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CIPP/E Questions and Answers

1. Universal Declaration of Human Rights - Passage

ANS 1948

2. Universal Declaration of Human Rights - Article 12

ANS The right to a private life and associated freedoms.

3. Universal Declaration of Human Rights - Article 19

ANS Freedom of expression.

4. Universal Declaration of Human Rights - Article 29(2)

ANS Rights are not absolute and there are instances where a balance must be struck.

5. European Convention on Human Rights

ANS Treaty drawn up by the Council of Europe that protects fundamental rights. Adopted in 1953 and based on the Universal Declaration of Human Rights.

6. European Convention on Human Rights - Enforcement

ANS Enforced by the European Court of Human Rights

7. European Convention on Human Rights - Article 8

ANS Protects rights of individuals

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The CIPP-E exam is designed for individuals who work in the field of data protection and privacy, including data protection officers, privacy professionals, lawyers, and consultants. CIPP-E exam covers a wide range of topics related to data protection, including EU data protection laws and regulations, data transfer mechanisms, and privacy compliance frameworks. CIPP-E Exam also covers emerging trends in privacy, such as the use of artificial intelligence and the impact of the General Data Protection Regulation (GDPR).

IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q230-Q235):

NEW QUESTION # 230

SCENARIO

Please use the following to answer the next question:

Jane Stan's her new role as a Data Protection Officer (DPO) at a Malta-based company that allows anyone to buy and sell cryptocurrencies via its online platform. The company stores and processes the personal data of its customers in a dedicated data center located in Malta (EU).

People wishing to trade cryptocurrencies are required to open an online account on the platform. They then must successfully pass a KYC due diligence procedure aimed at preventing money laundering and ensuring compliance with applicable financial regulations. The non-European customers are also required to waive all their GDPR rights by reading a disclaimer written in bold and belong a checkbox on a separate page in order to get their account approved on the platform.

The customers must likewise accept the terms of service of the platform. The terms of service also include a privacy policy section, saying, among other things, that if a Which of the following must be a component of the anti-money-laundering data-sharing practice of the platform?

- A. Customers shall have an opt-out feature to restrict data sharing with law enforcement agencies after the registration.
- B. The terms of service shall also enumerate all applicable anti-money laundering few.
- C. Customers shall receive a clear and conspicuous notice about such data sharing before submitting their data during the registration process.
- D. The terms of service shall include the address of the anti-money laundering agency and contacts of the investigators who may access me data.

Answer: C

Explanation:

According to Article 13 of the GDPR, when personal data are collected from the data subject, the controller shall provide the data subject with certain information, such as the purposes and legal basis of the processing, the recipients or categories of recipients of the personal data, and the existence of the data subject's rights.

This information shall be provided at the time when personal data are obtained. The purpose of this requirement is to ensure that the data subject is informed and aware of how their personal data will be used and shared, and to enable them to exercise their rights accordingly. Therefore, customers shall receive a clear and conspicuous notice about such data sharing before submitting their data during the registration process. References:

* Article 13 of the GDPR

* IAPP CIPP/E Study Guide, page 32

NEW QUESTION # 231

SCENARIO

Please use the following to answer the next question:

You have just been hired by a toy manufacturer based in Hong Kong. The company sells a broad range of dolls, action figures and

plush toys that can be found internationally in a wide variety of retail stores. Although the manufacturer has no offices outside Hong Kong and in fact does not employ any staff outside Hong Kong, it has entered into a number of local distribution contracts. The toys produced by the company can be found in all popular toy stores throughout Europe, the United States and Asia. A large portion of the company's revenue is due to international sales.

The company now wishes to launch a new range of connected toys, ones that can talk and interact with children. The CEO of the company is touting these toys as the next big thing, due to the increased possibilities offered: The figures can answer children's Questions: on various subjects, such as mathematical calculations or the weather. Each figure is equipped with a microphone and speaker and can connect to any smartphone or tablet via Bluetooth. Any mobile device within a 10-meter radius can connect to the toys via Bluetooth as well. The figures can also be associated with other figures (from the same manufacturer) and interact with each other for an enhanced play experience.

When a child asks the toy a QUESTION, the request is sent to the cloud for analysis, and the answer is generated on cloud servers and sent back to the figure. The answer is given through the figure's integrated speakers, making it appear as though that the toy is actually responding to the child's QUESTION. The packaging of the toy does not provide technical details on how this works, nor does it mention that this feature requires an internet connection. The necessary data processing for this has been outsourced to a data center located in South Africa. However, your company has not yet revised its consumer-facing privacy policy to indicate this.

In parallel, the company is planning to introduce a new range of game systems through which consumers can play the characters they acquire in the course of playing the game. The system will come bundled with a portal that includes a Near-Field Communications (NFC) reader. This device will read an RFID tag in the action figure, making the figure come to life onscreen. Each character has its own stock features and abilities, but it is also possible to earn additional ones by accomplishing game goals. The only information stored in the tag relates to the figures' abilities. It is easy to switch characters during the game, and it is possible to bring the figure to locations outside of the home and have the character's abilities remain intact.

In light of the requirements of Article 32 of the GDPR (related to the Security of Processing), which practice should the company institute?

- A. Include three-factor authentication before each use by a child in order to ensure the best level of security possible.
- B. Insert contractual clauses into the contract between the toy manufacturer and the cloud service provider, since South Africa is outside the European Union.
- **C. Encrypt the data in transit over the wireless Bluetooth connection.**
- D. Include dual-factor authentication before each use by a child in order to ensure a minimum amount of security.

Answer: C

Explanation:

According to Article 32 of the GDPR, the controller and the processor must implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of processing personal data, taking into account the state of the art, the costs of implementation, and the nature, scope, context and purposes of processing, as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons. The GDPR also provides some examples of such measures, including the pseudonymisation and encryption of personal data, the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services, the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident, and a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

In this scenario, the company is processing personal data of children, such as their voice, questions, preferences, and location, through the connected toys that use a wireless Bluetooth connection to communicate with smartphones, tablets, cloud servers, and other toys. This poses a high risk to the security of the data, as Bluetooth is a short-range wireless technology that can be easily intercepted, hacked, or compromised by malicious actors. Therefore, the company should encrypt the data in transit over the Bluetooth connection, to prevent unauthorized access, disclosure, or alteration of the data. Encryption is a process of transforming data into an unreadable form, using a secret key or algorithm, that can only be reversed by authorized parties who have the corresponding key or algorithm. Encryption can protect the data from being accessed or modified by anyone who does not have the key or algorithm, thus ensuring the confidentiality and integrity of the data.

The other options are incorrect because:

B) Including dual-factor authentication before each use by a child in order to ensure a minimum amount of security is not a sufficient measure to protect the data in transit over the Bluetooth connection. Dual-factor authentication is a process of verifying the identity of a user by requiring two pieces of evidence, such as a password and a code sent to a phone or email. While this may enhance the security of the user's account or device, it does not protect the data that is transmitted over the wireless connection, which can still be intercepted, hacked, or compromised by malicious actors. Moreover, dual-factor authentication may not be suitable or convenient for children, who may not have access to a phone or email, or who may forget their passwords or codes.

C) Including three-factor authentication before each use by a child in order to ensure the best level of security possible is not a necessary or proportionate measure to protect the data in transit over the Bluetooth connection. Three-factor authentication is a process of verifying the identity of a user by requiring three pieces of evidence, such as a password, a code sent to a phone or email, and a biometric feature, such as a fingerprint or a face scan. While this may provide a high level of security for the user's account or device, it does not protect the data that is transmitted over the wireless connection, which can still be intercepted, hacked, or

compromised by malicious actors. Furthermore, three-factor authentication may not be appropriate or feasible for children, who may not have access to a phone or email, or who may not have reliable biometric features, or who may find the process too complex or cumbersome.

D) Inserting contractual clauses into the contract between the toy manufacturer and the cloud service provider, since South Africa is outside the European Union, is not a relevant measure to protect the data in transit over the Bluetooth connection. Contractual clauses are legal agreements that specify the obligations and responsibilities of the parties involved in a data transfer, such as the level of data protection, the rights of data subjects, and the remedies for breaches. While contractual clauses may be necessary to ensure the compliance of the data transfer to South Africa, which is a non-EU country that does not have an adequacy decision from the European Commission, they do not address the security of the data that is transmitted over the wireless connection, which can still be intercepted, hacked, or compromised by malicious actors. Moreover, contractual clauses are not a technical or organisational measure, but a legal measure, that falls under a different provision of the GDPR, namely Article 46.

NEW QUESTION # 232

SCENARIO

Please use the following to answer the next question:

ABC Hotel Chain and XYZ Travel Agency are U.S.-based multinational companies. They use an internet-based common platform for collecting and sharing their customer data with each other, in order to integrate their marketing efforts. Additionally, they agree on the data to be stored, how reservations will be booked and confirmed, and who has access to the stored data.

Mike, an EU resident, has booked travel itineraries in the past through XYZ Travel Agency to stay at ABC Hotel Chain's locations. XYZ Travel Agency offers a rewards program that allows customers to sign up to accumulate points that can later be redeemed for free travel. Mike has signed the agreement to be a rewards program member.

Now Mike wants to know what personal information the company holds about him. He sends an email requesting access to his data, in order to exercise what he believes are his data subject rights.

What is the time period in which Mike should receive a response to his request?

- A. When all the information about Mike has been collected.
- B. Not more than thirty days after submission of Mike's request.
- **C. Not more than one month of receipt of Mike's request.**
- D. Not more than two months after verifying Mike's identity.

Answer: C

NEW QUESTION # 233

Data retention in the EU was underpinned by a legal framework established by the Data Retention Directive (2006/24/EC). Why is the Directive no longer part of EU law?

- A. The Directive was superseded by the General Data Protection Regulation.
- B. The Directive was superseded by the EU Directive on Privacy and Electronic Communications.
- **C. The Directive was annulled by the Court of Justice of the European Union.**
- D. The Directive was annulled by the European Court of Human Rights.

Answer: C

Explanation:

The Data Retention Directive (2006/24/EC) was a legal framework that required Member States to ensure that providers of publicly available electronic communications services or of public communications networks retained certain data for a period of between six months and two years, for the purpose of the prevention, investigation, detection and prosecution of serious crime¹. However, on 8 April 2014, the Court of Justice of the European Union (CJEU) declared the Directive invalid, as it entailed a wide-ranging and particularly serious interference with the fundamental rights to respect for private life and to the protection of personal data, without limiting the access of the competent national authorities to the data retained to what was strictly necessary². The CJEU also found that the Directive did not provide sufficient safeguards to ensure effective protection of the data against the risk of abuse and against any unlawful access and use of the data².

Therefore, the Directive is no longer part of EU law.

References:

¹ Directive 2006/24/EC of the European Parliament and of the Council

² Court of Justice of the European Union PRESS RELEASE No 54/14

I hope this helps you understand the GDPR and data retention better. If you have any other questions, please feel free to ask me. #

NEW QUESTION # 234

When would a data subject NOT be able to exercise the right to portability?

- A. When the data was supplied to the controller by the data subject.
- B. When the processing is based on consent.
- C. When the processing is carried out pursuant to a contract with the data subject.
- D. When the processing is necessary to perform a task in the exercise of authority vested in the controller.

Answer: D

Explanation:

Reference <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/>

NEW QUESTION # 235

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