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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q39-Q44):

### NEW QUESTION # 39

According to Art 23 GDPR, which of the following data subject rights can NOT be restricted?

- A. Right to restriction of processing.
- B. Right not to be subject to automated individual decision-making
- C. Right to erasure ("Right to be forgotten").
- D. Right to lodge a complaint with a supervisory authority.

**Answer: D**

Explanation:

According to Article 23 of the GDPR, the scope of the obligations and rights provided for in Articles 12 to 22 and Article 34, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 22, may be restricted by a legislative measure of a Member State or the Union, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard certain public interests or the rights and freedoms of others<sup>1</sup>. However, Article 23 does not include Article 77, which grants the data subject the right to lodge a complaint with a supervisory authority if the data subject considers that the processing of personal data relating to him or her infringes the GDPR<sup>2</sup>. Therefore, this right cannot be restricted by any legislative measure, as it is essential for the effective judicial protection of the data subject and the enforcement of the GDPR<sup>3</sup>. Reference:

Free CIPP/E Study Guide, page 14, section 2.3

GDPR, Article 77

GDPR, Article 23

Guidelines on restrictions of data subject rights under Art. 23 of the GDPR, page 4, section 2 Statement on restrictions on data subject rights in connection to the COVID-19 pandemic, page 2, section 2

### NEW QUESTION # 40

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 provide resources necessary to carry out the defined tasks of the data protection officer and to maintain his or her expert knowledge.
- 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: B**

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 knowledge<sup>1</sup>. 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 processor<sup>1</sup>.

### NEW QUESTION # 41

Under Article 30 of the GDPR, controllers are required to keep records of all of the following EXCEPT?

- A. Data inventory or data mapping exercises that have been conducted.
- B. Retention periods for erasure and deletion of categories of personal data.
- C. Incidents of personal data breaches, whether disclosed or not.
- D. Categories of recipients to whom the personal data have been disclosed.

### Answer: C

Explanation:

Article 30 of the GDPR requires controllers and processors to maintain records of their processing activities, which include information such as the purposes of the processing, the categories of personal data, the recipients of the data, the retention periods, and the security measures<sup>12</sup>. However, Article 30 does not require controllers to keep records of incidents of personal data breaches, whether disclosed or not. This is a separate obligation under Article 33 and Article 34, which require controllers to notify the supervisory authority and the data subjects of any personal data breach, unless the breach is unlikely to result in a risk to the rights and freedoms of natural persons<sup>34</sup>. References: 1: Article 30 of the GDPR 2: What do we need to document under Article 30 of the UK GDPR? | ICO 3: Article 33 of the GDPR 4: Article 34 of the GDPR

### NEW QUESTION # 42

According to the European Data Protection Board, which of the following concepts or practices does NOT follow from the principles relating to the processing of personal data under EU data protection law?

- A. Access control management.
- B. Data ownership allocation.
- C. Frequent pseudonymization key rotation.
- D. Error propagation avoidance along the processing chain.

### Answer: B

Explanation:

According to the European Data Protection Board, the principles relating to the processing of personal data under EU data protection law are: lawfulness, fairness and transparency; purpose limitation; data minimization; accuracy; storage limitation; integrity and confidentiality; and accountability<sup>1</sup>. These principles imply certain concepts or practices that data controllers and processors should follow, such as access control management, frequent pseudonymization key rotation, and error propagation avoidance along the processing chain<sup>2</sup>. However, data ownership allocation is not a concept or practice that follows from these principles, as the GDPR does not recognize the notion of data ownership by either the data subject or the data controller<sup>3</sup>.

Therefore, option A is the correct answer. References:

\* Data protection basics

\* Guidelines 2/2019 on the processing of personal data under Article 6(1)(b) GDPR in the context of the provision of online services to data subjects

\* CIPP/E Study Guide, page 11

### NEW QUESTION # 43

#### SCENARIO

Please use the following to answer the next question:

Due to rapidly expanding workforce, Company A has decided to outsource its payroll function to Company B. Company B is an established payroll service provider with a sizable client base and a solid reputation in the industry.

Company B's payroll solution for Company A relies on the collection of time and attendance data obtained via a biometric entry system installed in each of Company A's factories. Company B won't hold any biometric data itself, but the related data will be uploaded to Company B's UK servers and used to provide the payroll service. Company B's live systems will contain the following information for each of Company A's employees:

Name

Address

Date of Birth

Payroll number

National Insurance number

Sick pay entitlement

Maternity/paternity pay entitlement

Holiday entitlement

Pension and benefits contributions

Trade union contributions

Jenny is the compliance officer at Company A. She first considers whether Company A needs to carry out a data protection impact assessment in relation to the new time and attendance system, but isn't sure whether or not this is required.

Jenny does know, however, that under the GDPR there must be a formal written agreement requiring Company B to use the time and attendance data only for the purpose of providing the payroll service, and to apply appropriate technical and organizational

security measures for safeguarding the data. Jenny suggests that Company B obtain advice from its data protection officer. The company doesn't have a DPO but agrees, in the interest of finalizing the contract, to sign up for the provisions in full. Company A enters into the contract.

Weeks later, while still under contract with Company A, Company B embarks upon a separate project meant to enhance the functionality of its payroll service, and engages Company C to help. Company C agrees to extract all personal data from Company B's live systems in order to create a new database for Company B.

This database will be stored in a test environment hosted on Company C's U.S. server. The two companies agree not to include any data processing provisions in their services agreement, as data is only being used for IT testing purposes.

Unfortunately, Company C's U.S. server is only protected by an outdated IT security system, and suffers a cyber security incident soon after Company C begins work on the project. As a result, data relating to Company A's employees is visible to anyone visiting Company C's website. Company A is unaware of this until Jenny receives a letter from the supervisory authority in connection with the investigation that ensues. As soon as Jenny is made aware of the breach, she notifies all affected employees.

Under the GDPR, which of Company B's actions would NOT be likely to trigger a potential enforcement action?

- A. Their decision to operate without a data protection officer.
- **B. Their engagement of Company C to improve their payroll service.**
- C. Their failure to provide sufficient security safeguards to Company A's data.
- D. Their omission of data protection provisions in their contract with Company C.

**Answer: B**

Explanation:

While Company B made several mistakes in handling Company A's employee data, not all of them would likely trigger a potential enforcement action under the GDPR. Here's an analysis of each option:

A) Omission of data protection provisions in the contract with Company C: This is a clear violation of the GDPR. Company B, as the data controller, is responsible for ensuring that any third-party processors comply with data protection requirements. By omitting data protection provisions in the contract, Company B failed to take appropriate steps to ensure the security and privacy of the personal data. This would be a likely trigger for an enforcement action.

B) Failure to provide sufficient security safeguards to Company A's data: This is another violation of the GDPR. Company B has a legal obligation to implement appropriate technical and organizational security measures to protect personal data from unauthorized access, use, disclosure, alteration, or destruction. The outdated IT security system at Company C's U.S. server demonstrates a failure to meet this obligation. This would also be a likely trigger for an enforcement action.

C) Engagement of Company C to improve their payroll service: While outsourcing certain aspects of data processing is permitted under the GDPR, the data controller remains ultimately responsible for compliance. However, simply engaging another company to improve a service itself isn't necessarily a violation. As long as the proper safeguards are in place and the data processing is carried out in accordance with the GDPR, this action alone would not likely trigger an enforcement action.

D) Decision to operate without a data protection officer: The GDPR requires certain organizations to appoint a data protection officer (DPO). While Company B may be required to have a DPO depending on its size and activities, the absence of a DPO wouldn't automatically trigger an enforcement action. However, it could indicate a lack of compliance culture and contribute to other violations, increasing the likelihood of an enforcement action.

Therefore, while Company B made several mistakes, only the ones that directly violate specific data protection requirements, such as omitting data protection provisions in contracts or failing to implement appropriate security measures, are likely to trigger an enforcement action. Engaging a third-party to improve a service, as long as it's done in a compliant manner, isn't a violation in itself.

#### **NEW QUESTION # 44**

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