

Cyber Exposure:

Mapping Risks, Analyzing Trends and Optimizing Insurance

23.05.2014
Belhassen Tonat / Munich Re Seoul



AGENDA

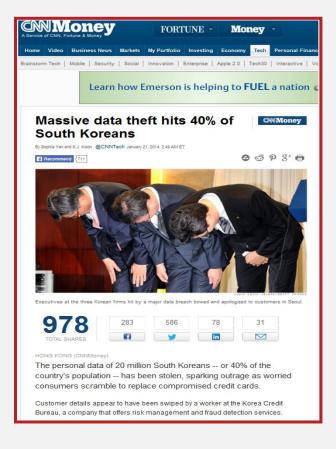


- 1. Introduction
- 2. Cyber Risks Origins
- 3. Dimensions of Cyber Risks
- 4. Cyber Liability Heat Map
- 5. Relevance Across Industries
- 6. Technological Trends
- 7. Loss Scenarios
- 8. Regulatory Aspects
- 9. Cyber Insurance
- 10. Outlook and trends

1. Introduction



Seoul, February 2014

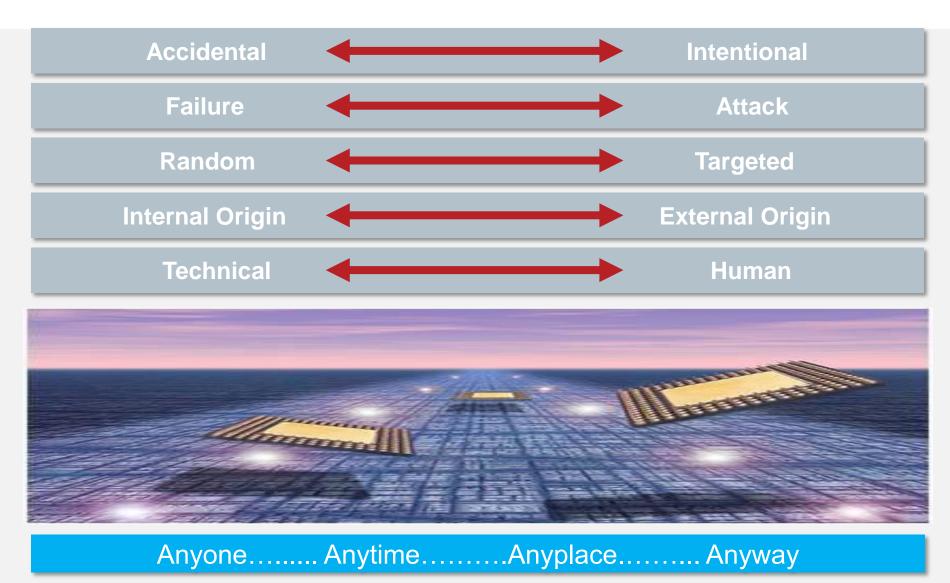


Tokyo, May 2011



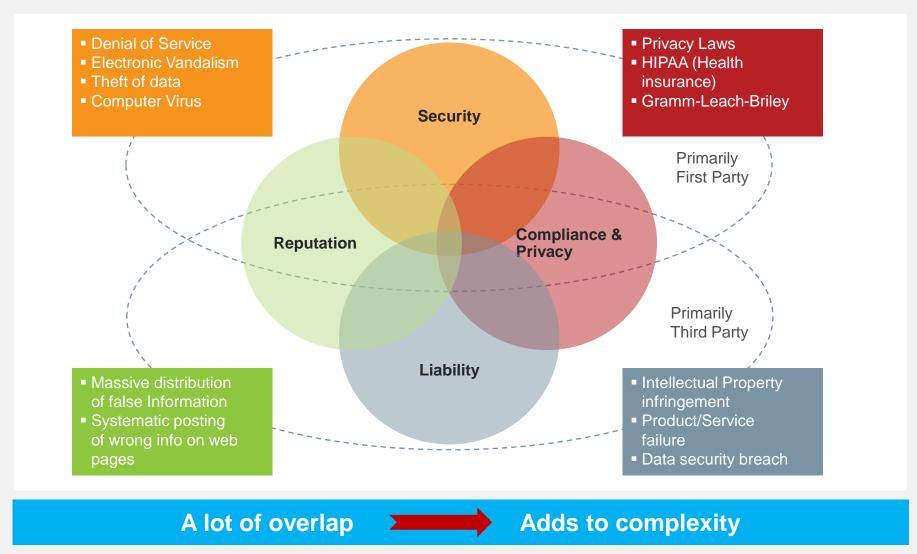
2. Cyber Risk Origins





3. Dimensions of Cyber Risks





4. Cyber Liability Heat Map



1. Security breaches and cyber attacks – High Risk

- The most valuable data to thieves is financial information or information that can be used to perpetrate identity theft
- A cyber attack can also cause disruptions to business operations and other economic harms



2. Unintentional disclosures of sensitive data – Medium Risk

- Many online companies collect, store, and interact with "sensitive data"
- The privacy protections afforded to individuals online is far from comprehensive, however, class action lawsuits have had success and new US legislation appears imminent



3. Workplace-related liabilities - Medium Risk

- Employees using social media at work and at home, creating potential secondary liabilities (IP infringement, defamation, harassment, securities fraud, etc.)
- Monitoring employees' communications and other invasions of privacy
- Online research of current or potential employees (hiring and firing)



4. Cyber Liability Heat Map (cont'd)



4. Unintentional loss or destruction of data or services

- Medium Risk/ Low Risk
- Many companies now offer cloud-based services that allow consumers and businesses to store and interact with data on remote servers managed by the companies. Losing or recovering data assets can be expensive
- Isolated service outages and accidental data loss have raised liability questions related to the maintenance, storage, and accidental destruction cloud-stored data



5. Other secondary liabilities - Medium Risk/ Low Risk

- User-generated content: IP infringement, unlawful speech
- Trademark claims against search engines and auction websites

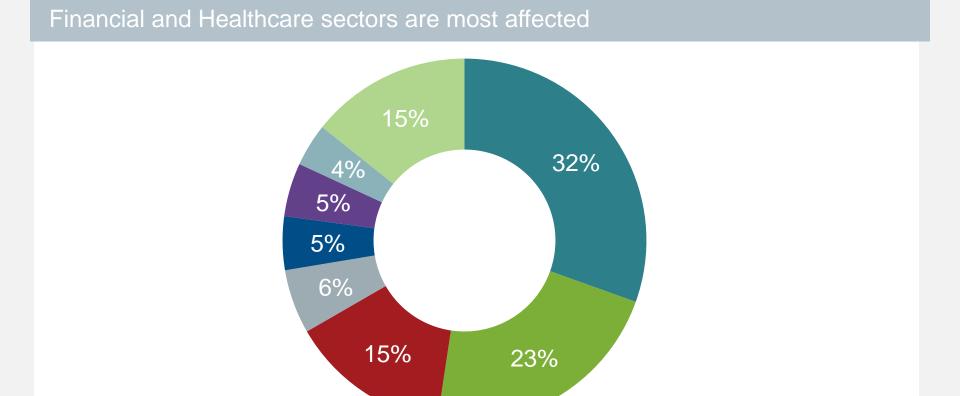


5. Relevance Across Industries# events

■ Financial Services ■ Healthcare

■ Tech Services





■ Retails

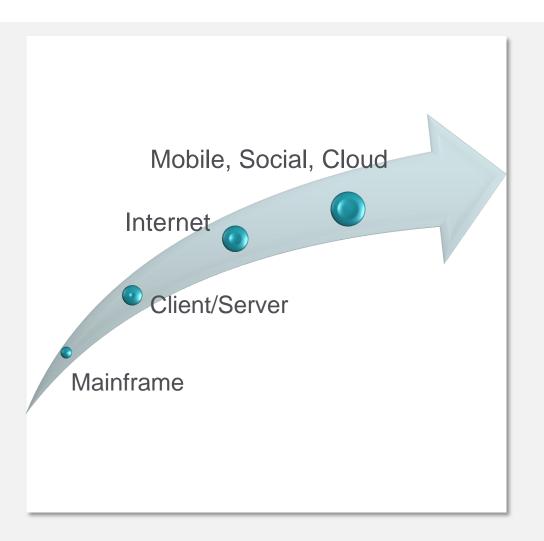
■ Business Services ■ Government

others

Manufacturing

6. Technological Trends Where we are...and where we're going





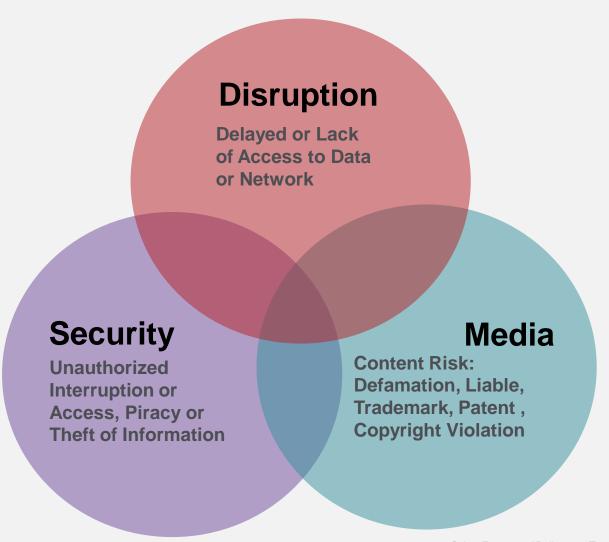
Every 60 Seconds

- **98,000+** tweets
- 695,000 status updates
- 11 million instant messages
- 694,445 Google searches
- 168 million+ emails sent
- 38 tons of e-waste

Subject to change without notice

7. Loss Scenarios Three Main Categories





7. Loss Scenarios Security



Seeks Widespread Destruction ...Less Likely Threat

Cyber Terrorism

Cyber War

Cyber Security

Cyber Crime

Cyber Espionage

Profit or Politically Motivated More Likely Threat

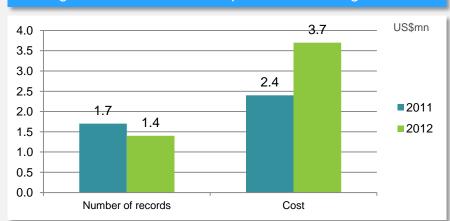
7.1. Data BreachSpecial Security Risk - Trends

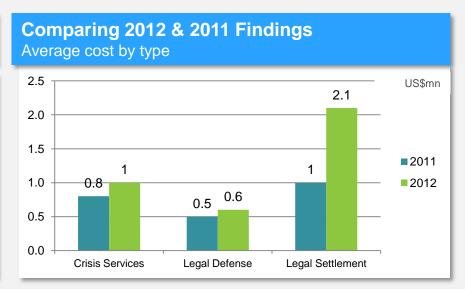


Comparing 2012 & 2011 Findings

Comparing 2012 & 2011 Findings

Average number of records exposed and average cost





Average cost for crisis services US\$th 400.0 345 341 350.0 300.0 253 242 250.0 201₁₈₀ 170 200.0 ■2011 150.0 2012 100.0 66 50 50.0

Credit

Monitoring

Legal

Counsel

- Number of records exposed is lower, but average cost is higher
- Legal settlements drive the costs
- Forensic costs and credit monitoring up

Notification Call Center

0.0

Forensics

7.1. Data BreachSpecial Security Risk - Trends



- Employee behaviors, both intentional and accidental are a fundamental cause
- Small/Midsize businesses (SMBs) are at a greater risk (81% to 78%)

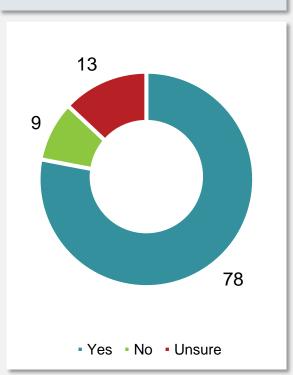
SMBs More Likely to:

- Open spam
- Leave computers unattended
- Visit off-limit websites

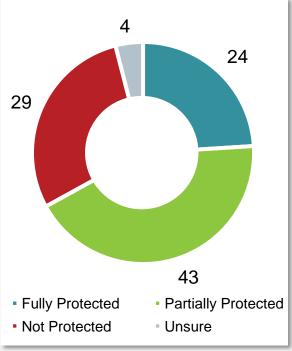
Data Breach Top 3 Causes

- Loss of laptop /mobile devise (35%)
- 3rd party vendor mishaps
- System glitches

Has your organization ever experienced a data breach as a result of negligent or malicious employees or other insiders?



In general, is your organization's sensitive confidential business information protected by encrypted or other data protection technologies?



7.1. Data BreachSpecial Security Risk - Trends



Increased Exposure

- Increased use Social Media; Transactional Activity, Mobile Activity
- Rapid Technological evolution and development; E.g., Wi-Fi, Hand Held devices, Cloud Computing

Workplace Trends

- Nontraditional work arrangements
- Qualified IT staff
- Information technology budgets
- Customer demands

Workplace Technology Trends

- Increase in high-speed Internet lines
- Software trends –Microsoft dominance
- Increasing sophistication of computer programs
- Internet and e-mail trends

Increased System and Data Vulnerability



Hannaford Brothers Supermarkets

- Dec. 2007 breach...Made public March 2008
- 4.2m credit/debit card numbers exposed Est. 2,000 subject to fraud... Litigation pending

TJX

(TJ Max, BJ Warehouse Club, Marshals, etc.)

- 45.6m customer credit cards breached in 2007
- \$256m (Cost to companies, banks and insurers)
- \$200m class action (incl. \$177m for Credit monitoring)

Heartland Payment Systems

(Credit Card Processor)

- 2008/2009 credit card breach Partial settlement as of 2010 for \$114m – 139m
- 100m transactions per month 40% are small / midsized businesses (e.g. restaurants)
- 130m credit card records breached

RockYou

(Social Medial Application Developer)

- 2009 breach
- Hackers gained access to 32m email addresses and passwords
- Claims include company was slow to respond



Epsilon

- 2011 breach
- Email marketing 40 billion emails per year
- 2% of database invaded
- Names and email addresses of customers of thousands of name brand business exposed (Citigroup, Capital One, Best Buy, Target, etc.)

SONY On Line Entertainment

- 2011 Breach of Sony PlayStation On-line Gaming System
- Potential costs could reach \$50m or more in revenue and remediation costs

ZAPPOS

(Subsidiary of Amazon)

- 2012 Breach by hacker
- On line shoe and clothing retailer
- 24 million customers information accessed (name4s, addresses.... But company says actual credit card information was not breached
- Class action has commenced



LinkedIn (Social Network)

- Breach reported in June 2012 (UPI)
- Possible 6.4m members data breached (Reuters)
- Total members = 161m globally (61% in the US)

Global Payments (Credit Card Processor)

- March 2012 reported breach = \$94m
- 1.5m credit/debit cards breached
- Co still not sure what was actually stolen but customer names, addresses, SS #, driver license # and bank account information was exposed

Yahoo (Web Service)

- July 2012 breach
- 400,000 user names and passwords stolen
- Yahoo, Gmail, Hot mail, Comcast impacted
- Committed by a group of hackers known as D33D just to show that the system is not secure



Wyndham Hotels	 2012 breach of global hotel chain 600,000 credit cards
eHarmony	2012 breach of on line dating service1.5Million passwords
Texas Attorney General's Office	2012 breach6.6 Million records
Gamigo	2012On line game developer3 million records



Hamilton County Court Clerk (OH)

- County Website breached Hundreds of county residents' data stolen
- 1.3mm records: tax, medical, bank account, etc.

Chicago Board of Elections

- 100 computer disks were inadvertently shared
- 1.3mm Chicago residents SS # exposed
- Class action filed

Texas Attorney state controller's

- In 2011unencrypted state employee retirement data posted on the states public website
- 3.5mm state employees exposed

Texas State Comptroller

- Student break in Teacher, student, taxpayer personal information stolen
- Over 16,000 residents, 15,000 students impacted



Sutter Medical Foundation	 2011 burglary of computers containing patient information dating back to 1995 Information on 4mm patients at risk
EMCA	 Student identity theft Office break-in resulting in 3.3 mm college students' personal information data stolen
Diocese of Providence	 Vandals broke into church offices and physically stole unlocked computers – Personal data on 5,000 current/former employees exposed

"Cyber attacks now 2nd most common economic crime (asset misappropriation is #1" (Financial Planning 3/27/12)

7.3. Data Breach Takeaways



High Tech
High Profile

Don't have to be Targeted

Low Tech
Low Profile

Everyone is at Risk

- Automated programs search for unprotected computers on the internet...doesn't care if it finds a Fortune 500 computer or the local pizza parlor computer or a church computer or another computer
- Located vulnerable computer accessed to install malicious software:

Identity Theft

Malicious Mischief

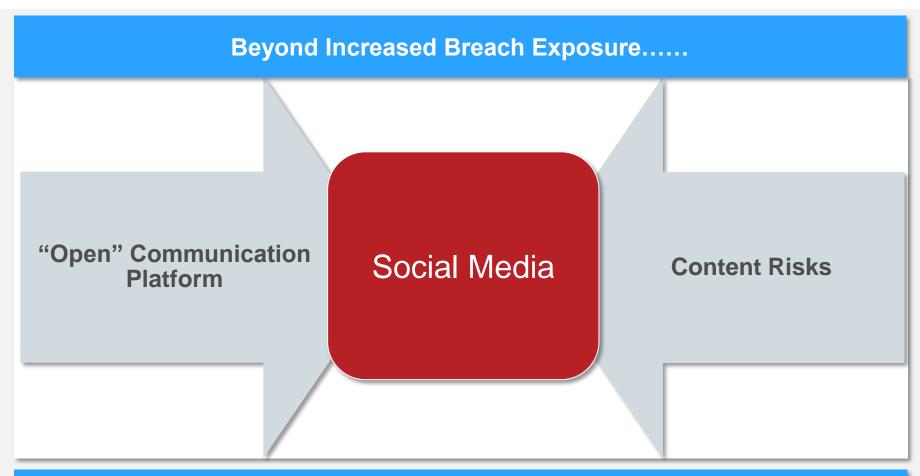
Vandalism

FTC: 2010 Identity Theft is Most Frequently Reported Complaint 250,000 or 19% (11th Year in a row)

Towers Watson 2012 Study: 72% of Commercial Insurance Buyers Do Not Have Cyber Insurance

7.4. Social Media/Blogging Special Media Risk



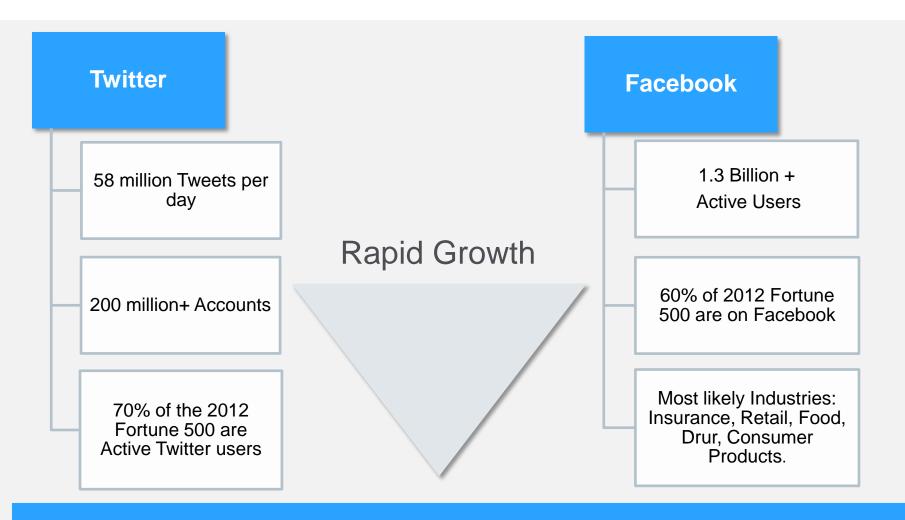


Everyone is in the Publishing Business

Any person or organization, not just media companies,
can be sued for media content

7.4. Social Media Some Quick Numbers (Already outdated!)





Widespread Personal and Commercial Use

7.4. Social Media Risks



Commercial Risks: Social Media Exposure varies by Predominant Usage

Internal
Employees Focus (Employment
Practices Liability)

External
Public, Customers, Students,
Constituents

Discrimination or Harassment

- Hiring, Treatment, Termination
- Liable/Defamation
- Invasion of Privacy
- Cyber Stalking

Operational

- Antitrust Violations
- Data Security (Breach)
- Trade Secrets
- Copyright/Trademark Infringement
- Consumer Fraud/Deceptive Practices

Speed and global reach



8. Regulatory Aspects US perspective



Notification Legislation – fluid & complex laws and regulations

- State and federal laws include penalties for failure to notify <u>possibly</u> affected persons
- Law follows the victim most losses extend over multiple states

State laws are extensive

- 46 States plus DC and Puerto Rico have individual Laws –
- MA and NV have the most stringent privacy laws setting the standard for other states
- CA and WA recently passed revised laws

Federal legislation recently passed includes

- 2/17/10 HITECH Act Protecting Health information Expanded application of HIPAA
- 2/22/10 Full Enforcement of Health Data Breach Notification Rules
- 12/31/10 Broad Federal "Red Flag Rules" instituted

Litigation still Evolving, but fertile ground for Class Actions

Costs include: Civil Penalties, Damages, Remediation/Notification/Recovery Expenses,
 Lost Business

8.1. Specific Laws of Interest A Quick Reference (1/2)



Gramm-Leach-Bliley Act (Financial Services Modernization Act of 1999)

Mandatory Compliance – Broad governance of consumers non-public information

Sarbanes-Oxley Act of 2002 (SOX)

Sets tough standards for all US public companies

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Title II of the Act sets requirements for the administration of electronic health care information

Health Information Technology for Economic and Clinical Health (HITECH)

Modified the penalties that could be imposed for violations of HIPAA

Payment Card Industry Security Standard (PCI DSS)

Worldwide security standard for credit/debit cards

Computer Fraud and Abuse Act

Passed in 1986 to reduce computer hacking

Basel II

EU Recommendations on Banking Laws & Regulations – requires enterprise risk standards

Genetic Information Nondiscrimination Act of 2009 (GINA)

Protects employees from discrimination if an employer accesses their genetic information

8.1. Specific Laws of Interest A Quick Reference (2/2)



Identity Theft and Assumption Deterrence Act

 Makes identity theft a Federal crime with severe penalties Establishes that the person whose identity was stolen is a true victim (previously was only the credit grantors)

California On-Line Privacy Protection Act

Requires strong privacy practices for e-commerce sites be posted and fully complied with

Fair Credit Reporting Act (FCRA)

Governs the collection, dissemination, and use of consumer credit information

Fair and Accurate Credit Transactions Act (FACTA) – Strengthens FCRA

Added new sections to the Fair Credit Reporting Act (FCRA) intended to fight identity theft

Multiple Federal legislation has been/is being developed

List of major proposed laws on next slide

Most States (44 and counting) have Anti-Bullying Statutes related to Electronic Bullying

All involve Significant Fines, Penalties and/or Prison

8.2. Federal laws - ProposedA Quick Reference



Specific Cyber Laws Proposed	
CISA Act of 2012 (S 2102)	Improve the sharing of cyber security information among entities in the private sector and between the private sector and the government.
PRECISE Act of 2011 (HR 3674)	Establishes the National Information Sharing Organization (NISO) to serve as a collector of information relating to cyber threats.
SAFE DATA Act (HR 2577)	Establishes uniform national standards for data security & data breach notification.
CISPA Acts of 2011 (HR 3523)	Intended to protect business from intellectual property theft by hackers; Exemption from liability for sharing the information with the government.
Cyber Security Act of 2012 (S 2105)	Gives the Department of Homeland Security <u>broad powers</u> to require that "critical" computer systems meet minimum security standardsDefeated August 2012
SECURE IT Act of 2012 (S 2151)	Competing version of the Cyber Security Act with less force; Gives the DHS less authority than the Cyber Security Act.

8.2. Federal Laws – CISPAA Quick Reference



The CyberSecurity Act of 2012 (S 2105)

- Introduced February 14, 2012
- Gives the Department of Homeland Security broad powers....Most of the provisions implemented as an Executive Order by President Obama in 2013 to require that "critical" computer systems meet minimum security standards
- Requires that "company" computer systems involved in "vital" functions meet standards set by the Homeland Security Department and industry
- Imposes a new regulatory scheme and risk-based security requirements upon owners of critical infrastructure
- KEY => What is Deemed "CRITICAL" = DHS determines : Life Sustaining Services, Damage to Economy or National Security

Couldn't get Through Congress....

2013 Executive Order by President Obama implemented most of the provisionswhile more permanent legislation continues to be developed.

New standards established by the Bill could become a measuring stick for cyber security risk management for all public companies.

8.3. Regulatory Aspects EU perspective





2009: Introduction of Data Breach Notification Requirement for the Electronic Communication Sector (Directive 2009/136/EC)

2012: On January 25th, the European Commission proposed a comprehensive reform of the EU's 1995 data protection rules, including:

- Notification within 24 hours applicable to all industries
- Appointment of Dedicated Data Protection Officer for companies with more than 250 employees
- Financial Penalties up to 2% of the Global Annual Turnover of a company which violates EU data protection rules

Applicable for all companies which handle personal data of EU citizens.

To be enforced in 2014.

9. Cyber Insurance Unique Character – Unique Challenges



"Commercial" Use

- The internet should never be considered fully secure
- Fundamental to business, not a "nice to have"

Technology

- Complex and rapidly changing
- · Risk management more challenging

Accumulation

- Broad, simultaneous access and usage
- Global, instantaneous transmission

Legal Landscape

- Challenge proving facts in court
- Rise in multi-jurisdictional disputes
- Determination of applicable law Global and even state differences

9. Cyber Insurance "Commercial" Insureds





9. Cyber InsuranceCyber Risk - Specialized Coverage



Wide Variety of Non-Standardized Coverage - 1st and 3rd PartyA Common Sampling		
Privacy Regulatory Defense & Penalty	Covers defense costs, fines/ & penalties for violations of privacy regulations, including but not limited to HIPAA and the new Hi-Tech Act.	
Data Privacy/Security	Covers third party claims as a result of a network security/privacy breach. Covers both online /offline information, virus attacks, denial of service & failure to prevent transmission of malicious code.	
Internet Media Liability	Covers both online and offline media. Website content (copyright/trademark infringement, libel/slander, plagiarism and personal injury).	
Intellectual Property	Theft/use/disclosure of proprietary, advertising, technology, trademarks, etc.	
Information Asset Protection & Business Interruption	Covers expenses and costs required to recover and/or replace data that is compromised, damaged, lost, erased or corrupted. Coverage also includes business interruption and extra expense coverage for income loss as a result of the total or partial interruption of the insured's computer system.	
Cyber Extortion	Covers investigation costs and extortion demand.	
Cyber Terrorism	Terrorist acts covered by the Terrorism Risk Insurance Act of 2002. In some cases, may be further extended to terrorist acts beyond those contemplated in the Act.	
E&O Coverage	Inadvertent loss or disclosure of data, employee error resulting in deletion of data or spreading of virus, etc.	
Reputational Coverage	Covers reputational harm resulting from adverse media activity - pays for crises management expenses (via dedicated crisis management and public relations professionals) and pays for loss of revenue resulting from adverse media activity.	
Rapidly Growing and Evolving!		

Cyber InsuranceCyber Risk - Specialized Coverage - ISO Form



ISO E-Commerce Package

Designed for Commercial Enterprises, including Non-Profit Organizations that have some form of Web Presence

Intent: Fill Gaps/Expand Coverage of the CGL Policy Coverage: 8 Separate Insuring Agreements

- website publishing liability copyright, trademark, trade dress, or service mark; defamation against a
 person or organization; or violation of a person's right to privacy
- 2. <u>security breach liability</u> unauthorized acquisition or disclosure of client information held within a computer system or otherwise (for example, hard copy); transmission of a virus to a third party by email or other means
- 3. <u>programming errors and omissions liability</u> programming errors or omissions that ultimately disclose clients' personal information held within a computer system
- 4. <u>replacement or restoration of electronic data</u> expenses incurred to replace or restore electronic data or computer programs affected directly by a virus
- extortion threats ransom payments and other expenses incurred resulting directly from cyber threats
- 6. business income and extra expense loss of business income and/or extra expenses
- 7. <u>public relations expense</u> expenses incurred to restore the insured's reputation
- 8. <u>security breach expense</u> expenses incurred to notify parties affected by a security breach.

9. Cyber Insurance Specialized Coverage



Terms, Definitions and Conditions of similar Coverage can vary significantly, for example....

- Explicit Trigger (e.g., Claims Made; Failure to Secure Data, etc) rather than "Occurrence"
- Named peril rather than All Risk: Remediation, response costs, Regulatory fines, Penalties (Defense costs only)
- Often Defense in Limit
- Most have been Developed since 2000 Largely untested in Court
- Scope of Coverage varies including:
 - Indemnity v Pay on behalf;
 - Aggregate Limits;
 - Duty to Defend;
 - Definitions of key terms ("Claims", Computer System", "Damages". Etc.);
 - Exclusions, Sub-limits, Expense Coverage, etc.

Coverage is Growing and Evolving Rapidly A Growth Area for insurers.

Cyber Insurance Hartford Steam Boiler (Member of Munich Re Group)



Identity Recovery Coverage

- Enhancement to various Personal coverage
- Coverage: Expense Reimbursement for Legal Expenses, Lost wages, Child/Elder care, Miscellaneous Expenses
- Services: Access to Identity Restoration Services

Data Compromise Coverage

- Enhancement to various Commercial Coverage
- Coverage: Expense Reimbursement (1st Party) including: Legal, Restoration, Forensic IT, Credit Monitoring, Notification
- 3rd Party Coverage is available

Cyber Risk

- Enhancement to various Commercial Coverage
- 1st Party Coverage Data Restoration and Recreation, System Restoration, Business Income, Public Relations
- 3rd Party Coverage Breach of 3rd Party Business data; Unintended Malware propagation, Unintended Denial of Service

9. Cyber Insurance Korea: Phishing and Hacking insurance



Covered risk

- Economical loss of the insured.
- Arising out of phishing and hacking.
- Due to the leakage of personal information.

Form of coverage

- Beneficiary is the individual.
- Mostly bought by an institution to cover its members.

Original terms and conditions

- Limit of Liability: KRW1mio. 10mio. per insured
- Deductible: ~ KRW100,000 per insured

Covered Loss

- Economical loss of the insured
- Caused by false withdrawal of savings or misuse of credit card

9. Cyber Insurance



Korea: Phishing and Hacking insurance (cont'd)

Period

- Loss occurrence : during the policy period
- Accident (financial fraud of phishing or hacking): also during the policy period

Coverage basis

Occurrence basis policy and doesn't have any "extended reporting period" provision.

Most important Exclusion

 Economical loss during the policy period because of "accident" which took place before the beginning of the policy period.

9. Cyber Insurance Underwriting considerations



- 1. Which jurisdiction agreement?
- 2. Worldwide 193+ countries (multiple jurisdiction possible)
- 3. EU "Freedom of Service" policy (FOS)
- 4. Premium tax requirement's ("Kvaerner-judgement")
- 5. Recommended limitations: patent infringement / penalties / Biz interruption.
- 6. Penalties from \$100 to \$1 million+ for "Payment Card Industry Data Security Standard" (PCI DSS violations) possible
- 7. Jurisdictions and policies define "data" differently: tangible property or pure financial loss?
- 8. Not all Cyber risks are excluded from commercial liability covers
- 9. Clients expectation for additional services / reputation protection in case of a claim
- 10. Potential risk of class action suits in the U.S./ EU

Cyber Insurance Takeaway Thoughts – Balance Risk/Reward

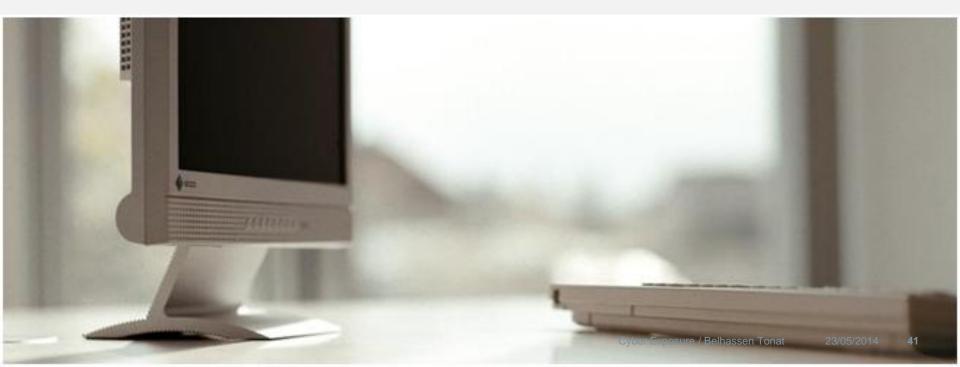


Internet is central to commerce, it's fundamental to business operations Take Advantage of **Opportunities Goal**: optimize the benefits and growth potential of Internet and provide proper, profitable coverage **Growth Potential** Diligent, Informed Underwriting Respect and Proactively manage the risks Manage the Risks Develop proper coverage and underwriting expertise Focus on Risk Selection

10. Outlook and Trends



- Emerging and Rapidly Evolving Technology and Increased Use
- Coverage being developed to meet the challenges Wide Variety
- May be a Common Coverage in the Future
- Significant Opportunities for Knowledgeable Underwriters



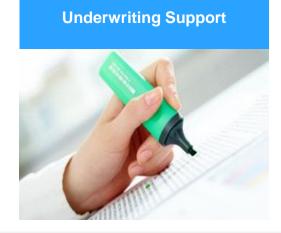
Cyber Insurance Munich Re Seoul - Service Portfolio

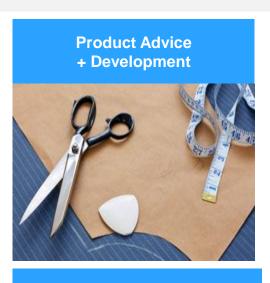
















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