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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q201-Q206):

NEW QUESTION # 201

SCENARIO

Please use the following to answer the next question:

The fitness company Vigotron has recently developed a new app called M-Health, which it wants to market on its website as a free download. Vigotron's marketing manager asks his assistant Emily to create a webpage that describes the app and specifies the terms of use. Emily, who is new at Vigotron, is excited about this task.

At her previous job she took a data protection class, and though the details are a little hazy, she recognizes that Vigotron is going to need to obtain user consent for use of the app in some cases. Emily sketches out the following draft, trying to cover as much as possible before sending it to Vigotron's legal department.

Registration Form

Vigotron's new M-Health app makes it easy for you to monitor a variety of health-related activities, including diet, exercise, and sleep patterns. M-Health relies on your smartphone settings (along with other third-party apps you may already have) to collect data about all of these important lifestyle elements, and provide the information necessary for you to enrich your quality of life. (Please click here to read a full description of the services that M-Health provides.) Vigotron values your privacy. The M-Health app allows

you to decide which information is stored in it, and which apps can access your data. When your device is locked with a passcode, all of your health and fitness data is encrypted with your passcode. You can back up data stored in the Health app to Vigotron's cloud provider, Stratulous. (Read more about Stratulous here.) Vigotron will never trade, rent or sell personal information gathered from the M-Health app. Furthermore, we will not provide a customer's name, email address or any other information gathered from the app to any third- party without a customer's consent, unless ordered by a court, directed by a subpoena, or to enforce the manufacturer's legal rights or protect its business or property.

We are happy to offer the M-Health app free of charge. If you want to download and use it, we ask that you first complete this registration form. (Please note that use of the M-Health app is restricted to adults aged 16 or older, unless parental consent has been given to minors intending to use it.)

* First name:

* Surname:

* Year of birth:

* Email:

* Physical Address (optional*):

* Health status:

*If you are interested in receiving newsletters about our products and services that we think may be of interest to you, please include your physical address. If you decide later that you do not wish to receive these newsletters, you can unsubscribe by sending an email to unsubscribe@vigotron.com or send a letter with your request to the address listed at the bottom of this page.

Terms and Conditions

1.Jurisdiction. [...]

2.Applicable law. [...]

3.Limitation of liability. [...]

Consent

By completing this registration form, you attest that you are at least 16 years of age, and that you consent to the processing of your personal data by Vigotron for the purpose of using the M-Health app. Although you are entitled to opt out of any advertising or marketing, you agree that Vigotron may contact you or provide you with any required notices, agreements, or other information concerning the services by email or other electronic means. You also agree that the Company may send automated emails with alerts regarding any problems with the M-Health app that may affect your well being.

What is one potential problem Vigotron's age policy might encounter under the GDPR?

- A. Users are only required to be aged 13 or over to be considered adults.
- B. Organizations that tie a service to marketing must seek consent for each purpose.
- C. Organizations must make reasonable efforts to verify parental consent.
- D. **Age restrictions are more stringent when health data is involved.**

Answer: D

NEW QUESTION # 202

SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA.

Today, it is a multi-billion-dollar candy company operating in every continent. All of the company's IT servers are located in Vermont. This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father's company, but is also secretly working on launching a new global online dating website company called Ben Knows Best.

Ben is aware that the Gummy Bear Company has millions of customers and believes that many of them might also be interested in finding their perfect match. For Project Big, Ben redesigns the company's online web portal and requires customers in the European Union and elsewhere to provide additional personal information in order to remain a customer. Project Ben begins collecting data about customers' philosophical beliefs, political opinions and marital status.

If a customer identifies as single, Ben then copies all of that customer's personal data onto a separate database for Ben Knows Best. Ben believes that he is not doing anything wrong, because he explicitly asks each customer to give their consent by requiring them to check a box before accepting their information. As Project Big is an important project, the company also hires a first year college student named Sam, who is studying computer science to help Ben out.

Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend's daughter, Alice, who just graduated from law school in the U.S., to be the company's new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company's operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company's IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone's information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

When Ben had the company collect additional data from its customers, the most serious violation of the GDPR occurred because the processing of the data created what?

- A. A significant risk to the customers' fundamental rights and freedoms.
- B. A significant risk due to the lack of an informed consent mechanism
- C. A potential legal liability and financial exposure from its customers.
- D. An information security risk by copying the data into a new database.

Answer: A

NEW QUESTION # 203

SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third- party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated. Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Based on the scenario, what is the main reason that Brady should be concerned with Hermes Designs' handling of customer personal data?

- A. The data is sensitive.
- B. The data is being processed via a new means.
- C. The data is uncategorized.
- D. The data is being used for a new purpose.

Answer: D

NEW QUESTION # 204

What obligation does a data controller or processor have after appointing a data protection officer?

- A. To ensure that the data protection officer receives sufficient instructions regarding the exercise of his or her defined tasks.
- B. To submit for approval to the data protection officer a code of conduct to govern organizational practices and demonstrate compliance with data protection principles.

- C. To ensure that the data protection officer acts as the sole point of contact for individuals' Questions about their personal data.
- D. To provide resources necessary to carry out the defined tasks of the data protection officer and to maintain his or her expert knowledge.

Answer: D

Explanation:

According to the UK GDPR, the controller and the processor must support the data protection officer in performing the tasks referred to in Article 39 by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge¹. The controller and the processor must also ensure that the data protection officer does not receive any instructions regarding the exercise of those tasks and that he or she reports directly to the highest management level of the controller or the processor¹.

Reference: <https://www.i-scoop.eu/gdpr/data-controller-data-controller-duties/>

NEW QUESTION # 205

Under Article 9 of the GDPR, which of the following categories of data is NOT expressly prohibited from data processing?

- A. Personal data revealing financial data.
- B. Personal data revealing genetic data.
- C. Personal data revealing trade union membership.
- D. Personal data revealing ethnic origin.

Answer: A

Explanation:

Article 9 of the GDPR prohibits the processing of special categories of personal data, which are data that reveal sensitive information about the data subject and may pose a high risk to their rights and freedoms. The GDPR defines 10 types of personal data as special categories, which are:

- * personal data revealing racial or ethnic origin;
- * personal data revealing political opinions;
- * personal data revealing religious or philosophical beliefs;
- * personal data revealing trade union membership;
- * genetic data;
- * biometric data (where used for identification purposes);
- * data concerning health;
- * data concerning a person's sex life; and
- * data concerning a person's sexual orientation.

Among the answer choices, only option C is not one of these categories, as financial data is not considered to reveal any sensitive information about the data subject. However, financial data is still subject to the general principles and rules of the GDPR, such as lawfulness, fairness, transparency, accuracy, security, etc.

References:

- * Special category data | ICO
- * Art. 9 GDPR Processing of special categories of personal data
- * Special Categories of Data - International Association of Privacy Professionals

NEW QUESTION # 206

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