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Israeli Anti-Trust Authority Issues New Draft Opinion on Information Sharing for Cybersecurity Purposes*

Growing cybersecurity threats require businesses to take various measures to protect their systems, including by sharing information with other businesses - even competitors - to facilitate better evaluation of existing threats and to promote the protection of computer-based systems. However, the sharing of information among competitors may also be considered prohibited under anti-trust laws. In this context, and given the value of information sharing as a measure for promoting cybersecurity, Israel's Anti-Trust Authority (the "IAA") has recently published a draft opinion (the "Draft Opinion") that is meant to clarify the boundaries for the sharing of cyber-related information among competitors.

According to the Draft Opinion, sharing of information that is not related to business activities, but solely to cyber-security threats (for example, information on system vulnerabilities, or indications of possible cyber events), is not likely to limit competition, and may even promote it, by assisting all competitors to overcome cyber-attacks and to maintain functioning and protected systems. Accordingly, the Draft Opinion states

that the IAA would not view such information sharing as a measure that restricts or reduces competition.

The Draft Opinion further states that due to the contribution that access to security-related data could provide to a company's ability to address cyber-security threats, the prevention of access to cyber-security data sharing systems, without reasonable justification, may negatively affect competition.

The Draft Opinion is open for public comments until April 5, 2017.

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