

Cyber Insurance

As part of our leading 40-attorney insurance coverage practice, Wiley maintains a team of attorneys who focus their practice on claims and coverage disputes concerning cyber privacy and data security exposures. We represent insurers at all stages – from policy drafting and negotiation, through claim analysis and monitoring, to coverage litigation or alternative dispute resolution – and we represent many leading insurers on hundreds of matters in this area every year.

While our experience in this area is extensive, Wiley also draws on expertise in other areas of the law, including our robust experience with other coverage lines as well as our FTC Regulation, Government Contracts, Health Care, Intellectual Property, Litigation, Privacy & Cybersecurity, and Telecom, Media & Technology practices. This knowledge base enables us to efficiently and thoroughly advise insurers – on both the coverage issues and underlying exposures – on matters that are highly specialized or technical in nature.

Wiley routinely advises insurers regarding exposures associated with:

- First-party coverage under cyber policies for privacy counsel, forensic investigations, notification costs, credit monitoring, etc.
- Data security-related claims associated with investigations by federal and state regulatory authorities.
- Claims by banks, financial institutions, and other companies or individuals involving large-scale data security breaches involving sensitive health or financial information.
- Claims involving network outages made by third parties against insureds.
- Business interruption claims under cyber policies.
- Ransomware and extortion claims.
- Business email compromise or email schemes and wire fraud under commercial crime insurance policies.
- Claims involving data security and other coverage lines, including general liability, E&O, and D&O policies.
- Exposures of individuals, including directors and officers and attorneys, investment advisors, and other professionals.

Specific recent representative matters include the following:

- Represented insurers under cyber and other professional liability policies in connection with large-scale breaches of payment card and other sensitive information.
- Advised insurer in drafting key policy terms under cyber form and in negotiating requested changes through endorsements with key broker representatives.
- Advised insurer in connection with multiple breaches suffered during consecutive policy periods and tendered under multiple policy periods.
- Represented cyber insurer in connection with multi-faceted and sophisticated cyber-attack perpetrated by foreign nation-state.
- Represented general liability insurer in coverage litigation concerning indemnification demand by payment card processor in aftermath of payment card breach. Matter settled on favorable terms for Wiley client.
- Represented trade associations in connection with filing *amicus curiae* briefs in support of industry on insurance coverage for data security exposures.