

Cyber Security



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CYBERSECURITY, DATA & PRIVACY

Companies operating across all industry sectors are heavily data driven, relying on increasingly sophisticated and complex systems to conduct business efficiently and effectively. Whilst this presents significant opportunities for business growth and innovation, it also presents an ever-evolving risk landscape.

Matheson's multi-disciplinary Digital Economy Group advises many of the world's largest companies on the development of data governance procedures that address new regulatory obligations in the cyber, AI, content management, consumer rights and data protection areas, to mention a few. We work in partnership with clients to leverage past data compliance and governance work to best position businesses to create robust data management systems that instill brand trust and address new regulatory obligations.

Our cross-practice expertise and collaboration makes us uniquely positioned to advise businesses on the risks and opportunities of developing and using rapidly evolving technologies. Our services include a full suite of legal support from data governance policy inception, through to vendor management, cyber resilience and breach response, to engaging with sector specific regulators and managing any cyber incident reporting and related litigation needs.

A leader in its field, Matheson provides critical legal support during cyber-attacks and data security incidents. We support clients from the point of a suspected cyber-attack through to confirmation of a cyber incident, incident response, regulatory, Garda and international law enforcement engagement, data subject and vendor notifications, urgent court injunctive relief and cyber incident related litigation.

Matheson specialists regularly sit on clients' incident response teams and guide clients through regulatory reporting to An Garda Síochána, the Data Protection Commission and as required, to other Regulatory Authorities such as the National Cyber Security Center and the Central Bank. We have significant experience in advising on written submissions to regulatory authorities, drafting data subject communications, third party vendor notification analysis, and the legal aspects of media communications. We have significant expertise and experience which can support in relation to legal remedies such as take down injunctions, to stop the unlawful onward processing of data.

In addition, our specialists advise on the full range of matters, from specific and strategic Cyber, AI, GDPR and ePrivacy compliance advice, through to full compliance reviews, to advising clients on privacy by design for new products and services, data strategies for marketing, and the implementation of cookie and similar technologies. Addressing data protection issues in structuring contractual frameworks, including in outsourcing and cloud arrangements and in multi-jurisdictional transactions, as well as guiding clients on ways of implementing compliant cross-border data flows, is a frequent focus of our Digital Economy Group.



How can Matheson help?

Our team has extensive experience and expertise in advising on:

Policies and procedures:	We can help you to prepare and develop your governance policies to mitigate cyber-risk and put in place effective incident response procedures. We are currently advising many clients on cyber-related obligations under NIS2, DORA, the Cyber Resilience Act, AI Act, GDPR, and Data Protection Act compliance and governance obligations, for example.
Governance and training:	We can assist with putting in place a robust governance framework around cyber-risk management and reporting, and provide training to boards and individuals tasked with responsibility for cyber-risk management, including data privacy training. We regularly work with clients to create a single governance structure for data compliance that addresses all areas of the digital economy from cyber to AI to data protection and online content regulation.
Third party engagement and contracts:	We advise clients on how to update their contracts, T&Cs including engagement terms with suppliers to address cyber-risk and clearly define responsibilities and requirements to comply with Irish and EU legislation, including NIS2, DORA and others. We work closely with Matheson's Digital Service Group to use and develop custom designed technology to safely save time and manage legal spend.
Privacy audits:	We leverage clients' existing compliance to conduct data audits. Our full suite of privacy audit services extend from policy and stakeholder notice drafting to data mapping, privacy impact assessments, AI fundamental rights assessments, and data subject access request protocols and procedures.
Legislative compliance:	We assist businesses in scoping their obligations and preparing for compliance under the myriad of technology-focused EU regulations and Irish legislation, including the GDPR, Data Protection Act, NIS2, DORA, Cyber Resilience Act, ePrivacy Directive, EECC and others.

Regulatory engagement and enforcement:	We assist with regulatory engagement and enforcement actions, including investigations, across a range of sectoral regulators and authorities, including, amongst others, the Data Protection Commission, ComReg, National Cyber Security Centre, An Garda Síochána, as well as European Supervisory Authorities. We advise on the full spectrum of enforcement powers, including production orders, dawn raids and interviews.
Incident response / cyber-attacks:	We provide emergency incident response and on call 24/7 assistance in the event of a data security breach or a cyber-attack, working closely with our network of forensic IT specialists and law enforcement agencies to ensure business continuity and minimising reputational impact. We provide assistance in the full management of all legal issues arising from data breaches and cyber-attacks, from reporting to authorities to seeking injunctive relief in the courts.
Private enforcement actions:	We advise on litigation arising from cyber-incidents, including B2B contractual disputes, licensing and SaaS disputes, as well as defending claims from individuals impacted by personal data breaches.

Our Experience

- Advising a global medical devices company to manage a cross border cyber incident, including regulatory engagement on a lead supervisory authority basis to report a data breach. Engaged with forensic security investigations to track the incident, drafted all communications with stakeholders – to include the Board, Employees, Data Subjects, Vendors and Customers. Advised on the Data Protection Commission investigation and private enforcement actions that ensued.
- Advising a multinational engineering company on a global cyber incident, led the multi-disciplinary cyber incident response team, coordinated forensic investigations responses, reports to regulators, law enforcement, drafted notifications to employees, data subjects and vendors, Reviewed all media communications regarding the incident, collaborated with Matheson’s Digital Services Group to deploy AI technology to support a human review of extensive number of vendor contracts in time sensitive circumstances, Engaged with global law enforcement to track bad actor’s activity to mitigate exposure and communicate the implementation of threat specific security measures, Successfully procured High Court injunctive relief to prevent the onward processing of data and advised on the drafting of all submissions with Regulators and Law enforcement, Advised on all ensuing privacy enforcement actions involving customers and data subjects.

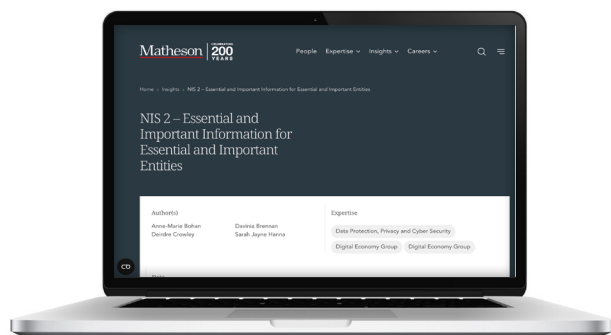


- Advising a **state owned postal services provider** in respect of scoping its obligations under NIS2.
- Advising a **global technology and social media company** on implementing a governance framework around NIS2 compliance and reporting obligations.
- Advising a **national private healthcare provider** in responding to and managing a cyber-incident which resulted in a personal data breach. We advised the company in respect of a subsequent inquiry commenced by the Irish Data Protection Commission and related proceedings in the Circuit Court.
- Advising a **global cloud services provider** in respect of a cyber-incident, including notifying various competent regulators and defending follow-on litigation arising from the incident.
- Advising a **securities lending platform** in respect of a cyber-incident affecting its global operations, including notifying regulators and law enforcement agencies in Ireland.
- Advising a **semi-state body** operating in the energy sector in respect of its cyber compliance governance and reporting obligations under various cyber-focused regulations.
- Advising a **US corporate** in connection with a ransomware attack involving the first successful injunction granted by the Irish courts against “persons unknown”.
- Providing a **US headquartered technology company** with strategic product counselling advice on cutting edge technology, including undertaking data protection impact assessments.
- Advising a **social media multi-national** on data protection compliance and associated corporate governance matters, management of contentious data protection matters and consumer complaints, and online consumer protection issues.
- Advising a **major Irish retailer** with an international presence on a cyber-incident involving cross-border processing of consumer personal data.



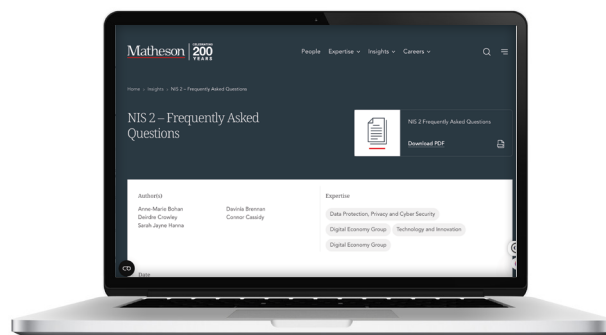
VIRUS ALERT

Our insights



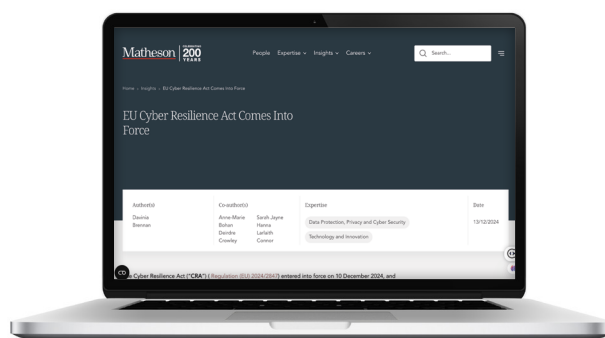
(NIS 2 – Essential and Important Information for Essential and Important Entities)

[Click to access](#)



(NIS 2 – Frequently Asked Questions)

[Click to access](#)



(EU Cyber Resilience Act Comes Into Force)

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