Hudson Gavin Martin

Tech, Media & IP

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A Practical Guide

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Today

- A bit about us
- Our journey so far
- The case for cloud computing
- Why information security matters
- Key takeaways

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A bit about us

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A bit about us

- We’re a great bunch of people who advise clients on tech, media and IP law
- Our clients vary in size – vendors and customers
- We advise clients on:
  - Technology procurement
  - Data and cyber security
- Practice what we preach:
  - our own tech transformation
  - ensuring security is top of mind

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Our journey so far

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What sparked our tech transformation?

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- **2007 – 2015**
  - Start-up phase – limited tech planning
  - Technology updates on an ad-hoc basis
- **2016** - Aging IT system
  - By 2016 we had ‘sweated’ our physical IT server hardware
  - Significant costs to buy new hardware and software
  - Hardware lifespan only 4 to 5 years
- **2016 - 2019** – Looking for larger premises
- Changing landscape of work

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Finding a solution

- 2016 – Conscious decision to start putting systems in place to:
  - create a modern office environment
  - allow flexible working
  - minimise IT downtime
  - enable fully outsourced IT support
  - minimise server room footprint
  - become a “less-paper” office
  - improve business continuity / disaster recovery systems

- It had to be a simple solution - access everything, anywhere, developed with the user in mind

- Our solution – move everything to the ‘cloud’

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The case for cloud

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The Cloud 101

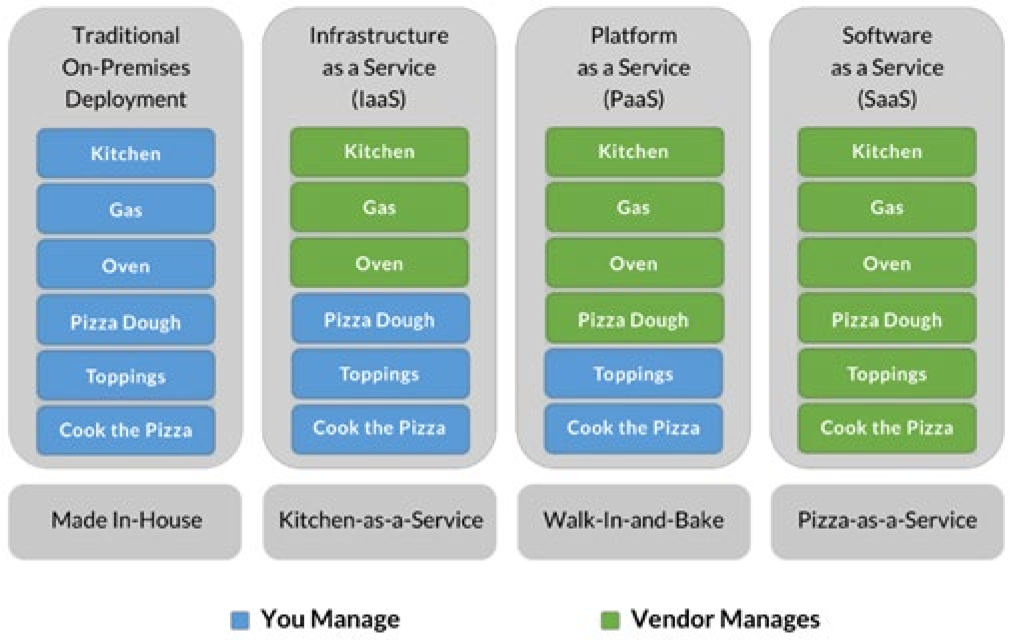
- Traditional - ‘on-premise’

  servers / storage / software located or installed at your premises

- Today – ‘cloud’

  servers / storage / software made available to you through the cloud / internet by a service provider on a subscription basis

The pizza shop analogy



Traditional On-Premises Deployment	Infrastructure as a Service (IaaS)	Platform as a Service (PaaS)	Software as a Service (SaaS)
🟦 Kitchen	🟩 Kitchen	🟩 Kitchen	🟩 Kitchen
🟦 Gas	🟩 Gas	🟩 Gas	🟩 Gas
🟦 Oven	🟩 Oven	🟩 Oven	🟩 Oven
🟦 Pizza Dough	🟦 Pizza Dough	🟩 Pizza Dough	🟩 Pizza Dough
🟦 Toppings	🟦 Toppings	🟦 Toppings	🟩 Toppings
🟦 Cook the Pizza	🟦 Cook the Pizza	🟦 Cook the Pizza	🟩 Cook the Pizza
Made In-House	Kitchen-as-a-Service	Walk-In-and-Bake	Pizza-as-a-Service

🟦 You Manage 🟩 Vendor Manages

Source: “*SaaS, PaaS and IaaS discussed in one graphic*” - David Ng
https://m.oursky.com/saas-paas-and-iaas-explained-in-one-graphic-d56c3e6f4606

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What we’ve adopted

- Infrastructure-as-a-Service
  - software (practice management, document management system) and storage accessible to us through ‘virtual’ servers
  - Microsoft Azure
- Software-as-a-Service
  - Office 365
  - Slack
  - Phone system (voice over IP)
  - Zoom video conferencing
  - Xero accounting
  - HubSpot
- Everything is accessible anywhere, anytime

Benefits & Features

- **Flexibility** - scale up or down our cloud capacity easily
- **Back-up and disaster recovery** - taken care of
- **Automatic updates** – servers are off-premise, out of sight and suppliers take care of updates for us
- **Pay-as-you-go service** – cuts out the high cost of hardware
- **Offers flexible working** – productivity doesn't take a hit
- **Improved IT security** – access our data if a user's computer is stolen, lost or damaged; remotely wipe data from devices

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Why security matters

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Why information security is important

- As part of our move to the cloud and new premises we have had to ensure we maintain adequate information security

- Cyberattacks
  - Increasing frequency and threat

- Recent wave of attacks
  - e.g. DDOS and ransomware attacks
  - NZ businesses are not immune

Business impact

- Disruption
- Financial losses (remediation to customers / partners, lost revenue, extortion / theft, internal cost of remediating systems)
- IP / data theft
- Brand / reputation damage
- Legal exposure (breaches of data security)
- Loss of shareholder value

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Director duties

- Companies Act - Directors have a duty of care

- The Institute of Directors has stated:

> *“The board’s fiduciary duty of care to protect the company’s assets* ***includes protecting information and other digital assets*** *… [and]* ***Cybersecurity has to be seen as an enterprise-wide risk management issue****”*

- It is not good enough for the directors to simply say they did not know about cybersecurity

Legal obligations

- General - Privacy Act 1993 (Principle 5)
    - Agency must have “security safeguards” in place to prevent unauthorised use or disclosure of personal information

- Lawyers - Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008
    - Appropriate systems should be in place to ensure information remains confidential
    - Lawyer must take all reasonable steps to prevent any person from perpetrating a crime or fraud through the lawyer’s practice
    - Rule specifically refers to taking reasonable steps to ensure the security of access to electronic systems and passwords

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Customer expectations

- Customers are increasingly requiring suppliers to identify cybersecurity measures
  - Applies to law firms too!

- Customers want to know what cybersecurity measures are in place
  - Dedicated role assigned for cybersecurity within firm?
  - Have cybersecurity controls been independently audited or tested?
  - Are information security staff professionally certified?
  - Are systems regularly security-penetration tested?
  - Describe how firm detects, and responds to, a cyber attack?

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Improving and maintaining security

- Organisation
  - Top-down approach
  - Policies and guidelines
  - Training and awareness
- Physical
  - CCTV
- Technical
  - Multi-factor authentication
  - Encryption – at rest, during transit, on device
- Cybersecurity Audit

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Key takeaways

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Key takeaways

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- Privacy by design
- Security is never-ending
- User experience is key
- Managing change
- Managing relationships

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Questions?

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Next week

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In-house Counsel Unite!

23 September, 11am

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