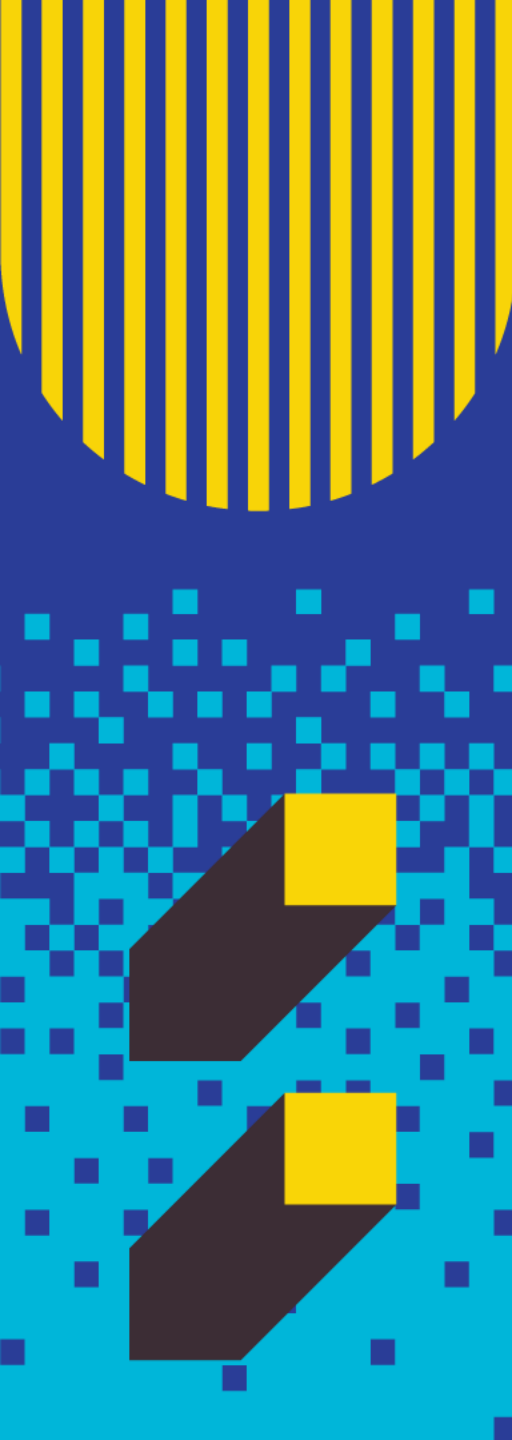




IAPP PRIVACY. SECURITY. RISK. + AI GOVERNANCE GLOBAL 2026

Training 6-7 October

Workshops 7 October

Conference 8-9 October

AI GP exam 9 October

SEATTLE

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Privacy Programs on Trial and Incident Response Under Fire

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WELCOME AND INTRODUCTIONS



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What You Will Learn

- I. Practical approaches to design your privacy program with a judge and jury in mind.
- II. Best practices to reduce legal and regulatory risk, while enabling the technical collaboration necessary to respond to the incident and empowering a business to manage relationships and communications, when navigating a high-stakes data breach or business-disrupting incident.



AI Is Changing Security Defense and Incident Response

Defenders are under
greater time and
resource pressure



Speed of the attack



By the time the SOC alerts have
been escalated and analyzed, the
exfiltration has already occurred.



More voluminous evidence for
review

Recent Agentic Incidents



Frontier Model Co.: it reviewed over 7 billion agent trajectories (logs) using over 3 million GPU hours



HF: Identified over 17,600 attacker actions (events) (that they were able to recover) for forensic review



Widely observed challenges in AI governance (e.g., explainability & non-human identity and access management) →



Difficult & time-consuming to develop factual understanding, particularly where agentic AI is involved



Takeaway: as AI evolves, we will need AI both to investigate and defend against agentic attacks

Pressure to Communicate



Increasing use of dark web monitoring



Business disruption can generate a large volume of customer, partner, and media inquiries



Increasingly aggressive and expansive incident notification requirements, contractual, regulatory, etc.



Online news reports, social media commentary, misinformation and blogs first published > further propagated across online information sources > rapidly incorporated into AI summaries, appearing prominently in search engine results

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Prematurely communicating inaccurate information can require correction eroding organizational credibility



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Engaging the Forensic Investigator

Agreement demonstrates the services are being performed in anticipation of litigation or investigation (e.g., new engagement letter tied to the current incident; scope focused on work necessary for counsel to assess legal obligations and respond to litigation)

Retained through outside counsel after the incident as a triparty engagement

Paid from Legal budget, when possible

Outside counsel vets engagement letter to protect privilege and work product protection

Time limit on document/data retention

The Forensic Report

It's not a foregone conclusion.



Outside counsel directs the content & form of the report



Limit and track the dissemination (*i.e.*, non-legal & third parties)

E.g., disable email forwarding

Side Letters?

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Internal Response Communications

Informal, group communications in chat, Slack, Teams, or email may become discoverable

- “Management never listens to our concerns.”
- “We were supposed to fix this after last year’s incident.”

Copying Counsel

vs.

The “Predominant Purpose” requirement

Use of AI Tools in Incident Response



Use of AI for note-taking, generating summaries or action items or use of transcription tools in meetings where privileged communications occur



Use of public/consumer-grade AI tools vs. enterprise-restricted, closed loop AI tools designed to maintain confidentiality where access to outputs is restricted

Crisis Communications in a Data Breach



Train, prepare and designate spokesperson(people)



Counsel helps ensure message consistency and accuracy in communications to different audiences, including regulators



Increasing CISO collaboration via ISACs and other threat-intel sharing associations

Run a Crisis Communications Exercise



Clarify guiding principles
& criteria



Develop the comms RACI



Think through
contingencies (e.g.,
backups/delegates)



Identify issues that may
paralyze operational
personnel



Reduce escalations by
equipping personnel to
manage routine inquiries



Driving Consensus in Matrixed Organizations

Stakeholder management is key

Structured agenda

Necessary stakeholders present (or delegates)

Veto power?

Empowerment framework (e.g., approval/escalation)

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How Did Things Go? (We Really Want To Know)

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