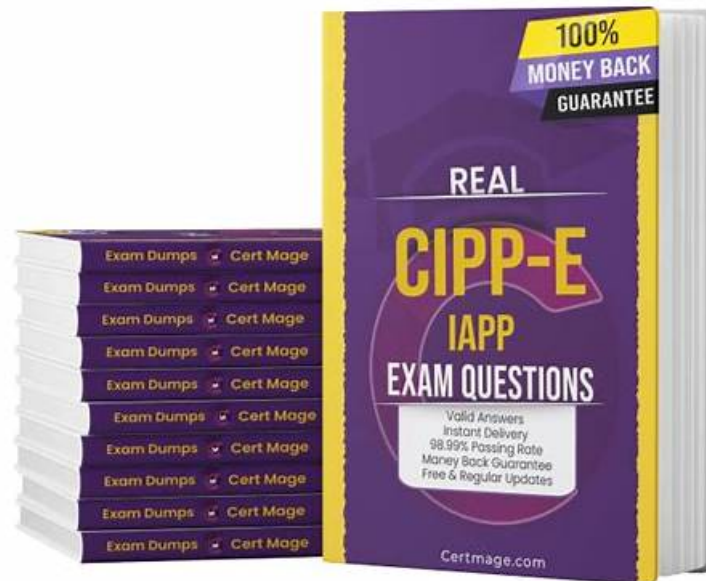


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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q69-Q74):

NEW QUESTION # 69

Which of the following was the first legally binding international instrument in the area of data protection?

- A. Universal Declaration of Human Rights.
- B. EU Directive on Privacy and Electronic Communications.
- C. General Data Protection Regulation.
- **D. Convention 108.**

Answer: D

Explanation:

Reference:

Convention 108, also known as the "Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data" was adopted by the Council of Europe in 1981. It was the first legally binding international instrument on data protection and required signatories to take steps in their domestic legislation to apply the principles it lays down in order to ensure respect in their territory for the fundamental human rights of all individuals with regard to processing of personal data¹. The Convention covers both the public and private sectors, and applies to any type of data processing, whether automated or not. The Convention also provides for the establishment of independent supervisory authorities and the facilitation of transborder data flows².

The other options are incorrect because:

B) The General Data Protection Regulation (GDPR) is a regulation of the European Union that came into force in 2018. It is not the first legally binding international instrument on data protection, but rather a successor of the EU Directive 95/46/EC, which was adopted in 1995 and implemented by the EU member states in their national laws³.

C) The Universal Declaration of Human Rights (UDHR) is a resolution of the United Nations General Assembly that was adopted in 1948. It is not a legally binding international instrument, but rather a declaration of common principles and values that guide the development of human rights law. The UDHR does not explicitly mention data protection, but rather recognizes the right to privacy as a fundamental human right in Article 12⁴.

D) The EU Directive on Privacy and Electronic Communications (e-Privacy Directive) is a directive of the European Union that was adopted in 2002 and amended in 2009. It is not the first legally binding international instrument on data protection, but rather a specific instrument that complements the EU Directive 95/46/EC and the GDPR by providing additional rules for the protection of personal data in the context of electronic communications services⁵.

NEW QUESTION # 70

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.

What presents the BIGGEST potential privacy issue with the company's practices?

- A. The cloud service provider is in a country that has not been deemed adequate
- **B. The information about the data processing involved has not been specified**

- C. The RFID tag in the action figures has the potential for misuse because of the toy's evolving capabilities
- D. The NFC portal can read any data stored in the action figures

Answer: B

NEW QUESTION # 71

Which of the following describes a mandatory requirement for a group of undertakings that wants to appoint a single data protection officer?

- **A. The data protection officer must be easily accessible from each establishment where the undertakings are located.**
- B. The group of undertakings must be comprised of organizations of similar sizes and functions.
- C. The data protection officer must be located in the country where the data controller has its main establishment.
- D. The group of undertakings must obtain approval from a supervisory authority.

Answer: A

Explanation:

According to Article 37(2) of the GDPR, a group of undertakings may appoint a single data protection officer (DPO) provided that the DPO is easily accessible from each establishment¹². This means that the DPO should be able to communicate effectively with the data subjects and the supervisory authorities in the relevant languages and jurisdictions, and to perform the tasks referred to in Article 39 of the GDPR³⁴. The accessibility of the DPO does not necessarily depend on the physical location of the DPO, but rather on the availability of the DPO to the relevant stakeholders via various means of communication³⁴. Therefore, the DPO does not have to be located in the country where the data controller has its main establishment, nor does the group of undertakings have to obtain approval from a supervisory authority or be comprised of organizations of similar sizes and functions to appoint a single DPO. Reference: CIPP/E Certification - International Association of Privacy Professionals, Free CIPP/E Study Guide - International Association of Privacy Professionals, GDPR - EUR-Lex, What's different about a group data protection officer?, Data Protection Officers: What US Companies Need to Know - Cooley

NEW QUESTION # 72

An employee of company ABCD has just noticed a memory stick containing records of client data, including their names, addresses and full contact details has disappeared. The data on the stick is unencrypted and in clear text. It is uncertain what has happened to the stick at this stage, but it likely was lost during the travel of an employee. What should the company do?

- A. Invoke the "disproportionate effort" exception under Article 33 to postpone notifying data subjects until more information can be gathered.
- **B. Notify as soon as possible the data protection supervisory authority that a data breach may have taken place.**
- C. Launch an investigation and if nothing is found within one month, notify the data protection supervisory authority.
- D. Immediately notify all the customers of the company that their information has been accessed by an unauthorized person.

Answer: B

Explanation:

The GDPR requires that in the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons¹. A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed². In this scenario, the company ABCD is the controller of the client data, and the loss of the memory stick containing unencrypted and clear text personal data is a personal data breach that may pose a risk to the rights and freedoms of the data subjects, such as identity theft, fraud, financial loss, or reputational damage. Therefore, the company ABCD should notify the data protection supervisory authority as soon as possible, and provide the information specified in Article 33 (3) of the GDPR, such as the nature of the breach, the categories and number of data subjects and personal data records concerned, the likely consequences of the breach, and the measures taken or proposed to address the breach¹. Option A is the correct answer, as it reflects the obligation of the controller under the GDPR.

Options B, C and D are incorrect, as they do not comply with the GDPR requirements. Option B would delay the notification beyond the 72-hour deadline, which could result in administrative fines or other sanctions³. Option C would misuse the "disproportionate effort" exception, which only applies to the communication of the breach to the data subjects, not to the notification to the supervisory authority, and only when the controller has implemented appropriate technical and organisational protection measures, such as encryption, that render the personal data unintelligible to any person who is not authorised to access it⁴. Option D would prematurely notify the customers of the company without first notifying the supervisory authority, and without assessing the

level of risk and the necessity of such communication, which should be done in consultation with the supervisory authority⁵.
References: 1: Article 33(1) of the GDPR 2: Article 4 (12) of the GDPR 3: Article 83(4)(a) of the GDPR 4: Article 34(3)(a) of the GDPR 5: Article 34(1) and (2) of the GDPR

NEW QUESTION # 73

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

Answer: C

Explanation:

The right to data portability only applies when the processing is based on the data subject's consent or on a contract with the data subject¹². Therefore, if the processing is necessary for a task carried out in the public interest or in the exercise of official authority vested in the controller, the right to data portability does not apply¹². This is because the data subject does not have a direct influence on the purpose or the means of the processing in such cases³. References: 1: Article 20 of the GDPR 2: Right to data portability | ICO 3: The right to data portability (Article 20 of the GDPR) 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 # 74

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