

NYU Center for Cybersecurity Workshop
Coordinating Cybersecurity Regulatory Oversight: A Critical Need

Wednesday, March 1, 2017

9:30am - 3:30pm

**Furman Hall, Lester Pollack Colloquium Room (9th floor)
245 Sullivan St., New York, NY 10012**

9:30 am - 10:00 am: Welcome Breakfast

10:00 am - 10:10 am: Opening Remarks

- **Samuel Rascoff**, Professor and Faculty Director, Center on Law and Security, NYU School of Law; Co-founder, NYU Center for Cybersecurity
- **Judi Germano**, Senior Fellow, Center on Law and Security and Center for Cybersecurity; Adjunct Professor, NYU School of Law; Founder, GermanoLaw LLC

10:10 am - 12:00 pm: The Critical Need to Coordinate Cybersecurity Regulatory Oversight – Issues, Obstacles and Solutions

Facilitator: **Judi Germano**

- **Rajesh De**, Distinguished Fellow, Center on Law and Security and Center for Cybersecurity; Partner, Mayer Brown; former General Counsel of NSA
- **Alan Charles Raul**, Partner, and Founder and Leader of Privacy, Data Security and Information Law practice, Sidley Austin
- **James Trilling**, Attorney, Division of Privacy and Identity Protection, U.S. Federal Trade Commission

This session will discuss the current regulatory regime and fractured landscape of regulatory standards, guidance, protocols and requirements. We will discuss sector-specific, state-specific, federal and international regulatory requirements and the benefits as well as disadvantages of each. We also intend to explore methods for enhancing regulatory coordination across sectors and across regulatory interests, as well as benefits and pitfalls of self-regulation and industry certifications.

In addition, we will discuss the role and responsibility of congress, industry associations, state and federal regulators, other government agencies, and private companies regarding cybersecurity regulation. A critical issue is whether we can build upon what currently exists or if a full revamp of cybersecurity regulation in the U.S. and internationally is desired or feasible.

12:00 pm - 12:45 pm: Lunch and informal discussions

12:45 pm - 1:45 pm: Lessons by Analogy: Cybersecurity Regulation through the Lens of Tort, Anti-Money-Laundering, Financial Fraud and Sanctions Law

Facilitator: **Zachary Goldman**, Executive Director, Center on Law and Security, and Adjunct Professor, NYU School of Law; Co-founder, Center for Cybersecurity

- **Sharon Cohen Levin**, Partner, WilmerHale
- **Cathy Sharkey**, Crystal Eastman Professor of Law, NYU School of Law; Faculty Director, Civil Jury Project

While regulating cybersecurity is a relatively new model, critical lessons can be learned from more mature regulatory landscapes in other fields, including the areas of tort law, anti-money laundering compliance and the law of international sanctions. Experts in these areas will lead us in a discussion of lessons by analogy.

1:45 pm - 3:00 pm: Achieving Regulatory Coordination: Strategic and Technological Solutions

Facilitator: **Randy Milch**, Distinguished Fellow, Center on Law and Security and Center for Cybersecurity; former Executive Vice President, General Counsel, and Strategic Policy Adviser to Verizon's Chairman and CEO

- **Jesse J. Green, Jr.**, Board of Directors, Caterpillar; Senior Fellow, Richard Paul Richman Center for Business, Law, and Public Policy, Executive in Residence, Columbia University; former Vice President, Financial Management and Chief Financial Risk Officer, IBM
- **Lisa Monaco**, Distinguished Senior Fellow, Center on Law and Security and Center for Cybersecurity; former Assistant to the President for Homeland Security and Counterterrorism
- **Lakshmi Subramanian**, Associate Professor, Courant Institute of Mathematical Sciences, NYU

Proper regulation of cyber risk is best achieved through a combined approach of solutions grounded in strategy, technology, law and policy. How can we best simplifying the regulatory matrix? What are the common risk-based solutions, and are they sufficiently applicable to all to be mandated? Is the answer in incentivizing security through insurance and business marketing opportunity? How best should we manage internal and third-party risk through a combination of internal and external regulation? How can companies reconcile security and compliance demands? Will concepts of what constitutes security evolve over time? How do we best create meaningful solutions and an action plan for these important issues?

3:00 pm -3:30 pm: Closing Remarks: Key Takeaways and Developing an Action Plan

Facilitator: **Judi Germano**