

100%合格率のCIPP-USオンライン試験一回合格-権威のあるCIPP-US試験合格攻略



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>> CIPP-USオンライン試験 <<

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IAPP Certified Information Privacy Professional/United States (CIPP/US) 認定 CIPP-US 試験問題 (Q142-Q147):

質問 # 142

A financial services company install "bossware" software on its employees' remote computers to monitor performance. The software logs screenshots, mouse movements, and keystrokes to determine whether an employee is being productive. The software can also enable the computer webcams to record video footage.

Which of the following would best support an employee claim for an intrusion upon seclusion tort?

- A. The webcam is enabled to record video any time the computer is turned on.
- B. The company creates and saves a biometric template for each employee based upon keystroke dynamics.
- C. The software automatically sends a notification to a supervisor any time the employee's mouse is dormant for more than five minutes.
- D. The webcam records video of an employee using a company laptop to perform personal business while at a coffee shop

during work hours.

正解： A

解説：

If the camera begins recording whenever the computer is turned on, that creates a strong argument that the employer is impinging upon the employee's right to privacy outside of work hours and in a private setting.

質問 # 143

SCENARIO

Please use the following to answer the next QUESTION:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to." Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

Larry believes that Evan's arrogance also affects the way he treats employees. The U.S. Constitution protects American workers, and Larry believes that the rights of those at SunriseLynx are violated regularly. At first Evan seemed friendly, even connecting with employees on social media. However, following Evan's political posts, it became clear to Larry that employees with similar affiliations were the only ones offered promotions.

Further, Larry occasionally has packages containing personal-use items mailed to work. Several times, these have come to him already opened, even though this name was clearly marked. Larry thinks the opening of personal mail is common at SunriseLynx, and that Fourth Amendment rights are being trampled under Evan's leadership.

Larry has also been dismayed to overhear discussions about his coworker, Sadie. Telemarketing calls are regularly recorded for quality assurance, and although Sadie is always professional during business, her personal conversations sometimes contain sexual comments. This too is something Larry has heard Evan laughing about. When he mentioned this to a coworker, his concern was met with a shrug. It was the coworker's belief that employees agreed to be monitored when they signed on. Although personal devices are left alone, phone calls, emails and browsing histories are all subject to surveillance. In fact, Larry knows of one case in which an employee was fired after an undercover investigation by an outside firm turned up evidence of misconduct. Although the employee may have stolen from the company, Evan could have simply contacted the authorities when he first suspected something amiss.

Larry wants to take action, but is uncertain how to proceed.

Which act would authorize Evan's undercover investigation?

- A. The Fair and Accurate Credit Transactions Act (FACTA)
- B. The National Labor Relations Act (NLRA)
- C. **The Stored Communications Act (SCA)**
- D. The Whistleblower Protection Act

正解： C

解説：

The Stored Communications Act (SCA) is a federal law that regulates the privacy of electronic communications that are stored by third-party service providers, such as email providers, cloud storage providers, or social media platforms. The SCA prohibits unauthorized access to or disclosure of such communications, unless authorized by law or by the consent of the user or the service provider. The SCA also provides exceptions for certain types of access or disclosure, such as those made for law enforcement purposes, for the protection of the service provider's rights or property, or for the consent of the subscriber or customer.

One of the exceptions to the SCA is where the service provider gives consent to the access or disclosure of the stored communications. This means that if a third-party service provider agrees to cooperate with an investigation or a request for information, the access or disclosure is lawful under the SCA. Consent can be express or implied, depending on the circumstances and the terms of service of the provider. For example, if a service provider has a policy that allows it to disclose user information to third parties for legitimate purposes, the provider has impliedly consented to the access or disclosure of the stored communications. However, if a service provider has a policy that prohibits such disclosure, the provider has not consented to the access or disclosure of the stored communications.

In the scenario, Evan's undercover investigation may have been authorized by the SCA if he obtained the consent of the third-party service provider that stored the electronic communications of the employee who was suspected of misconduct. For instance, if the employee used a company email account or a cloud storage service that had a policy that allowed the service provider to disclose user information to the employer or to law enforcement, Evan may have been able to access or disclose the stored communications with the consent of the service provider. However, if the employee used a personal email account or a cloud storage service that had a policy that protected user privacy and prohibited such disclosure, Evan may have violated the SCA by accessing or disclosing the stored communications without the consent of the service provider.

References: [Stored Communications Act], 18 U.S.C. §§ 2701-2712 : [IAPP CIPP/US Study Guide], Chapter 8, Section 8.2.2. : [The Stored Communications Act: An Old Statute for Modern Problems], pp. 10-11.

質問 # 144

What is a legal document approved by a judge that formalizes an agreement between a governmental agency and an adverse party called?

- A. Stare decisis decree
- B. Common law judgment
- C. A judgment rider
- D. A consent decree

正解: D

解説:

A consent decree is a legal document that resolves a dispute between a governmental agency and an adverse party without admission of guilt or liability by either side. It is approved by a judge and has the force of a court order. A consent decree may include terms such as compliance, monitoring, reporting, or remediation. A consent decree is often used to settle civil enforcement actions brought by federal agencies such as the Federal Trade Commission (FTC), the Environmental Protection Agency (EPA), or the Department of Justice (DOJ). References:

- * IAPP Glossary, entry for "consent decree"
- * [IAPP CIPP/US Study Guide], p. 39, section 2.1.3
- * [IAPP CIPP/US Body of Knowledge], p. 9, section B.1.a

質問 # 145

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

正解: A

解説:

Explanation/Reference: <https://www.healthaffairs.org/do/10.1377/hblog20150304.045199/full/>

質問 # 146

Under Section 702 of FISA, which surveillance program allows data requests of Internet Service Providers?

- A. MAGENTA
- B. Upstream
- C. PRISM
- D. RAINBOW

正解: C

解説:

Two surveillance programs are currently authorized under Section 702: PRISM and Upstream

With PRISM, data requests can be made to ISPs. Upstream is about searching internet-based communications as they pass through physical U.S. internet infrastructure.

質問 # 147

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