Insights: Publications

How Tribes Can Avoid Gambling With Casino Patrons' Data

Law360

SEPTEMBER 21, 2016 Written by

Not a day seems to go by without at least one attention-grabbing and fear-inducing headline about a data breach. While data breaches are prevalent and have come to be expected, the types of breaches that different organizations experience vary quite a bit. Sometimes the victims of the breach are large corporations; other times they are relatively small businesses. Sometimes the hackers or perpetrators are foreign enemies; other times, they are an organizations' own employees. Sometimes a breach is the result of intentional misconduct; other times it is a result of negligence. At the end of the day, regardless of what type of data breach an organization experiences, all breaches have at least one thing in common: they are disruptive and expensive. Although tribes, tribal casinos and tribal businesses (“tribal organizations”) might have sovereign immunity against third parties' claims against them that arise out of such data breaches, they are not immune to direct costs and expenses to their organizations or legal expenses associated with these breaches and third-party claims.