

Secure File Sharing, Confidentiality and the Legal Industry

Utkarsh Kumar
Student, Symbiosis Law School
Pune, India

Shria Tikoo
Student, Symbiosis Law School
Pune, India

Abstract—With the advancement of technology and connectivity, communication with clients and colleagues via electronic mail has become a business standard. In legal institutions, e-mail can be an efficient and important channel to carry out business related attorney-client communication. However, this form of corresponding may put law firms in a difficult position considering the amount of confidentiality that must be maintained. It is essential to keep a check on the security risks that may interfere with their working. The paper will analyze the growing concern of securing privileged and confidential file in the process of transferring and sharing files.

Keywords— *Legal Industry, File Management, Sharing, Privilege, Confidentiality*

I. DETAIL STUDY

The nature of legal practice is such that disclosure of important personal details often takes place. In spite of cyber threats, the allied risks, thereof, are often turned a blind eye.

In many cases, the outcome of a case is determined by the information shared between the client and the counsel. Put in simple words, security of clients' information should be of prime importance. Hence, law firms determined to achieve the best results for their clients' needs must include online security into their daily operations.

“While this may seem evident, a recent study of law firms' file sharing processes revealed that a minority of law firms are using security technology to protect electronic communications: email encryption (22%), password protected documents (14%), use a secure file sharing site (13%).”

While we majorly operate through e-mail, the digital environment in which we function is constantly evolving. All institutions, in today's date, all equally vulnerable to cyber threats and attacks are constant across industries.

File sharing is an integral part of a law firm's day-to-day working, according to a recent study by LexisNexis. Yet, while firms are aware of how insecure file sharing is and the consequences of IT security risks, the most the firms do is send emails which are merely reinforced by a statement of confidentiality. Around seventy-seven percent of law firms include a confidentiality statement in emails and use that statement, in their unencrypted mails, as their primary line of defense against security threats. The survey, however, also revealed that while a majority of law firms used email specifically and exclusively for business purposes, only a few encrypt those communications. Lastly, about one-third accepted the usage of free file sharing whereas another third said “no,” and the final third were “unsure.” It seems like the

consequential results may fall to the wrong side (It should be noted that this data does have a caveat: tending to be truer among smaller firms than it is of larger firms).

The results of the survey mentioned above not only shows a missing link between security concerns and measures taken up but also brings up the need to have a clearer set of IT policies and security mechanisms so as to protect the data. The traditional approach used PGP encrypted email that could be easily cracked, if the key wasn't taken care of well. This could be one of the reasons for the companies to not employ such methods of encryption at all. Needless to say, to protect sensitive client information is of prime significance to a firm, which faces the threat of class-action lawsuits, damage to reputation and the loss of competitive advantage if it fails in doing so. As the amount of information being transferred and the costs thereby, continues to increase, the compliance and security demands grow too, which requires the legal organizations to rectify the loop holes in their systems. A method to ensure secure transfer of data during electronic communication is a Managed File Transfer solution (MFT).

Firms can increase security along with efficiency and productivity with the right MFT solution. MFT systems support efficient file transfer as part of a business process – and therefore allow IT to better manage to the data. IT must keep track of data movement throughout its course whether being transferred to another system, being used by a desktop or a mobile phone. External breach of security of information or even any internal threat must be identified on time. MFT provides the flexibility of looking into all data activities, together with files, events, policies, processes etc., and the ability to monitor internal and external transaction of all the data present in the system of the organization. Professionals in the legal field can additionally gain more control of logging activity. By performing self-administration, a better visibility into the systems can be provided in addition to increased maintenance of security profiles. Users can also receive a receipt or notification of download, which is increasingly useful in maintaining a secure file transfer environment among coworkers as well as throughout client communication.

Legal professionals, in order to guard their and their clients' rights, must ensure that the IT is keeping a check on all files getting transferred and that the files are exchanged securely and compliantly. This impliedly involves the IT department to have visibility into what files are taking which route so as to identify any internal or external threats, thereby. The legal industry, before getting negatively affected by the execution cyber threats, should assess and evaluate their security protocols and make it full proof and water tight to uphold the principle of confidentiality of information provided by their clients.

Access Awareness **Client** Company
Confidentiality Disclosure E-mails **Ease** Easily
Encryption File Sharing **Hacked** Intended
Interception Liability **Malpractice** Management Methods Outsiders
Privacy Privilege **Protect** Risk Rules Safe
Security Sending Training

Fig. 1. Image.

REFERENCES

- [1] File-Sharing in the Legal Industry. (2014) (1st ed.). US. Retrieved from <http://www.lexisnexis.com/law-firm-practice-management/document-security/document-security-report.pdf>
- [2] Legalityprofessionals.com,. (2015). On Trial: File Transfer in the Legal Industry - Legal IT Professionals | Everything legal technology. Retrieved 6 October 2015, from <https://www.legalityprofessionals.com/legal-it-columns/guest-columns/7022-on-trial-file-transfer-in-the-legal-industry>.
- [3] Legalityprofessionals.com,. (2015). On Trial: File Transfer in the Legal Industry - Legal IT Professionals | Everything legal technology. Retrieved 6 October 2015, from <https://www.legalityprofessionals.com/legal-it-columns/guest-columns/7022-on-trial-file-transfer-in-the-legal-industry>.
- [4] Lexisnexis.com,. (2015). File-Sharing in the Legal Industry. Retrieved 6 October 2015, from <http://www.lexisnexis.com/law-firm-practice-management/document-security/document-security.html>.

