



# Certification Handbook

Version 1.0



*The Certified Member of the Privacy+Security Academy (CPSA) is a certification awarded by Professors Daniel J. Solove and Paul M. Schwartz. To hold a CPSA, you must pass an exam written by Professors Solove and Schwartz and engage in continuing education about privacy and security issues.*

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## INTRODUCTION

### What is a CPSA?

The Certified Member of the Privacy+Security Academy (CPSA) is a certification awarded by **Professors Daniel J. Solove** and **Paul M. Schwartz**. To hold a CPSA, you must pass an exam written by Professors Solove and Schwartz and engage in continuing education about privacy and data security law.

A CPSA is someone who has demonstrated fundamental knowledge about privacy and data security laws and regulations.

### The Privacy+Security Academy

The Privacy+Security Academy (PSA) was founded to promote education and sharing of ideas about privacy and data security law and technology.

The PSA holds two annual flagship events; the Privacy+Security Forum: Spring Academy and the Privacy+Security Forum: Fall Academy. The PSA also provides online education about privacy and security law.

## THE CPSA DESIGNATION

### What Does Having a CPSA Mean?

The CPSA confirms the attainment of fundamental knowledge in privacy and security law. The certification has rigor and requires a deep understanding of this area.

### Who Should Apply to become a CPSA?

The CPSA exam is open to anyone. As the exam is focused on privacy and data security law, lawyers will be in the best position to take the exam as they have background in various legal terms and concepts. However, the exam can certainly be passed by professionals without training in the law with the proper course of study.

### How Does a CPSA Compare to the IAPP's CIPP? How is It Different?

The International Association of Privacy Professionals offers a number of certifications, including a Certified Information Privacy Professional (CIPP). While the CPSA and CIPP have some overlap in terms of the topics covered, the CPSA is focused entirely on privacy and data security law and regulation. These are different tests and provide different ways to demonstrate knowledge of the field.

The body of knowledge and the depth of knowledge about certain issues tested on the CPSA differs substantially from the CIPP. The CPSA is focused on knowledge of privacy law and regulation, not on the general practices of being a privacy officer.

We hope that professionals who have a CIPP will seek to further distinguish themselves with a CPSA. The CPSA offers professionals an opportunity to demonstrate essential and important knowledge of privacy and data security law.

We encourage professionals who take the CPSA to also take the CIPP exam.



## REGISTERING TO TAKE THE CPSA EXAM

The first step to taking the CPSA exam is to register and pay the fee.

The exam must be taken within 1 year of registering. After the 1 year period, if an applicant for a CPSA hasn't taken the exam, the applicant can request a renewal period. If the fee to take the exam has increased, the applicant must pay any additional amount. However, if the fee has been reduced, the applicant cannot obtain any refund for the difference in reduction.

# THE CPSA EXAM

## Content of the CPSA Exam

The exam covers the following topics:

### **MEDIA**

#### THE PRIVACY TORTS

- Public Disclosure of Private Facts
- Intrusion Upon Seclusion
- False Light
- Appropriation of Name or Likeness

#### OTHER TORTS

- Intentional Infliction of Emotional Distress
- Breach of Confidentiality
- Defamation Law

#### FREE SPEECH PROTECTIONS

- Communications Decency Act (CDA) § 230
- First Amendment to the U.S. Constitution

### **LAW ENFORCEMENT**

#### CONSTITUTIONAL PROTECTIONS

- Fourth Amendment to the U.S. Constitution

#### STATUTORY PROTECTIONS

- Electronic Communications Privacy Act of 1986 (ECPA)
- State Electronic Surveillance Law

### **HEALTH DATA**

- The Breach of Confidentiality Tort
- Tort Liability for Failing to Disclose Personal Data
- HIPAA

### **FINANCIAL DATA**

- Fair Credit Reporting Act of 1970 (FCRA)
- Gramm-Leach-Bliley Act of 1999 (GLBA)
- Torts and Financial Privacy
- State Financial Statutes and Regulations

**CONSUMER DATA**

## GENERAL

- Definition of PII or Personal Data
- Injury and Standing

## COMMON LAW

- Tort Law
- Contract and Promissory Estoppel

## FEDERAL TRADE COMMISSION

- FTC Enforcement of Section 5 of the FTC Act

## FEDERAL STATUTES

- Cable Communications Policy Act (Cable Act)
- Video Privacy Protection Act (VPPA)
- Telecommunications Act
- Telephone Consumer Protection Act (TCPA)
- Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM)
- Children's Online Privacy Protection Act (COPPA)
- Electronic Communications Privacy Act (ECPA)
- Computer Fraud and Abuse Act (CFAA)

## STATE STATUTES

- California Consumer Privacy Act (CCPA)
- Unfair and Deceptive Acts and Practices Acts (UDAP Acts)
- Biometric Data Laws
- Other State Privacy Laws

## FIRST AMENDMENT APPLICATION TO PRIVACY LAWS

**DATA SECURITY**

- Data Breach Notification Statutes
- FTC Enforcement Under Section 5 of the FTC Act
- State Cybersecurity Statutes and Regulations
- Data Breach Litigation

**EU DATA PROTECTION**

- OECD Privacy Guidelines (1980)
- European Convention on Human Rights Article 8 (1950)
- The General Data Protection Regulation (GDPR) (2018)
- The EU-U.S. Privacy Shield Framework (2016) and Beyond  
*Schrems I (2015) and Schrems II (2020)*
- Gonzalez v. Spain (2014)* (the Right to be Forgotten)

## Format of the CPSA Exam

The CPSA exam is a 2-hour exam with 60 multiple choice questions.

## EXAM PREPARATION

We strongly recommend devoting sufficient time to prepare for the CPSA. The CPSA exam is a challenging exam. Even experienced privacy professionals should spend time preparing, as the exam tests on a wide array of laws and covers details about these laws rather than merely broad basic information.

### Primary Recommended Materials to Study

**1. *Our Short Guide to Privacy Law.*** The following short guide covers nearly all of the material on the exam and should be sufficient as a study resource:

[DANIEL J. SOLOVE & PAUL M. SCHWARTZ, PRIVACY LAW FUNDAMENTALS \(IAPP 5th Ed. 2019\)](#)

**2. *Online Course Series.*** You can also take Professor Solove and Schwartz's 8-part series of 1-hour course modules, available at the [PSA website](#). Each module can be purchased and taken separately. These courses will contain a lot of the material on the exam, but not all of it.

[Online Information Privacy Law Course Series](#)

**3. *Live Zoom Course.*** Additionally, from time to time, we may offer a live privacy law course via Zoom. The Zoom course will have some overlap with the online course series, so you could take either one – or certain segments of the online course series along with the Zoom course.

**4. *Practice Exam Questions.*** You can purchase practice exam questions on the PSA website. A practice question module costs \$25 and contains 30 questions. If you purchase a practice exam, you will be given access to it for 1 year.

### Secondary Materials If You Want More Detail

Our paperback casebook below provides more in-depth coverage of consumer data, financial data, and data security.

[DANIEL J. SOLOVE & PAUL M. SCHWARTZ, CONSUMER PRIVACY AND DATA PROTECTION \(Wolters Kluwer 7th ed. 2021\)](#)

If you want the most extensive detail, you might use our full casebook. It is 1300 pages, is very expensive, and contains far more information than you'll need on the exam. We only recommend it if you're the type of person who prefers studying with this kind of depth and detail.

[DANIEL J. SOLOVE & PAUL M. SCHWARTZ, INFORMATION PRIVACY LAW \(Wolters Kluwer 7th ed. 2021\)](#)

Note that *Consumer Privacy and Data Protection* involves an excerpted selection of chapters from the book above. So, don't get both *Information Privacy Law* and *Consumer Privacy and Data Protection*.

## **ADMINISTRATIVE AND LOGISTICAL INFORMATION**

### **How Is the CPSA Exam Administered?**

The CPSA Exam is a computer-based exam that is administered online 2-4 times per year. The exam will be proctored online.

The exam is open book. You can use Internet or print materials but are not allowed to confer with others during the exam.

Exam dates will be announced on our website.

The CPSA Exam must be taken within 1 year of purchase.

After purchasing the CPSA Exam, a team member will contact you with details on how to schedule your exam within 72 hours of receiving your registration. You can sign up for a time slot on one of the available days.

Once you have scheduled your exam, you will receive a link to join the proctored online exam room.

You will access the test on the day of the exam through your account on the Privacy+Security Academy website. You will receive emailed instructions with more detail on how to access the exam through your "My Account" dashboard.

### **Exam Rules and Procedures**

The exam is in English. Non-native English speakers may use a language-to-English dictionary.

You may not consult with any other person during the exam.

The exam cannot be paused and time cannot be extended.

The PSA will provide testing accommodations to candidates with disabilities. You must inform us at least 30 days prior to the exam so that we may arrange the appropriate accommodations.



## **Honor Code**

At the outset of the exam, you must attest to our honor code.

## **Cheating**

Any form of cheating on the exam is strictly prohibited. You shall not consult with others on the exam; the answers must be solely your own.

You should not look at any unauthorized information about the exam, such as questions or answers that have been disclosed by another. If you encounter others offering questions or answers to the CPSA exam, please notify us so we can investigate.

You must be honest about any need for accommodations and about reporting any technical problems.

If we determine that you have cheated, we will revoke your certification if you have received a certification, and you will be barred from obtaining the certification in the future.

## **Computer or Technical Problems**

If you experience computer problems during the exam, please take reasonable efforts to document the issues. Screen shots, video, etc. will be very helpful for us to evaluate the problem.

Please let us know immediately if you encounter a problem.

We will work to address the problem and come up with an appropriate fix or remediation. If we are unable to address the issue immediately, we will reschedule your exam.

## **Exam Results**

You will be informed whether you have passed or failed within a week of completing the exam. You will not be provided with your exam answers or a score.

If you pass the exam, we will email your certificate for your CPSA certification within 2 weeks.

## **Failing the CPSA**

If you fail the CPSA, you may retake the exam for a fee of \$199. You can retake the exam an unlimited number of times. The fee will be charged for each attempt. You must wait until the next scheduled exam date to retake the exam, and you are not permitted to take the exam within 30 days of a previous exam that you took.



## MAINTAINING A CPSA

To maintain your CPSA:

- (1) You must pay an annual fee to maintain your CPSA.
- (2) You must complete 10 credits of continuing education (CE) in privacy and security law each year.
- (3) You must make sure that the PSA has current contact information for you.

Failure to pay the fee and/or complete the CE requirement will result in a suspension of your CPSA.

It is important that you ensure that we have your current contact information. If you fail to update us when your contact information has changed, we will be unable to send you reminders about your annual fee and CE requirements. If you fall out of touch with us, you risk not completing the steps to maintain your CPSA.

### Continuing Education (CE)

You need 10 CE credits each year to maintain your CPSA.

CE credits may be obtained by attending PSA courses, events, or programs as well as those of other organizations. We maintain a list of pre-approved CE events on our website. For non-pre-approved CE courses, events, or programs, you must submit information about the course/event/program via our website, and we will evaluate and determine the eligibility.

A course, event, or program will qualify if it involves substantive and rigorous education on privacy and security law and regulation. A movie or a play will not qualify. A course or webinar about technology without a discussion of law will not qualify. The purpose of the CE requirement is for you to become more educated each year about privacy and security law and regulation.

You may earn CE credit from watching live events or webinars online as well as recorded sessions.

We do not count your own speaking toward CE credits. You may, however, count a session that you speak in as long as you are not speaking for more than 50% of the session.

In the first year after taking the CPAS exam, you do not need to earn additional CE credits. Starting in year two, you will need to satisfy the CE requirement.

## **Failure to Renew Your CPSA**

If you fail to renew your CPSA, we will provide a 6-month probationary period before changing your status to inactive. A late fee will be charged for renewing your CPSA late.

You can't renew your CPSA unless you have satisfied your CE requirement. Failure to obtain CE credits for a given year shall result in a probationary period of 6 months before your certification becomes inactive. If you obtain your CE and renew your CPSA during this period, you will remain in good standing.

If you have failed to renew after 6 months after your renewal date, your CPSA will be deemed inactive.

## **Inactive CPSA**

When your CPSA is inactive, you may no longer list your CPSA on your resume, LinkedIn profile, or any other profile. You may not use it as a credential for employers or list it by your name in bios. All references to your CPSA must cease until the suspension is lifted.

To remove a suspension, you must rectify the deficiency that led to the suspension. For example, you must pay unpaid fees or catch up on your CE credits. Once you do these things, you can contact us to reinstate your CPSA.

## **Verifying CPSA Good Standing**

We maintain a roster of active CPSA holders. If you need us to provide verification that you hold a CPSA in good standing, we can do so upon your request. We will not disclose this information without your consent unless compelled by law to do so.

If requested by you, we will only provide an affirmative or negative indication about whether you hold a CPSA in good standing. We will not disclose further information such as whether you have an inactive CPSA.

## **Revocation of a CPSA**

We may revoke your CPSA for cause. Causes include, but are not limited to, discovery of cheating or fraud on the exam, professional ethical violations, malpractice, or disbarment.

## USAGE OF CPSA

If you are a CPSA in good standing, you may use the CPSA designation on your resumes, business cards, correspondence, etc. You may use the CPSA seal in bios and in any other way that indicates that you are a CPSA.

You may not use the CPSA designation or seal as part of a privacy policy or as part of an organization's name. The CPSA designation shall not be used to designate anything about a particular organization's privacy practices, procedures, or compliance.

## ATTESTATION FOR CPSA APPLICATION

I agree to the following:

1. All information in my application is true and complete to the best of my knowledge.
2. I will follow all relevant codes of professional conduct applicable to my work as a privacy professional, including such state bar codes as apply to me.
3. If my certification is suspended, I will cease to use the certification or seal until the suspension is over.
4. If my certification is revoked, I will cease to use the certification and will remove it from my CV, social media profiles, business cards, and any other documents upon which it appears.
5. I will maintain confidentiality of the CPSA exam. I will not tell anyone about any questions or answers on the exam. I will not copy or record in any manner any questions on the exam.
6. I will not attempt to sell or distribute or disclose CPSA exam questions or answers.
7. I will not attempt to cheat on the CPSA exam. I will not consult with others on the exam; the answers will be solely my own.
8. I recognize that breaching confidentiality of the exam will cause harm to the PSA for which the PSA will seek monetary damages and/or equitable relief. In the event that I breach confidentiality, I agree to indemnify PSA for its legal costs in seeking a remedy for my breach.