

Insurance Law Update, “Fifth Circuit Supports Data Breach Coverage under Commercial General Liability Insurance Policies”

Publications

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In their *Insurance Law Update*, Jenner & Block Partner Brian S. Scarbrough and Staff Attorney Lena Seung Yun highlight a Fifth Circuit ruling that should prove helpful for policyholders seeking coverage for cybersecurity and data breach risks. In *Landry's Inc. v. Insurance Company of the State of Pennsylvania*, the insurance policy at issue was a commercial general liability policy, and the underlying lawsuit was a data breach claim. The court held that the terms “publication” and “privacy” should be construed broadly to trigger the insurer’s duty to defend a policyholder. “This decision is a reminder that insurance coverage for cyber liability or data breach liability may be found in a number of different types of insurance policies, not just those marketed or sold as cyber policies,” the authors observe.

Related Attorneys



Brian S. Scarbrough

Partner

bscarbrough@jenner.com

+1 202 637 6306

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