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- International Data Transfers
- Introduction to European Data Protection
- European Regulatory Institutions
- Legislative Framework
- Compliance with European Data Protection Law and Regulation

>> Popular CIPP-E Exams <<

## CIPP-E New Questions & Test CIPP-E Engine

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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q296-Q301):

### NEW QUESTION # 296

#### 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

- A. The data storage period has to be revised, and a data processing agreement w\*th AWS must be signed
- B. It is unlawful to process any personal data in a cloud unless the cloud is certified as GDPR-compliant by a competent supervisory authority.
- C. The AWS servers are located in the EU but in a country different than the location of the corporate headquarters.
- D. AWS is a U S company, and no personal data of European residents may be transferred to it without explicit written consent from data subjects.

**Answer: A**

### NEW QUESTION # 297

Which of the following would NOT be relevant when determining if a processing activity would be considered profiling?

- A. If the processing is used to predict the behavior of data subjects
- B. If the processing of the data is done through automated means
- C. If the processing is to be performed by a third-party vendor
- D. If the processing involves data that is considered personal data

**Answer: C**

Explanation:

The GDPR defines profiling as any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements<sup>12</sup>.

Therefore, the relevant factors when determining if a processing activity would be considered profiling are:

whether the processing involves data that is considered personal data;

whether the processing of the data is done through automated means; and whether the processing is used to predict the behavior of data subjects.

The identity of the processor, whether it is the controller or a third-party vendor, is not relevant for the definition of profiling.

However, it may have implications for the accountability and responsibility of the parties involved, as well as the data protection rights of the data subjects<sup>34</sup>. Reference: CIPP/E Certification - International Association of Privacy Professionals, Free CIPP/E Study Guide - International Association of Privacy Professionals, GDPR - EUR-Lex, What is automated individual decision-making and profiling? | ICO, WP29 releases guidelines on profiling under the GDPR, UK: A Guide To GDPR Profiling And Automated Decision-Making - Mondaq

### NEW QUESTION # 298

What is a reason the European Court of Justice declared the Data Retention Directive invalid in 2014?

- A. The requirements specified that data must be held within the EU.
- B. The requirements were financially burdensome to EU businesses.
- C. The requirements had limitations on how national authorities could use data.
- D. The requirements affected individuals without exception.

**Answer: D**

Explanation:

The Data Retention Directive was a EU law that required providers of electronic communications services to retain certain data,

such as traffic and location data, for a period of between six months and two years, for the purpose of preventing, investigating, detecting and prosecuting serious crime<sup>1</sup>. However, in 2014, the Court of Justice of the European Union declared the Directive invalid, because it violated the fundamental rights to respect for private life and to the protection of personal data, as enshrined in the Charter of Fundamental Rights of the EU<sup>2</sup>. The Court found that the Directive entailed a wide-ranging and particularly serious interference with those rights, without being limited to what is strictly necessary<sup>3</sup>. One of the reasons for this finding was that the Directive applied to all individuals, all means of electronic communication and all traffic data without any differentiation, limitation or exception, thus affecting the entire population of the EU<sup>4</sup>. The Court also noted that the Directive did not provide sufficient safeguards to ensure effective protection of the data against the risk of abuse and unlawful access, and did not require the data to be retained within the EU<sup>5</sup>. References: 1 Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC<sup>2</sup> Charter of Fundamental Rights of the European Union<sup>3</sup> Press release No 54/14 - Judgment in Joined Cases C-293/12 and C-594/12 Digital Rights Ireland and Seitlinger and Others<sup>4</sup> Judgment of the Court (Grand Chamber) of 8 April 2014. Digital Rights Ireland Ltd v Minister for Communications, Marine and Natural Resources and Others and Kamtner Landesregierung and Others. Requests for a preliminary ruling from the High Court (Ireland) and the Verfassungsgerichtshof (Austria). Joined cases C-293/12 and C-594/125 Ibid. Reference: <https://www.loc.gov/law/help/eu-data-retention-directive/eu.php#:~:text=In%20April%202014%20the%20Grand,proportionality%20in%20forging%20the%20Directive.>

### NEW QUESTION # 299

What is one major goal that the OECD Guidelines, Convention 108 and the Data Protection Directive (Directive 95/46/EC) all had in common but largely failed to achieve in Europe?

- A. The restriction of cross-border data flow
- **B. The synchronization of approaches to data protection**
- C. The establishment of a list of legitimate data processing criteria
- D. The creation of legally binding data protection principles

**Answer: B**

Explanation:

The OECD Guidelines, Convention 108 and the Data Protection Directive (Directive 95/46/EC) all aimed to harmonize the national data protection laws of the member states of the European Economic Community (EEC) and to establish a common framework for the protection of personal data. However, they largely failed to achieve this goal due to several reasons, such as:

- \* The lack of political will and commitment from the member states to implement the directives fully and consistently<sup>12</sup>.
- \* The divergent interpretations and applications of the directives by different national authorities, courts and regulators<sup>12</sup>.
- \* The emergence of new technologies and challenges that required new or updated legal solutions, such as electronic communications, cookies, biometrics, cloud computing, etc<sup>12</sup>.
- \* The influence of other regional or international initiatives that addressed some aspects of data protection differently or in conflict with the directives, such as the US Privacy Shield Framework<sup>3</sup>.

References: 1: Free CIPP/E Study Guide - International Association of Privacy Professionals 2: CIPP/E Certification - International Association of Privacy Professionals 3: Schrems II: A Critical Analysis - European Data Protection Board Reference: <https://ico.org.uk/media/about-the-ico/documents/1042349/review-of-eu-dp-directive.pdf> (99)

### NEW QUESTION # 300

What are the obligations of a processor that engages a sub-processor?

- A. The processor must give the controller prior written notice and perform a preliminary audit of the sub-processor.
- **B. The processor must obtain the consent of the controller and ensure the sub-processor complies with data processing obligations that are equivalent to those that apply to the processor.**
- C. The processor must obtain the controller's specific written authorization and provide annual reports on the sub-processor's performance.
- D. The processor must receive a written agreement that the sub-processor will be fully liable to the controller for the performance of its obligations in relation to the personal data concerned.

**Answer: B**

#### Explanation:

According to Article 28(2) of the GDPR, the processor may not engage another processor (sub-processor) without the prior specific or general written authorization of the controller. In the case of general written authorization, the processor must inform the controller of any intended changes concerning the addition or replacement of other processors, thereby giving the controller the opportunity to object to such changes.

Furthermore, Article 28(4) of the GDPR states that where a processor engages another processor for carrying out specific processing activities on behalf of the controller, the same data protection obligations as set out in the contract or other legal act between the controller and the processor shall be imposed on that other processor by way of a contract or other legal act under Union or Member State law, in particular providing sufficient guarantees to implement appropriate technical and organizational measures in such a manner that the processing will meet the requirements of the GDPR. Therefore, the processor must ensure that the sub-processor complies with data processing obligations that are equivalent to those that apply to the processor. References:

\* Article 28 of the GDPR

\* European Data Protection Law & Practice textbook, Chapter 6: Data Processing Obligations, Section 6.3: Processor Obligations, Subsection 6.3.2: Sub-processors

Reference: <https://inpl.com/latest-news/article/gdpr-rights-and-obligations-of-sub-processors/>

#### NEW QUESTION # 301

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