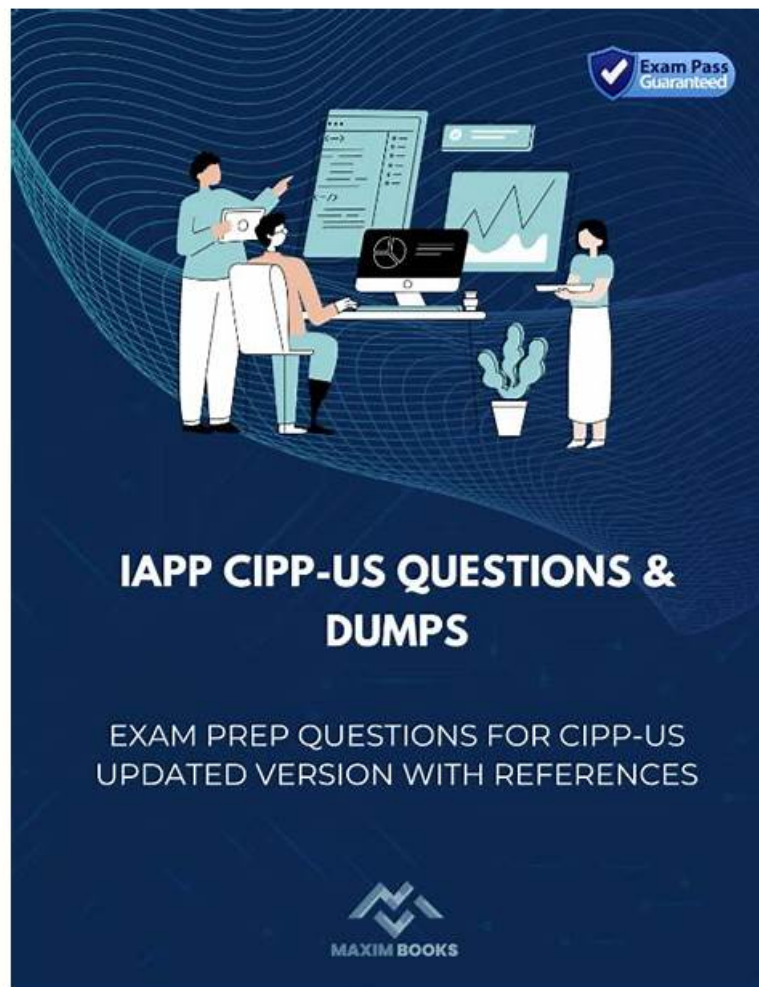


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IAPP CIPP-US (Certified Information Privacy Professional/United States) Exam is a globally recognized certification that is designed for professionals who work in the field of data privacy in the United States. Certified Information Privacy Professional/United States (CIPP/US) certification is administered by the International Association of Privacy Professionals (IAPP), which is the largest and most comprehensive global information privacy community. The CIPP-US Exam covers a wide range of topics related to privacy laws, regulations, and practices in the United States.

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The CIPP-US certification exam consists of 90 multiple-choice questions, and candidates are given 2.5 hours to complete the exam. The questions are designed to test the candidate's knowledge and understanding of the US privacy laws and regulations, as well as their ability to apply this knowledge in real-world scenarios. CIPP-US Exam is administered by Pearson VUE, and candidates can take the exam at any of the Pearson VUE testing centers worldwide.

IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q92-Q97):

NEW QUESTION # 92

In which situation is a company operating under the assumption of implied consent?

- **A. An employer contacts the professional references provided on an applicant's resume**
- B. An online retailer subscribes new customers to an e-mail list by default
- C. A retail clerk asks a customer to provide a zip code at the check-out counter
- D. A landlord uses the information on a completed rental application to run a credit report

Answer: A

Explanation:

* Implied consent is a form of consent that is inferred from the actions or inactions of the data subject, rather than explicitly expressed by the data subject¹.

* Implied consent is generally considered a valid basis for processing personal data under certain circumstances, such as when the processing is necessary for the performance of a contract, the legitimate interests of the data controller, or the reasonable expectations of the data subject².

* However, implied consent may not be sufficient for processing sensitive personal data, such as health, biometric, or genetic data, or for sending marketing communications, depending on the applicable laws and regulations².

* In the U.S., there is no comprehensive federal privacy law that regulates the use of implied consent for data processing, but there are sector-specific laws and state laws that may impose different requirements and limitations³.

* Based on the scenarios given in the question, the situation that is most likely to involve a company operating under the assumption of implied consent is A. An employer contacts the professional references provided on an applicant's resume.

* This is because the employer may reasonably infer that the applicant has consented to the contact of the references by voluntarily providing their information on the resume, and that the contact is necessary for the legitimate interest of the employer to verify the applicant's qualifications and suitability for the job⁴.

* The other situations may not involve implied consent, but rather require explicit consent or provide opt-out options for the data subjects, depending on the type and purpose of the data processing and the relevant laws and regulations⁵. For example:

* B. An online retailer subscribes new customers to an e-mail list by default. This may violate the CAN-SPAM Act, which requires online marketers to obtain affirmative consent from the recipients before sending commercial e-mail messages, and to provide a clear and conspicuous opt-out mechanism in every message⁵.

* C. A landlord uses the information on a completed rental application to run a credit report. This may violate the Fair Credit Reporting Act, which requires landlords to obtain written authorization from the applicants before obtaining their consumer reports, and to provide them with a copy of the report and a summary of their rights if they take any adverse action based on the report.

* D. A retail clerk asks a customer to provide a zip code at the check-out counter. This may violate the California Song-Beverly Credit Card Act, which prohibits retailers from requesting and recording personal identification information from customers who pay with a credit card, unless the information is necessary for a special purpose, such as shipping or fraud prevention.

References: 1: Implied Consent 2: Consent 3: U.S. Private-Sector Privacy (CIPP/US) 4: [Reference Checks:

Tips for Job Applicants and Employers] 5: [CAN-SPAM Act: A Compliance Guide for Business] : [Using Consumer Reports: What Landlords Need to Know] : [California Song-Beverly Credit Card Act] : [Reference Checks: Tips for Job Applicants and Employers] : [CAN-SPAM Act: A Compliance Guide for Business] :

[Using Consumer Reports: What Landlords Need to Know] : [California Song-Beverly Credit Card Act]

NEW QUESTION # 93

Which of the following laws is NOT involved in the regulation of employee background checks?

- A. The California Investigative Consumer Reporting Agencies Act (ICRAA).
- **B. The Gramm-Leach-Bliley Act (GLBA).**
- C. The U.S. Fair Credit Reporting Act (FCRA).
- D. The Civil Rights Act.

Answer: B

Explanation:

The law that is not involved in the regulation of employee background checks is B. The Gramm-Leach-Bliley Act (GLBA). The GLBA is a federal law that regulates the privacy and security of financial information collected, used, or shared by financial institutions, such as banks, insurance companies, or securities firms.

The GLBA does not apply to employee background checks, unless the employer is a financial institution that obtains financial information from a consumer reporting agency for employment purposes. In that case, the employer must comply with the GLBA's notice and opt-out requirements, as well as the FCRA's requirements for using consumer reports. References:

* [IAPP CIPP/US Study Guide], Chapter 4: Workplace Privacy, pp. 113-114.

* IAPP CIPP/US Body of Knowledge, Section IV: Workplace Privacy, Subsection A: Employee Privacy Expectations, Topic 3: Background Checks.

* IAPP CIPP/US Practice Questions, Question 150.

NEW QUESTION # 94

More than half of U.S. states require telemarketers to?

- A. Obtain written consent from potential customers
- B. Register with the state before conducting business
- C. Identify themselves at the beginning of a call
- **D. Provide written contracts for customer transactions**

Answer: D

NEW QUESTION # 95

SCENARIO

Please use the following to answer the next QUESTION:

A US-based startup company is selling a new gaming application. One day, the CEO of the company receives an urgent letter from a prominent EU-based retail partner. Triggered by an unresolved complaint lodged by an EU resident, the letter describes an ongoing investigation by a supervisory authority into the retailer's data handling practices.

The complainant accuses the retailer of improperly disclosing her personal data, without consent, to parties in the United States. Further, the complainant accuses the EU-based retailer of failing to respond to her withdrawal of consent and request for erasure of her personal data. Your organization, the US-based startup company, was never informed of this request for erasure by the EU-based retail partner. The supervisory authority investigating the complaint has threatened the suspension of data flows if the parties involved do not cooperate with the investigation. The letter closes with an urgent request: "Please act immediately by identifying all personal data received from our company." This is an important partnership. Company executives know that its biggest fans come from Western Europe; and this retailer is primarily responsible for the startup's rapid market penetration.

As the Company's data privacy leader, you are sensitive to the criticality of the relationship with the retailer.

At this stage of the investigation, what should the data privacy leader review first?

- A. The text of the original complaint
- B. The company's data privacy policies
- C. Prevailing regulation on this subject
- **D. Available data flow diagrams**

Answer: D

Explanation:

Data flow diagrams are graphical representations of how data moves within an organization or between different entities. They can help identify the sources, destinations, and processing of personal data, as well as the legal basis, retention periods, and security measures for each data flow. Reviewing the available data flow diagrams can help the data privacy leader to quickly and accurately respond to the urgent request from the EU-based retail partner, as well as to assess the potential risks and compliance gaps in the data transfer process.

Data flow diagrams are also a key component of data protection impact assessments (DPIAs), which are required by the GDPR for high-risk processing activities. References:

* IAPP CIPP/US Body of Knowledge, Section II, A, 2

* [IAPP CIPP/US Study Guide, Chapter 2, Section 2.3]

* [GDPR, Article 35]

According to FERPA, when can a school disclose records without a student's consent?

- Answer: B**

99.31(a)(2)). This exception allows schools to disclose transcripts, recommendations, or other information that may facilitate the student's admission or enrollment at another school. However, the school must make a reasonable attempt to notify the student of the disclosure, unless the student initiated the disclosure, and must provide the student with a copy of the records that were disclosed upon request (34 CFR § 99.34(a) (1)). References: <https://studentprivacy.ed.gov/ferpa>
<https://studentprivacy.ed.gov/ferpa>

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[illegible]

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