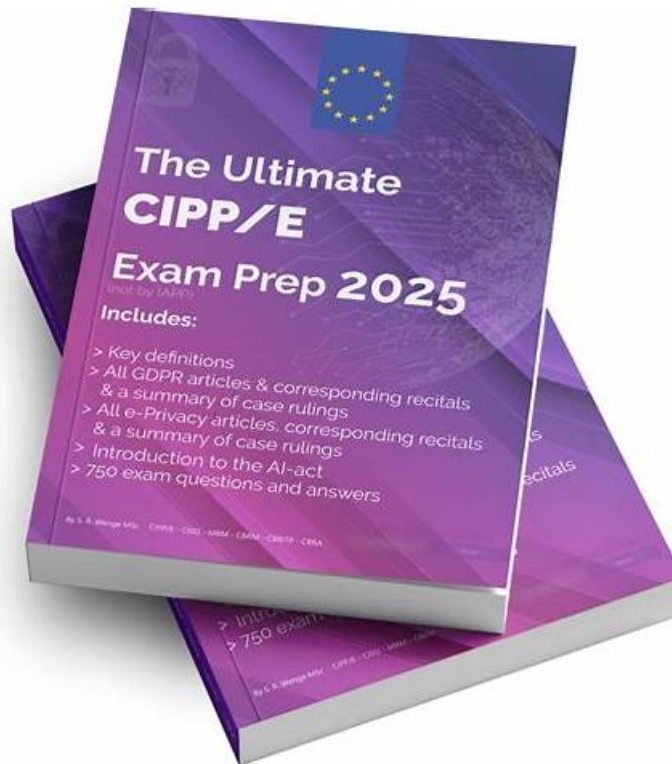


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The IAPP defines this certification as perfect for “the go-to person for privacy laws, guidelines and frameworks” in a company. This target market can include many other senior personal privacy or security experts with IT training experience, but can also include individuals belonging to the government, legal, or administrative companies whose job it is to keep the information confidential, and also in terms of security. This is doubled for those involved in legal and compliance requests, information monitoring, information management, and even personal (as privacy is an individual matter at heart, including personal data).

Since privacy protection and private data protection are generally heavily managed and based on legal systems and frameworks, the IAPP provides variations of CIPP accreditation where this material and coverage has been “localized” for directives, applicable laws and regulations, and ideal techniques. There are five such versions available: Asia (CIPP / A), Canada (CIPP / C), Europe (CIPP / E), US government (CIPP / G), and US private sector (CIPP) / USA). At the time of writing, CIPP / E necessarily offers the most direct and specific coverage of GDPR topics.

This exam guide is designed to assist you to evaluate if you prepare to successfully finish the IAPP CIPP/E examination.

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### IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q42-Q47):

#### NEW QUESTION # 42

##### SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA. Today, it is a multi-billion- dollar candy company operating in every continent. All of the company's IT servers are located in Vermont.

This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father's company, but is also secretly working on launching a new global online dating website company called Ben Knows Best.

Ben is aware that the Gummy Bear Company has millions of customers and believes that many of them might also be interested in finding their perfect match. For Project Big, Ben redesigns the company's online web portal and requires customers in the European Union and elsewhere to provide additional personal information in order to remain a customer. Project Ben begins collecting data about customers' philosophical beliefs, political opinions and marital status.

If a customer identifies as single, Ben then copies all of that customer's personal data onto a separate database for Ben Knows Best. Ben believes that he is not doing anything wrong, because he explicitly asks each customer to give their consent by requiring them to check a box before accepting their information. As Project Big is an important project, the company also hires a first year college student named Sam, who is studying computer science to help Ben out.

Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend's daughter, Alice, who just graduated from law school in the U.S., to be the company's new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company's operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company's IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone's information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

The data transfer mechanism that Alice drafted violates the GDPR because the company did not first get approval from?

- A. The European Commission.
- **B. The Data Protection Authority.**
- C. The European Data Protection Board.
- D. The Court of Justice of the European Union.

#### Answer: B

##### Explanation:

Binding Corporate Rules (BCRs) are a data transfer mechanism under the GDPR that allow multinational companies to transfer personal data within their group entities outside the EU, provided that they comply with the data protection principles and rights of the GDPR. BCRs are internal codes of conduct that must be legally binding and enforced by every member of the group.

According to Article 47 of the GDPR, BCRs must be approved by the competent Data Protection Authority (DPA) in the EU, following the consistency mechanism set out in Article 63 of the GDPR. This means that the DPA that receives the application for approval of the BCRs must communicate its draft decision to the European Data Protection Board (EDPB), which will issue its opinion on the BCRs. The EDPB is an independent body composed of representatives of the national DPAs and the European Data

Protection Supervisor. The EDPB ensures the consistent application of the GDPR across the EU and issues guidelines, recommendations, and best practices on various aspects of the GDPR.

Therefore, the data transfer mechanism that Alice drafted violates the GDPR because the company did not first get approval from the Data Protection Authority, which is the supervisory authority responsible for authorising and monitoring the BCRs. The company cannot rely on the BCRs as a valid legal basis for transferring personal data from the EU to the US without the DPA's approval. The other options are not correct, as they are not the authorities that approve the BCRs under the GDPR. The Court of Justice of the European Union (CJEU) is the judicial body of the EU that interprets and applies EU law and ensures its uniformity across the EU. The CJEU does not approve the BCRs, but it may rule on the validity or interpretation of the GDPR or other EU laws that affect data protection. The European Data Protection Board (EDPB) is an independent body that ensures the consistent application of the GDPR and issues opinions on the BCRs, but it does not approve them. The EDPB's opinions are not binding, but they must be taken into account by the DPAs. The European Commission is the executive branch of the EU that proposes and implements EU laws and policies. The European Commission does not approve the BCRs, but it may adopt adequacy decisions that recognise that a third country or an international organisation ensures an adequate level of data protection, which is another data transfer mechanism under the GDPR.

References:

- \* GDPR
- \* Binding Corporate Rules (BCR)
- \* Binding Corporate Rules - PwC
- \* Binding Corporate Rules - GDPR Summary
- \* A Guide for Binding Corporate Rules - Hunton Andrews Kurth
- \* Personal data transfers: binding corporate rules (BCRs) under the GDPR

#### NEW QUESTION # 43

What is the primary purpose of Convention 108+, which amends the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data?

- A. To modify the process for third countries to obtain an adequacy decision from the European Commission.
- **B. To strengthen data protection in line with the European and international regulatory framework.**
- C. To issue updated guidelines for data transfers from the EU to third-country signatories to the Convention.
- D. To establish new data subject rights and safeguards for consumers in the EU member states.

**Answer: B**

Explanation:

Convention 108+ is the modernised version of Convention 108, which was the first legally binding international instrument on data protection. The main purpose of Convention 108+ is to update and enhance the protection of personal data in light of the technological developments and the new challenges posed by the globalisation of data processing. Convention 108+ also aims to ensure the effective implementation and enforcement of data protection principles and rules, as well as to facilitate the free flow of data between the parties to the Convention.

References:

- \*Convention 108+ : the modernised version of a landmark instrument<sup>1</sup>
- \*Convention 108 and Protocols - Data Protection - The Council of Europe<sup>2</sup>
- \*Convention 108 - Council of Europe<sup>3</sup>

#### NEW QUESTION # 44

A worker in a European Union (EU) member state has ceased his employment with a company. What should the employer most likely do in regard to the worker's personal data?

- A. Destroy sensitive information and store the rest per applicable data protection rules.
- **B. Securely store the data that is required to be kept under local law.**
- C. Provide the employee the reasons for retaining the data.
- D. Store all of the data in case the departing worker makes a subject access request.

**Answer: B**

Explanation:

The GDPR requires that personal data be kept for no longer than is necessary for the purposes for which the personal data are processed<sup>1</sup>. However, the GDPR also allows member states to provide for more specific rules on the processing of employees' personal data in the employment context, including the retention periods for erasure and deletion of categories of personal data<sup>2</sup>.

Therefore, the employer should securely store the data that is required to be kept under local law, such as tax records, pension records, or health and safety records<sup>34</sup>. The employer should also ensure that the data is protected from unauthorized or unlawful access, accidental loss, destruction, or damage<sup>1</sup>. The employer should not store the data for longer than necessary or for purposes other than those for which the data was collected, unless the employee has given consent or there is another legal basis for doing so<sup>13</sup>. Reference: 1: Article 5 of the GDPR 2: Article 88 of the GDPR 3: Data Protection and GDPR in the Workplace | Factsheets | CIPD 4: How to Manage the Retention of Employee Data | GDPR Blog

#### NEW QUESTION # 45

In which of the following cases would an organization MOST LIKELY be required to follow both ePrivacy and data protection rules?

- A. When paying a search engine company to give prominence to certain products and services within specific search results.
- B. When creating an untargeted pop-up ad on a website.
- C. When calling a potential customer to notify her of an upcoming product sale.
- **D. When emailing a customer to announce that his recent order should arrive earlier than expected.**

**Answer: D**

Explanation:

Reference <https://www.privacytrust.com/guidance/gdpr-vs-eprivacy-regulation.html>

#### NEW QUESTION # 46

Which of the following Convention 108+ principles, as amended in 2018, is NOT consistent with a principle found in the GDPR?

- **A. The necessity of the bulk collection of personal data by the government.**
- B. The requirement to demonstrate compliance to a supervisory authority.
- C. The obligation of companies to declare data breaches.

**Answer: A**

Explanation:

The Convention 108+ is the modernized version of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which was opened for signature on 10 October 2018<sup>1</sup>. The Convention 108+ aims to reinforce the individuals' protection, strengthen the implementation of the Convention, and promote it as a universal standard for data protection<sup>2</sup>. The Convention 108+ reflects the same principles as those enshrined in the EU's General Data Protection Regulation (GDPR), which applies from 25 May 2018<sup>3</sup>. Therefore, the Convention 108+ and the GDPR are largely consistent and coherent in their provisions and objectives.

However, one of the principles of the Convention 108+ that is not consistent with a principle found in the GDPR is the necessity of the bulk collection of personal data by the government. The Convention 108+ allows for the possibility of bulk collection of personal data by the government for national security purposes, subject to certain safeguards and oversight mechanisms. The GDPR, on the other hand, does not regulate the processing of personal data by the government for national security purposes, as this falls outside the scope of EU law. The GDPR also does not explicitly endorse the bulk collection of personal data by the government, but rather requires that any processing of personal data must be based on a legal basis, respect the principles of data protection, and ensure the rights and freedoms of data subjects. Therefore, the correct answer is C.

References:

\* Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

\* Convention 108+ and the GDPR

\* General Data Protection Regulation

\* [Convention 108+: the consultative committee of the convention for the protection of individuals with regard to the processing of personal data (T-PD) publishes its guidelines on artificial intelligence and data protection]

\* [Article 3 GDPR - Territorial scope]

\* [Article 5 GDPR - Principles relating to processing of personal data] I hope this helps you understand the Convention 108+ and the GDPR better. If you have any other questions, please feel free to ask me. #

#### NEW QUESTION # 47

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