

## **Cybersecurity Breaches and Private Law – Taking Stock and Looking Ahead**

**Title:** Cyberlaw – the role of the government, public law and opportunities for private ordering

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### **Abstract:**

In this presentation I would like to describe Israel's cybersecurity strategy, and its legal development and deployment. The strategy is based on a three layer framework, which guides respective roles for government and organizations in the cyber defense mission, and the role of a new establishment, a national cybersecurity authority. Briefly, in the first layer ,the basic security of organizations is promoted, so they can hold against attacks. This includes deploying cybersecurity measures and best practices. The State's role in this layer is offline, and it is to develop the knowhow necessary for defense, and incentivize or regulate in order for organizations to comply. The second layer is event driven, and it focuses on mitigating attacks in real time (under the assumption that the organizational defenses have been penetrated). Here the State assists in defense directly by sharing information necessary, and helping in mitigation and incident response. The third layer is the layer of action against attackers, and it is done by the security and law enforcement establishment. One of the novelties of the Israeli approach is setting up a new authority to help mitigate attacks.

My aim in the presentation is to provoke discussion on the role of private law in promoting incentives for organizations to be more cyber secure, alongside the traditional regulatory approach.