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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q126-Q131):

NEW QUESTION # 126

According to Article 84 of the GDPR, the rules on penalties applicable to infringements shall be laid down by?

- A. The EU Commission.
- **B. The Member States.**
- C. The local Data Protection Supervisory Authorities.
- D. The European Data Protection Board.

Answer: B

Explanation:

Reference: <https://gdpr-text.com/read/article-84/>

According to Article 84 of the GDPR, the rules on other penalties applicable to infringements of the GDPR, in particular for infringements which are not subject to administrative fines pursuant to Article 83, shall be laid down by the Member States¹. Such penalties shall be effective, proportionate and dissuasive¹. Each Member State shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 1, by 25 May 2018 and, without delay, any subsequent amendment affecting them¹.

References: 1: Art. 84 GDPR - Penalties - General Data Protection Regulation (GDPR)

NEW QUESTION # 127

SCENARIO

Please use the following to answer the next question:

Anna and Frank both work at Granchester University. Anna is a lawyer responsible for data protection, while Frank is a lecturer in the engineering department. The University maintains a number of types of records:

Student records, including names, student numbers, home addresses, pre-university information, university attendance and performance records, details of special educational needs and financial information.

Staff records, including autobiographical materials (such as curricula, professional contact files, student evaluations and other relevant teaching files).

Alumni records, including birthplaces, years of birth, dates of matriculation and conferrals of degrees. These records are available to former students after registering through Granchester's Alumni portal. Department for Education records, showing how certain demographic groups (such as first-generation students) could be expected, on average, to progress. These records do not contain names or identification numbers.

Under their security policy, the University encrypts all of its personal data records in transit and at rest.

In order to improve his teaching, Frank wants to investigate how his engineering students perform in relation to Department for Education expectations. He has attended one of Anna's data protection training courses and knows that he should use no more personal data than necessary to accomplish his goal. He creates a program that will only export some student data: previous schools attended, grades originally obtained, grades currently obtained and first time university attended. He wants to keep the records at the individual student level. Mindful of Anna's training, Frank runs the student numbers through an algorithm to transform them into different reference numbers. He uses the same algorithm on each occasion so that he can update each record over time.

One of Anna's tasks is to complete the record of processing activities, as required by the GDPR. After receiving her email reminder, as required by the GDPR. After receiving her email reminder, Frank informs Anna about his performance database.

Ann explains to Frank that, as well as minimizing personal data, the University has to check that this new use of existing data is permissible. She also suspects that, under the GDPR, a risk analysis may have to be carried out before the data processing can take place. Anna arranges to discuss this further with Frank after she has done some additional research.

Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted).

Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

Before Anna determines whether Frank's performance database is permissible, what additional information does she need?

- A. More information about the algorithm Frank used to mask student numbers.
- B. More information about the extent of the information loss.
- **C. More information about what students have been told and how the research will be used.**
- D. More information about Frank's data protection training.

Answer: C

Explanation:

Before Anna determines whether Frank's performance database is permissible, she needs to know more information about the following aspects of the data processing:

The purpose and legal basis of the data processing, which should be clearly defined and documented in a data protection impact assessment (DPIA) or a similar document¹².

The nature and extent of the personal data involved, which should be limited to what is necessary for the purpose and not retained longer than necessary¹².

The measures taken to ensure the security and confidentiality of the personal data, such as encryption, pseudonymization, access control, etc¹².

The rights and interests of the data subjects, such as their right to access, rectify, erase or restrict their personal data, as well as their right to object or withdraw consent¹².

The potential risks and consequences of the data processing for the rights and freedoms of the data subjects, such as identity theft, discrimination, reputational damage, etc¹².

In this case, Anna needs to know more information about what students have been told and how the research will be used. This is because:

The purpose of using student records for research purposes is not clear from Frank's description. He does not specify whether he has obtained consent from the students or their parents/guardians, or whether he has informed them about his research objectives and methods.

The nature and extent of using student records for research purposes is not clear from Frank's description. He does not specify which student records he is using (e.g., by name or by reference number), how many records he is using (e.g., by cohort or by class), or how long he will keep them (e.g., until graduation or indefinitely).

The measures taken to ensure the security and confidentiality of using student records for research purposes are not clear from Frank's description. He does not specify whether he has encrypted his program or his laptop before transferring it to his home device, whether he has backed up his program or his laptop before losing it on the train, or whether he has reported his lost laptop to his IT department.

Therefore, Anna needs more information about these aspects before she can determine whether Frank's performance database is permissible under the GDPR.

NEW QUESTION # 128

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

- A. To provide resources necessary to carry out the defined tasks of the data protection officer and to maintain his or her expert knowledge.
- B. To ensure that the data protection officer receives sufficient instructions regarding the exercise of his or her defined tasks.
- C. To ensure that the data protection officer acts as the sole point of contact for individuals' questions about their personal data.
- **D. To submit for approval to the data protection officer a code of conduct to govern organizational practices and demonstrate compliance with data protection principles.**

Answer: D

NEW QUESTION # 129

Which statement is correct when considering the right to privacy under Article 8 of the European Convention on Human Rights (ECHR)?

- A. The right to privacy is an absolute right
- B. The right to privacy protects the right to hold opinions and to receive and impart ideas without interference
- **C. The right to privacy has to be balanced against other rights under the ECHR**
- D. The right to freedom of expression under Article 10 of the ECHR will always override the right to privacy

Answer: C

Explanation:

Reference https://www.echr.coe.int/Documents/Guide_Art_8_ENG.pdf (15)

NEW QUESTION # 130

According to Article 84 of the GDPR, the rules on penalties applicable to infringements shall be laid down by?

- A. The EU Commission.
- B. The Member States.
- C. The local Data Protection Supervisory Authorities.
- D. The European Data Protection Board.

Answer: B

Explanation:

Reference:

According to Article 84 of the GDPR, the rules on other penalties applicable to infringements of the GDPR, in particular for infringements which are not subject to administrative fines pursuant to Article 83, shall be laid down by the Member States¹. Such penalties shall be effective, proportionate and dissuasive¹. Each Member State shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 1, by 25 May 2018 and, without delay, any subsequent amendment affecting them¹.

Reference: 1: Art. 84 GDPR - Penalties - General Data Protection Regulation (GDPR)

NEW QUESTION # 131

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