



INDEPENDENT CYBER SECURITY ADVISOR

# Ensuring Attorney-Client Privilege Against Current Cyber Threats

Lauri Almann

Tallinn, 6 October 2012

## BHC Laboratory – who are we

- Independent Cyber Security Advisor
- Bringing together high level legal, government and business experience
- 2007 Cyber Attacks against Estonia, 2008 Cyber Attack against Georgia
- Genuinely concerned about cyber threats in society
- Dedicated to building the “interface” between technical and decision-making teams

# The Issue: Changing (cyber) security environment and attorney-client privilege: legal and commercial considerations

## The legal standard (Art 5, Code of Ethics)

Attorney is obliged to keep confidential any information obtained in the course of providing legal services, except as otherwise provided by law or if client consents to the release;

Attorney must ensure that third parties did not have access to the client's documents, corespondence or other records. This includes documents prepared by the attorney in course of providing legal services that are in attorney's possession in connection with providing legal services.

## Some trends in cyber security

- Nobody's backyard remains untouched
- Battlefield is more crowded than ever
- Old threats do not disappear as new ones emerge

## Challenges for law firms:

- “Legally, we are covered”
- “The Fig Leaf Complex”
- “The Feel-Good” Mentality
- “The Interface Problem”
- Just one fool is enough

What becomes of attorney-client  
privilege in digital age?



## Our response

- Is it enough to be legally compliant?
- How can we get through to decision makers?
- Can IT security be part of a business model?

# What lies ahead?









INDEPENDENT CYBER SECURITY ADVISOR

# Thank you!