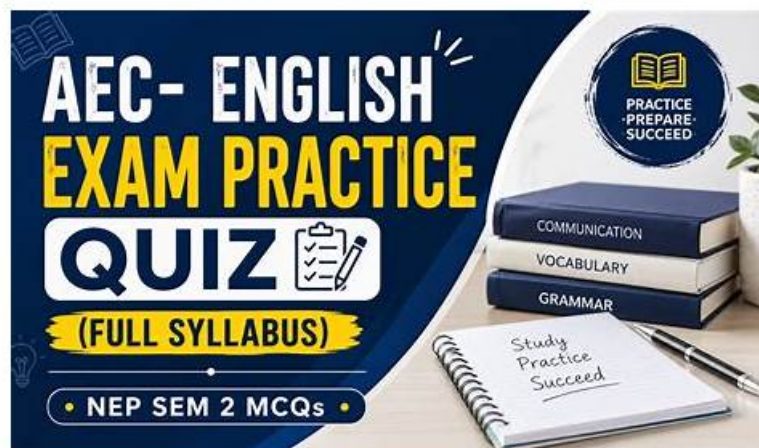


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IAPP CIPP-E (Certified Information Privacy Professional/Europe) Exam is a certification exam designed for professionals working in the field of data protection and privacy in Europe. CIPP-E Exam is administered by the International Association of Privacy Professionals (IAPP), which is the largest and most comprehensive global information privacy community.

IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q129-Q134):

NEW QUESTION # 129

A company is located in a country NOT considered by the European Union (EU) to have an adequate level of data protection. Which of the following is an obligation of the company if it imports personal data from another organization in the European Economic Area (EEA) under standard contractual clauses?

- A. Supply any information requested by a data protection authority (DPA) within 30 days.
- **B. Ensure that local laws do not impede the company from meeting its contractual obligations.**
- C. Ensure that notice is given to and consent is obtained from data subjects.
- D. Submit the contract to its own government authority.

Answer: B

Explanation:

The GDPR allows the transfer of personal data to countries outside of the EEA that do not provide an adequate level of data protection, if appropriate safeguards are provided by the data exporter and the data importer¹. One of these safeguards are standard contractual clauses (SCCs) adopted by the European Commission, which are model clauses that impose obligations on both parties to ensure that the transfer complies with the GDPR requirements². The SCCs also include clauses on the rights of the data subjects, the obligations of the data protection authorities, and the liability and indemnification of the parties³. One of the obligations of the data importer under the SCCs is to warrant that it has no reason to believe that the legislation applicable to it prevents it from fulfilling the instructions received from the data exporter and its obligations under the contract, and that in the event of a change in this legislation which is likely to have a substantial adverse effect on the warranties and obligations provided by the SCCs, it will promptly notify the change to the data exporter as soon as it is aware, in which case the data exporter is entitled to suspend the transfer of data and/or terminate the contract⁴. Therefore, option D is the correct answer, as it reflects the obligation of the data importer under the SCCs to ensure that local laws do not impede the company from meeting its contractual obligations. Options A, B and C are incorrect, as they are not obligations of the data importer under the SCCs. Option A is not required by the GDPR or the SCCs, as the data importer does not need to submit the contract to its own government authority, unless the law of the country where the data importer is established requires it to do so prior to the transfer or disclosure of personal data⁵. Option B is not an obligation of the data importer, but of the data exporter, who must provide the data subjects with the information required by Articles 13 and 14 of the GDPR, including the fact that the data will be transferred to a third country and the appropriate safeguards in place⁶. Option C is not specific to the SCCs, but a general obligation of any controller or processor under the GDPR, who must cooperate with the supervisory authority and make available all information necessary to demonstrate compliance with their obligations⁷. References: 1: Article 46(1) of the GDPR 2: Standard Contractual Clauses (SCC) - European Commission 3: EU Standard Contractual Clauses (Word documents) 4: Clause 5(a) of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 5: Clause 5(b) of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 6: Clause 9 of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 7: Article 31 of the GDPR

NEW QUESTION # 130

Which of the following demonstrates compliance with the accountability principle found in Article 5, Section 2 of the GDPR?

- A. Encrypting data in transit and at rest using strong encryption algorithms.
- B. Getting consent from the data subject for a cross border data transfer.
- **C. Conducting regular audits of the data protection program**
- D. Anonymizing special categories of data.

Answer: C

NEW QUESTION # 131

When may browser settings be relied upon for the lawful application of cookies?

- **A. When it is impossible to bypass the choices made by users in their browser settings.**
- B. When users are aware of the ability to adjust their settings.
- C. When a user rejects cookies that are strictly necessary.
- D. When users are provided with information about which cookies have been set.

Answer: A

Explanation:

According to the ICO guidance on the use of cookies and similar technologies¹, browser settings and other control mechanisms can be relied upon for the lawful application of cookies only if they meet the following conditions:

- * They are designed to protect users' privacy and provide them with control over the use of cookies and similar technologies;
- * They are prominent and easy to use, and do not require users to take unnecessary steps or provide unnecessary information;
- * They are specific and granular enough to allow users to express their preferences for different types and purposes of cookies and similar technologies;
- * They are sufficiently informed and clear about the cookies and similar technologies that will be set or accessed, and the purposes for which they will be used;
- * They are regularly reviewed and updated to reflect any changes in the cookies and similar technologies that are used or the purposes for which they are used;
- * They are not overridden or circumvented by other software or settings that may interfere with users' choices;

* They provide an effective means of withdrawing consent at any time.

Therefore, browser settings and other control mechanisms can be a valid way of obtaining consent for cookies and similar technologies, but only if they meet these high standards and ensure that users have a real and meaningful choice over the use of cookies and similar technologies on their devices. References: 1 How do we comply with the cookie rules? | ICO. Available at: 4 (Accessed: 11 December 2023).

NEW QUESTION # 132

An unforeseen power outage results in company Z's lack of access to customer data for six hours. According to article 32 of the GDPR, this is considered a breach. Based on the WP 29's February, 2018 guidance, company Z should do which of the following?

- A. Conduct a thorough audit of all security systems
- B. Notify affected individuals that their data was unavailable for a period of time.
- C. Document the loss of availability to demonstrate accountability
- D. Notify the supervisory authority about the loss of availability

Answer: C

Explanation:

According to Article 32 of the GDPR, the controller and the processor must implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of the processing, including the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident¹. A personal data breach is defined as 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. Therefore, a power outage that results in the loss of availability of customer data for six hours is considered a personal data breach under the GDPR.

Based on the WP 29's February, 2018 guidance, which was endorsed by the European Data Protection Board, company Z should document the loss of availability to demonstrate accountability³. The guidance states that controllers must document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken, regardless of whether the breach needs to be notified to the supervisory authority or the data subjects. This documentation must enable the supervisory authority to verify compliance with the GDPR and must be made available to the supervisory authority on request⁴. The other options (A, C, and D) are not required by the GDPR or the guidance, although they may be advisable or beneficial depending on the circumstances. Option A is not mandatory, as the GDPR only requires the controller to communicate the personal data breach to the data subject when the breach is likely to result in a high risk to the rights and freedoms of natural persons⁵. A temporary loss of availability may not pose such a high risk, unless it affects the data subject's essential services or activities. Option C is also not obligatory, as the GDPR only requires the controller to notify the supervisory authority of the personal data breach within 72 hours unless the breach is unlikely to result in a risk to the rights and freedoms of natural persons⁶. A short-term loss of availability may not entail such a risk, unless it affects a large number of data subjects or sensitive data. Option D is not specified by the GDPR or the guidance, although it may be a good practice to conduct a thorough audit of all security systems after a personal data breach to identify and address any vulnerabilities or weaknesses that may have contributed to the incident or may lead to future incidents. Reference:

1: Article 32 of the GDPR

2: Article 4 (12) of the GDPR

3: Endorsed WP29 Guidelines

4: Article 33 (5) of the GDPR

5: Article 34 (1) of the GDPR

6: Article 33 (1) of the GDPR

7: Guidelines on Personal data breach notification under Regulation 2016/679, WP250 rev.01

8: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

9: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

NEW QUESTION # 133

An organisation receives a request multiple times from a data subject seeking to exercise his rights with respect to his own personal data. Under what condition can the organisation charge the data subject for processing the request?

- A. Only to the extent this is allowed under the restrictions on data subjects' rights introduced under Art 23 of GDPR.
- B. Only if the organisation can demonstrate that the request is clearly excessive or misguided.
- C. Only where the organisation can show that it is reasonable to do so because more than one request was made.

- D. Only where the administrative costs of taking the action requested exceeds a certain threshold.

Answer: B

NEW QUESTION # 134

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