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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q169-Q174):

NEW QUESTION # 169
Which of the following regulates the use of electronic communications services within the European Union?

- A. Directive (EU) 2019.789 of the European Parliament and of the Council of 17 April 2019.
- B. Regulation (EU) 2017/1953 of the European Parliament and of the Council of 25 October 2017.
- C. Directive 2002/58'EC of the European Parliament and of the Council of 12 July 2002.
- D. Regulator (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015.

Answer: C

Explanation:
Directive 2002/58/EC, also known as the ePrivacy Directive, regulates the use of electronic communications services within the European Union. It covers issues such as confidentiality of communications, processing of traffic and location data, spam, cookies, and security breaches. It complements and particularises Directive 95
/46/EC, also known as the Data Protection Directive, which sets out the general principles for the protection of personal data in the EU. The ePrivacy Directive was amended by Directive 2009/136/EC, which introduced new provisions on consent, cookies, and

breach notification. The ePrivacy Directive is currently under review and will be replaced by a new Regulation on Privacy and Electronic Communications (ePrivacy Regulation), which is still being negotiated by the EU institutions. References: Directive 2002/58/EC, Directive 2009/136
/EC, [ePrivacy Regulation]

NEW QUESTION # 170
You are the new Data Protection Officer for your company and have to determine whether the company has implemented appropriate technical and organizational measures as required by Article 32 of the GDPR.
Which of the following would be the most important to consider when trying to determine this?

- A. How the public perceives what constitutes adequate security measures
- B. Which security measures are endorsed by a majority of experts.
- C. Which kinds of security measures your company has employed in the past
- D. How security measures might evolve in the future

Answer: A

NEW QUESTION # 171
A Spanish electricity customer calls her local supplier with questions about the company's upcoming merger.
Specifically, the customer wants to know the recipients to whom her personal data will be disclosed once the merger is final.
According to Article 13 of the GDPR, what must the company do before providing the customer with the requested information?

- A. Verify that the purpose of the request from the customer is in line with the GDPR.
- B. Verify that the identity of the customer can be proven by other means.
- C. Verify that the request is applicable to the data collected before the GDPR entered into force.
- D. Verify that the personal data has not already been sent to the customer.

Answer: C

Explanation:
Explanation/Reference: https://fpf.org/wp-content/uploads/2018/11/GDPR_CCPA_Comparison-Guide.pdf

NEW QUESTION # 172
What is a reason the European Court of Justice declared the Data Retention Directive invalid in 2014?

- A. The requirements were financially burdensome to EU businesses.
- B. The requirements specified that data must be held within the EU.
- C. The requirements affected individuals without exception.
- D. The requirements had limitations on how national authorities could use data.

Answer: C

Explanation:
The Data Retention Directive was a EU law that required providers of electronic communications services to retain certain data, such as traffic and location data, for a period of between six months and two years, for the purpose of preventing, investigating, detecting and prosecuting serious crime1. However, in 2014, the Court of Justice of the European Union declared the Directive invalid, because it violated the fundamental rights to respect for private life and to the protection of personal data, as enshrined in the Charter of Fundamental Rights of the EU2. The Court found that the Directive entailed a wide-ranging and particularly serious interference with those rights, without being limited to what is strictly necessary3. One of the reasons for this finding was that the Directive applied to all individuals, all means of electronic communication and all traffic data without any differentiation, limitation or exception, thus affecting the entire population of the EU4. The Court also noted that the Directive did not provide sufficient safeguards to ensure effective protection of the data against the risk of abuse and unlawful access, and did not require the data to be retained within the EU5. References: 1 Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retentionof data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58
/EC2 Charter of Fundamental Rights of the European Union3 Press release No 54/14 - Judgment in Joined Cases C-293/12 and C-594/12 Digital Rights Ireland and Seitlinger and Others4 Judgment of the Court (Grand Chamber) of 8 April 2014. Digital Rights Ireland Ltd v Minister for Communications, Marine and Natural Resources and Others and Karntner Landesregierung and Others.

Requests for a preliminary ruling from the High Court (Ireland) and the Verfassungsgerichtshof (Austria). Joined cases C-293/12 and C-594
/125 Ibid.
Reference: https://www.loc.gov/law/help/eu-data-retention-directive/eu.php#:~:text=In%20April%202014%
2C
%20the%20Grand,proportionality%20in%20forging%20the%20Directive.

NEW QUESTION # 173
According to the European Data Protection Board, controllers responding to a data subject access request can refuse to provide a copy of personal data under certain conditions. Which of the following is NOT one of these conditions?

- A. If the controller is unable to use end-to-end encrypted emails for responding to such requests.
- B. If the data subject access request was sent to an employee that is not involved in the processing of such requests.
- C. If there is such a large amount of data that the controller cannot identify the data subject of the request.
- D. If the personal data was processed in the past but is no longer at the controller's disposal at the time of the request.

Answer: A

Explanation:
The right of access is one of the fundamental rights of data subjects under the GDPR. It allows data subjects to obtain from the controller confirmation as to whether or not personal data concerning them are being processed, and, where that is the case, access to the personal data and certain information about the processing. The controller must provide a copy of the personal data undergoing processing to the data subject, unless the data subject requests otherwise. The right of access is not absolute and may be subject to limitations, restrictions or exceptions, in accordance with the GDPR and the national laws of the member states.
The EDPB has issued draft guidelines on the right of access, which provide more detailed guidance on how to handle data subject access requests and what are the possible grounds for refusing to provide a copy of the personal data. According to the draft guidelines, the controller can refuse to provide a copy of the personal data in the following situations:
If the data subject access request was sent to an employee that is not involved in the processing of such requests. In this case, the controller must inform the data subject of the appropriate contact point for submitting the request and must not consider the request as received until it reaches the designated person or unit. This does not mean that the controller can ignore or delay the request, but rather that the controller must ensure that the request is forwarded to the responsible person or unit as soon as possible.
If there is such a large amount of data that the controller cannot identify the data subject of the request. In this case, the controller can ask the data subject to provide additional information to enable the identification of the data subject, such as a unique identifier, a reference number, a specific time period, a location or a context of the processing. The controller must not ask for more information than is necessary and must not use the information for any other purpose than verifying the identity of the data subject.
If the personal data was processed in the past but is no longer at the controller's disposal at the time of the request. In this case, the controller must inform the data subject that the personal data are no longer available and explain the reasons why the personal data have been erased, anonymised, archived or otherwise disposed of. The controller must also provide the data subject with any relevant information about the retention period, the archiving policy, the anonymisation process or the disposal method of the personal data.
The controller cannot refuse to provide a copy of the personal data in the following situation:
If the controller is unable to use end-to-end encrypted emails for responding to such requests. In this case, the controller must still provide a copy of the personal data to the data subject, but must ensure that the communication is secure and that the personal data are protected from unauthorised or unlawful access, disclosure, alteration or destruction. The controller can use alternative means of communication, such as secure online platforms, password-protected files, encrypted devices or postal mail, depending on the preferences and circumstances of the data subject. The controller must also inform the data subject of the risks involved in the chosen communication method and obtain the data subject's consent before sending the personal data.
References:
GDPR, Articles 12, 13, 14, 15, 23 and 34.
EDPB Guidelines 01/2022 on data subject rights - Right of access Version 2, pages 6, 7, 8, 9, 10, 11, 12, 13,
14, 15 and 16.

NEW QUESTION # 174
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