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## Cyber Threats; And What To Do About Them

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## Cyber Security not just for IT!

- IT
- HR
  - Hiring, onboarding, training,
- Management
  - Continuous review and improvement
- Board Issue
  - Liability for no addressing

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## Everyone is a target!

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Feb 23 04:33:57 darkstar sshj[10289]: Disconnected from 222.186.42.7 port 39767
Feb 23 04:34:16 darkstar sshj[10291]: Failed password for root from 49.88.112.72
Feb 23 04:34:17 darkstar last message repeated 2 times
Feb 23 04:34:17 darkstar sshj[10291]: Received disconnect from 49.88.112.76 port
Feb 23 04:34:17 darkstar sshj[10291]: Disconnected from 49.88.112.76 port 12964
Feb 23 04:35:07 darkstar sshj[10293]: Failed password for root from 49.88.112.72
Feb 23 04:35:08 darkstar last message repeated 2 times
Feb 23 04:35:08 darkstar sshj[10293]: Received disconnect from 49.88.112.76 port
Feb 23 04:35:08 darkstar sshj[10293]: Disconnected from 49.88.112.76 port 19228
Feb 23 04:36:54 darkstar sshj[10296]: Failed password for root from 49.88.112.72
Feb 23 04:36:55 darkstar last message repeated 2 times
Feb 23 04:36:56 darkstar sshj[10296]: Received disconnect from 49.88.112.76 port
Feb 23 04:36:56 darkstar sshj[10296]: Disconnected from 49.88.112.76 port 64380
Feb 23 04:37:40 darkstar sshj[10298]: Failed password for root from 49.88.112.72
Feb 23 04:37:40 darkstar last message repeated 2 times
Feb 23 04:37:41 darkstar sshj[10298]: Received disconnect from 49.88.112.76 port
Feb 23 04:37:41 darkstar sshj[10298]: Disconnected from 49.88.112.76 port 37395
Feb 23 04:38:35 darkstar sshj[10300]: Failed password for root from 49.88.112.72
Feb 23 04:38:36 darkstar last message repeated 2 times
Feb 23 04:38:36 darkstar sshj[10300]: Received disconnect from 49.88.112.76 port
Feb 23 04:38:36 darkstar sshj[10300]: Disconnected from 49.88.112.76 port 61292
Feb 23 04:38:54 darkstar sshj[10302]: Failed password for root from 222.186.52.2
Feb 23 04:38:54 darkstar last message repeated 2 times
Feb 23 04:38:54 darkstar sshj[10302]: Received disconnect from 222.186.52.139 p
Feb 23 04:38:54 darkstar sshj[10302]: Disconnected from 222.186.52.139 port 2591
Feb 23 04:39:38 darkstar sshj[10304]: Failed password for root from 49.88.112.72
Feb 23 04:39:39 darkstar last message repeated 2 times
Feb 23 04:39:39 darkstar sshj[10304]: Received disconnect from 49.88.112.76 port
Feb 23 04:39:39 darkstar sshj[10304]: Disconnected from 49.88.112.76 port 47242
  
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## Part I – Definitions and Threats

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## Cyber Definitions

- Threat or Vulnerability
- Event
- Incident
- Breach
- Criminality

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## Types of Cyber Threats

Accidental	•Data Spills •Lost Laptops •Exceeding Authority
Malicious	•Hacking •Phishing •Why = Money or Information
Computer Flaws	•Software Holes •Programming Issues
APT	•Country v. Country •Country v. Corporation
Natural Disasters	•Fire •Floods •Hurricanes

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### Accidental Cyber Threats Outline

- Employees**
  - Downloading Data
  - Lost Computers
  - Not Following Policy
- Data Spills**
  - Mis-directed Emails
  - Downloading Sensitive Information
  - Exceeding Authority
- Personal Devices at Work**
  - Syncing
  - Ownership
- Social Networking**
  - Facebook / LinkedIn
  - Dating Sites

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### Accidental Threats from Employees

- Downloading
  - Programs
  - Data
- Lost Computers
  - Computers
  - USB Drives
  - Key Fobs / Access Cards
- Policy
  - Circumvention Policy
  - Not Following Policy / Not Aware of Policy
- Passwords

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### Data Spills

- Definition - the transfer of classified or sensitive information to unaccredited or unauthorized systems, individuals, applications or media. A **spillage** can be from a higher level classification to a lower one
  - Government – UCLAS, CONFIDENTIAL, SECRET, TOP SECRET
  - Private Entities – PUBLIC, SENSITIVE, PRIVATE, CONFIDENTIAL / PROPRIETARY

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### Personal Devices at Work

- Syncing
- Data Ownership
- Device or Application Management
- Security for device

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### Employee Threats Prevention Techniques

- Cyber Security Policies
- Create a culture of cyber awareness / security
- Talk frequently about cyber security
- Make employees part of solution
  - Teams of planners - BCDR
- Strong password management
- Reporting cyber security incidents
  - Integrate IT into workforce
- Review HR handbook
- Make the communication reoccurring!
- Don't wait

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### Malicious Cyber Threats Outline

<b>Insider Threats</b>	<ul style="list-style-type: none"> <li>• Disgruntled Workers</li> <li>• Former Employees</li> </ul>
<b>Social Techniques</b>	<ul style="list-style-type: none"> <li>• Changing Trends</li> <li>• Technology Centered</li> </ul>
<b>Business Email Compromises</b>	<ul style="list-style-type: none"> <li>• Type of Man-in-the-Middle</li> <li>• CEO / Vendor / Customer / Attorney</li> </ul>
<b>Computer Takeover Schemes</b>	<ul style="list-style-type: none"> <li>• Ransomware</li> <li>• Malware</li> </ul>
<b>Tech Support Scams</b>	<ul style="list-style-type: none"> <li>• Remote computer access</li> <li>• Study by Microsoft</li> </ul>
<b>Identity Theft</b>	<ul style="list-style-type: none"> <li>• Credit Cards</li> <li>• ATMs</li> </ul>

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### Insider Threats

- Disgruntled Employees
- Ex-employees
- Employees with elevated access
- Remedy
  - Good off-boarding / termination policies

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### Social Engineering Techniques

- Changing Technique
- Con-men with personal interactions
    - Same Goals = Gain Trust & Get Money
  - Technology Centered Schemes
    - Computers
    - Email
    - Texting
    - Social Media
  - One hacker = many victims
    - Worldwide reach

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### Infamous Hacker

“The lethal combination is when you exploit both people and technology... it’s easier to manipulate people rather than technology.”

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**Social Engineering Prevention Techniques**

**Be Wary Of:**

1. Unsolicited business schemes
2. Texts / E-mail / US Mail
3. Any "IMMEDIATE" Requests
4. Uninvited Money Managers
5. And Anything!

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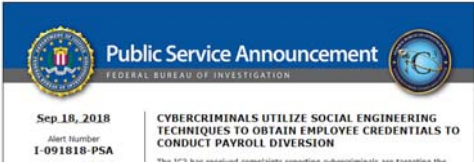
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**Internet Crime Complaint Center (IC<sup>3</sup>)**



**www.ic3.gov**

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**Business E-mail Compromises**

- BEC Definition and Methodology
- Versions of BEC
- Hallmarks of BEC
- Victims and Impact of BEC

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## Business E-mail Compromise (BEC)

**Definition:**

Sophisticated scam targeting businesses working with foreign suppliers and/or businesses that regularly perform wire transfer payments.

**How:**

Carried out by compromising legitimate business e-mail accounts through social engineering, brute-force, computer intrusions, etc.



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## BEC Methodology Spooferd

**• Spooferd accounts**

- Adding an additional letter to the user name
  - [abcd@yahoo.com](mailto:abcd@yahoo.com) => [abcd@yahoo.com](mailto:abcd@yahoo.com)
- Need to be aware of free domains, i.e., Yahoo, G-Mail, AOL, Hotmail

**• Spooferd Domain**

- Slight variations of the domain
  - [abc@0123.com](mailto:abc@0123.com) => [abc@0123.com](mailto:abc@0123.com)



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## BEC Methodology Non-Spooferd

- "Phishing Perfected"
- Hacked accounts
  - Spear phishing
  - E-mail account login spoof
- Things to look for:
  - E-mails forwarded to trash folder or spam folder
  - E-mails forwarded to actor accounts
  - Edited "rules" for account

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**BEC - Hallmarks**

- Targets
  - Open source e-mail accounts
  - Accountants, bookkeepers, controllers, etc.
  - CPA firms, law firms

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**BEC - Hallmarks**

- Social engineering, research and information gathering to minimize suspicion
  - Specific to the business being targeted
  - Amount requested
  - Company logos, letterhead, signatures, etc.
  - Coding and phrases (i.e. "Code to admin expenses")

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**Business Email Compromises**

- Coincide with:
  - executive travel
  - close of business day or week
- IP addresses trace back to free domain registrars
- Phishing schemes
- Pressure to act quickly and secretly

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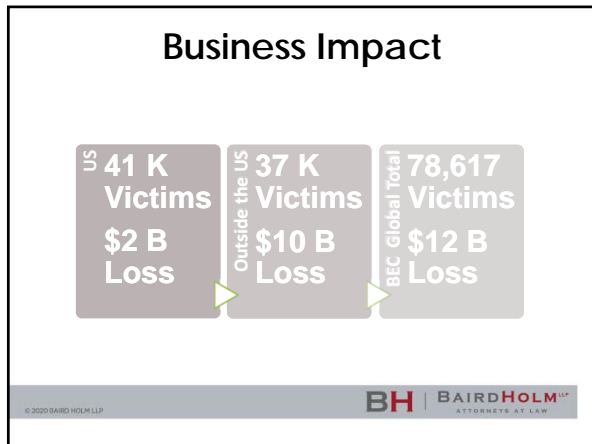
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- ### BEC Prevention Techniques
- Multi-Factor Authentication
  - Have Written Pre-approved Instructions
    - Back-up Approval Authority
    - No Wire Transfers Over Weekends / Holidays
    - No Wire Transfers Without Original Signature
  - Communicate with Bank on Instructions
  - Minimize Bank Information in E-mail
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- ### Computer Takeover - Prevention Techniques
- Maintain Daily Backups
  - Keep Backups Offsite / Offline
  - Keep Virus Definition Up To Date
  - Keep your programs up to date
  - Educate Employees
  - Review Procedures Yearly
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**Part II - Financial Risks  
The True Cost of Cyber Security  
When a Threat Becomes a Breach**

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**Definitions of "records" under data breach statutes**

PII Definitions	Nebraska Neb. Rev. Stat. § 87-301	Iowa Chapter 715C	South Dakota Chapter 22-40
Individual's first name or first initial and last name in combination with			
SSN	Yes	Yes	Yes
Drivers License	Yes	Yes	Yes
Electronic ID or routing code	Yes		
Financial Account w/ password	Yes	Yes	Yes
Unique electronic ID w/ password		Yes	
Biometric Data	Yes	Yes	
State ID	Yes		
Account Number	Yes		
Credit / Debit Card Number	Yes		
Username or Email w/ password	Yes		
Health Information			Yes
Employee ID with password/ code			Yes

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**Investigative Costs of Data Breach**

- Notification Expenses
- Crisis Management
- Regulatory Investigation Expense
- Data Breach Liability
- Content Liability
- Data Loss & System Damage (or Data Restoration Coverage)
- Business Interruption / Lost Revenue

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## Additional Costs of Cyber Breach

- **Direct Financial Costs**
  - Lost profits
  - Software
  - Hardware and systems
  - Information
- **Intangibles**
  - Reputation
  - Personnel
- **Indirect Third-party Liability**
  - Lawsuits, remediation, on-going monitoring
  - Fines and criminal liability

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## Financial Risks of Cyber Security

- **Prevention is always cheaper than remediation**
  - Reaction is always more slower / more expensive
  - Investigations
  - Forensics
  - Rebuilding networks
  - Restoring drives
  - Fines and penalties
  - Intangibles
  - Always cheaper to protect what you already have built

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## Cyber Security Costs - Information

### Global study at a glance

> Average total cost of a data breach:	> Average cost per lost or stolen record:	> Likelihood of a recurring material breach over the next two years:
<b>\$3.86 million</b>	<b>\$148</b>	<b>27.9%</b>
> Average total one-year cost increase:	> One-year increase in per capita cost:	> Average cost savings with an Incident Response team:
<b>6.4%</b>	<b>4.8%</b>	<b>\$14 per record</b>

- Study by IBM and Ponemon Institute LLC

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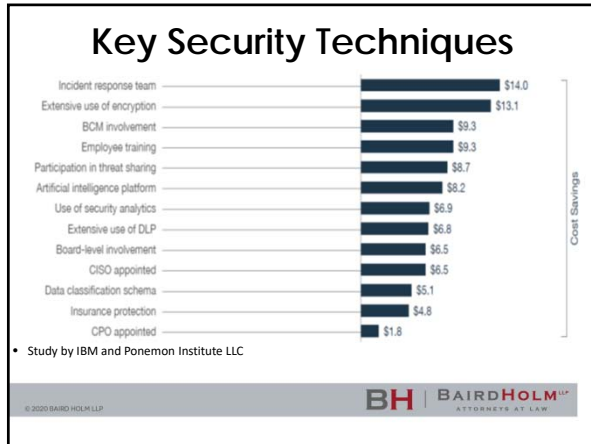
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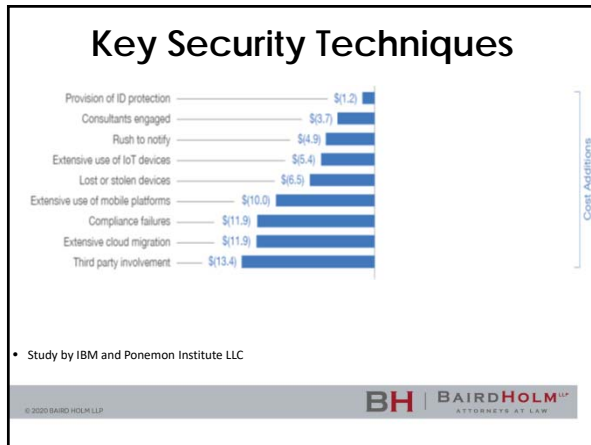
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### Nebraska Breach Statistics

Data Description	Total Records	Nebraska Records
Cost per Record (IBM Report)	\$ 250.00	\$ 250.00
Total Number of Breach Reports	1231	1231
Total Number of Records	5,730,377,134	2,376,143
Total Estimated Cost	\$ 1,432,594,283,500.00	\$ 2,925,032,033.00
Average Records per Report	4,655,059	1,930
Total Average cost per incident	\$ 1,163,764,649.47	\$ 482,563.57
2019 Breaches Only	578	578
Victims	118,321,349	326,933
Average Victims	204,708	566
Total Average Response Cost	\$ 51,177,054.07	\$ 141,407.01
2019 for Nebraska Companies	34	34
Victims	106,767	58,631
Average Victims	3,140	1,724
Total Average Response Cost	\$ 785,051.47	\$ 431,110.29

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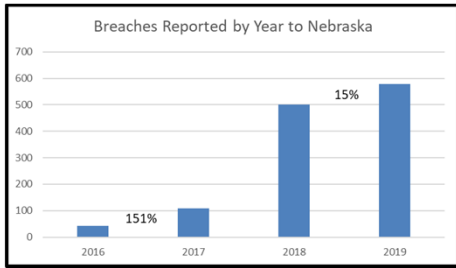
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### Nebraska Breach Statistics



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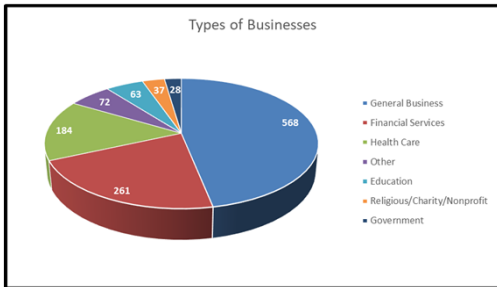
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### Nebraska Breach Statistics



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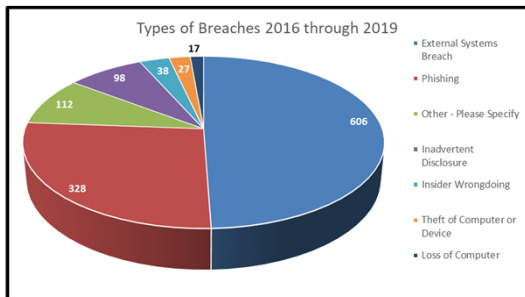
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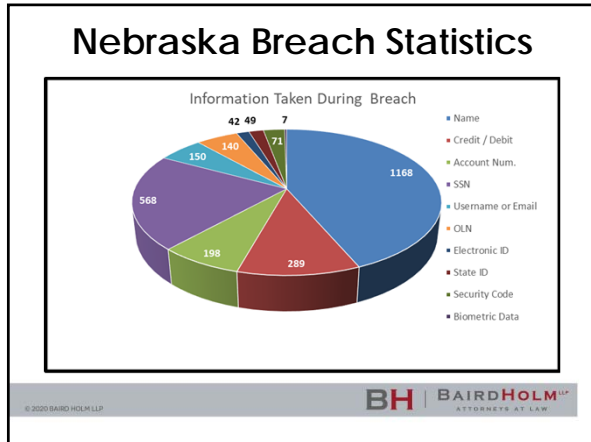
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- ### Summary
- **Prevention Steps**
    - Permanent Plan
      - Create a Cyber Response Plan
        - Board level involvement
      - Create a Cyber Response Team
        - Stakeholder involvement
      - Create HR policies regarding personal tech
        - Practice good policies
      - Create a data map
      - Create a hardware inventory
    - Quarterly
      - Train employees
      - Create a culture of cyber awareness / security
      - Talk frequently about cyber security
      - Reinforce management buy-in
    - Annually
      - Test the plan - table-top
      - Review and Update policies and procedures
      - Update data map
      - Update inventory

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## Questions?

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# Thank You

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## References:

- Cost of a Data Breach Study, IBM and Ponemon Institute  
– <https://www.ibm.com/security/data-breach>
- Global Tech Support Scam Research, Microsoft  
– <https://news.microsoft.com/uploads/prod/sites/358/2018/10/Global-Results-Tech-Support-Scam-Research-2018.pdf>

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