

Energy Sector Security Team

Physical and Cybersecurity Solutions for the Energy Industry

Energy companies face unprecedented challenges in protecting the security and resilience of critical assets against today's physical and cybersecurity threats. Our Energy Sector Security Team brings together lawyers from across the firm to provide clients with comprehensive assistance in navigating an increasingly complex legal environment that is being shaped by new developments and evolving security standards in regulatory compliance, reporting, enforcement, government investigations, litigation, insurance, employment and legislation.

Aligned with your business.

Energy Sector Security Team

Hunton Andrews Kurth's Energy Sector Security Team assists companies in navigating through a complex legal and policy environment that is being shaped by new developments and evolving security standards in regulatory compliance, reporting, enforcement, litigation, insurance and other areas.

The key is a comprehensive and coordinated form of planning, preparation and response that covers the entire life cycle of an incident, and addresses the associated legal, regulatory, policy and political issues for:

- Protecting critical infrastructure facilities against accidents, natural disasters, acts of sabotage or terrorism.
- Safeguarding mission-critical information assets against criminal hackers, hacktivists, nation-states, terrorists and insider threats who aim to steal personal and financial information for monetary gain, engage in economic espionage, disrupt online services or conduct destructive attacks on cyber and physical infrastructure.

Representative Experience

We bring together lawyers from multiple practices to advise energy companies on how to address the legal, regulatory and political challenges associated with significant physical and cybersecurity risks. Our experience includes:

- **Regulatory Compliance:** complying with NERC Reliability Standards, NIST security standards, and other regulations or guidance issued by federal and state agencies, including FERC, NERC, EPA, PHMSA, DOT, NTSB, NRC, FEMA, OSHA, SEC, FTC and state agencies;
- **Statutory Compliance:** complying with federal and state information security requirements, including state and

federal security breach notification laws, the Pipeline Safety Act, the Payment Card Industry Data Security Standard, HIPAA and Gramm-Leach-Bliley Act;

- **Foreign Laws:** team members in the US, UK, Belgium and Beijing, and a network of lawyers in more than 100 countries;
- **Risk Reduction:** development of strategies, policies, plans and procedures that reflect industry best practices and standards;
- **Strategic Engagement:** strategically engaging with the federal government on information sharing and collaboration opportunities;
- **Response to Cyber Incidents:** comprehensive "breach coach" assistance regarding investigation, notifications, public relations, enforcement, litigation and policy;
- **Response to Physical Incidents:** engaging with federal and state regulatory agencies, minimizing litigation risk, preparing for congressional inquiries and hearings, advising on public relations;
- **Dispute Resolution Government Investigations:** individual and class-action litigation in federal and state courts, ADR proceedings and before regulatory agencies;
- **Limiting Liability:** obtaining SAFETY Act certification from DHS for physical and cybersecurity technology or services;
- **Insurance Counseling and Recovery:** programs that cover cyber or physical risk profiles and the recovery of proceeds;
- **Policy Advocacy:** policies and programs, pending legislation, hearings, inquiries and investigations.

Our cross-disciplinary Energy Sector Security Team includes lawyers from a variety of practices, including:

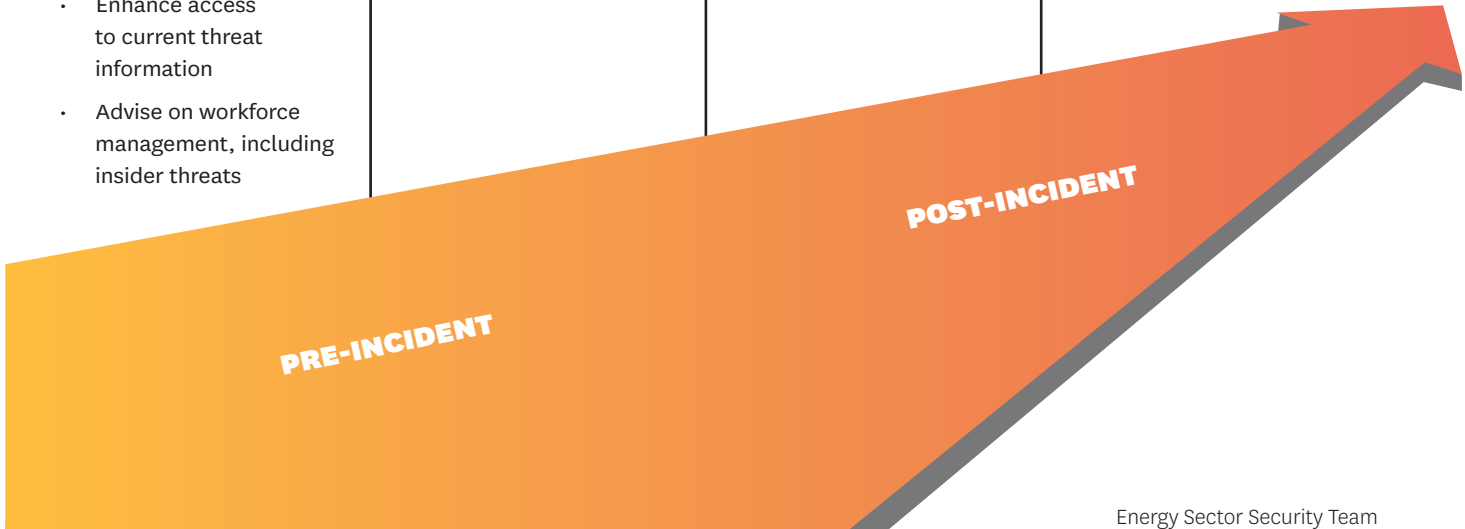
- global privacy and cybersecurity
- energy infrastructure
- insurance coverage
- corporate governance and SEC enforcement
- cyber investigation and privacy litigation
- environmental
- labor, employment and OSHA
- competition
- electric (FERC/NERC)
- pipeline
- congressional investigations
- government relations
- nuclear
- outsourcing
- white collar defense

Some threats, like severe weather events, are familiar to the industry. Other threats, such as sophisticated cyber attacks and physical sabotage, are evolving at an alarming pace.

What is new to all the threats faced by the energy industry is the increasingly unpredictable and often severe nature of the government’s response when a crisis occurs.

Risk Management and Incident Response

Planning	Internal Investigations	Remediation	Litigation Disputes
<ul style="list-style-type: none"> • Inventory sensitive data and networks • Advise on information governance issues • Assess regulatory compliance posture • Assess business risks • Enhance policies and procedures • Assess contractual protections and obligations • Retain and oversee security consultants to enhance technical safeguards and forensic investigators for use in an incident • Assess insurance coverage and reduce financial exposure • Develop vendor management program • Conduct tabletop exercises • Improve incident response plan and toolkit • Enhance access to current threat information • Advise on workforce management, including insider threats 	<ul style="list-style-type: none"> • Assess legal obligations • Retain and oversee security consultants • Determine nature and scope of incident, including physical damage, operational disruption, and loss of proprietary or sensitive information • Determine extent of damage of the incident • Assess the integrity of the network or system • Advise on forensic imaging, document retention and e-discovery obligations 	<ul style="list-style-type: none"> • Restore the integrity of the network or system • Comply with notification and reporting obligations • Mitigate physical damage, business disruption, financial loss or loss of proprietary information • Engage and work with all key players <ul style="list-style-type: none"> - Regulators - Law enforcement - Forensic investigators - Business partners and relevant third parties - Public relations consultants • Establish call center and train personnel, if applicable • Maximize insurance recoveries • Comply with contractual notification requirements 	<ul style="list-style-type: none"> • Defend against regulatory enforcement actions • Defend against class action litigation • Manage disputes with third parties • Coordinate on criminal prosecution • Manage congressional inquiries and investigations • Liaise with law enforcement organizations (FBI, Secret Service)



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