

bytelaw

Legally compliant through a cyber incident

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Fields of activity

- International data protection consulting
- AI Regulation, DORA and NIS-2
- Representation in administrative court and official proceedings in data protection law
- Contract law with a focus on IT law
- External data protection officer



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CEHv11 – Certified Ethical Hacker /
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Fields of activity

- Breach Counselor / Crisis Preparation
- IT-Security / ISMS
- NIS-2 / BSI basic protection consulting
- Advice on IT-related offenses
- Corporate governance
- IT and data protection compliance
- External data protection officer





What do we need to protect against?



- Loss of ability to work (provision of the service)
- Claims for damages (partners / suppliers / customers)
- Claims for damages - GDPR
- Sanctions - legal



Current threat situation



➤ Overview– legally secure



1

Decisions in times of crisis

2

Dealing with the
perpetrators

3

Dealing with the authorities

4

Dealing with insurance
companies

5

Dealing with employees,
suppliers, etc.



Decisions in times of crisis

01

Making documented decisions

- a) Obtain knowledge
- b) Weigh up / obtain expertise
- c) Make and document decision

02

Define decision-making competencies in advance

- a) Guidelines for preparation
- b) Clear communication - **Who is the decision-maker in the incident?**

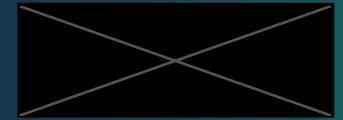
03

Establishment of a crisis team to maintain the flow of information

04

Documented decisions from the group are difficult to legally define as "wrong"

➤ Dealing with the perpetrators



1

Define goals of communication
with offenders

2

Weighing up goals against
risks

3

„Support for criminal
organizations“

4

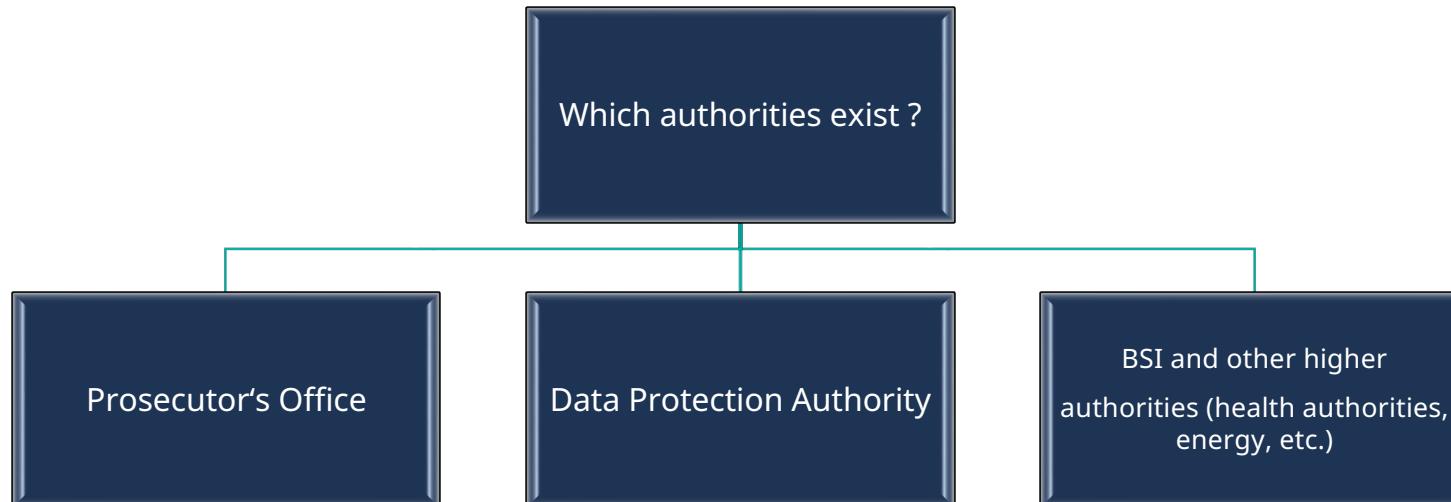
Consultation with the authorities
on communication

5

Consultation with the insurer about
communication



Dealing with the authorities



When do I contact the authorities?

Who and how do I communicate with the authorities?



Dealing with **insurance companies**



- Before the incident:
Know what the insurance company expects from you
- Familiarize yourself with the emergency plan



- Get to know insurance conditions quickly



- Close contact with the insurance company if desired



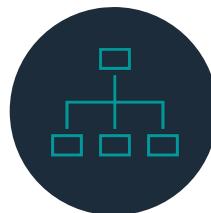
- Business interests take precedence over insurance interests



Dealing with employees, suppliers, etc.



Communication must be clear and consistent



Build up strategically / information in stages



Greatest possibility of damage



Transparent within the legal framework

- What contracts exist?
- Have obligations been dealt with?
- Do you know your contact persons?

Preparation of an incident

1. Guidelines on the cyber incident procedure

- Competencies
- Determining the thresholds for incidents
- Minimum measures for the individual parts of the organization

2. Know your contracts

- Contact IT security
- Special regulations (fixed contractual penalties / short deadlines / special features)
- Data protection contact

➤ Service provider in the incident



- Bring neutrality to the incident (not involved in set-up or operation)
 - Expert analysis and assessment of the incident
 - Mediation between the parties involved and support in finding a solution
 - Documentation of the incident and preparation of an objective report
 - Recommendation of measures for damage limitation and future prevention

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