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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q62-Q67):

NEW QUESTION # 62

SCENARIO

Please use the following to answer the next question;

Jane is a U.S. citizen and a senior software engineer at California-based Jones Labs, a major software supplier to the U.S. Department of Defense and other U.S. federal agencies. Jane's manager, Patrick, is a French citizen who has been living in California for over a decade. Patrick has recently begun to suspect that Jane is an insider secretly transmitting trade secrets to foreign intelligence. Unbeknownst to Patrick, the FBI has already received a hint from anonymous whistleblower, and jointly with the National Security Agency is investigating Jane's possible implication in a sophisticated foreign espionage campaign. Ever since the pandemic, Jane has been working from home. To complete her daily tasks, she uses her corporate laptop, which after each login conspicuously provides notice that the equipment belongs to Jones Labs and may be monitored according to the enacted privacy policy and employment handbook. Jane also has a corporate mobile phone that she uses strictly for business, the terms of which are defined in her employment contract and elaborated upon in her employee handbook. Both the privacy policy and the employee handbook are revised annually by a reputable California law firm specializing in privacy law. Jane also has a personal iPhone that she uses for private purposes only.

Jones Labs has its primary data center in San Francisco, which is managed internally by Jones Labs engineers. The secondary data center, managed by Amazon AWS, is physically located in the UK for disaster recovery purposes. Jones Labs' mobile devices backup is managed by a mid-sized mobile defense company located in Denver, which physically stores the data in Canada to reduce costs. Jones Labs' MS Office documents are securely stored in a Microsoft Office 365 data center. Under Section 702 of FISA, the NSA may do which of the following without a Foreign Intelligence Surveillance Court warrant?

- A. Compel Microsoft to disclose Patrick's Skype calls with a Brazilian national living in Peru.
- B. **Compel AWS to disclose email communications between two Chinese nationals residing in the EU.**
- C. Compel Jane to disclose the PIN code for her corporate mobile phone.
- D. Compel AWS to disclose Jane's email communications with a Taiwanese national residing in Taiwan.

Answer: B

Explanation:

Under Section 702 of the Foreign Intelligence Surveillance Act (FISA), the National Security Agency (NSA) is authorized to collect and analyze communications of non-U.S. persons located outside the United States for foreign intelligence purposes. Section 702 allows the NSA to compel U.S.-based service providers, such as AWS or Microsoft, to provide access to data without requiring a warrant from the Foreign Intelligence Surveillance Court (FISC) if certain criteria are met.

Key Aspects of Section 702:

* Scope of Surveillance: Section 702 applies to non-U.S. persons located outside the United States. It cannot be used to target U.S. citizens or individuals located within the United States, even if they communicate with non-U.S. persons.

* Provider Obligations: The NSA can compel U.S.-based service providers (e.g., AWS, Microsoft) to disclose information about communications involving foreign individuals if the data is relevant to foreign intelligence purposes.

Explanation of the Options:

* A. Compel AWS to disclose Jane's email communications with a Taiwanese national residing in Taiwan: Incorrect. Jane is a U.S. citizen, and Section 702 cannot be used to directly target U.S. persons or their communications, even if the other party in the communication is a non-U.S. person.

* B. Compel AWS to disclose email communications between two Chinese nationals residing in the EU: Correct. Section 702 allows the NSA to target non-U.S. persons located outside the U.S. without a warrant, even if their communications are hosted by a U.S.-based service provider like AWS. This scenario falls directly under the scope of Section 702.

* C. Compel Microsoft to disclose Patrick's Skype calls with a Brazilian national living in Peru:

Incorrect. Patrick is a U.S. resident, even though he is a French citizen. Section 702 cannot be used to target individuals who are lawfully residing in the United States.

* D. Compel Jane to disclose the PIN code for her corporate mobile phone: Incorrect. Section 702 applies to electronic communications data held by service providers, not to individuals. Compelling an individual to disclose a PIN code would require a different legal authority, such as a court-issued subpoena or warrant.

Legal Framework:

* Section 702 of FISA: Provides the NSA with the authority to compel U.S.-based service providers to assist in collecting data on non-U.S. persons located outside the U.S. for foreign intelligence purposes.

* Targeting Limitations: Section 702 cannot be used to intentionally target U.S. persons or anyone located within the United States.

* Service Providers: Examples include U.S.-based companies such as Amazon AWS, Microsoft, and Google.

Practical Considerations for Jones Labs:

Jones Labs should be aware that:

- * Data stored with U.S.-based providers (even if located in the EU) may still be subject to Section 702 requests.
- * International data transfer compliance may require careful consideration of Standard Contractual Clauses (SCCs) or other safeguards to align with EU privacy regulations, such as the GDPR, in light of the extraterritorial nature of U.S. surveillance laws.

References from CIPP/US Materials:

- * FISA Section 702 (50 U.S.C. § 1881a): Outlines the legal authority for targeting non-U.S. persons located outside the United States.
- * IAPP CIPP/US Certification Textbook: Discusses Section 702 and its implications for U.S.-based service providers handling international data.
- * Schrems II Decision: Highlights conflicts between U.S. surveillance laws and EU privacy laws, particularly for data stored by U.S. companies overseas.

NEW QUESTION # 63

The use of cookies on a website by a service provider is generally not deemed a 'sale' of personal information by CCPA, as long as which of the following conditions is met?

- A. The information collected by the service provider is necessary to perform debugging and the business and service provider have entered into an appropriate agreement.
- B. The analytics cookies placed by the service provider are capable of being tracked but cannot be linked to a particular consumer of that business.
- C. The third party stores personal information to trigger a response to a consumer's request to exercise their right to opt in.
- D. **The service provider retains personal information obtained in the course of providing the services specified in the agreement with the subcontractors.**

Answer: D

NEW QUESTION # 64

A company's employee wellness portal offers an app to track exercise activity via users' mobile devices. Which of the following design techniques would most effectively inform users of their data privacy rights and privileges when using the app?

- A. **Offer information about data collection and uses at key data entry points.**
- B. Present a privacy policy to users during the wellness program registration process.
- C. Publish a privacy policy written in clear, concise, and understandable language.
- D. Provide a link to the wellness program privacy policy at the bottom of each screen.

Answer: A

Explanation:

The design technique that would most effectively inform users of their data privacy rights and privileges when using the app is to offer information about data collection and uses at key data entry points. This technique is also known as "just-in-time" or "layered" notice, and it is recommended by the U.S. Federal Trade Commission (FTC) as a best practice for mobile app developers. The idea behind this technique is to provide users with relevant and timely information about how their data is collected and used by the app, and what choices they have to control their data, at the moment when they are asked to provide or access their data. For example, if the app collects location data from the user's device, it should display a pop-up notice explaining why it needs the location data, how it will use it, and how the user can opt-out or change the settings. This way, the user can make an informed decision about whether to allow or deny the app's access to their data, and understand the consequences of their choice.

The advantage of this technique is that it avoids overwhelming the user with too much information at once, and instead provides concise and contextual information that is easy to understand and act upon. It also increases the user's trust and confidence in the app, as they feel more in control of their data and privacy.

NEW QUESTION # 65

The CFO of a pharmaceutical company is duped by a phishing email and discloses many of the company's employee personnel files to an online predator. The files include employee contact information, job applications, performance reviews, discipline records, and job descriptions.

Which of the following state laws would be an affected employee's best recourse against the employer?

- A. The state data destruction statute.

- B. The state social security number confidentiality statute.
- **C. The state personnel record review statute.**
- D. The state UDAP statute.

Answer: C

Explanation:

A state personnel record review statute typically governs the access, maintenance, and protection of employee personnel records. It may establish certain rights for employees to access their own personnel records, and it could also include provisions related to data security and breaches of employee information. Given that the disclosed information includes employee contact information, job applications, performance reviews, and other personnel-related data, the affected employee could potentially rely on this statute to seek remedies or protections related to the breach of their personal and confidential information.

NEW QUESTION # 66

What is the primary purpose of the HIPAA Security Rule?

- A. Establish a secure manner of payment processing for insurance claims.
- B. Establish minimum security requirements for PHI collected in any form
- **C. Establish minimum security requirements for PHI collected in electronic form**
- D. Establish minimum security requirement for medical facilities following the 2001 terrorist attacks.

Answer: C

Explanation:

The Security Rule establishes minimum security requirements for PHI that a covered entity receives, creates, maintains, or transmits in electronic form.

NEW QUESTION # 67

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