

Cyber Risk Management — Phishing

December 30, 2016

Recent events (e.g. the cyber-attacks on the Democratic National Committee during the recent United States election) are important reminders of the need for vigilance against one of the most common and successful kinds of cyber-attacks — phishing. Organizations should take appropriate technical and administrative precautions to protect against phishing attacks.

What is Phishing?

Phishing is the use of a fraudulent message that purports to be from a trusted source (e.g. a financial institution, government organization, online service, colleague or friend) designed to cause the recipient to inadvertently disclose sensitive information (e.g. passwords or credit card details) or install malware on their computing device. There are various kinds of phishing. For example:

- "Clone phishing" copies an actual message from a legitimate source but makes slight changes to the message (e.g. changes to embedded links or internet addresses) so that the message has a malicious effect (e.g. installs malware or connects to a spoofed website).
- "Spear phishing" uses a message that contains information specific to the recipient (e.g. information taken from the recipient's social media accounts or business websites) or purports to be from a sender personally known to the recipient (e.g. an executive from the recipient's organization) to gain the recipient's trust.
- "Whaling" is a form of spear phishing directed at a senior executive or other high-profile recipient (i.e. a big fish or whale).

Why is Phishing a Threat to Organizations?

Phishing is an attack vector designed to facilitate various forms of cybercrime, such as a ransomware attack, hacking to gain unauthorized access to information technology systems and data and financial fraud, which can result in significant loss and liability (e.g. business disruption, financial loss, loss to stakeholder value, reputational harm, trade secret disclosure and other competitive harm, legal noncompliance liability and civil liability to customers, business partners and other persons) to the victim organization and other persons.

Phishing is a serious threat because it works. PhishMe's *Enterprise Phishing Susceptibility and Resiliency Report 2016* reported that 91% of cyber-attacks and resulting data breaches begin with a spear phishing email. Verizon's *2016 Data Breach Investigations Report* reported that 30% of all targeted recipients opened a phishing message and 12% of recipients clicked on malicious attachments or links that enabled a cyber-attack to succeed.

Best Practices/Risk Management

Managing phishing risk requires an organization-wide, interdisciplinary effort with participation at all levels of an organization (e.g. executives, managers, employees and contract workers from all departments and disciplines). Following is a summary of some recommended practices to protect against and minimize impact of phishing attacks:

- **Email Hygiene Technology:** An organization should implement and regularly update email filters and anti-phishing software, promptly apply security patches and updates, and implement procedures for monitoring email traffic for suspicious activities.
- **Policies/Procedures:** An organization should establish, implement and regularly review and update reasonable policies/procedures for the acceptable use of email, messaging and information technology resources and the reporting of suspicious emails and messages.
- **Education/Training:** An organization should educate and train its personnel (including senior management and directors), during onboarding and at regular intervals afterward, to recognize and report suspicious emails and messages. An organization should consider conducting a phishing simulation as part of its training program.
- **Network Structure/Security:** An organization should structure its information technology systems, and implement strong security measures and internal access controls, to protect the systems and connected devices from a phishing attack and to minimize the harm/loss that can result from a successful phishing attack.
- **Incident Response Plan:** An organization should establish a cyber incident response plan that includes procedures and guidelines specific to a phishing attack and should use a testing, training and exercise program to help ensure that the incident response plan is up-to-date and the organization's personnel and information technology systems are in a state of readiness, so that the organization is able to respond to a phishing attack in a timely, effective and lawful manner.

Comment

Phishing attacks are a significant threat to organizations of all kinds, and present risks of significant loss and liability. Organizations should take appropriate precautions to protect against phishing attacks and to minimize the harm resulting from a successful attack.

Expertise

[Cybersecurity, Privacy & Data Protection](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.