

PRIVACY, CYBERSECURITY AND TECHNOLOGY

# Navigating COVID-19: Top Issues in Cybersecurity and Technology

As many companies continue to work remotely, there are important considerations regarding cybersecurity hygiene and best practices. Each employee is a critical resource and has important responsibilities to help ensure that company systems and information remain secure. Threat actors have capitalized on the rapidly changed work environments caused by COVID-19, and there has been a marked increase in phishing activity and other inbound security risks.

Manatt's multidisciplinary team provides international, federal, state and industry-specific privacy and data security proactive counseling and reactive investigation and litigation advice, including advising on security-related enterprise risks. Our team can partner with you to minimize security risks, confirm and improve upon existing and new practices and controls, and ensure that you are prepared to respond to security risks that materialize as you operate in the remote business environment.

## Key Issues to Consider

### Ensuring Compliant Data Handling Practices

**The Issue:** Companies need to consider the potential implications of both purposeful and inadvertent data collection by a remote workforce. It is not too late for your remote workforce to learn and understand its obligations and the company's expectations with respect to data collection, use, storage and transfer. It is also not too late for the company to review its own data handling practices, including as they relate to mitigating COVID-19 exposure in the workplace (e.g., the collection of body temperature, self-reported symptomology and exposure, automatic exposure notifications, testing results, and immunization certifications). Deciding whether to collect this data, and if collected, how to collect, retain and protect it—and what laws may be implicated—can be a daunting task.

**How Manatt Can Help:** Our privacy professionals can not only help you navigate the complex and dynamic patchwork of consumer and employee privacy laws at the federal, state and local levels, but also identify practical solutions to accommodate those legal obligations with minimal disruption to your operations and business interests.

### Reducing and Responding to Security Risks

**The Issue:** Since the start of the COVID-19 pandemic, we have seen threat actors quickly capitalize on fears associated with the coronavirus by identifying opportunities to initiate phishing attempts and embed malicious links in purported news articles and communications about the pandemic.

**How Manatt Can Help:** Manatt's privacy and data security team can assist with educating, training and testing employees on various security risks, and with reminding employees of the threats and best practices. We can also assist in testing a company's security program to ensure that the security processes, policies and controls are well documented, tested and understood.

## Maintaining Business Continuity With a Remote Workforce

**The Issue:** The increased demand for remote connectivity, technology and resources has the potential to strain the availability and reliability of electronic infrastructure. Critical systems must have the capacity to avoid interruptions in service, and the company's business continuity plan should address failover and other backup procedures in the event a business-critical system becomes unavailable. In addition, businesses may consider whether additional IT staff is warranted in a fully remote work environment.

**How Manatt Can Help:** Manatt's team of privacy and data security professionals can review company policies and identify areas of risk and potential gaps, and then accurately tailor policies to suit a company's individual business practices and corporate footprint while operationalizing policies to increase efficiency and security.

## Meeting Your Discovery Obligations

**The Issue:** With the immediate growth in remote workforces, many more employees are bringing documents home, printing documents at home and electronically storing documents at home or on nonbusiness computers, devices or systems. Even with the best intentions and protocols, these documents may not all be collected by the company when circumstances return to normal. This has implications for companies presently under a litigation hold and any companies that might be under a hold in the future.

**How Manatt Can Help:** We can craft communications to employees reminding them of their obligations to protect company documents—especially confidential or proprietary information. We can work with third-party vendors to collect and preserve any information that might have been generated in these new remote workspaces. And if litigation happens, we can effectively represent your interests when adversaries probe for holes in preservation and collection efforts.

## Transforming Workplace and Critical IT Business Practices

**The Issue:** The pandemic drastically has accelerated trends of moving key business IT processes into the cloud and enabling larger portions of the workforce to work remotely and efficiently. Looking beyond the vaccines, we anticipate that many companies will maintain at least a partial remote work option for employees. Companies continue to grapple with the shifts required in the types of infrastructure, software and services necessary to support a more fully distributed workforce, and in working with vendors that provide cloud computing solutions and software as a service (SaaS)-based software and services that reduce the need for large on-site deployments of mission-critical applications.

**How Manatt Can Help:** With extensive experience in the technology transactions space, including with both traditional software and services licensing and new models of SaaS, platform as a service and infrastructure as a service services and solutions, Manatt can assist both vendors and customers in achieving their technology solutions, from the early proposal stages all the way through drafting and negotiating key agreements and navigating effective implementation strategies.

## We're Here to Help:



**Scott Lashway**  
Co-Leader  
[slashway@manatt.com](mailto:slashway@manatt.com)  
617.646.1401



**Donna Wilson**  
Co-Leader  
[dlwilson@manatt.com](mailto:dlwilson@manatt.com)  
310.312.4144



**Kaylee Cox Bankston**  
[kbankston@manatt.com](mailto:kbankston@manatt.com)  
202.585.6521



**Christopher Lisy**  
[clisy@manatt.com](mailto:clisy@manatt.com)  
617.646.1408



**Brandon Reilly**  
[breilly@manatt.com](mailto:breilly@manatt.com)  
714.338.2701