

## Pennsylvania

### Are mandatory arbitration provisions recognized in your state? If so, are there any limitations to its enforcement?

Yes, Pennsylvania generally recognizes mandatory arbitration provisions:

A written agreement to subject any existing controversy to arbitration or a provision in a written agreement to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity relating to the validity, enforceability or revocation of any contract.<sup>i</sup>

Generally accepted contract defenses, such as duress, illegality, fraud or unconscionability, are available to challenge the application of an arbitration provision.<sup>ii</sup>

The Department of Insurance does not have the authority to require mandatory arbitration of uninsured and underinsured motorist coverage disputes.<sup>iii</sup>

### What is your state's law, if any, regarding gift cards, subscription services and loyalty programs?

#### GIFT CARDS/ SUBSCRIPTION SERVICES

There is no state law, regulation, or case law governing gift cards or subscription services.

#### LOYALTY PROGRAMS

A provision of the Gaming Control Board regulations, governs player loyalty programs supported by an interactive gaming system, and requires the following:

- (1) Redemption of registered player loyalty points earned must be by a secure transaction that automatically debits the points balance for the value of the prize redeemed.
- (2) All registered player loyalty database transactions are to be recorded by the interactive gaming system. If the player loyalty program is provided by an external service provider, the interactive gaming system must be capable of securely communicating with that service.
- (3) The interactive gaming system must make readily accessible to the registered player all terms and conditions governing each available promotional or bonus feature.
- (4) The terms and conditions must be clear and unambiguous, especially when bonuses or promotions are limited to certain tables or nontournament play, or when other specific conditions apply.<sup>iv</sup>

## What is your state's law, if any, regarding safeguarding consumer credit card or other private data (i.e., cyber security)?

Currently, Pennsylvania only has a law relating to data breach and notification; however, a bill relating to consumer protection and cybersecurity has been introduced in the PA house and could have an impact in the future.

According to the Breach of Personal Information Notification Act, An entity that maintains, stores or manages computerized data that includes personal information shall provide notice of any breach of the security of the system following determination of the breach of the security of the system to any resident of this Commonwealth whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person. A resident of Commonwealth [of Pennsylvania] may be determined to be an individual whose principal mailing address, as reflected in the computerized data which is maintained, stored or managed by the entity, is in this Commonwealth.<sup>v</sup>

## What is your state's law, if any, regarding the collection and handling of financial information?

There is no state law, regulation, or case law governing the collection and handling of financial information.

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<sup>i</sup> 42 Pa. C.S.A. § 7303.

<sup>ii</sup> *Lytle v. CitiFinancial Services, Inc.*, 810 A.2d 643, 656 (Pa. Super. 2002), *abrogated on other grounds, AT&T Mobility LLC v. Concepcion*, 563 U.S. 333, 131 S. Ct. 1740 (2011).

<sup>iii</sup> *Ins. Federation of Pa., Inc. v. Commonwealth Dep't of Ins.*, 889 A.2d 550 (Pa. 2005).

<sup>iv</sup> 58 Pa. Code § 812a.8.

<sup>v</sup> 73 P.S. § 2303(a)