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CIPP-E EXAM

What is a derogation?

An exemption (granted under very limited circumstances) from the prohibition on transferring personal data outside the EEA.

Under what circumstances might derogation be granted?

- Explicit consent
- Where necessary for performance of a contract with the data subject (i.e., data subject wants to book a hotel in a foreign country)
- Public interest
- Establishment, exercise, or defensive legal claims
- Protection of vital interests of the data subject or other persons
- Transfer from a register of public information
- Legitimate interests of the controller

What are the six purposes of a supervisory authority?

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q265-Q270):

NEW QUESTION # 265

Under what circumstances would the GDPR apply to personal data that exists in physical form, such as information contained in notebooks or hard copy files?

- A. Only where the personal data is produced as a physical output of specific automated processing activities, such as printing, labelling, or stamping.
- B. Only where the personal data is treated by automated means in some way, such as computerized distribution or filing.
- C. Only where the personal data is to be subjected to specific computerized processing, such as image scanning or optical character recognition.
- D. Only where the personal data is handled in a sufficiently structured manner so as to form part of a filing system

Answer: D

Explanation:

The GDPR applies to all personal data, regardless of whether it exists in physical form or not. The GDPR defines personal data as any information relating to an identified or identifiable natural person, such as names, identification numbers, location data, or online identifiers¹. Therefore, any information that can be linked directly or indirectly to a natural person is considered personal data under the GDPR.

However, the GDPR also distinguishes between different types of processing activities and their legal bases.

Processing activities are the operations performed on personal data, such as collection, storage, use, disclosure, or deletion.

Processing activities can be either automated or manual. Automated processing means using technology to perform processing activities without human intervention. Manual processing means using human intervention to perform processing activities.

The GDPR requires that any processing activity that involves personal data must comply with certain principles and conditions, such as lawfulness, fairness, transparency, purpose limitation, data minimization, accuracy, storage limitation, integrity and confidentiality. These principles and conditions apply to both automated and manual processing activities.

Therefore, the GDPR applies to personal data that exists in physical form only when it is processed by an automated means in some way that affects its rights and freedoms. For example, if a company scans paper documents and stores them electronically in a database without deleting them after a certain period of time or when they are no longer needed for the original purpose for which they were collected (Article 6), then this would be considered an automated processing activity that involves personal data in physical form.

However, the GDPR does not apply to personal data that exists in physical form when it is handled in a sufficiently structured manner so as to form part of a filing system. For example, if a company keeps paper documents in folders labeled with names and dates on their office shelves without scanning them or storing them electronically anywhere else (Article 5), then this would not be considered an automated processing activity that involves personal data in physical form.

References:

- * Physical Data - GDPR Summary
- * What GDPR Means for Your Physical Records - Access
- * Personal Data - Data Protection Act 2018

NEW QUESTION # 266

Which kind of privacy notice, originally advocated by the Article 29 Working Party, is commonly recommended for AI-based technologies because of the way it provides processing information at specific points of data collection?

- A. Just-in-time notice.
- B. Privacy dashboard notice
- C. Visualization notice.
- D. Layered notice.

Answer: B

Explanation:

According to the Article 29 Working Party, a just-in-time notice is a type of privacy notice that provides processing information at specific points of data collection, such as when the user clicks on a certain feature or enters personal data¹. This kind of notice is commonly recommended for AI-based technologies because it allows the user to receive relevant and timely information about the processing of their data, without being overwhelmed by lengthy and complex privacy statements¹. A just-in-time notice can also be

combined with other types of notices, such as layered notices or privacy dashboards, to provide a more comprehensive and user-friendly transparency framework¹. Therefore, option C is the correct answer. Option A is incorrect because a privacy dashboard notice is a type of notice that provides the user with a centralised and interactive overview of the processing of their data, and allows them to manage their privacy settings and preferences¹. Option B is incorrect because a visualization notice is a type of notice that uses graphical elements, such as icons, symbols, colours, or animations, to convey the processing information in a more intuitive and engaging way¹. Option D is incorrect because a layered notice is a type of notice that provides the processing information in a hierarchical and modular way, starting with the most essential information and allowing the user to access more details if they wish¹.

References:

* What's new in WP29's final guidelines on transparency?

NEW QUESTION # 267

How does the GDPR now define "processing"?

- A. Any operation or set of operations performed by automated means on personal data or on sets of personal data.
- B. Any operation or set of operations performed on personal data or on sets of personal data.
- C. Any act involving the collecting and recording of personal data.
- D. Any use or disclosure of personal data compatible with the purpose for which the data was collected.

Answer: C

NEW QUESTION # 268

The Universal Declaration of Human Rights (1948) connects the right to a private and family life (Article 12) to which other right?

- A. Freedom of assembly and association.
- B. Freedom of expression.
- C. Prohibition of discrimination.
- D. Freedom to manifest one's religion.

Answer: B

Explanation:

Exact extracts from the UDHR (the primary source relied on in the CIPP/E 3rd ed. when covering foundational human-rights instruments):

* Article 12 (Right to privacy):"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

* Article 19 (Freedom of opinion and expression):"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." These two UDHR provisions are taught together in CIPP/E as part of the historical foundations of European data protection: privacy (Art. 12) is balanced with freedom of expression (Art. 19). The CIPP/E official textbook (3rd ed.) explicitly situates GDPR within this human-rights framework and covers the UDHR in its introductory chapter on the origins and development of European data protection law.

(Context note frequently emphasized in CIPP/E materials: the UDHR also explains the balancing of rights- why privacy and expression are read together- via Article 29(2): in exercising rights and freedoms, limitations may be imposed by law "solely for the purpose of securing due recognition and respect for the rights and freedoms of others...".)

NEW QUESTION # 269

What is the most frequently used mechanism for legitimizing cross-border data transfer?

- A. Standard Contractual Clauses.
- B. Approved Code of Conduct.
- C. Derogations.
- D. Binding Corporate Rules.

Answer: A

NEW QUESTION # 270

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