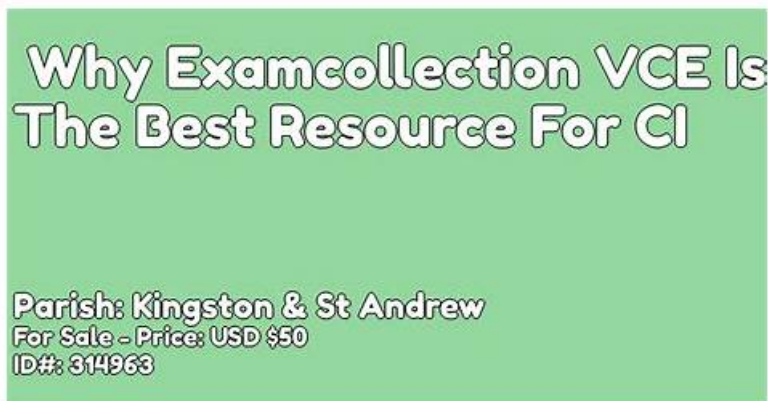


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DSCI Certified Privacy Lead Assessor DCPLA certification Sample Questions (Q25-Q30):

NEW QUESTION # 25

How are privacy and data protection related to each other?

- A. Data protection is a subset of privacy.
- B. Privacy is a subset of data protection.
- C. They are unrelated.
- D. The terms 'privacy' and 'data protection' are interchangeable.

Answer: A

Explanation:

According to DSCI Privacy Framework and aligned literature, data protection primarily deals with the operational and technical safeguards to ensure the confidentiality, integrity, and availability of personal data.

Privacy is a broader concept encompassing the right of individuals to control their personal information, including legal, social, and

ethical dimensions.

Thus, data protection is considered a subset or enabler of the broader right to privacy, supporting its implementation by managing risks related to data handling and security.

NEW QUESTION # 26

RCI and PCM

The Digital Personal Data protection Act 2023 has been passed recently. The Act shall be supported by subordinate Rules for various sections that will gradually bring more clarity into various aspects of the law.

First set of Rules are yet to be formulated and notified. A public sector bank has identified that it collects and processes personal data in physical documents and electronic form. The bank intends to assess its existing compliance level and proactively undertake an exercise to ensure compliance. Since this is the first time the bank is attempting to comply with a comprehensive privacy law, it has hired a legal expert in Privacy law to assist with initial assessment and compliance activities. As part of the initial visibility exercise the consultant identified that the bank collects and generates a significant amount of personal data in physical and digital form. The data may be upto 200 million customers' data. It is identified that customer onboarding is also done through various business correspondents in the field who collect and process personal data in physical and digital form on behalf of the bank for the purpose of opening bank accounts and this data is shared with the bank through various channels. There are upto 10 business correspondent companies that have been appointed by the bank across the country for such onboarding. These companies further appoint individual contractors on the field to face the customers. The legal consultant also identified that there are a huge number of employees and contractors engaged by the bank whose personal data is being collected and processed by the bank for HR purposes including biometric based attendance. While the intent of initial assessment was the new Act, the legal consultant has also identified that the Bank collects Aadhaar numbers (voluntary submission) from customers and employees and may be subject to Aadhaar Act compliance. It also came as a surprise that the bank wasn't aware of the data breach reporting mandate by one of the regulatory bodies under the Information Technology Act 2000 and that it was a criminal offense. The Bank generally outsources all non-core activities such as call centers which are handled by an Indian BPO company and document warehousing which is handled by another company. The Bank has also moved many of its applications to a known cloud provider as part of its digital strategy and there may be data transfer aspects associated with the same. On review of various contracts with third parties it was identified that the bank has signed standard terms of the cloud provider and has signed contracts with third parties which were in standard format of the third parties. Data protection obligations are not clear or available in these contracts. Bank leadership has been of the opinion that even the third parties should comply with the laws and robust contracts on legal compliance may not be needed. The legal consultant is not just expected to help identify gaps, assist in fixing the gaps but also to help implement controls and processes to continuously comply with evolving Rules under the new Act and also manage data protection with various third parties that may be appointed in the future.

(Note: Candidates are requested to make and state assumptions wherever appropriate to reach a definitive conclusion) Introduction and Background XYZ is a major India based IT and Business Process Management (BPM) service provider listed at BSE and NSE. It has more than 1.5 lakh employees operating in 100 offices across 30 countries. It serves more than 500 clients across industry verticals - BFSI, Retail, Government, Healthcare, Telecom among others in Americas, Europe, Asia-Pacific, Middle East and Africa. The company provides IT services including application development and maintenance, IT Infrastructure management, consulting, among others. It also offers IT products mainly for its BFSI customers.

The company is witnessing phenomenal growth in the BPM services over last few years including Finance and Accounting including credit card processing, Payroll processing, Customer support, Legal Process Outsourcing, among others and has rolled out platform based services. Most of the company's revenue comes from the US from the BFSI sector. In order to diversify its portfolio, the company is looking to expand its operations in Europe. India, too has attracted company's attention given the phenomenal increase in domestic IT spend esp. by the government through various large scale IT projects. The company is also very aggressive in the cloud and mobility space, with a strong focus on delivery of cloud services. When it comes to expanding operations in Europe, company is facing difficulties in realizing the full potential of the market because of privacy related concerns of the clients arising from the stringent regulatory requirements based on EU General Data Protection Regulation (EU GDPR).

To get better access to this market, the company decided to invest in privacy, so that it is able to provide increased assurance to potential clients in the EU and this will also benefit its US operations because privacy concerns are also on rise in the US. It will also help company leverage outsourcing opportunities in the Healthcare sector in the US which would involve protection of sensitive medical records of the US citizens.

The company believes that privacy will also be a key differentiator in the cloud business going forward. In short, privacy was taken up as a strategic initiative in the company in early 2011.

Since XYZ had an internal consulting arm, it assigned the responsibility of designing and implementing an enterprise wide privacy program to the consulting arm. The consulting arm had very good expertise in information security consulting but had limited expertise in the privacy domain. The project was to be driven by CIO's office, in close consultation with the Corporate Information Security and Legal functions.

Click on the exhibit button above to view the case study

What steps should the legal consultant suggest to manage data protection for the existing third parties with whom there are existing contracts? Please also mention the various controls that should be implemented with these third parties to ensure continued

compliance and monitoring Please answer with respect to the PCM practice area (upto 250 words)

Answer:

Explanation:

See the answer below in explanation.

Explanation:

To manage data protection risks associated with third-party engagements, the legal consultant should take a structured Privacy Contract Management (PCM) approach. This involves:

* Conduct a comprehensive review of all third-party contracts (e.g., cloud provider, BPO, document warehouse, business correspondents).

* Identify gaps related to privacy and data protection clauses (which are currently unclear or missing).

* Categorize vendors based on risk level (data sensitivity, volume, criticality, location).

1. Contract Review & Risk Categorization:

2. Define Privacy Obligations in Contracts: Update or re-negotiate contracts to include:

* Data Processing Clauses: Clearly outline roles (Data Fiduciary vs. Processor), purpose limitation, retention policies.

* Breach Notification: Mandate immediate reporting of data breaches by vendors (as per IT Act & upcoming DPDP Rules).

* Aadhaar Handling: For any third-party collecting Aadhaar, add compliance clauses for Aadhaar Act.

* Cross-border Transfers: Ensure compliance with Section 16 of DPDP Act, if data leaves India (e.g., via cloud provider).

* Audit Rights: Include rights to audit vendor privacy practices and security controls.

* Establish Third-Party Risk Assessments (TPRA) and due diligence during onboarding and periodically.

* Mandate privacy training for third-party staff handling personal data.

* Enforce technical and organizational controls: Encryption, access control, secure transmission.

* Implement a Vendor Monitoring Framework - regular privacy compliance checks, reporting, and corrective action tracking.

3. Implement Ongoing Controls:

* Assign a Third-Party Privacy Officer or include the DPO in oversight.

* Maintain a Third-Party Data Processing Register (as required under DPDP Act).

4. Governance and Reporting:

NEW QUESTION # 27

Which of the following is not an objective of VPI?

- A. None of the above
- B. Enable an organization to map its data operations and categorization of PI
- C. Assess the current state of data spread and transactions of the organization to map this against its privacy objectives
- D. To enable identification of processes, functions and relationships handling personal information

Answer: A

Explanation:

All the listed options (A, B, and C) are legitimate objectives of the "Visibility over Personal Information (VPI)" practice area. The VPI layer emphasizes:

* Comprehensive inventorying and mapping of personal data across systems

* Aligning data operations with privacy risks and business goals

* Categorizing data to manage consent, retention, and sharing

Therefore, none of these options are incorrect or outside the scope of VPI.

NEW QUESTION # 28

Which of the following are key contributors that would enhance the complexity in implementing security measures for protection of personal information? (Choose all that apply.)

- A. None of the above
- B. Evolution of nimble and flexible business processes affecting access management
- C. Data collection through multiple modes and channels
- D. Regulatory requirements to issue privacy notice and data breach notification in specified format

Answer: B,C

Explanation:

The complexity of implementing data security for personal information is often influenced by operational and architectural factors such as:

* A: Collecting data through various channels like web forms, mobile apps, customer support, etc., which introduces complexity in tracking and securing each channel.

* B: Flexible and dynamic business processes that evolve rapidly can complicate access management due to frequent changes in user roles, workflows, and data access needs.

While regulatory requirements (C) do impact privacy governance, they do not directly contribute to the complexity of implementing technical security measures.

NEW QUESTION # 29

FILL BLANK

RCI and PCM

Given its global operations, the company is exposed to multiple regulations (privacy related) across the globe and needs to comply mostly through contracts for client relationships and directly for business functions. The corporate legal team is responsible for managing the contracts and understanding, interpreting and translating the legal requirements. There is no formal tracking of regulations done. The knowledge about regulations mainly comes through interaction with the client team. In most of the contracts, the clients have simply referred to the applicable legislations without going any further in terms of their applicability and impact on the company. Since business expansion is the priority, the contracts have been signed by the company without fully understanding their applicability and impact. Incidentally, when the privacy initiatives were being rolled out, a major data breach occurred at one of the healthcare clients located in the US. The US state data protection legislation required the client to notify the data breach. During investigations, it emerged that the data breach happened because of some vulnerability in the system owned by the client but managed by the company and the breach actually happened 5 months back and came to notice now. The system was used to maintain medical records of the patients. This vulnerability had been earlier identified by a third party vulnerability assessment of the system and the closure of vulnerability was assigned to the company. The company had made the requisite changes and informed the client. The client, however, was of the view that the changes were actually not made by the company and they therefore violated the terms of contract which stated that - "the company shall deploy appropriate organizational and technology measures for protection of personal information in compliance with the XX state data protection legislation." The company could not produce necessary evidences to prove that the configuration changes were actually made by it (including when these were made).

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Why do you think the company failed to defend itself against client accusations? (250 to 500 words)

Answer:

Explanation:

The company failed to defend itself against accusations by its clients most likely due to the fact that it did not have enough expertise in privacy and data protection. The company's privacy program was designed and implemented by an internal consulting arm which had limited expertise in the domain, causing the program to be inadequate for the purpose of defending itself against accusations.

Moreover, since the project was driven by CIO's office, there may have been a lack of coordination between different functions like Corporate Information Security and Legal functions which could also have contributed to the failure.

It is possible that there were gaps in the organizational measures deployed by XYZ as well as gaps in technology measures. For example, it is possible that although appropriate organizational measures were put in place, the technology measures were inadequate for protecting the sensitive data of its clients. In addition, it is possible that the company did not rigorously monitor compliance with these organizational and technological measures, thereby making it vulnerable to accusations by its clients.

It is also likely that XYZ was unable to fully comply with applicable privacy laws and regulations in the EU due to lack of awareness about their requirements as well as insufficient resources allocated for adapting to them. The EU GDPR requires companies to implement appropriate technical and organizational measures for the protection of personal data which could have been a challenge for XYZ given its limited expertise in this domain. Furthermore, even though it may have had some understanding of the legal requirements, there may have been difficulty in properly implementing them, which could have led to the accusations by its clients. Finally, it is possible that XYZ failed to defend itself against client accusations because of a lack of communication between its different departments and functions. The company may not have had a clear understanding of the requirements and risks associated with data protection and privacy compliance which could have caused miscommunication among various stakeholders leading to inadequate responses when it was challenged by its clients.

Overall this case study demonstrates the importance of properly designing and implementing an effective privacy program in order to protect sensitive data from unauthorized access or misuse. Companies should ensure that they have adequate expertise in data protection as well as sufficient resources for adapting to changing regulatory requirements in order to avoid potential legal issues arising from client accusations.

Effective communication and coordination across different departments and functions is also essential for successful data protection compliance.

It is recommended that companies invest in an ongoing training program to ensure that employees understand the importance of privacy, have an awareness of the legal requirements, and are able to properly implement security measures to protect sensitive data. Organizations should also consider implementing automated tools and technologies such as encryption, access control systems, identity management solutions, etc., which can help them better defend themselves against potential client accusations.

NEW QUESTION # 30

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