

Cybersecurity, Privacy and Data Protection FAQs

The following Frequently Asked Questions (FAQs) relate to the changes in the New York State CLE Program Rules and the New York State CLE Board Regulations and Guidelines adding Cybersecurity, Privacy and Data Protection as a new CLE category of credit (effective January 1, 2023) and requiring that attorneys complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their biennial CLE requirement (effective July 1, 2023).

Experienced Attorney FAQs

Q] What is the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] Experienced attorneys (admitted to the New York Bar for more than two years) must complete at least 1 CLE credit hour in the Cybersecurity, Privacy and Data Protection CLE category of credit as part of their biennial CLE requirement. Attorneys may complete the requirement by taking Cybersecurity, Privacy and Data Protection-**General** or Cybersecurity, Privacy and Data Protection-**Ethics** programs, or a combination of the two: ½ credit in Cybersecurity **General** and ½ credit in Cybersecurity **Ethics**.

Q] Does the new Cybersecurity, Privacy and Data Protection requirement increase the total number of CLE credit hours that experienced attorneys must complete during each biennial reporting cycle?

A] No, experienced attorneys must still earn at least 24 CLE credit hours each biennial reporting cycle as follows:

Experienced Attorney Required CLE Categories (for attorneys due to re-register on or after July 1, 2023)	Required CLE Credit Hours
Ethics and Professionalism	4
Diversity, Inclusion and Elimination of Bias	1
Cybersecurity, Privacy and Data Protection (General or Ethics)	1*
Any CLE category of credit	18
Total Number of CLE credit hours	24

*You may choose to complete the Cybersecurity credit in Cybersecurity **General** or Cybersecurity **Ethics** (or a combination of the two: ½ credit in Cybersecurity **General** and ½ credit in Cybersecurity **Ethics**).

You may count a maximum of 3 credit hours of Cybersecurity **Ethics** -- but not Cybersecurity **General** -- toward your 4-credit Ethics and Professionalism requirement.

- *Example:* if you earn 3 credits in Cybersecurity Ethics, then you still need to earn 1 credit in Ethics and Professionalism, 1 credit in Diversity, Inclusion and Elimination of Bias and 19 credits in any category of credit -- total of 24 credits

Q] When can I start to earn CLE credit in the new Cybersecurity, Privacy and Data Protection category?

A] You may earn CLE credit in the Cybersecurity, Privacy and Data Protection category beginning on January 1, 2023.

Q] When must I begin to comply with the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] The new requirement becomes effective July 1, 2023. If you are due to re-register on or after July 1, 2023 (birthday is on or after July 1st), you must comply with the new requirement. If your birthday is before July 1st and you are due to re-register in 2023, you need not comply with the requirement in 2023, but must comply in future biennial periods. If you are due to re-register in 2024 or later, you must comply with the new requirement.

- Example: If your birthday is on June 30th, you are due to re-register in 2023, and you file your registration form on July 25, 2023, then you do **not** need to comply with the new requirement in 2023.

Q] I'm due to re-register on or after July 1, 2023, but I won't be able to complete the Cybersecurity, Privacy and Data Protection requirement on time. What should I do?

A] You may apply for an [extension of time](#) to complete the CLE requirement.

Q] If I took a cybersecurity course before January 1, 2023, can I apply the credit earned from that course towards my Cybersecurity, Privacy and Data Protection CLE requirement?

A] No, only CLE courses that you take from January 1, 2023 onwards may count towards the Cybersecurity, Privacy and Data Protection CLE requirement.

Q] May I satisfy any of my Ethics and Professionalism requirement by completing Cybersecurity, Privacy and Data Protection-Ethics courses?

A] Yes, you may satisfy a maximum of 3 credits of your Ethics and Professionalism requirement with the same number of Cybersecurity, Privacy and Data Protection-Ethics credits.

Q] May I carry over Cybersecurity, Privacy and Data Protection CLE credits from one biennial reporting cycle to the next?

A] Yes. Once you have completed the 24-CLE credit requirement, a maximum of 6 additional credits earned may be applied toward the next reporting cycle. Experienced attorneys may carry over credits in any category, including Cybersecurity, Privacy and Data Protection, from one cycle to the next.

Newly Admitted Attorney FAQs

Q] What is the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] Newly admitted attorneys (admitted to the New York Bar for two years or less) must complete at least 1 CLE credit hour in the Cybersecurity, Privacy and Data Protection CLE category of credit as part of their newly admitted cycle requirement. Attorneys may complete the requirement by taking Cybersecurity, Privacy and Data Protection-**General** or Cybersecurity, Privacy and Data Protection-**Ethics** programs, or a combination of the two: ½ credit in Cybersecurity **General** and ½ credit in Cybersecurity **Ethics**.

Q] Does the new Cybersecurity, Privacy and Data Protection requirement increase the total number of CLE credit hours that newly admitted attorneys must complete during the newly admitted cycle?

A] No, newly admitted attorneys must still earn a total of 32 CLE credit hours (with 16 credit hours each year) in the newly admitted cycle as follows:

Newly Admitted Attorney Required CLE Categories (for attorneys admitted on or after July 1, 2023)	Year 1 CLE Credit Hours	Year 2 CLE Credit Hours
Law Practice Management, Areas of Professional Practice, and/or Cybersecurity, Privacy, and Data Protection- General	7 see below	7 see below
Skills	6	6
Ethics and Professionalism	3	3
Cybersecurity, Privacy, and Data Protection- Ethics	see below	see below
Total Number of CLE credit hours	16	16

Cybersecurity, Privacy, and Data Protection (“Cybersecurity”) Category

- You must complete at least 1 credit in Cybersecurity as part of the 32-credit requirement.
- You may choose to complete the Cybersecurity credit:
 - in Year 1 or Year 2 (as part of the 16 credit-requirement for that year)
 - in Cybersecurity **General** or Cybersecurity **Ethics** (or a combination of the two)
- You may apply a maximum of 3 credit hours of Cybersecurity **Ethics** -- but not Cybersecurity **General** -- toward your 6-credit Ethics and Professionalism requirement
 - *Example:* if you complete 1 credit in Cybersecurity **Ethics** in Year 1, you satisfy your Cybersecurity requirement, and then need to complete only 2 credits in Ethics and Professionalism for that year.
 - *Example:* if you complete 1 credit in Cybersecurity **General** in Year 1, you satisfy your Cybersecurity requirement and must complete an additional 6 credits in Law Practice Management, Areas of Professional Practice, and/or Cybersecurity, Privacy, and Data Protection-**General** for that year.

- Q] When must I begin to comply with the new Cybersecurity, Privacy and Data Protection CLE requirement?**
- A] The new requirement becomes effective July 1, 2023 for attorneys **admitted on or after** July 1, 2023. If you were admitted **before** July 1, 2023, you need not comply in your newly admitted cycle.
- Q] When can I start to earn CLE credit in the new Cybersecurity, Privacy and Data Protection category?**
- A] You may earn CLE credit in the Cybersecurity, Privacy and Data Protection category beginning on January 1, 2023.
- Q] If I took a cybersecurity course before January 1, 2023, can I apply the credit earned from that course towards my Cybersecurity, Privacy and Data Protection CLE requirement?**
- A] No, only CLE courses that you take from January 1, 2023 onwards may count towards the Cybersecurity, Privacy and Data Protection CLE requirement.
- Q] Do I need to complete the Cybersecurity, Privacy and Data Protection CLE requirement in each year of my newly admitted cycle, i.e., 1 Cybersecurity CLE credit in Year 1 and 1 Cybersecurity CLE credit in Year 2?**
- A] No, you only need to complete 1 CLE credit in Cybersecurity, Privacy and Data Protection during your newly admitted cycle.
- Q] Do I need to complete the 1-credit Cybersecurity, Privacy and Data Protection CLE requirement during the first or second year of my newly admitted cycle?**
- A] You can choose to complete the 1-credit Cybersecurity, Privacy and Data Protection CLE requirement in the first or second year of your newly admitted cycle as part of your 16-credit requirement for the year.
- Q] May I carry over Cybersecurity, Privacy and Data Protection CLE credits?**
- A] Credit in Cybersecurity, Privacy and Data Protection-**Ethics** may **not** be carried over. Credit in Cybersecurity, Privacy and Data Protection-**General** **may** be carried over. For more information on carryover credit, please read the [Newly Admitted FAQs](#).
- Q] Do Cybersecurity, Privacy and Data Protection credits count toward my Ethics and Professionalism requirement?**
- A] You may count a maximum of 3 Cybersecurity, Privacy and Data Protection-**Ethics** credits toward your Ethics and Professionalism requirement in your newly admitted cycle. Cybersecurity, Privacy and Data Protection-**General** credits **do not** count toward your Ethics and Professionalism requirement.

Q] May I satisfy my entire Ethics and Professionalism requirement by completing Cybersecurity, Privacy and Data Protection-Ethics courses?

A] No, you may satisfy a maximum of 3 credits of your total 6-credit Ethics and Professionalism requirement by completing Cybersecurity, Privacy and Data Protection-**Ethics** courses. By doing so, you would also satisfy your 1-credit Cybersecurity requirement.

Q] As a newly admitted attorney, in what formats can I take Cybersecurity, Privacy and Data Protection courses?

A] For Cybersecurity, Privacy and Data Protection-**General** courses, you may earn CLE credit in **any** approved format, including on-demand audio/video or webconference. For Cybersecurity, Privacy and Data Protection-**Ethics** courses, you may earn CLE credit **only** in traditional live classroom, fully interactive videoconference, or in other live formats (e.g., webconferences, teleconferences) where questions are permitted during the course.

Provider FAQs

Q] What may be addressed in Cybersecurity, Privacy and Data Protection programs?

A] Cybersecurity, Privacy and Data Protection CLE programs must relate to the practice of law, be specifically tailored to a legal audience, and aim to increase attorneys' professional **legal** competency. Please read [Guidance for CLE Providers relating to Cybersecurity Ethics program areas and Cybersecurity General program areas](#).

Q] When may we begin to issue CLE credit in Cybersecurity, Privacy and Data Protection?

A] Providers may begin to issue credit in Cybersecurity, Privacy and Data Protection as of January 1, 2023, to attorneys who complete courses in this new category on or after January 1, 2023.

Q] What are the permissible formats for Cybersecurity, Privacy and Data Protection courses?

A] Experienced Attorneys: for Cybersecurity, Privacy and Data Protection (Ethics and General) courses, experienced attorneys may earn CLE credit in **any** approved format, including on-demand audio/video or webconference.

Newly Admitted Attorneys:

- for Cybersecurity **General** courses, newly admitted attorneys may earn CLE credit in **any** approved format, including on-demand audio/video or webconference.
- for Cybersecurity **Ethics** courses, newly admitted attorneys may earn CLE credit **only** in traditional live classroom, fully interactive videoconference, or in other live formats (e.g., webconferences, teleconferences) where questions are permitted during the course.

Q] We offered a live cybersecurity training in 2022 or earlier; can we issue CLE credit in the Cybersecurity, Privacy and Data Protection category to the attendees of this training?

A] No, you may not issue CLE credit in Cybersecurity, Privacy and Data Protection to the attendees of live courses that occurred prior to January 1, 2023.

Q] May we issue revised certificates awarding credit in the new Cybersecurity, Privacy and Data Protection category to attorneys who completed cybersecurity training in 2022 or earlier?

A] No. You may not issue revised certificates of attendance awarding credit in Cybersecurity, Privacy and Data Protection for courses completed prior to January 1, 2023.

Q] We issued CLE credit in Law Practice Management and Ethics and Professionalism for a course on cybersecurity in 2022 and we recorded the training. Can we issue CLE credit in the Cybersecurity, Privacy and Data Protection CLE category to participants who complete the prerecorded program on or after January 1, 2023?

A] Yes, assuming the content of the prerecorded program is timely and falls within the definition of Cybersecurity, Privacy and Data Protection, you can issue credit in Cybersecurity, Privacy and Data Protection to attorneys who complete the prerecorded program on or after January 1, 2023. Please note -- for newly admitted attorneys, the prerecorded format is permissible for credit in Cybersecurity, Privacy and Data Protection-**General** but not for credit in Cybersecurity, Privacy and Data Protection-**Ethics**.

Q] Can we issue CLE credit in Cybersecurity, Privacy and Data Protection training where there is no attorney faculty member participating?

A] No. As with all CLE programs, the faculty for Cybersecurity, Privacy and Data Protection should include an attorney in good standing who must actively participate in the program.

Q] Will there be a revised New York CLE Certificate of Attendance?

A] Yes, a revised New York CLE Certificate of Attendance that includes Cybersecurity, Privacy and Data Protection will be available on the CLE website and must be used beginning on January 1, 2023.