Exploring concerns from data breaches

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O'Brien Legal INTRODUCTION





PRIVACY & DATA

Breaches, PIAs, Data Transfer Agreements, AI Regulation, Ethics, Outsourcing, Tech Contracts.



INTELLECTUAL PROPERTY

Licensing, JVs, Strategy, Enforcement.

Empowering businesses to safeguard their data and intellectual property for ethical protection and commercial success.

A TALE OF TWO COMPANIES

How one data breach can have two very different impacts.



Insurance brokers

Two insurance brokers, Bob & Co and Claire & Co specialising in life and health.



OutSourceME

Third party service provider that specialises in marketing, lead generation, and HR services.



Data provided

Both insurance brokers decide to work with OutSourceME.

PREPARATION

OutSourceME Data Breach

Bob&Co



Claire&Co



Collected large amounts of data on customers and staff.



Signed a template contract with OutSourceME.



Provided privacy and security training to staff in 2020.



Has a staff call tree for emergencies.



Has planned to address retention and disposal in 2025.



Implemented data minimisation practices. PIAs. Maintained data inventories and flow maps.



Established strong contracts with third parties, including data protection clauses. Cyber insurance.



Regular staff training on privacy and security, tested response plans through simulations.



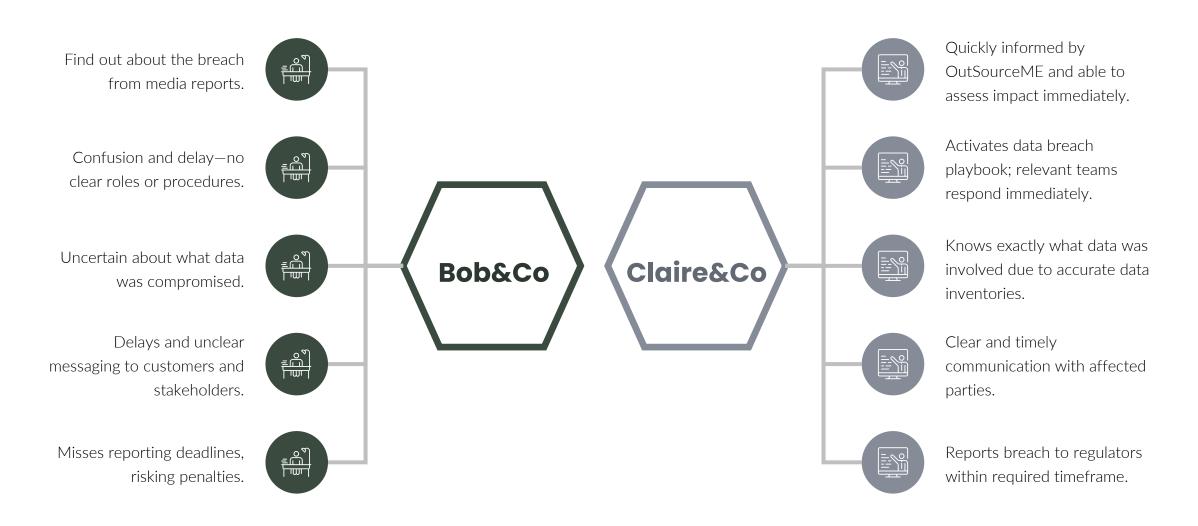
Created a data breach response plan with templates, communication protocols and RACI.



Implemented data retention and disposal policies.

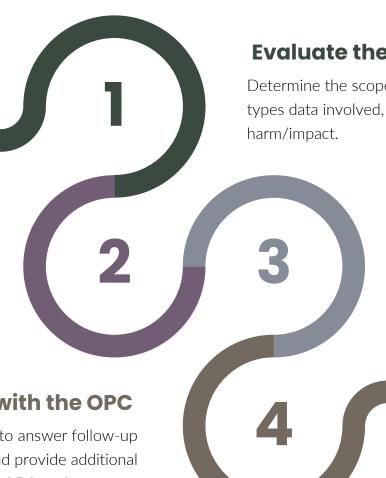
BREACH

OutSourceME Data Breach



NOTIFICATION

OutSourceMF Data Breach



Evaluate the Breach

Determine the scope of the breach, the types data involved, and the potential

Consider Notification

72 hours to notify OPC. Consider other relevant agencies such as CERT NZ, financial regulators, law enforcement, APRA.

Notify Affected Individuals

Inform individuals whose personal information has been compromised, explaining the nature of the breach and what steps they should take to protect themselves.

Cooperate with the OPC

Be prepared to answer follow-up questions and provide additional information to the OPC as they assess the breach. Implement any recommendations.

AFTERMATH OutSourceME Data Breach

Bob&Co



Claire&Co



Likely consequences for late reporting, poor breach management, and over collection and retention.



Faces significant financial losses due to fines, remediation, and loss of customers.



Extended downtime as they scramble to manage breach fallout.



Severe loss of customer trust, resulting in lost business and reputational damage.



Struggles to meet future compliance standards without significant changes.



Avoids fines due to timely reporting and proper compliance.



Minimal financial losses; quick containment limits costs.



Business operations continue with minimal disruption.



Maintains customer confidence through transparent communication.



Already compliant and better prepared for future incidents.

OTHER CONSIDERATIONS

Data Breaches



TAKEAWAYS



Be Prepared: What you do beforehand can significantly reduce the likelihood of a breach and minimise its potential harm.

Act Quickly and Effectively:

Know how to manage a breach to minimise damage.

Stay Compliant: Learn the regulatory requirements to protect your business from significant harm.

THANK YOU

GET IN TOUCH

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