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PECB Certified Data Protection Officer Sample Questions (Q19-Q24):

NEW QUESTION # 19

Scenario 7: EduCCS is an online education platform based in Netherlands. EduCCS helps organizations find, manage, and deliver their corporate training. Most of EduCCS's clients are EU residents. EduCCS is one of the few education organizations that have achieved GDPR compliance since 2019. Their DPO is a full-time employee who has been engaged in most data protection processes within the organization. In addition to facilitating GDPR compliance, the DPO acts as an intermediary point between EduCCS and other relevant interested parties. EduCCS's users can benefit from the variety of up-to-date training library and the possibility of accessing it through their phones, tablets, or computers. EduCCS's services are offered through two main platforms: online learning and digital training. To use one of these platforms, users should sign on EduCCS's website by providing their personal information. Online learning is a platform in which employees of other organizations can search for and request the training they need. Through its digital training platform, on the other hand, EduCCS manages the entire training and education program for other organizations.

Organizations that need this type of service need to provide information about their core activities and areas where training sessions are needed. This information is then analyzed by EduCCS and a customized training program is provided. In the beginning, all IT-related services were managed by two employees of EduCCS.

However, after acquiring a large number of clients, managing these services became challenging. That is why EduCCS decided to

outsource the IT service function to X-Tech. X-Tech provides IT support and is responsible for ensuring the security of EduCCS's network and systems. In addition, X-Tech stores and archives EduCCS's information including their training programs and clients' and employees' data. Recently, X-Tech made headlines in the technology press for being a victim of a phishing attack. A group of three attackers hacked X-Tech's systems via a phishing campaign which targeted the employees of the Marketing Department. By compromising X-Tech's mail server, hackers were able to gain access to more than 200 computer systems. Consequently, access to the networks of EduCCS's clients was also allowed. Using EduCCS's employee accounts, attackers installed a remote access tool on EduCCS's compromised systems.

By doing so, they gained access to personal information of EduCCS's clients, training programs, and other information stored in its online payment system. The attack was detected by X-Tech's system administrator.

After detecting unusual activity in X-Tech's network, they immediately reported it to the incident management team of the company. One week after being notified about the personal data breach, EduCCS communicated the incident to the supervisory authority with a document that outlined the reasons for the delay revealing that due to the lack of regular testing or modification, their incident response plan was not adequately prepared to handle such an attack. Based on this scenario, answer the following question:

Question:

Should EduCCS document information related to the personal data breach, including facts, its impact, and the remedial action taken?

- A. No, EduCCS must report the breach only if more than 100,000 individuals were affected.
- B. Yes, EduCCS should document any personal data breach to enable the supervisory authority to verify compliance with GDPR's Article 33 (Notification of a personal data breach to the supervisory authority).
- C. No, EduCCS was not the direct target of the attack, so it cannot document details about the breach, its impact, or remedial actions.
- D. Yes, EduCCS should document the personal data breach to allow the supervisory authority to determine if the breach must be communicated to data subjects.

Answer: B

Explanation:

Under Article 33(5) of GDPR, controllers must document personal data breaches, including their effects and corrective measures, even if notification to data subjects is not required.

* Option A is correct because documentation is mandatory for compliance verification.

* Option B is incorrect because documentation is required regardless of whether notification to data subjects is necessary.

* Option C is incorrect because EduCCS, as the controller, is responsible for breach documentation.

* Option D is incorrect because GDPR does not impose a breach reporting threshold based on the number of affected individuals.

References:

* GDPR Article 33(5) (Documentation of breaches)

* Recital 85 (Controllers must record breaches and mitigation actions)

NEW QUESTION # 20

Scenario 7:

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However, after acquiring a large number of clients, managing these services became challenging. That is why EduCCS decided to outsource the IT service function to X-Tech. X-Tech provides IT support and is responsible for ensuring the security of EduCCS's network and systems. In addition, X-Tech stores and archives EduCCS's information including their training programs and clients' and employees' data. Recently, X-Tech made headlines in the technology press for being a victim of a phishing attack. A group of three attackers hacked X-Tech's systems via a phishing campaign which targeted the employees of the Marketing Department. By compromising X-Tech's mail server, hackers were able to gain access to more than 200 computer systems. Consequently, access to the networks of EduCCS's clients was also allowed. Using EduCCS's employee accounts, attackers installed a remote access tool on EduCCS's compromised systems.

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Question:

Which of the following statements best reflects a lesson learned from the scenario?

- A. Regular testing and modification of incident response plans are essential for ensuring prompt detection and effective response to data breaches.
- B. The incident response plan should prioritize immediate communication with the supervisory authority to ensure timely and compliant handling of data breaches.
- C. EduCCS should keep its IT services in-house, as outsourcing to X-Tech was the primary cause of the data breach.
- D. EduCCS is not responsible for the data breach since it occurred at X-Tech, a third-party provider.

Answer: A

Explanation:

Under Article 32 and Article 33 of GDPR, organizations must implement security measures and ensure incident response plans are regularly tested and updated. EduCCS' failure to prepare its response plan delayed notification, violating GDPR's 72-hour breach notification requirement.

* Option C is correct because regular testing of incident response plans helps prevent delays in breach notifications.

* Option A is incorrect because while timely communication is important, the root issue was the lack of preparedness.

* Option B is incorrect because outsourcing is allowed under GDPR if the controller ensures compliance through a Data Processing Agreement (DPA) (Article 28).

* Option D is incorrect because EduCCS remains responsible for data protection, even when outsourcing to a processor.

References:

* GDPR Article 32(1)(d) (Regular testing of security measures)

* GDPR Article 33(1) (72-hour breach notification requirement)

NEW QUESTION # 21

Scenario 5:

Recpond is a German employment recruiting company. Their services are delivered globally and include consulting and staffing solutions. In the beginning, Recpond provided its services through an office in Germany. Today, they have grown to become one of the largest recruiting agencies, providing employment to more than 500,000 people around the world. Recpond receives most applications through its website. Job searchers are required to provide the job title and location. Then, a list of job opportunities is provided. When a job position is selected, candidates are required to provide their contact details and professional work experience records. During the process, they are informed that the information will be used only for the purposes and period determined by Recpond. Recpond's experts analyze candidates' profiles and applications and choose the candidates that are suitable for the job position. The list of the selected candidates is then delivered to Recpond's clients, who proceed with the recruitment process. Files of candidates that are not selected are stored in Recpond's databases, including the personal data of candidates who withdraw the consent on which the processing was based. When the GDPR came into force, the company was unprepared.

The top management appointed a DPO and consulted him for all data protection issues. The DPO, on the other hand, reported the progress of all data protection activities to the top management. Considering the level of sensitivity of the personal data processed by Recpond, the DPO did not have direct access to the personal data of all clients, unless the top management deemed it necessary.

The DPO planned the GDPR implementation by initially analyzing the applicable GDPR requirements. Recpond, on the other hand, initiated a risk assessment to understand the risks associated with processing operations. The risk assessment was conducted based on common risks that employment recruiting companies face. After analyzing different risk scenarios, the level of risk was determined and evaluated. The results were presented to the DPO, who then decided to analyze only the risks that have a greater impact on the company. The DPO concluded that the cost required for treating most of the identified risks was higher than simply accepting them. Based on this analysis, the DPO decided to accept the actual level of the identified risks. After reviewing policies and procedures of the company, Recpond established a new data protection policy. As proposed by the DPO, the information security policy was also updated. These changes were then communicated to all employees of Recpond. Based on this scenario, answer the following question:

Question:

Recpond stores files of candidates who are not selected in its databases, even if they withdraw consent. Is this acceptable under GDPR?

- A. No, Recpond must retain candidate data for statistical analysis but must anonymize it.

- B. Yes, the GDPR only requires the controller to stop processing the data when consent is withdrawn but does not require its deletion.
- C. Yes, the GDPR allows personal data to be processed even after consent is withdrawn so organizations can use the data for future recruitment opportunities.
- D. No, the GDPR requires the controller to erase personal data if the data subject withdraws their consent for data processing.

Answer: D

Explanation:

Under Article 17 of GDPR (Right to Erasure), data subjects have the right to request deletion of their personal data when consent is withdrawn, unless a legal obligation or legitimate interest requires retention.

- * Option A is correct because Recpond must erase personal data if consent is withdrawn and no other lawful basis exists.
- * Option B is incorrect because GDPR requires deletion, not just stopping processing.
- * Option C is incorrect because organizations cannot retain data for future purposes without an explicit legal basis.
- * Option D is incorrect because statistical use must involve anonymization, which is not mentioned in Recpond's process.

References:

- * GDPR Article 17(1)(b) (Right to be forgotten when consent is withdrawn)
- * Recital 65 (Obligation to erase personal data when processing is no longer necessary)

NEW QUESTION # 22

Scenario 5:

Recpond is a German employment recruiting company. Their services are delivered globally and include consulting and staffing solutions. In the beginning, Recpond provided its services through an office in Germany. Today, they have grown to become one of the largest recruiting agencies, providing employment to more than 500,000 people around the world. Recpond receives most applications through its website. Job searchers are required to provide the job title and location. Then, a list of job opportunities is provided. When a job position is selected, candidates are required to provide their contact details and professional work experience records. During the process, they are informed that the information will be used only for the purposes and period determined by Recpond. Recpond's experts analyze candidates' profiles and applications and choose the candidates that are suitable for the job position. The list of the selected candidates is then delivered to Recpond's clients, who proceed with the recruitment process. Files of candidates that are not selected are stored in Recpond's databases, including the personal data of candidates who withdraw the consent on which the processing was based. When the GDPR came into force, the company was unprepared.

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Question:

Which statement regarding the material scope of the GDPR is incorrect?

- A. The GDPR applies to the processing of personal data by a company established in the EEA, even if the data subjects are located outside the EEA.
- B. The GDPR does not apply to the processing of personal data by Member States when carrying out activities that fall within the scope of the Treaty on European Union (TEU).
- C. The GDPR applies to the processing of personal data in the course of an activity that falls outside the scope of Union law.
- D. The GDPR applies to the processing of personal data wholly or partly by automated means.

Answer: C

Explanation:

The material scope of the GDPR is outlined in Article 2. It applies to the processing of personal data by automated means and non-automated processing if the data is part of a filing system. The GDPR does not apply to activities outside the scope of Union law, such as national security activities, which are excluded under Recital 16.

- * Option B is correct because the GDPR does not apply to activities falling outside the scope of Union law, such as law enforcement operations covered by the Law Enforcement Directive (EU 2016/680).
- * Option A is incorrect because automated processing is explicitly covered by GDPR.
- * Option C is incorrect because data processing by Member States under TEU (e.g., national security and defense) is excluded.
- * Option D is incorrect because GDPR applies to controllers/processors established in the EEA, even if data subjects are outside the EEA (Article 3(1)).

References:

- * GDPR Article 2(2)(a)(Exclusion of activities outside EU law)
- * GDPR Article 3(1)(Territorial scope)
- * Recital 16(GDPR does not apply to national security)

NEW QUESTION # 23

Bus Spot is one of the largest bus operators in Spain. The company operates in local transport and bus rental since 2009. The success of Bus Spot can be attributed to the digitization of the bus ticketing system, through which clients can easily book tickets and stay up to date on any changes to their arrival or departure time. In recent years, due to the large number of passengers transported daily, Bus Spot has dealt with different incidents including vandalism, assaults on staff, and fraudulent injury claims. Considering the severity of these incidents, the need for having strong security measures had become crucial. Last month, the company decided to install a CCTV system across its network of buses. This security measure was taken to monitor the behavior of the company's employees and passengers, enabling crime prevention and ensuring safety and security. Following this decision, Bus Spot initiated a data protection impact assessment (DPIA). The outcome of each step of the DPIA was documented as follows: Step 1: In all 150 buses, two CCTV cameras will be installed. Only individuals authorized by Bus Spot will have access to the information generated by the CCTV system. CCTV cameras capture images only when the Bus Spot's buses are being used. The CCTV cameras will record images and sound. The information is transmitted to a video recorder and stored for 20 days. In case of incidents, CCTV recordings may be stored for more than 40 days and disclosed to a law enforcement body. Data collected through the CCTV system will be processed by another organization. The purpose of processing this type of information is to increase the security and safety of individuals and prevent criminal activity. Step 2: All employees of Bus Spot were informed for the installation of a CCTV system. As the data controller, Bus Spot will have the ultimate responsibility to conduct the DPIA. Appointing a DPO at that point was deemed unnecessary. However, the data processor's suggestions regarding the CCTV installation were taken into account. Step 3: Risk Likelihood (Unlikely, Possible, Likely) Severity (Moderate, Severe, Critical) Overall risk (Low, Medium, High) There is a risk that the principle of lawfulness, fairness, and transparency will be compromised since individuals might not be aware of the CCTV location and its field of view. Likely Moderate Low There is a risk that the principle of integrity and confidentiality may be compromised in case the CCTV system is not monitored and controlled with adequate security measures.

Possible Severe Medium There is a risk related to the right of individuals to be informed regarding the installation of CCTV cameras. Possible Moderate Low Step 4: Bus Spot will provide appropriate training to individuals that have access to the information generated by the CCTV system. In addition, it will ensure that the employees of the data processor are trained as well. In each entrance of the bus, a sign for the use of CCTV will be displayed. The sign will be visible and readable by all passengers. It will show other details such as the purpose of its use, the identity of Bus Spot, and its contact number in case there are any queries. Only two employees of Bus Spot will be authorized to access the CCTV system. They will continuously monitor it and report any unusual behavior of bus drivers or passengers to Bus Spot. The requests of individuals that are subject to a criminal activity for accessing the CCTV images will be evaluated only for a limited period of time. If the access is allowed, the CCTV images will be exported by the CCTV system to an appropriate file format. Bus Spot will use a file encryption software to encrypt data before transferring onto another file format. Step 5: Bus Spot's top management has evaluated the DPIA results for the processing of data through CCTV system. The actions suggested to address the identified risks have been approved and will be implemented based on best practices. This DPIA involves the analysis of the risks and impacts in only a group of buses located in the capital of Spain. Therefore, the DPIA will be reconducted for each of Bus Spot's buses in Spain before installing the CCTV system. Based on this scenario, answer the following question:

Question:

You are appointed as the DPO of Bus Spot.

What action would you suggest when reviewing the results of the DPIA presented in scenario 6?

- A. The DPIA should be reviewed annually, as CCTV surveillance presents ongoing risks to data subjects' privacy.
- B. Reconducting a DPIA for each bus of Bus Spot is not necessary, since the nature, scope, context, and purpose of data processing are similar in all buses.
- C. Using a data processor for CCTV images is not in compliance with GDPR, since the data generated from the CCTV system should be controlled and processed by Bus Spot.
- D. Displaying the identity of Bus Spot, its contact number, and the purpose of data processing in each bus is not necessary; furthermore, it breaches the data protection principles defined by GDPR.

Answer: A

Explanation:

Under Article 35(1) of GDPR, controllers must reassess DPIAs regularly to account for changing risks in processing activities like CCTV surveillance.

- * Option D is correct because CCTV monitoring poses an ongoing risk, requiring periodic DPIA reviews.
- * Option A is incorrect because regular DPIA reviews are required, even if the data processing remains the same.
- * Option B is incorrect because transparency is a key principle of GDPR, and displaying information does not breach GDPR.
- * Option C is incorrect because data processors can process CCTV data as long as there is a processing agreement (Article 28).

References:

- * GDPR Article 35(1)(Periodic DPIA review)
- * Recital 90(Regular assessment of risks)

NEW QUESTION # 24

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