

What Judges Will Ask You After Your Breach

Will you be able to answer them?

- 1. Was the threat foreseeable?**
- 2. Did you consider the harm it could have caused?**
- 3. Did the breach victims benefit from your use of their data?**
- 4. What benefit did you gain from your use of the data?**
- 5. What alternative safeguards would have mitigated the risk?**
- 6. Would those alternative safeguards have imposed an undue burden on you?**
- 7. How well would these alternative safeguards have reduced the risk of harm?**
- 8. Would the proposed safeguards have created other undesirable risks?**

WHAT IS YOUR DEFINITION OF ACCEPTABLE RISK?

Define yours.
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