

## Data Privacy

### Leaders in Data Privacy Insurance Coverage Matters and Litigation

Data security and privacy breaches are an increasingly common problem for businesses of all types, and are unlikely to abate in the near future. Companies face an uphill battle in protecting themselves from these types of serious incidents which can expose an organization to tremendous financial losses and ever-expanding liability. Moreover, as new rules and regulations are developed, organizations of all sizes must take appropriate steps to protect sensitive information and respond to cyber security threats and attacks.

The data privacy attorneys in Kaufman Dolowich's Insurance Coverage and Litigation Practice are recognized leaders in the developing field of data privacy. We continually monitor and assess legislation and case law emerging at the state and federal levels so that we can provide our clients with the most timely information and expert analysis. Our lawyers are also prolific writers on the subject, and are regularly invited to attend and speak at prominent industry conferences and seminars across the country.

When data security claims and investigations surface, companies and other organizations that handle sensitive information necessarily look for ways to maximize the amount of coverage that may be available under their various insurance policies. While "cyber insurance" and other products specifically designed to address such risks have become more prominent, victims of data events also turn to their more traditional lines of coverage, including Commercial General Liability and Property policies, to provide additional protection for these types of events. Our industry experts recognize that complex policy terms and exclusions often lead to differing interpretations as to when an insured can recover from their carrier, and use their in-depth knowledge of this emerging sector to manage our insurance clients' rapidly changing risks. We also know that when these types of issues are unable to be resolved early on, they can result in long and costly legal battles between insurers and their insureds.

### Strategic Representation to Insurance Carriers and Insureds

Kaufman Dolowich's attorneys take a proactive and aggressive approach in representing clients in complex data privacy matters. Our lawyers are well-versed in all types of data security issues, including matters involving:

- Personally Identifiable Information (PII)
- Protected Health Information (PHI)
- Data Breaches
- Social Engineering Fraud
- Malware
- Computer Hacking
- Health Insurance Portability and Accountability Act (HIPPA)
- Payment Card Industry (PCI)

When data breaches and other privacy incidents arise, our lawyers are well-positioned to provide coverage analysis and litigation services to clients throughout the nation. While our lawyers are well known for their ability to analyze insurance coverage issues across all lines of insurance, we have particular experience evaluating coverage matters under cyber insurance policies. We are also highly skilled in analyzing the availability of coverage for cyber events under non-cyber policies, including commercial general liability policies, to determine the extent to which these policies may be required to respond to data breaches and other privacy and cyber-related events.

At Kaufman Dolowich, we recognize that litigation can often be a long process that requires a significant investment of time and money. Our insurance coverage attorneys are committed to identifying matters appropriate for early resolution, and developing creative strategies aimed at minimizing exposure while balancing the financial investment necessary to obtain a favorable result. When a coverage dispute cannot be successfully settled through negotiation or ADR proceedings, our accomplished trial lawyers apply their skills and deploy the firm's resources to litigate the matter at all levels of state and federal court systems to ensure that our clients' rights are steadfastly protected. Our depth of talent and industry knowledge provides the platform for success when the circumstances require a case to be tried to verdict, and allow our attorneys to stand out amongst their peers as true advocates for the insurance community.

## Data Privacy's Leaders

- David T. Brown