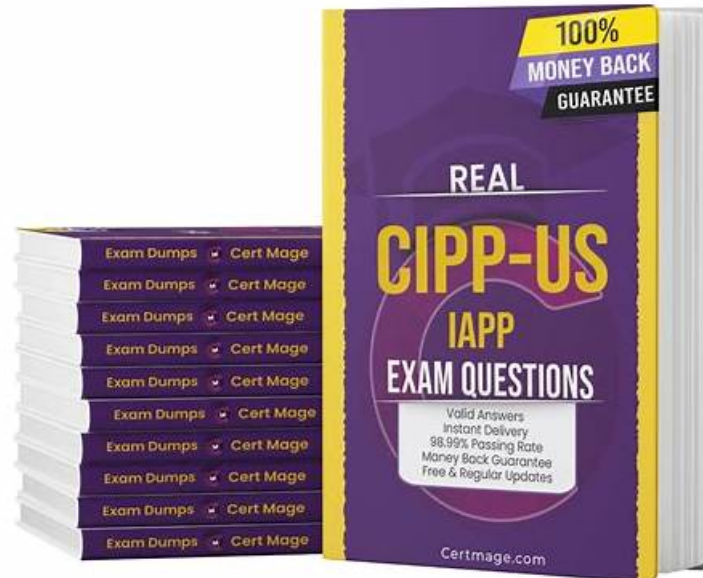


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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q111-Q116):

NEW QUESTION # 111

The CFO of a pharmaceutical company is duped by a phishing email and discloses many of the company's employee personnel files to an online predator. The files include employee contact information, job applications, performance reviews, discipline records, and job descriptions.

Which of the following state laws would be an affected employee's best recourse against the employer?

- A. The state data destruction statute.
- B. The state personnel record review statute.
- C. The state UDAP statute.
- D. The state social security number confidentiality statute.

Answer: C

Explanation:

The state UDAP statute, which stands for Unfair and Deceptive Acts and Practices, is a law that protects consumers from unfair or deceptive business practices. In this case, the employer's failure to protect the employee's personal information from a phishing attack could be considered an unfair or deceptive act or practice that harmed the employee. The employee could sue the employer under the state UDAP statute for damages, injunctive relief, or other remedies. The other options are not relevant to this scenario, as they deal with different aspects of data protection, such as confidentiality, access, or destruction of personal information. References:

* [IAPP CIPP/US Study Guide], Chapter 8, Section 8.3.1, page 227

* IAPP CIPP/US Practice Questions, Question 153, page 13

NEW QUESTION # 112

Which authority supervises and enforces laws regarding advertising to children via the Internet?

- A. The Office for Civil Rights
- B. The Department of Homeland Security
- C. The Federal Trade Commission
- D. The Federal Communications Commission

Answer: C

Explanation:

The Federal Trade Commission (FTC) is the primary federal agency that regulates advertising and marketing practices in the United States, including those targeting children via the Internet. The FTC enforces the Children's Online Privacy Protection Act (COPPA), which requires operators of websites and online services directed to children under 13 to obtain verifiable parental consent before collecting, using, or disclosing personal information from children. The FTC also enforces the FTC Act, which prohibits unfair or deceptive acts or practices in commerce, such as making false or misleading claims in advertising. The FTC has issued guidelines and reports on various aspects of digital advertising to children, such as sponsored content, influencers, data collection, persuasive design, and behavioral marketing. The FTC also hosts workshops and events to examine the impact of digital advertising on children and their ability to distinguish ads from entertainment. References:

* FTC website

* Digital Advertising to Children

* IAPP CIPP/US Study Guide, Chapter 5: Marketing and Privacy, pp. 169-170

NEW QUESTION # 113

When may a financial institution share consumer information with non-affiliated third parties for marketing purposes?

- A. After disclosing information-sharing practices to customers and after giving them an opportunity to opt out.
- B. After disclosing marketing practices to customers and after giving them an opportunity to opt in.
- C. After disclosing information-sharing practices to customers and after giving them an opportunity to opt in.
- D. After disclosing marketing practices to customers and after giving them an opportunity to opt out.

Answer: A

Explanation:

According to the Gramm-Leach-Bliley Act (GLBA) and its implementing Regulation P, a financial institution may share consumer information with non-affiliated third parties for marketing purposes only after disclosing its information-sharing practices to customers and after giving them an opportunity to opt out of such sharing. The GLBA defines a customer as a consumer who has a continuing relationship with a financial institution that provides one or more financial products or services to be used primarily for personal, family, or household purposes. A consumer is an individual who obtains or has obtained a financial product or service from a financial institution that is to be used primarily for personal, family, or household purposes, or that individual's legal representative. A non-affiliated third party is any person except a financial institution's affiliate or a person employed jointly by a financial institution and a company that is not the financial institution's affiliate. An affiliate is any company that controls, is controlled by, or is under common control with another company.

The GLBA requires that a financial institution provide a privacy notice to customers: (i) at the time of establishing the customer relationship; (ii) annually during the continuation of the customer relationship; and (iii) before disclosing any nonpublic personal information (NPI) about the customer to any non-affiliated third party, unless an exception applies. The privacy notice must describe the categories of NPI that the financial institution collects and discloses; the categories of affiliates and non-affiliated third parties to whom the financial institution discloses NPI; the categories of NPI disclosed to service providers and joint marketers; the policies and practices with respect to protecting the confidentiality and security of NPI; and the disclosures of NPI to which the customer has a right to opt out. The financial institution must also provide a reasonable means for the customer to opt out of the disclosure of NPI to non-affiliated third parties, such as a check-off box, a reply form, or a toll-free telephone number. The opt-out notice must be clear and conspicuous, and must state that the customer can opt out at any time. The opt-out notice must also explain how the customer can opt out, and the effect of opting out. The financial institution must honor the customer's opt-out direction as soon as reasonably practicable after receiving it, and must not disclose any NPI to which the opt-out applies, unless an exception applies. The GLBA provides several exceptions to the opt-out requirement, such as when the disclosure of NPI is necessary to effect, administer, or enforce a transaction requested or authorized by the customer; when the disclosure of NPI is required or permitted by law; when the disclosure of NPI is to a consumer reporting agency in accordance with the Fair Credit Reporting Act; or when the disclosure of NPI is to a person that performs marketing services on behalf of the financial institution or on behalf of the financial institution and another financial institution under a joint marketing agreement. A joint marketing agreement is a formal written contract between a financial institution and any other person under which the parties agree to offer, endorse, or sponsor a financial product or service. The joint marketing agreement must prohibit the other person from using or disclosing the NPI for any purpose other than offering, endorsing, or sponsoring the financial product or service covered by the agreement.

The GLBA also requires that a financial institution provide a privacy notice to consumers who are not customers before disclosing any NPI about the consumer to any non-affiliated third party, unless an exception applies. The financial institution does not need to provide an opt-out notice to consumers who are not customers, unless it has a customer relationship with them. However, if the financial institution establishes a customer relationship with a consumer who was previously not a customer, it must provide a privacy notice and an opt-out notice to the customer as described above.

NEW QUESTION # 114

What practice does the USA FREEDOM Act NOT authorize?

- A. Emergency exceptions that allows the government to target roamers
- B. An extension of the expiration for roving wiretaps
- **C. The bulk collection of telephone data and internet metadata**
- D. An increase in the maximum penalty for material support to terrorism

Answer: C

Explanation:

The USA FREEDOM Act is a law that was enacted in 2015 to reform the surveillance practices of the U.S. government. The law was a response to the revelations by Edward Snowden about the mass collection of phone records and internet data by the National Security Agency (NSA) under the authority of Section 215 of the USA PATRIOT Act. The USA FREEDOM Act ended the bulk collection of telephone data and internet metadata by the NSA, and instead required the government to obtain a specific order from the Foreign Intelligence Surveillance Court (FISC) to access such data from the telecommunication providers. The law also authorized the following practices:

* Emergency exceptions that allow the government to target roamers: The law allows the government to temporarily target a non-U.S. person who is using a phone number or identifier of a U.S. person, without a court order, if there is an emergency situation that involves a threat of death or serious bodily harm. The government must obtain a court order within seven days to continue the surveillance.

* An increase in the maximum penalty for material support to terrorism: The law increases the maximum prison term for providing material support or resources to a foreign terrorist organization from 15 years to 20 years.

* An extension of the expiration for roving wiretaps: The law extends the sunset date for the roving wiretap provision of the USA PATRIOT Act, which allows the government to obtain a single order from the FISC to conduct surveillance on a target who switches devices or locations, without specifying the device or location. The law extends the expiration date from June 1, 2015 to

December 15,

2019. References:

* USA FREEDOM Act

* USA FREEDOM Act Summary

* USA FREEDOM Act FAQs

NEW QUESTION # 115

Which of the following federal agencies does NOT have regulatory authority related to privacy?

- A. U.S. Department of Transportation.
- B. Federal Reserve
- C. Consumer Financial Protection Bureau.
- **D. U.S. Department of Commerce.**

Answer: D

Explanation:

The U.S. Department of Commerce (DOC) is a federal agency that promotes economic growth, trade, and innovation, but does not have regulatory authority related to privacy. The DOC administers several voluntary privacy frameworks, such as the Privacy Shield, the APEC Cross-Border Privacy Rules, and the NIST Privacy Framework, but these are not legally binding or enforceable by the DOC¹². The DOC also participates in international privacy negotiations and dialogues, but does not have the power to issue rules or regulations on privacy matters³.

The other three options are examples of federal agencies that do have regulatory authority related to privacy. The Consumer Financial Protection Bureau (CFPB) is an independent agency that enforces consumer protection laws, such as the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act, and the Dodd-Frank Act, which contain privacy and data security provisions⁴. The U.S. Department of Transportation (DOT) is a federal agency that regulates transportation safety, security, and infrastructure, and has issued privacy rules for airlines, motor carriers, and railroads. The Federal Reserve (FRB) is an independent agency that oversees the nation's monetary policy, banking system, and financial stability, and has issued privacy rules for financial institutions under its jurisdiction. References: 1: Privacy Shield Program Overview | International Trade Administration 2: NIST Privacy Framework | NIST 3: Privacy and Data Security | U.S. Department of Commerce 4: Consumer Financial Protection Bureau - Wikipedia : [Privacy | US Department of Transportation] : [Privacy - Federal Reserve Board]

NEW QUESTION # 116

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