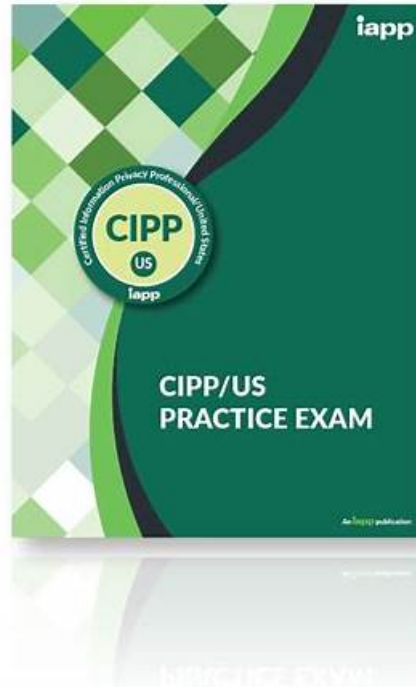


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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q190-Q195):

NEW QUESTION # 190

SCENARIO

Please use the following to answer the next question:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to." Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

Larry believes that Evan's arrogance also affects the way he treats employees. The U.S.

Constitution protects American workers, and Larry believes that the rights of those at SunriseLynx are violated regularly. At first Evan seemed friendly, even connecting with employees on social media. However, following Evan's political posts, it became clear to Larry that employees with similar affiliations were the only ones offered promotions.

Further, Larry occasionally has packages containing personal-use items mailed to work. Several times, these have come to him already opened, even though this name was clearly marked. Larry thinks the opening of personal mail is common at SunriseLynx, and that Fourth Amendment rights are being trampled under Evan's leadership.

Larry has also been dismayed to overhear discussions about his coworker, Sadie. Telemarketing calls are regularly recorded for quality assurance, and although Sadie is always professional during business, her personal conversations sometimes contain sexual comments. This too is something Larry has heard Evan laughing about. When he mentioned this to a coworker, his concern was met with a shrug. It was the coworker's belief that employees agreed to be monitored when they signed on. Although personal devices are left alone, phone calls, emails and browsing histories are all subject to surveillance. In fact, Larry knows of one case in which an employee was fired after an undercover investigation by an outside firm turned up evidence of misconduct. Although the employee may have stolen from the company, Evan could have simply contacted the authorities when he first suspected something amiss.

Larry wants to take action, but is uncertain how to proceed.

In regard to telemarketing practices, Evan the supervisor has a misconception regarding?

- A. The wishes of recipients who request callbacks
- B. The right to monitor calls for quality assurance
- C. The relationship of state law to federal law
- D. The conditions under which recipients can opt out

Answer: A

NEW QUESTION # 191

The Cable Communications Policy Act of 1984 requires which activity?

- A. Destruction of personal information a maximum of six months after it is no longer needed
- B. Obtaining subscriber consent for disseminating any personal information necessary to render cable services
- C. Notice to subscribers of any investigation involving unauthorized reception of cable services
- D. Delivery of an annual notice detailing how subscriber information is to be used

Answer: D

Explanation:

The Cable Communications Policy Act of 1984 (CCPA) is a federal law that regulates the cable television industry and protects the privacy of cable subscribers. One of the provisions of the CCPA is that cable operators must provide their subscribers with an annual notice that clearly and conspicuously informs them of the following information¹²:

* The nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information

* The nature, frequency, and purpose of any disclosure of such information, including an identification of the types of persons to whom the disclosure may be made

* The period during which such information will be maintained by the cable operator

* The times and place at which the subscriber may have access to such information

* The limitations provided by the CCPA with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under the CCPA to enforce such limitations The annual notice must also state that the subscriber has the right to prevent disclosure of personally identifiable information to third parties, except as required by law or court order, and that the subscriber may sue for damages, attorney's fees, and other relief for violations of the CCPA¹².

References: 1: Cable Communications Policy Act of 1984, Section 631 2: [IAPP CIPP/US Study Guide], Chapter 8, Section 8.3.2

NEW QUESTION # 192

SCENARIO

Please use the following to answer the next question:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to." Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

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Larry wants to take action, but is uncertain how to proceed.

Which act would authorize Evan's undercover investigation?

- A. The Fair and Accurate Credit Transactions Act (FACTA)
- B. The National Labor Relations Act (NLRA)
- C. The Whistleblower Protection Act
- **D. The Stored Communications Act (SCA)**

Answer: D

Explanation:

The Stored Communications Act (SCA) is a federal law that regulates the privacy of electronic communications that are stored by third-party service providers, such as email providers, cloud storage providers, or social media platforms. The SCA prohibits unauthorized access to or disclosure of such communications, unless authorized by law or by the consent of the user or the service provider. The SCA also provides exceptions for certain types of access or disclosure, such as those made for law enforcement purposes, for the protection of the service provider's rights or property, or for the consent of the subscriber or customer.

One of the exceptions to the SCA is where the service provider gives consent to the access or disclosure of the stored communications. This means that if a third-party service provider agrees to cooperate with an investigation or a request for information, the access or disclosure is lawful under the SCA. Consent can be express or implied, depending on the circumstances and the terms of service of the provider. For example, if a service provider has a policy that allows it to disclose user information to third parties for legitimate purposes, the provider has impliedly consented to the access or disclosure of the stored communications. However, if a service provider has a policy that prohibits such disclosure, the provider has not consented to the access or disclosure of the stored communications.

In the scenario, Evan's undercover investigation may have been authorized by the SCA if he obtained the consent of the third-party service provider that stored the electronic communications of the employee who was suspected of misconduct. For instance, if the employee used a company email account or a cloud storage service that had a policy that allowed the service provider to disclose user information to the employer or to law enforcement, Evan may have been able to access or disclose the stored communications with the consent of the service provider.

However, if the employee used a personal email account or a cloud storage service that had a policy that protected user privacy and prohibited such disclosure, Evan may have violated the SCA by accessing or disclosing the stored communications without the consent of the service provider.

NEW QUESTION # 193

Acme Student Loan Company has developed an artificial intelligence algorithm that determines whether an individual is likely to pay their bill or default. A person who is determined by the algorithm to be more likely to default will receive frequent payment reminder calls, while those who are less likely to default will not receive payment reminders.

Which of the following most accurately reflects the privacy concerns with Acme Student Loan Company using artificial intelligence in this manner?

- A. If the algorithm uses information about protected classes to make automated decisions, Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output.
- B. If the algorithm makes automated decisions based on risk factors and public information, Acme need not determine if the algorithm has a disparate impact on protected classes.
- C. If the algorithm's methodology is disclosed to consumers, then it is acceptable for Acme to have a disparate impact on protected classes.
- D. If the algorithm uses risk factors that impact the automatic decision engine, Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output.

Answer: A

Explanation:

If the algorithm uses information about protected classes to make automated decisions, Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output. The Fair Credit Reporting Act (FCRA) protects consumers from unfair, inaccurate, and discriminatory treatment by creditors and other businesses that use credit reports. The FCRA prohibits creditors from using information about protected classes, such as race, color, religion, national origin, sex, marital status, age, or because they receive income from a public assistance program, to make decisions about credit. In the case of Acme Student Loan Company, the algorithm is using information about protected classes to make automated decisions about whether to send payment reminder calls. This could have a disparate impact on protected classes, such as people of color or people with low incomes. For example, people of color may be more likely to be identified as being at risk of default, even if they are just as likely to repay their loans as people of other races. Acme Student Loan Company must ensure that the algorithm does not have a disparate impact on protected classes. This could be done by using a variety of methods, such as:

Testing the algorithm for accuracy, fairness, and bias before and after deployment
Providing consumers with notice and consent options for the use of their data
Allowing consumers to access, correct, or delete their data
Implementing accountability and oversight mechanisms for the algorithm
Ensuring compliance with applicable laws and regulations

NEW QUESTION # 194

Which of the following state laws has an entity exemption for organizations subject to the Gramm-Leach-Bliley Act (GLBA)?

- A. Virginia Consumer Data Protection Act
- B. California Privacy Rights Act.
- C. California Consumer Privacy Act.
- D. Nevada Privacy Law.

Answer: A

Explanation:

"Nonetheless, the VCDPA will not apply to financial institutions. Specifically, the VCDPA provides that it "shall not apply to any . . . financial institutions or data subject to Title V of the federal" GLBA. In this regard, the VCDPA's GLBA exception is far broader than the CCPA's GLBA exception, which is limited only to information subject to the GLBA. That is, unlike the CCPA, the VCDPA provides not only a GLBA "information" exception, but also a GLBA "entity" exception."

<https://www.mofa.com/resources/insights/210302-financial-institutions-exempt-virginia-privacy-law>

NEW QUESTION # 195

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