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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q40-Q45):

NEW QUESTION # 40

Under state breach notification laws, which is NOT typically included in the definition of personal information?

- A. Medical Information
- B. Social Security number

- C. First and last name
- D. State identification number

Answer: C

Explanation:

Under state breach notification laws, personal information is typically defined as an individual's first name or first initial and last name plus one or more other data elements, such as Social Security number, state identification number, account number, medical information, etc. However, first and last name alone are not usually considered personal information, unless they are combined with other data elements that could identify the individual or compromise their security or privacy. Therefore, option B is the correct answer, as it is not typically included in the definition of personal information under state breach notification laws. References: <https://www.ncsl.org/technology-and-communication/security-breach-notification-laws>[https://](https://www.ncsl.org/technology-and-communication/security-breach-notification-laws)

NEW QUESTION # 41

Read this notice:

Our website uses cookies. Cookies allow us to identify the computer or device you're using to access the site, but they don't identify you personally. For instructions on setting your Web browser to refuse cookies, click here.

What type of legal choice does not notice provide?

- A. Opt-in
- B. Implied consent
- C. Opt-out
- D. Mandatory

Answer: C

NEW QUESTION # 42

What important action should a health care provider take if the she wants to qualify for funds under the Health Information Technology for Economic and Clinical Health Act (HITECH)?

- A. Keep electronic updates about the Health Insurance Portability and Accountability Act
- B. Make electronic health records (EHRs) part of regular care
- C. Send health information and appointment reminders to patients electronically
- D. Bill the majority of patients electronically for their health care

Answer: B

Explanation:

The HITECH Act was enacted as part of the American Recovery and Reinvestment Act of 2009 to promote the adoption and use of health information technology, especially electronic health records (EHRs), in the United States. The HITECH Act established the Medicare and Medicaid EHR Incentive Programs, which provide financial incentives to eligible health care providers who demonstrate meaningful use of certified EHR technology. Meaningful use is defined as using EHRs to improve quality, safety, efficiency, and coordination of care, as well as to engage patients and protect their privacy and security. To qualify for the incentive payments, health care providers must meet certain objectives and measures that demonstrate meaningful use of EHRs as part of their regular care.

NEW QUESTION # 43

Mega Corp. is a U.S.-based business with employees in California, Virginia, and Colorado. Which of the following must Mega Corp. comply with in regard to its human resources data?

- A. California Privacy Rights Act.
- B. California Privacy Rights Act and Virginia Consumer Data Protection Act.
- C. California Privacy Rights Act, Virginia Consumer Data Protection Act, and Colorado Privacy Act.
- D. California Privacy Rights Act and Colorado Privacy Act.

Answer: C

Explanation:

Mega Corp. is a U.S.-based business with employees in California, Virginia, and Colorado.

Therefore, it must comply with the privacy laws of these three states in regard to its human resources data, unless it qualifies for an exemption under each law.

The California Privacy Rights Act (CPRA) is an amendment to the California Consumer Privacy Act (CCPA) that was approved by voters in November 2020 and will take effect on January 1,

2022. The CPRA expands the rights and protections of California residents with respect to their personal information and creates a new category of sensitive personal information that includes certain employment-related data, such as Social Security numbers, driver's license numbers, passport numbers, financial account information, biometric information, and geolocation data. The CPRA also establishes a new enforcement agency, the California Privacy Protection Agency, to oversee and enforce the law.

The Virginia Consumer Data Protection Act (VCDPA) is a comprehensive privacy law that was enacted in March 2021 and will take effect on January 1, 2022. The VCDPA grants Virginia residents several rights with respect to their personal data, such as the right to access, correct, delete, port, and opt out of certain processing activities. The VCDPA also imposes various obligations on businesses that control or process personal data of Virginia residents, such as conducting data protection assessments, entering into contracts with processors, and providing privacy notices. The Colorado Privacy Act (CPA) is another comprehensive privacy law that was enacted in July 2021 and will take effect on July 1, 2022. The CPA grants Colorado residents similar rights as the VCDPA, with some variations, such as the right to appeal a business's response to a request and the right to opt out of targeted advertising, the sale of personal data, and certain profiling activities. The CPA also imposes similar obligations as the VCDPA, with some differences, such as requiring opt-in consent for the processing of sensitive data and allowing businesses to join a universal opt-out mechanism. All three laws apply to businesses that conduct business in or target consumers in the respective states and meet certain thresholds of revenue or data processing volume. However, all three laws also provide exemptions for certain types of data or entities that are subject to other federal or state laws, such as the Gramm-Leach-Bliley Act (GLBA), the Health Insurance Portability and Accountability Act (HIPAA), the Fair Credit Reporting Act (FCRA), and the Family Educational Rights and Privacy Act (FERPA).

One of the exemptions that may be relevant for Mega Corp. is the employee data exemption, which excludes personal data that is collected and used by an employer within the context of an employment relationship or for emergency contact or benefits administration purposes. However, this exemption is not permanent or uniform across the three laws. The CPRA's employee data exemption is set to expire on January 1, 2023, unless extended by the legislature. The VCDPA's employee data exemption is set to expire on January 1, 2023, unless repealed by the legislature.

The CPA's employee data exemption does not have an expiration date, but it does not apply to the right to opt out of the sale of personal data or the right to appeal a business's response to a request. Therefore, depending on the type and scope of the human resources data that Mega Corp. collects and processes, it may have to comply with the California Privacy Rights Act, the Virginia Consumer Data Protection Act, and the Colorado Privacy Act, unless it qualifies for another exemption under each law.

NEW QUESTION # 44

Under the California Consumer Privacy Act (as amended by the California Privacy Rights Act), a consumer may initiate a civil action against a business for?

- A. Any personal information that is subject to unauthorized access or disclosure.
- B. Failure to implement and maintain security practices set out in regulations issued by the California Privacy Protection Agency (CPPA).
- C. Failure to implement and maintain reasonable security procedures and practices to protect the personal information held.
- **D. A security breach of certain categories of personal information that is nonencrypted and nonredacted**

Answer: D

Explanation:

Under the California Consumer Privacy Act (CCPA), as amended by the California Privacy Rights Act (CPRA), consumers have the right to initiate a civil action if a business fails to adequately protect their personal information and a security breach occurs. This right applies specifically to breaches of certain categories of personal information that are unencrypted and unredacted.

Key Details of CCPA/CPRA Civil Actions:

* Security Breaches:

* A consumer can sue a business if the breach involves personal information such as Social Security numbers, driver's license numbers, or financial account information, provided that the data was unencrypted and unredacted.

* Reasonable Security Practices:

* Businesses are required to implement and maintain reasonable security practices to protect personal information. Failure to do so may expose the business to liability in case of a breach.

* Categories of Data Covered:

* The law specifies that only certain sensitive categories of personal information are actionable under a civil suit.

Explanation of Options:

* A. Any personal information that is subject to unauthorized access or disclosure: This is incorrect.

The civil action is limited to specific sensitive data categories, not all personal information.

* B. A security breach of certain categories of personal information that is nonencrypted and nonredacted: This is correct. Civil actions under the CCPA/CPRA apply to breaches involving specific sensitive data that is not encrypted or redacted.

* C. Failure to implement and maintain reasonable security procedures and practices to protect the personal information held: While this is a requirement under the law, it does not by itself provide grounds for a civil action. A security breach must occur for a consumer to sue.

* D. Failure to implement and maintain security practices set out in regulations issued by the California Privacy Protection Agency (CPPA): This is incorrect. Civil actions are tied to breaches of sensitive data, not a failure to meet specific agency guidelines.

References from CIPP/US Materials:

* CCPA/CPRA (Civil Code § 1798.150): Outlines the private right of action for security breaches involving certain unencrypted and unredacted data.

* IAPP CIPP/US Certification Textbook: Discusses the conditions under which consumers may bring civil actions under the CCPA/CPRA.

NEW QUESTION # 45

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Many people often feel that their memory is poor, and what they have learned will soon be forgotten. In fact, this is because they did not find the right way to learn. Certified Information Privacy Professional/United States (CIPP/US) exam tests allow you to get rid of the troubles of reading textbooks in a rigid way, and help you to memorize important knowledge points as you practice. Industry experts hired by CIPP-US Exam Question explain the hard-to-understand terms through examples, forms, etc. Even if you just entered the industry, you can easily understand their meaning. With CIPP-US test guide, you will be as relaxed as you do normally exercise during the exam.

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