFA for remote or admin access

80% Of Business Leaders Think Having Cyber Insurance Is Critical...







Perspective of a Cyber Liability Carrier

No matter the size or industry of the business, many are left vulnerable without cyber insurance.





of small businesses lack cyber insurance

of midsized businesses lack cyber insurance

15% Of Banks Have Not Purchased Cyber Liability Insurance...



of large businesses lack cyber insurance

Source: Travelers Cyber Risk Index

Perspective of a Cyber Liability Carrier

Future Market Outlook

Cyber Incident Costs on the Rise

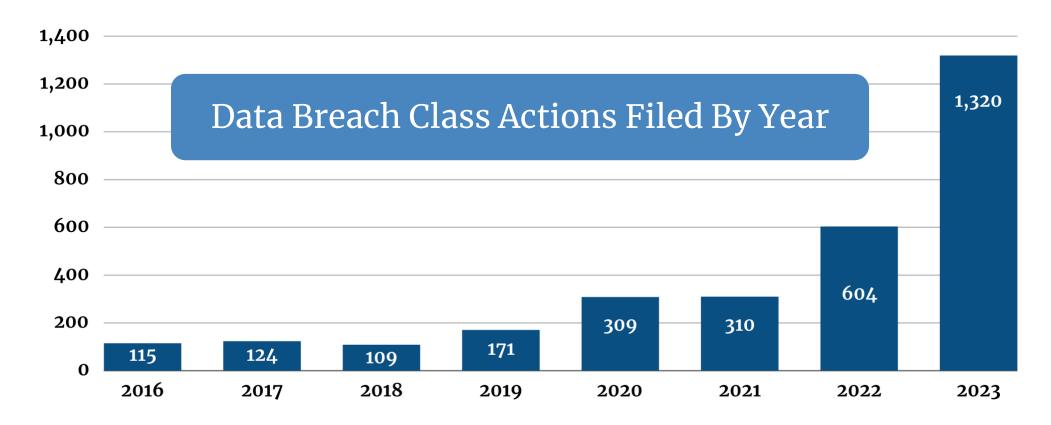
• Single Business Email Compromise: Six figures in forensic investigation/notification costs

Data Breach Class Action Lawsuits Increasing

- More than doubled 2022 to 2023
- Defense costs to follow

Financial Sector Remains Top Target

• Substantial Personally Identifiable Information (PII) maintained





Businesses at Risk

Should All Businesses Be Worried About Cyber Risks? YES, But Why?

- Most have simpler IT infrastructure than financial institutions
- Fewer cybersecurity controls in place, lack of resources
- Smaller (or outsourced) IT team to respond to issues

Cyber Attacks Often Lead To Weeks/Months Long Delays In Business

- Forensic investigations
- Data/asset recovery and restoration
- This process can cost hundreds of thousands of dollars

60% of businesses that are victims of a cyber attack, go out of business within 6 months of the incident (Source: Forbes)





Cybersecurity Best Practices

How to Safeguard Your Firm

- 1. PROVIDE CYBERSECURITY TRAINING Conduct regular Cybersecurity Training for all associates including internet use guidelines, phishing testing, and social engineering protocols.
- 2. PREPARE AN INCIDENT RESPONSE (IR) PLAN A clearly defined, focused, and coordinated approach for responding to cyber incidents. Test this plan annually.
- 3. KEEP SYSTEMS UP TO DATE Regularly install updates, patches, and fixes. Enable automatic updates where possible and replace unsupported systems. Set antivirus software to run scans following updates.
- 4. IMPLEMENT THE 3-2-1 BACKUP STRATEGY 3) Create one primary backup and two copies of your data, 2) Save your backups to two different types of media, and 1) keep at least one backup file off-site and offline.
- 5. CONTROL ACCESS TO SYSTEMS AND DATA Lock laptops when unattended, ensure all employees use strong and unique passwords, and only grant administrative privileges to trusted IT staff.





Cybersecurity Best Practices

How to Safeguard Your Firm

6. REQUIRE FIREWALL SECURITY

Ensure the office operating system is firewall enabled. If employees work remotely, require their home systems are protected by a firewall.

- 7. SECURE WI-FI NETWORKS Make sure that Wi-Fi is secure, encrypted, and hidden.
- 8. ENABLE MULTI-FACTOR AUTHENTICATION (MFA) Most email platforms allow you to adjust your settings to enable MFA at no cost.
- 9. CREATE A MOBILE DEVICE ACTION PLAN Require users to password protect their devices, encrypt data, and install security applications. Be sure to have reporting protocols for lost or stolen equipment.
- 10. DEFEND AGAINST SOCIAL ENGINEERING THREATS Implement Endpoint Detection and Response (EDR), set spam filters, and establish multistep verification communication protocols.





Cybersecurity Best Practices

It Takes EVERY Employee – A Few Simple Steps

Password Hygiene

- What NOT to do...? -Keep an electronic list of usernames and passwords
- Best Practices
 - –Update passwords regularly
 - –Utilize password generation capabilities

Email Encryption

• If an email contains Personally Identifiable Information (PII): -Type the word *encrypt* into the subject line or body of the email -Expand tags menu and change sensitivity level to confidential



Cyber Insurance: Checking the Boxes Is Not Enough!





UNDERWRITING INFORMATION

DATA INVENTORY

- Indicate whether the Applicant or a third party on the Applicant's behalf, collects, receives, processes, transmits, or maintains 1. the following types of data as part of its business activities:
 - a. Credit/Debit Card Data

If Yes:

- Is the Applicant currently compliant with Payment Card Industry Data Security i. (PCI-DSS)?
- ii. How many credit card transactions are processed or accepted for payment in year?
- iii. What is the Applicant's reporting level? 1
- iv. Was the Applicant's last PCI assessment conducted within the past 12 months
- Medical information, other than that of the Applicant's own employees b.
- Non-employee Social Security Numbers c.
- Employee/HR Information d.
- What is the approximate number of unique individuals for whom the Applicant, or 2. collects, stores, or processes any amount of personal information as outlined in Questi

fewer than 100,000	100,000 - 250,000	250,001 - 500,000
1,000,001 - 2,500,000	2,500,001 - 5,000,000	> 5,000,000

- Indicate whether the data indicated in Question 1 is encrypted: 3.
 - a. While at rest in the Applicant's databases or on the Applicant's network
 - While in transit in electronic form b.
 - While on mobile devices C.

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PRIVACY CONTROLS

- Indicate whether the Applicant currently has the following in place: 6.
 - A Chief Privacy Officer or other individual assigned responsibility for monitoring of statutes and regulations related to handling and use of sensitive information
 - A publicly available privacy policy which has been reviewed by an attorney b.
 - Sensitive data classification and inventory procedures с.
 - Data retention, destruction, and recordkeeping procedures d.
 - Annual privacy and information security training for employees e.
 - Restricted access to sensitive data and systems based on job function

NETWORK SECURITY CONTROLS

- Indicate whether the Applicant currently has the following in place: 7.
 - a. A Chief Information Security Officer or other individual assigned responsibility for privacy and security practices
 - Up-to-date, active firewall technology b.
 - Up-to-date, active anti-virus software on all computers, networks, and mobile device C.
 - d. A process in place to regularly download, test, and install patches If Yes, is this process automated? If Yes, are critical patches installed within 30 days of release?
 - Intrusion Detection System (IDS) e.
 - Intrusion Prevention System (IPS)
 - Data Loss Prevention System (DLP)
 - Multi-factor authentication for administrative or privileged access h.
 - Multi-factor authentication for remote access to the Applicant's network and other and programs that contain private or sensitive data in bulk
 - Multi-factor authentication for remote access to email
 - k. Remote access to the Applicant's network limited to VPN
 - Backup and recovery procedures in place for all important business and customer dat If Yes, are such procedures automated? If Yes, are such procedures tested on an annual basis?
 - m. Annual penetration testing If Yes, is such testing conducted by a third party service provider?
 - n. Annual network security assessments If Yes, are such assessments conducted by a third party service provider?
 - Systematic storage and monitoring of network and security logs 0.
 - Enforced password complexity requirements
 - Procedures in place to terminate user access rights as part of the employee exit proce q.

hanges in	Yes No

	Yes	No No	
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VENDOR CONTROLS

- 14. For vendors with access to the Applicant's computer system or confidential information, indicate whether the Applicant has the following in place:
 - Written policies which specify appropriate vendor information security controls а.
 - Periodic review of, and updates to, vendor access rights b.
 - Prompt revocation of vendor access rights when access is no longer needed c.
 - Logging and monitoring of vendor access to the Applicant's system d.
 - A requirement that vendors carry their own Professional Liability or Cyber Liability e.
 - Hold harmless / indemnity clauses that benefit the Applicant in contracts with vent f.
- 15. Indicate which of the following services are outsourced:

Data back up	Yes	No 🗌 N/A	Payment processing
Provider:			Provider:
Data center hosting	Yes	No N/A	Physical security
Provider:			Provider:
IT infrastructure	Yes	No N/A	Software development
Provider:			Provider:
IT security	Yes	No N/A	Customer marketing
Provider:			Provider:
Web hosting	Yes	No N/A	Data processing
Provider:			Provider:

If Data center hosting or IT infrastructure is answered Yes above:

- What is the likely impact to the organization if these services become unavailable? a.
- Does the Applicant have an alternative solution in the event of a failure or outage b.

If Payment processing is answered Yes above, does the Applicant have an alternative m processing card data in the event of an outsourced provider failure or outage? Provide details:

insurance dors	 Yes Yes Yes Yes Yes Yes 	No No No No	
	🗌 Yes	No No	🗌 N/A
	Ves 1	No No	□ N/A
	🗌 Yes	No No	□ N/A
	🗌 Yes	No No	□ N/A
	🗌 Yes	No No	🗌 N/A
to one of these	service p	roviders	?
eans of	🗌 Yes	No No	





LOSS INFORMATION

- 16. In the past three years, has the Applicant experienced a network or computer system disrudue to an intentional attack or system failure; an actual or suspected data breach; an actuatempted extortion demand; or received any complaints, claims, or been subject to litig involving matters or privacy injury, identity theft, denial-of-service attacks, computer infections, theft of information, damage to third party networks, or the Applicant's custor ability to rely on the Applicant's network?
- 17. Is the Applicant, any Subsidiary, or any person proposed for this insurance aware or circumstance that could give rise to a claim against them under this CyberRisk Coverage?

If the Applicant answered Yes to any part of Question 16 or Question 17, attach details of each claim, complaint, allegation, or incident, including costs, losses, or damages incurred or paid, any corrective procedures to avoid such allegations in the future, and any amounts paid as loss under any insurance policy.

REQUESTED INSURANCE TERMS

Insuring Agreement	Limit Requested	Retention Requested
Privacy And Security	\$	\$
Media	\$	\$
Regulatory Proceedings	\$	\$
Privacy Breach Notification	\$	\$
Computer And Legal Experts	\$	\$
Betterment	\$	\$
Cyber Extortion	\$	\$
Data Restoration	\$	\$
Public Relations	\$	\$
Computer Fraud	\$	\$
Funds Transfer Fraud	\$	\$
Social Engineering Fraud	\$	\$
Telecom Fraud	\$	\$
Business Interruption	\$	\$
Dependent Business Interruption	\$	\$
Reputation Harm	s	s

18. Requested Terms:

Aggregate Limit Requested: Effective Date Requested:

	\$	\$

- 19. Does the Applicant currently purchase CyberRisk coverage?
 - If Yes, provide the following:

Expiring Carrier:

Expiring Limit:

Date coverage first purchased?

\$		

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	Yes	No No	
of any			
	Yes	No No	





Takeaways – Cyber Liability Insurance

 Assess Coverage Needs Compare Policy Options Plan for Incident Response Implement Risk Mitigation Measures Prepare for Renewal and Premium Management

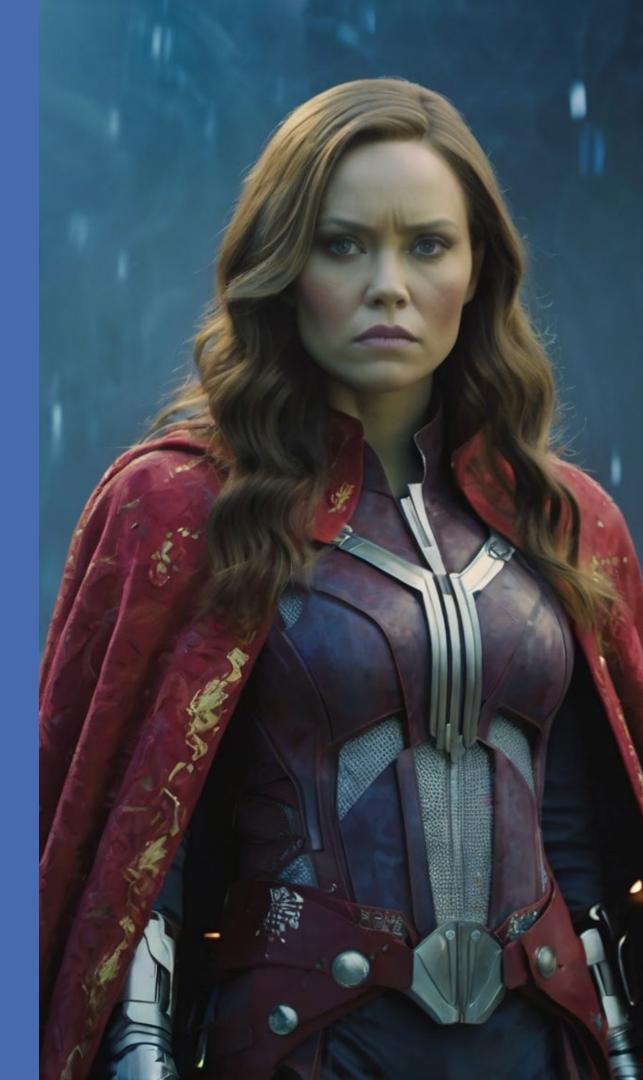


YOU ARE THE HUMAN FIREWALL

Empower Your People Your team is your first line of defense. Training is key.

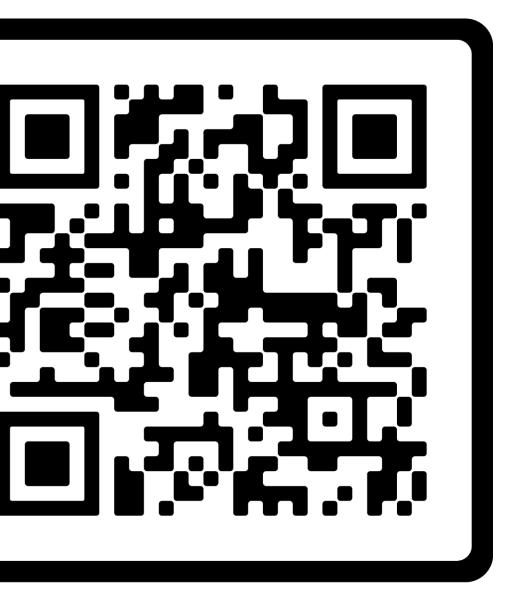
Adopt a Zero Trust Mindset Never trust. Always verify.

Stay Vigilant Review and update policies. Adopt a Cybersecurity Culture.



Your guide to hiring an IT company that won't overcharge, underperform or make promises they cannot keep.

By Mike Farlow



SCAN ME

The 9 Elements of FTC Safeguards Rule

Thank You!

Rafe Martin CRO, CCRP rafe@comtechnc.com 336-338-7328

