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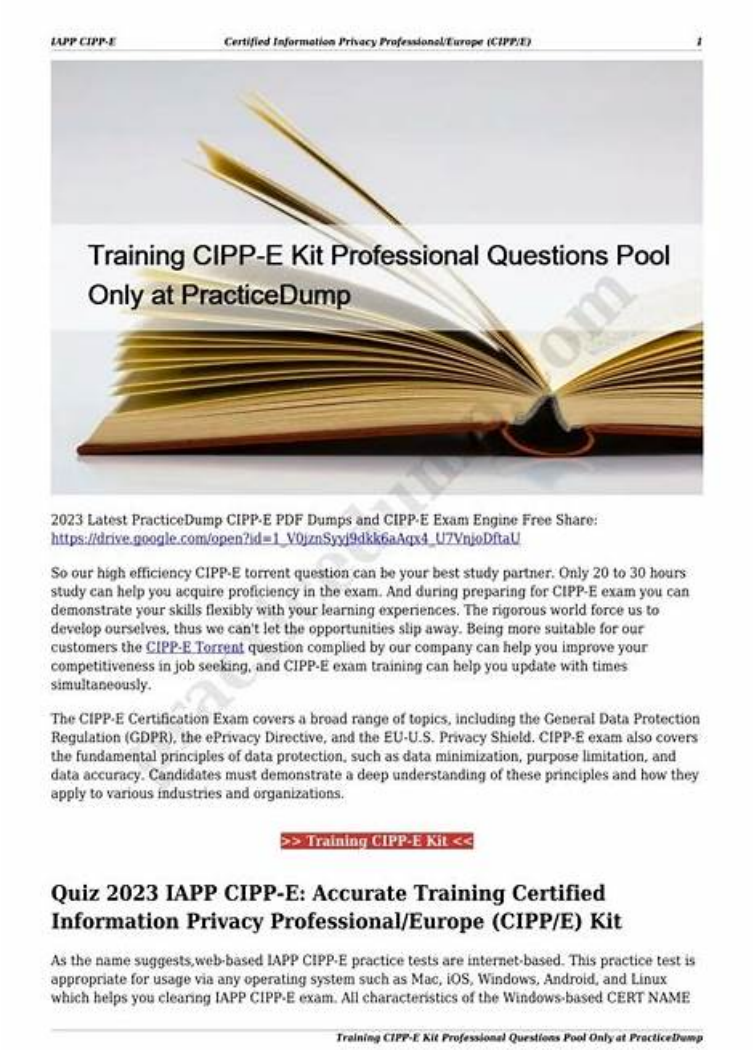

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The CIPP-E Certification Exam is ideal for professionals who work in data protection, privacy, and security roles, including privacy officers, data protection officers, security professionals, and lawyers. Candidates who pass the exam will have a deep understanding of EU privacy laws and regulations and will be able to advise their organizations on data protection issues.

To prepare for the CIPP-E Exam, candidates can take advantage of the IAPP's study materials, which include textbooks, online courses, and practice exams. These resources provide a comprehensive overview of the topics covered on the exam and can help candidates identify areas where they may need additional study. Additionally, candidates can attend training sessions and conferences to learn more about data privacy and network with other professionals in the field.

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q267-Q272):

NEW QUESTION # 267
SCENARIO
Please use the following to answer the next question:
WonderkKids provides an online booking service for childcare. Wonderkids is based in France, but hosts its website through a company in Switzerland. As part of their service, WonderKids will pass all personal data provided to them to the childcare provider booked through their system. The type of personal data collected on the website includes the name of the person booking the childcare, address and contact details, as well as information about the children to be cared for including name, age, gender and health information. The privacy statement on Wonderkids' website states the following:
"WonderkKids provides the information you disclose to us through this website to your childcare provider for scheduling and health and safety reasons. We may also use your and your child's personal information for our own legitimate business purposes and we employ a third-party website hosting company located in Switzerland to store the dat a. Any data stored on equipment located in Switzerland meets the European Commission provisions for guaranteeing adequate safeguards for you and your child's personal information. We will only share you and your child's personal information with businesses that we see as adding real value to you. By providing us with any personal data, you consent to its transfer to affiliated businesses and to send you promotional offers."
"We may retain you and your child's personal information for no more than 28 days, at which point the data will be depersonalized, unless your personal information is being used for a legitimate business purpose beyond 28 days where it may be retained for up to 2 years."
"We are processing you and your child's personal information with your consent. If you choose not to provide certain information to us, you may not be able to use our services. You have the right to: request access to you and your child's personal information; rectify or erase you or your child's personal information; the right to correction or erasure of you and/or your child's personal information; object to any processing of you and your child's personal information. You also have the right to complain to the supervisory authority about our data processing activities." What additional information must Wonderkids provide in their Privacy Statement?

- A. Contact information of the hosting company.
- B. The categories of recipients with whom data will be shared.
- C. Technical and organizational measures to protect data.
- D. How often promotional emails will be sent.

Answer: B

NEW QUESTION # 268
A dynamic Internet Protocol (IP) address is considered persona! data when it is combined with what?

- A. Other data held by recipients of the data.
- B. Other data held by Internet Service Providers (ISPs).
- C. Other data held by the processor.
- D. Other data held by the controller

Answer: D

Explanation:
A dynamic IP address is a unique numerical label for a device on the internet that changes every time the device connects to the internet. A dynamic IP address by itself is not personal data, as it does not directly identify the person who owns or uses the device. However, a dynamic IP address can become personal data when it is combined with other data held by the controller, such as the web pages accessed by the device, the time and duration of the visit, the location of the device, or the user's preferences and interests. In this case, the controller can use the additional data to identify the data subject, either directly or indirectly, by linking the dynamic IP address to a specific person or a profile. This was confirmed by the Court of Justice of the European Union (CJEU) in the case of Breyer v Bundesrepublik Deutschland, where the CJEU ruled that a dynamic IP address registered by a website provider constitutes personal data in relation to that provider, where the latter has the legal means to obtain the identity of the data subject from the internet service provider (ISP) that assigned the dynamic IP address. Therefore, option B is the correct answer.
References: Directive 95

/46/EC, Directive 2002/58/EC, Breyer v Bundesrepublik Deutschland, Case C-582/14, Dynamic IP Addresses can be Personal Data

NEW QUESTION # 269
Which of the following countries will continue to enjoy adequacy status under the GDPR, pending any future European Commission decision to the contrary?

- A. Australia
- B. Switzerland
- C. Greece
- D. Norway

Answer: B

Explanation:
Explanation/Reference: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/ adequacy-decisions_en

NEW QUESTION # 270
SCENARIO
Please use the following to answer the next question:
Gentle Hedgehog Inc. is a privately owned website design agency incorporated in Italy. The company has numerous remote workers in different EU countries. Recently, the management of Gentle Hedgehog noticed a decrease in productivity of their sales team, especially among remote workers. As a result, the company plans to implement a robust but privacy-friendly remote surveillance system to prevent absenteeism, reward top performers, and ensure the best quality of customer service when sales people are interacting with customers.
Gentle Hedgehog eventually hires Sauron Eye Inc., a Chinese vendor of employee surveillance software whose European headquarters is in Germany. Sauron Eye's software provides powerful remote-monitoring capabilities, including 24/7 access to computer cameras and microphones, screen captures, emails, website history, and keystrokes. Any device can be remotely monitored from a central server that is securely installed at Gentle Hedgehog headquarters. The monitoring is invisible by default; however, a so-called Transparent Mode, which regularly and conspicuously notifies all users about the monitoring and its precise scope, also exists. Additionally, the monitored employees are required to use a built-in verification technology involving facial recognition each time they log in.
All monitoring data, including the facial recognition data, is securely stored in Microsoft Azure cloud servers operated by Sauron Eye, which are physically located in France.
Under what condition could the surveillance system be used on the personal devices of employees?

- A. Only if the monitoring system is manufactured by a European vendor storing the monitoring data within the EU.
- B. Only if the cloud that stores the monitoring data is certified by the EDPB as GDPR compliant.
- C. Only if the employer offers an adequate compensation for using the employee's devices.
- D. Only if the employees give valid consent and the monitoring is narrowly limited to their professional tasks.

Answer: D

Explanation:
The General Data Protection Regulation (GDPR) does not prohibit surveillance of employees in the workplace. Still, it requires employers to follow special rules to ensure that the rights and freedoms of employees are protected when processing their personal data. The GDPR applies to any processing of personal data in the context of the activities of an establishment of a controller or a processor in the EU, regardless of whether the processing takes place in the EU or not. The GDPR also applies to the processing of personal data of data subjects who are in the EU by a controller or processor not established in the EU, where the processing activities are related to the offering of goods or services to data subjects in the EU or the monitoring of their behaviour as far as their behaviour takes place within the EU.
The GDPR requires that any processing of personal data must be lawful, fair and transparent, and based on one of the six legal grounds specified in the regulation. The most relevant legal grounds for employee surveillance are the legitimate interests of the employer, the performance of a contract with the employee, or the compliance with a legal obligation. The GDPR also requires that any processing of personal data must be limited to what is necessary for the purposes for which they are processed, and that the data subjects must be informed of the purposes and the legal basis of the processing, as well as their rights and the safeguards in place to protect their data.
The GDPR also imposes specific obligations and restrictions on the processing of special categories of personal data, such as

biometric data, which reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or which are processed for the purpose of uniquely identifying a natural person. The processing of such data is prohibited, unless one of the ten exceptions listed in the regulation applies. The most relevant exceptions for employee surveillance are the explicit consent of the data subject, the necessity for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law, or the necessity for reasons of substantial public interest.
The GDPR also sets out the rules and requirements for the transfer of personal data to third countries or international organisations, which do not ensure an adequate level of data protection. The transfer of such data is only allowed if the controller or processor has provided appropriate safeguards, such as binding corporate rules, standard contractual clauses, codes of conduct or certification mechanisms, and if the data subjects have enforceable rights and effective legal remedies.
Based on the scenario, the only condition under which the surveillance system could be used on the personal devices of employees is if the employees give valid consent and the monitoring is narrowly limited to their professional tasks. This option is the most consistent with the GDPR's principles and requirements, as it:
Is based on a valid legal ground for the processing of personal data, namely the consent of the data subject, which must be freely given, specific, informed and unambiguous, and which can be withdrawn at any time.
Is limited to what is necessary for the purposes of the monitoring, as it only covers the work-related activities and communications of the employees, and excludes the private or personal ones.
Is transparent to the employees, as it informs them of the monitoring and its precise scope, and gives them the opportunity to object or opt out of the monitoring.
Does not involve the processing of special categories of personal data, such as biometric data or data revealing political opinions or trade union membership, which are not necessary or proportionate for the purposes of the monitoring, and which do not fall under any of the exceptions listed in the regulation.
Does not involve the transfer of personal data to a third country, such as China, which does not provide an adequate level of data protection, and which may pose additional risks for the rights and freedoms of the employees.
The other options listed in the question are not valid conditions for using the surveillance system on the personal devices of employees, as they:
Are not based on a valid legal ground for the processing of personal data, as they either rely on the legitimate interests of the employer, which are not balanced with the rights and freedoms of the employees, or on the compliance with a legal obligation, which does not apply to the use of personal devices.
Are not limited to what is necessary for the purposes of the monitoring, as they involve the collection and processing of excessive and irrelevant personal data, such as camera and microphone monitoring, screen captures, keystrokes, and facial recognition data, which go beyond the scope of the work performed by the employees, and intrude into their private or personal sphere.
Are not transparent to the employees, as they do not inform them of the monitoring and its precise scope, and do not give them the opportunity to object or opt out of the monitoring.
Involve the processing of special categories of personal data, such as biometric data or data revealing political opinions or trade union membership, which are not necessary or proportionate for the purposes of the monitoring, and which do not fall under any of the exceptions listed in the regulation.
Involve the transfer of personal data to a third country, such as China, which does not provide an adequate level of data protection, and which may pose additional risks for the rights and freedoms of the employees.
Reference:
GDPR, Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 44, 45, 46, 47, 48, and 49.
EDPB Guidelines 3/2019 on processing of personal data through video devices, pages 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.
EDPB Guidelines 07/2020 on the concepts of controller and processor in the GDPR, pages 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28.
EDPB Guidelines 4/2019 on Article 25 Data Protection by Design and by Default, pages 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28.
EDPB Guidelines 2/2018 on derogations of Article 49 under Regulation 2016/679, pages 4, 5, 6, 7, 8, 9, 10, 11, and 12.
Data protection: GDPR and employee surveilance | Feature | Law Gazette, paragraphs 1, 2, 3, 4, 5, 6, 7, and 8.

NEW QUESTION # 271
A grade school is planning to use facial recognition to track student attendance. Which of the following may provide a lawful basis for this processing?

- A. The school gets explicit consent from the students.
- B. Processing is necessary for the legitimate interests pursed by the school.
- C. A state law requires facial recognition to verify attendance.
- D. The school places a notice near each camera.

Answer: D

NEW QUESTION # 272

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