

# Legal Liability for Cyber-Attacks: The Case of Cybersecurity Breaches affecting Personal Data

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**Abstract:** Issues related to cybersecurity breaches are increasingly occupying the attention of policy makers and legal scholars. Data protection breaches; informational privacy issues; online fraudulent activities, cyber-attacks and more are extensively discussed and at times are also dealt by particular scrutinized responses of legislators and regulators. Regulatory and judiciary responses to cybersecurity breaches are dealt through a variety of means, including: public law mechanisms (e.g. state regulation, such as standards setting and compliance requirements); criminal law (the imposition of criminal liability for certain conducts and actions) and private law mechanisms – the imposition of civil liability for harms that result from cybersecurity breaches.

The purpose of this conference is to have a first debate that shall constitute the first kick-off event for an international research project that shall examine the interface of cybersecurity breaches and legal liability under private law. In order to adopt a step by step approach and gain valuable insights, the conference will focus on the specific case of cyber-security breaches affecting personal data which is of high policy and societal importance. The focus of this topic will make it possible to define more precisely the next steps of the research project.

The research project is expected to adopt a dual lens perspective: the first angle examines how current private law doctrines (both particular and general torts-based liability) response to cybersecurity breaches. In addition to a critical-comparative examination of current law, the research will examine whether there is a need for a legal reform, in private law, that will craft explicit norms for cybersecurity breaches. In addition to general torts liability aspects, particular legal branches to be examined include (as an inconclusive list): privacy law; defamation; consumer law; software and computer law; financial institutions' law, trade secrets and intellectual property liability regimes.

The second angle of the research attempts to examine and shape legal policy based on field examination of the norms, practices and needs of industries and stake-holders that operate in areas related to cybersecurity: software companies; cybersecurity companies; insurers; "the internet of things" companies; internet services companies; social networks and more. The goal is to obtain background knowledge about the conducts, incentive schemes, technological

constraints (and virtues), of "real life players", as parameters that are fundamental for the design of legal policy in this area.

The purpose of the conference is to launch an international research collaboration between Hebrew University and the University of Geneva, with the ambition to expand it to other institutions around the globe.

The conference aims to include presentations by law professors and regulators that will map and set research priorities for topics and issues, to be covered, from the doctrinal legal dimension. Additionally, participants and speakers will include representatives from the above-mentioned Industries as well as from regulatory authorities, that will provide real-life practical perspectives on the research topics.

The discussions will be in a format of round table discussions. The expected output is a detailed research plan (with milestones) for the research project; the establishment of mechanisms to obtain knowledge and data from the relevant industries.