



# INTELLIGENCE LOSS PREVENTION AUDIT - [ILPA]

**Legally appropriate protection  
for the business know-how!**

**Are our trade secrets protected by appropriate measures?**

**This is an urgent issue in the executive boards of companies!**

In times of the digitized workplace it has become complicated to protect business-critical information adequately. The advanced digitization ensures that almost everyone stealing or misusing business secrets. This was considered by the EU regulators as a far-reaching weakness in companies identified.

Companies are therefore obliged by the Directive (EU) 2016/943 of the European Parliament on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

In this context, completely new liability issues are posed to the responsible C-Level management, which is called upon to act.

Companies which fail to take necessary measures refrain from important advantages of procedural innovations, which is introduced into the law of the EU member states by the implementation of the EU directive. By the new EU directive only those who can provide appropriate protective measures will be able to assert claims for breach of its business secrets as a trade secret holder.

It is therefore worthwhile for companies to take very early the appropriate steps to prevent illegal access to customer data, contracts, price lists, cost and price calculations, technical drawings and plans, recipes, processes, etc., and to create guidelines in dealing with critical business know-how.

With the ILPA program, which we have designed especially for this purpose, we support companies in implementing appropriate arrangements in order to be able protect their business know-how and to successfully assert claims when needed. At the core, we link the resulting economic loss to the business as well as the individual incident or chain (breach(s) of trade secrets) that have caused damage(s).

Here are some useful examples:

- Losses in sales figures of the company or individual products as well as the influence on the substance of the company or its actual value.
- Damage to the reputation of the company or individual products as well as the impact on the economic growth of the company.





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- Losses in capital goods (manufactured goods and consumer goods).
- Losses of investments in research and development (holistic or project-related to individual product development).
- Losses in staff leaving including the associated know-how.

ILPA can prove corporate status before and after a violation using digital forensics and accurately quantify the economic damage. With the submission of ILPA final reports (if desired, an archiving takes place at an independent location), affected companies can claim for breach of trade secrets by specifying realistic loss figures.

## **The ILPA program focuses on the following topics:**

1. Total inventory of a company regardless of size and complexity including fixed assets (tangible and financial assets and intangible assets).
2. Creating a cartography of business secrets distributed throughout the company. This contains an overall inventory and a holistic view of business-critical know-how.
3. A check on access and access by business units, departments and the workforce to confidential information. Derivatives get into a new set of rules. Included is a classification of information, necessary entry requirements and new access controls.
4. The control of all knowledge, information and data transfers between companies which presuppose a confidentiality agreement or which require a revision or extension of existing contractual agreements.
5. An investigation of all physical access to classified information to introduce or extend electronic safeguards.
6. Awareness of the company's workforce and their required training.

The ILPA program includes the use of self-learning algorithms. These allow a scope of services that goes well beyond a traditional IT audit, especially with regard to the critical core for protecting business secrets. Depending on the level of expansion, the ILPA program can be rolled out to specific business areas within the company or to the entire Group. The duration or intensity of our service depends on agreement with the client.

**For more information please contact:**

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