

IAPP CIPP-E Study Plan & Real CIPP-E Questions

CIPP/E Exam Prep Study Guide

Prohibition of cross border data transfers under Data Privacy Directive 95/46/EC apply when -
ANS - data transferred from a jurisdiction in the EU to a third country.

What treaty or convention allowed the Data Protection Directive 95/46/EC to be used as a harmonising measure for European Member states. - ANS - The Treaty of Rome

Direct marketing would include: - ANS - Email promoting new book on sale.

What two opposing forces needed to be considered in formulating a privacy framework in the European Economic Community? - ANS - Concerns for personal freedom and privacy and ability to support free trade.

What principle is contained in art 12 of the Human Rights Declaration? - ANS - The right to a private life and associated freedoms.

What right is protected by art 19 of the Human Rights Declaration? - ANS - The right to freedom of opinion and expression.

Which article of the Human Rights Declaration reconciles articles 12 and 19 and how is it stated?
- ANS - Article 29(2) states that individual rights are not absolute and there are instances where a balance must be struck to limit their exercise.

What was the purpose of the European Convention on Human Rights? - ANS - It was an international treaty to protect human rights and fundamental freedoms.

Name special categories of data. - ANS - Racial or ethnic origin, political affiliations/opinions, health information, sex life, religious beliefs, trade union membership.p 58

What are the specific rights enumerated in the ECHR? - ANS - right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial.

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The CIPP-E Certification is an essential credential for anyone interested in a career in privacy and data protection in the EU. Certified Information Privacy Professional/Europe (CIPP/E) certification provides candidates with the knowledge and skills they need to navigate the complex world of privacy laws and regulations in the EU. It is also highly valued by employers and can open up many career opportunities.

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q281-Q286):

NEW QUESTION # 281

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. Launch an investigation and if nothing is found within one month, notify the data protection supervisory authority.
- B. **Notify as soon as possible the data protection supervisory authority that a data breach may have taken place.**
- C. Invoke the "disproportionate effort" exception under Article 33 to postpone notifying data subjects until more information can be gathered.
- 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 # 282

SCENARIO

Please use the following to answer the next question:

T-Craze, a German-headquartered specialty t-shirt company, was successfully selling to large German metropolitan cities. However, after a recent merger with another German-based company that was selling to a broader European market, T-Craze revamped its marketing efforts to sell to a wider audience. These efforts included a complete redesign of its logo to reflect the recent merger, and improvements to its website meant to capture more information about visitors through the use of cookies.

T-Craze also opened various office locations throughout Europe to help expand its business. While Germany continued to host T-Craze's headquarters and main product-design office, its French affiliate became responsible for all marketing and sales activities. The French affiliate recently procured the services of Right Target, a renowned marketing firm based in the Philippines, to run its latest marketing campaign. After thorough research, Right Target determined that T-Craze is most successful with customers between the ages of 18 and 22. Thus, its first campaign targeted university students in several European capitals, which yielded nearly 40% new customers for T-Craze in one quarter. Right Target also ran subsequent campaigns for T-Craze, though with much less success.

The last two campaigns included a wider demographic group and resulted in countless unsubscribe requests, including a large number in Spain. In fact, the Spanish data protection authority received a complaint from Sofia, a mid-career investment banker. Sofia was upset after receiving a marketing communication even after unsubscribing from such communications from the Right Target on behalf of T-Craze.

Which of the following is T-Craze's lead supervisory authority?

- A. Germany, because that is where T-Craze is headquartered.
- B. France, because that is where T-Craze conducts processing of personal information.

- C. T-Craze may choose its lead supervisory authority where any of its affiliates are based, because it has presence in several European countries.
- D. Spain, because that is T-Craze's primary market based on its marketing campaigns.

Answer: C

NEW QUESTION # 283

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 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.
- 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 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.

Answer: B

NEW QUESTION # 284

If a multi-national company wanted to conduct background checks on all current and potential employees, including those based in Europe, what key provision would the company have to follow?

- A. Background checks on European employees will stem from data protection and employment law, which can vary between member states.
- B. Background checks are only authorized with prior notice and express consent from all employees including those based in Europe.
- C. Background checks may not be allowed on European employees, but the company can create lists based on its legitimate interests, identifying individuals who are ineligible for employment.
- D. Background checks on employees could be performed only under prior notice to all employees.

Answer: A

Explanation:

The GDPR does not explicitly regulate background checks, but it does apply to the processing of personal data that may be obtained or used during such checks. Therefore, the company must comply with the GDPR principles, such as lawfulness, fairness, transparency, data minimization, purpose limitation, accuracy, storage limitation, integrity and confidentiality, and accountability. The company must also identify a lawful basis for processing personal data, such as legal obligation, legitimate interest, or consent, and respect the data subject rights, such as the right to information, access, rectification, erasure, restriction, objection, and portability. Moreover, the company must be aware of the specific rules and restrictions regarding the processing of special categories of data (such as biometric, health, or political data) and data relating to criminal convictions and offences, which are subject to Article 10 of the GDPR and the laws of each member state. The company must also consider the national employment laws and the guidelines of the relevant supervisory authorities, which may impose additional conditions or limitations on the scope, methods, and purposes of background checks. For example, some member states may require prior authorization, notification, or consultation with the supervisory authority, the data subject, or the works council before conducting background checks. Some member states may also prohibit or restrict certain types of background checks, such as social media screening, credit checks, or criminal record checks, unless they are necessary, proportionate, and relevant for the specific job position or sector. Therefore, the company must conduct a thorough assessment of the legal framework and the risks and benefits of background checks in each member state where it operates or recruits employees, and ensure that it has a clear and consistent policy and procedure for conducting background checks in a GDPR-compliant manner. References: How to 'background check' under the GDPR, How to perform GDPR compliant background checks, GDPR and the processing of criminal conviction data across Europe, Pre-employment vetting: Data protection and criminal records, How GDPR Affects Background Checking Reference: <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>

NEW QUESTION # 285

SCENARIO

Please use the following to answer the next question:

ABC Hotel Chain and XYZ Travel Agency are U.S.-based multinational companies. They use an internet- based common platform for collecting and sharing their customer data with each other, in order to integrate their marketing efforts. Additionally, they agree on the data to be stored, how reservations will be booked and confirmed, and who has access to the stored data.

Mike, an EU resident, has booked travel itineraries in the past through XYZ Travel Agency to stay at ABC Hotel Chain's locations. XYZ Travel Agency offers a rewards program that allows customers to sign up to accumulate points that can later be redeemed for free travel. Mike has signed the agreement to be a rewards program member.

Now Mike wants to know what personal information the company holds about him. He sends an email requesting access to his data, in order to exercise what he believes are his data subject rights.

In which of the following situations would ABC Hotel Chain and XYZ Travel Agency NOT have to honor Mike's data access request?

- A. The request is to obtain access and the categories of recipients who have received his personal data to process his rewards membership.
- B. The request is to obtain access and information about the purpose of processing his personal data.
- **C. The request is to obtain access and erasure of his personal data while keeping his rewards membership.**
- D. The request is to obtain access and correct inaccurate personal data in his profile.

Answer: C

Explanation:

According to the GDPR, the data subject has the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information: (a) the purposes of the processing; (b) the categories of personal data concerned; the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing; (f) the right to lodge a complaint with a supervisory authority; (g) where the personal data are not collected from the data subject, any available information as to their source; (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject¹. The data subject also has the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her². Therefore, options A, B and D are valid data access requests that ABC Hotel Chain and XYZ Travel Agency have to honor, as they fall within the scope of the right of access and rectification. However, option C is not a valid data access request, as it involves the right to erasure, which is a separate right from the right of access. The right to erasure, also known as the right to be forgotten, entitles the data subject to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies: (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; (b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing; the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2); (d) the personal data have been unlawfully processed; (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1)³. However, the right to erasure is not absolute and does not apply where processing is necessary: (a) for exercising the right of freedom of expression and information; (b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3); (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or (e) for the establishment, exercise or defence of legal claims⁴. In this scenario, Mike's request to obtain access and erasure of his personal data while keeping his rewards membership is not a valid data access request, as it contradicts the right to erasure. If Mike wants to exercise his right to erasure, he has to withdraw his consent for the processing of his personal data by ABC Hotel Chain and XYZ Travel Agency, which means that he cannot keep his rewards membership, as it is based on the processing of his personal data. Moreover, ABC Hotel Chain and XYZ Travel Agency may have other legal grounds for retaining his personal data, such as compliance with a legal obligation or the establishment, exercise or defence of legal claims. Therefore, option C is the correct answer, as it is the only situation where ABC Hotel Chain and XYZ Travel Agency do not have to honor Mike's data access request.

References: 1: Article 15 of the GDPR; 2: Article 16 of the GDPR; 3: Article 17(1) of the GDPR; 4: Article 17(3) of the GDPR; Free CIPP/E Study Guide, pages 33-35.

NEW QUESTION # 286

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