



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 security issues.

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

The Privacy+Security Academy

The Privacy+Security Academy (PSA) was founded by Professors Solove and Schwartz 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 designates foundational knowledge in privacy and security law and regulation in the view of Professors Daniel Solove and Paul Schwartz. The certification has rigor and requires a deep knowledge.

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). The CPSA has some overlap with the CIPP in terms of the topics covered, but the CPSA is focused entirely on privacy and data security law and regulation. These are different tests and 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.

The CPSA need not be an alternative to the CIPP. We hope that professionals who have a CIPP can further distinguish themselves with a CPSA. The CPSA offers professionals an opportunity to demonstrate knowledge of privacy and data security law based on what Professors Solove and Schwartz deem to be essential and important.

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



PROCESS FOR OBTAINING A CPSA

Registration

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

The fee to take the exam is currently \$499.

The exam must be taken within 6 months of registering. After the 6-month 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 balance. However, if the fee has been reduced, the applicant cannot obtain any refund for the difference in reduction.

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.

To prepare for the exam, the most comprehensive resource is Professor Solove and Schwartz's textbook, but it is long (1300 pages).

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

The following short guide covers most of the material on the exam and should be sufficient as a study resource:

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

You can also take Professor Solove and Schwartz's [online course series](#) available at the [PSA website](#). These courses will contain a lot of the material on the exam, but not all of it.

Practice Exam Questions

You can purchase practice exam questions on the PSA website. A practice question module costs \$25 and contains 40 questions.

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

Communications Decency Act (CDA) § 230

First Amendment to the U.S. Constitution

LAW ENFORCEMENT AND NATIONAL SECURITY

Fourth Amendment to the U.S. Constitution

Electronic Communications Privacy Act of 1986 (ECPA)

Clarifying Lawful Overseas Use of Data Act (CLOUD Act)

Communications Assistance for Law Enforcement Act of 1994 (CALEA)

State Electronic Surveillance Law

Foreign Intelligence Surveillance Act (FISA)

HEALTH DATA

The Breach of Confidentiality Tort

Tort Liability for Failing to Disclose Personal Data

HIPAA

Constitutional Right to Information Privacy

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

FTC Red Flags Rule

SEC and CFTC Red Flags Rule

CONSUMER DATA

Definition of PII or Personal Data

Injury and Standing

Tort Law

Contract and Promissory Estoppel

FTC Enforcement of Section 5 of the FTC Act

FEDERAL STATUTES

Cable Communications Policy Act of 1984 (CCPA)

Video Privacy Protection Act of 1988 (VPPA)

Telecommunications Act of 1996

Telephone Consumer Protection Act of 1991 (TCPA)

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM)

Children's Online Privacy Protection Act of 1998 (COPPA)

Electronic Communications Privacy Act of 1986 (ECPA)

Computer Fraud and Abuse Act (CFAA)

STATE STATUTES

California Consumer Privacy Act of 2018 (CCPA)

Unfair and Deceptive Acts and Practices Acts (UDAP Acts)

Biometric Data Laws

FIRST AMENDMENT APPLICATION TO PRIVACY LAWS

DATA SECURITY

Data Breach Notification Statutes

FTC Enforcement Under Section 5 of the FTC Act

CFPB Enforcement

FCC Enforcement

SEC Enforcement

State Cybersecurity Statutes and Regulations

Data Breach Litigation Caselaw

EMPLOYMENT DATA

SEARCHES

Government Employees: Fourth Amendment

Private-Sector Employees: Fourth Amendment

Searches and Surveillance by Private-Sector Employers

QUESTIONING AND TESTING

Fourth Amendment

Constitutional Right to Information Privacy
Employee Polygraph Protection Act of 1988 (EPPA)
Americans with Disabilities Act of 1990 (ADA)
Occupational Safety and Health Act (OSHA)
Genetic Information Nondiscrimination Act of 2008 (GINA)
State Employment Testing and Inquiry Laws
State Criminal Background Check “Ban the Box” Laws

EMPLOYEE ACCESS TO THE COMPUTER NETWORK

SURVEILLANCE AND MONITORING

Electronic Communications Privacy Act (ECPA)
Biometric Data Collection Laws

EMPLOYER SOCIAL MEDIA POLICIES AND PRACTICES

National Labor Relations Act (NLRA)
Employer Access to Employee Social Media Accounts

EU DATA PROTECTION

OECD Privacy Guidelines (1980)
European Convention on Human Rights Article 8—The Right to Respect for Private and Family Life (1950)
Council of Europe Convention on Privacy, Treaty No. 108/ETS No. 108 (1981)
The General Data Protection Regulation (GDPR)
The EU-U.S. Privacy Shield Framework (2016)
APEC Privacy Framework (2004)

Format of the CPSA Exam

The CPSA exam is a 2.5 hour exam with 80 multiple choice questions.

How Should One Study for the CPSA Exam?

We recommend reviewing the topic outline above and finding out information about these topics.

The following books and courses might be useful:

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

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

[Online Information Privacy Law Course Series](#)

- A series of 1-hour courses taught by Professors Solove and Schwartz

We also have available a set of sample exam questions that you can purchase to practice for the exam.

How Is the CPSA Exam Administered?

The CPSA Exam is a computer-based exam that is administered online. It can be taken at any time.

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.

During the exam, you may not search online for anything related to the exam.

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.

Exam Results

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

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

Failing the CPSA

If you fail the CPSA, you may retake the exam after a 30-day period following the date when you previously took the exam. You may not retake the exam before this period has elapsed.

To retake the exam, there will be a reduced fee from the regular exam rate. The exam retake fee is currently set at \$199.

You can retake the exam an unlimited number of times, but you must wait 30 days between each attempt.

MAINTAINING A CPSA

To maintain your CPSA:

- (1) You must pay an annual fee of \$99.
- (2) You must complete 10 credits of continuing education (CE) in privacy and security law each year.
- (3) You must stay in contact with the PSA by ensuring that the PSA has current contact information for you.

Failure to pay the fee will result in a suspension of your CPSA.

Note that the annual fee and all other fees are subject to reasonable fee increases over time.

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 CLE 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.

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.

Failure to obtain CE credits for a given year shall result in a probationary period of 6 months before your certification is suspended.

Roster of Active CPSA Holders

We maintain a roster of active CPSA holders for the purpose of verifying to employers that you indeed hold a CPSA.

If your CPSA is suspended, we will report merely that you have a suspended CPSA. For purposes of data minimization and confidentiality, we will not supply further information such as the reason why.

Suspension of a CPSA

When your CPSA is suspended, you may no longer list your CPSA on your CV, 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. You must pay unpaid fees or catch up on your CPSE credits. Once you do these things, you can contact us to reinstate your 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 CVs, 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.