

Don't Get Pwn'd: GTA 6 Leak Should Remind Companies of Increasing Cyber Risks

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On September 18, 2022, Rockstar Games fell victim to a massive leak of its highly anticipated video game, Grand Theft Auto 6, when a hacker uploaded dozens of videos of the game's early production footage online.¹ Rockstar Games subsequently confirmed the veracity of the leak in a press release stating that they had fallen victim to an unauthorized network intrusion.² While Rockstar has said they do not anticipate long-term harm caused by the intrusion, the leak should serve as a wake-up call to companies of the risks associated with weak cybersecurity measures.³

While commentators might scoff at a cyberattack aimed at uncovering unreleased video game footage, weak cybersecurity measures are no laughing matter. The FBI recently estimated that Americans lost a staggering \$6.9 billion to cyber-related crimes in 2021.⁴ Such exposure to cybercrime has resulted in an increase in lawsuits filed against companies fallen victim to massive cyberattacks.⁵ Just earlier this month, a Virginia court approved a \$190 million settlement resulting from a consumer class action filed against Capital One following a 2019 data breach of over 106 million customers' personal information.⁶ Evidently, cybercrime can cause much more harm to companies and their consumers than just leaked video game footage.

As recent events make clear, the question should no longer be *if* a cyberattack will occur, but rather *when* it will occur. Consider the fact that phishing emails, attacks most of us receive with annoying frequency, are responsible for the most harm caused by cybercrime.⁷ Out of the \$6.9 billion in damages caused by cybercrime, business and personal email compromises accounted for nearly \$2.4 billion of that total.⁸ As such, companies ill-prepared to handle ever-increasing cyber threats might hope to end up relatively unscathed like Rockstar. Chances are, however, they could end up on the end of a lawsuit like Capital One.

¹ Matt Kim, *Grand Theft Auto 6 Leaks: Everything That's Happened So Far*, IGN (Sep. 25, 2022, 8:11 AM), <https://www.ign.com/articles/grand-theft-auto-6-leaks-everything-thats-happened-so-far>.

² Rockstar Games (@RockstarGames), TWITTER (Sept. 19, 2022, 9:10 AM), <https://twitter.com/RockstarGames/status/1571849091860029455>.

³ *Id.*

⁴ FBI RELEASES THE INTERNET CRIME COMPLAINT CENTER 2021 INTERNET CRIME REPORT, (Mar. 22, 2022), <https://www.fbi.gov/news/press-releases/press-releases/fbi-releases-the-internet-crime-complaint-center-2021-internet-crime-report>.

⁵ WILLIAM E. KNEPPER & DAN A. BAILEY, LIABILITY OF CORPORATE OFFICERS AND DIRECTORS § 6.15 (8th ed. 2021).

⁶ Dan Avery, *Capital One \$190 Million Data Breach Settlement: Today Is the Last Day to Claim Money*, CNET (Sept. 30, 2022, 8:54 AM), <https://www.cnet.com/personal-finance/capital-one-190-million-data-breach-settlement-today-is-deadline-to-file-claim/>.

⁷ FBI, *supra* note 4.

⁸ *Id.*