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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q307-Q312):

NEW QUESTION # 307

SCENARIO

Please use the following to answer the next question:

Zandelay Fashion ('Zandelay') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Martin is their recently appointed data protection officer, who oversees the company's compliance with the General Data Protection Regulation (GDPR) and other privacy legislation.

The company offers both male and female clothing lines across all age demographics, including children. In doing so, the company processes large amounts of information about such customers, including preferences and sensitive financial information such as credit card and bank account numbers.

In an aggressive bid to build revenue growth, Jerry, the CEO, tells Martin that the company is launching a new mobile app and loyalty scheme that puts significant emphasis on profiling the company's customers by analyzing their purchases. Martin tells the CEO that: (a) the potential risks of such activities means that Zandelay needs to carry out a data protection impact assessment to assess this new venture and its privacy implications; and (b) where the results of this assessment indicate a high risk in the absence of appropriate protection measures, Zandelay may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

Jerry tells Martin that he is not happy about the prospect of having to directly engage with a supervisory authority and having to disclose details of Zandelay's business plan and associated processing activities.

What would MOST effectively assist Zandelay in conducting their data protection impact assessment?

- A. Data breach documentation that data controllers are required to maintain.
- B. Records of processing activities that data controllers are required to maintain.
- C. Information about DPIAs found in Articles 38 through 40 of the GDPR.
- **D. Existing DPIA guides published by local supervisory authorities.**

Answer: D

Explanation:

A data protection impact assessment (DPIA) is a process to help identify and minimise the data protection risks of a project that involves personal data, especially when using new technologies or processing that is likely to result in a high risk to individuals¹. The UK GDPR requires data controllers to carry out a DPIA before starting such processing and to consult the supervisory authority if the DPIA indicates a high risk that cannot be mitigated¹. The UK GDPR also provides some general guidance on the content and methodology of a DPIA, but it does not prescribe a specific format or procedure¹. Therefore, to effectively assist Zandelay in conducting their DPIA, it would be helpful to refer to existing DPIA guides published by local supervisory authorities, such as the ICO in the UK or the DPC in Ireland²³. These guides offer more detailed and practical advice on how to conduct a DPIA, what to include in it, how to assess and mitigate the risks, and when to consult the authority²³. They also provide templates, checklists, examples, and case studies to illustrate the DPIA process²³. By following these guides, Zandelay can ensure that their DPIA is comprehensive, consistent, and compliant with the UK GDPR and the relevant national laws.

The other options are not as effective as option C, because:

Option A: Information about DPIAs found in Articles 38 through 40 of the UK GDPR is too general and vague to assist Zandelay in conducting their DPIA. These articles only outline the basic requirements and principles of a DPIA, but do not provide any specific

guidance on how to conduct one, what to include in it, or how to assess and mitigate the risks¹. Zandelay would need more detailed and practical advice to effectively perform a DPIA.

Option B: Data breach documentation that data controllers are required to maintain is not relevant to conducting a DPIA. A data breach is a security incident that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data¹. A data controller must document any data breaches, including the facts, effects, and remedial actions taken, and notify the supervisory authority and the affected individuals without undue delay¹. However, a data breach is not the same as a data protection risk, which is the potential for adverse effects on individuals as a result of the processing of their personal data². A DPIA is a proactive and preventive measure to identify and minimise the data protection risks of a project, not a reactive and corrective measure to deal with the consequences of a data breach².

Option D: Records of processing activities that data controllers are required to maintain are not sufficient to assist Zandelay in conducting their DPIA. A record of processing activities is a document that contains information about the purposes, categories, recipients, transfers, retention periods, and security measures of the processing of personal data by a data controller or a data processor¹. A data controller must maintain a record of processing activities under its responsibility and make it available to the supervisory authority upon request¹. However, a record of processing activities is not the same as a DPIA, which is a more in-depth and systematic analysis of the data protection risks and the measures to address them². A record of processing activities may provide some useful information for a DPIA, such as the nature, scope, context, and purposes of the processing, but it does not cover other aspects, such as the necessity, proportionality, compliance, and impact of the processing².

<https://blog.netwrix.com/2021/02/17/data-protection-impact-assessment/>

<https://ico.org.uk/for-organisations-2/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

NEW QUESTION # 308

In which case would a controller who has undertaken a DPIA most likely need to consult with a supervisory authority?

- A. Where the DPIA identifies that the processing being proposed collects the sensitive data of EU citizens.
- B. Where the DPIA identifies risks that will require insurance for protecting its business interests.
- C. Where the DPIA identifies that personal data needs to be transferred to other countries outside of the EEA.
- **D. Where the DPIA identifies high risks to individuals' rights and freedoms that the controller can take steps to reduce.**

Answer: D

Explanation:

Reference <https://www.dataguidance.com/opinion/eu-how-when-and-why-carrying-out-dpia>

NEW QUESTION # 309

SCENARIO

Please use the following to answer the next question:

Due to rapidly expanding workforce, Company A has decided to outsource its payroll function to Company B. Company B is an established payroll service provider with a sizable client base and a solid reputation in the industry.

Company B's payroll solution for Company A relies on the collection of time and attendance data obtained via a biometric entry system installed in each of Company A's factories. Company B won't hold any biometric data itself, but the related data will be uploaded to Company B's UK servers and used to provide the payroll service. Company B's live systems will contain the following information for each of Company A's employees:

Name

Address

Date of Birth

Payroll number

National Insurance number

Sick pay entitlement

Maternity/paternity pay entitlement

Holiday entitlement

Pension and benefits contributions

Trade union contributions

Jenny is the compliance officer at Company A. She first considers whether Company A needs to carry out a data protection impact assessment in relation to the new time and attendance system, but isn't sure whether or not this is required.

Jenny does know, however, that under the GDPR there must be a formal written agreement requiring Company B to use the time and attendance data only for the purpose of providing the payroll service, and to apply appropriate technical and organizational security measures for safeguarding the data. Jenny suggests that Company B obtain advice from its data protection officer. The

company doesn't have a DPO but agrees, in the interest of finalizing the contract, to sign up for the provisions in full. Company A enters into the contract.

Weeks later, while still under contract with Company A, Company B embarks upon a separate project meant to enhance the functionality of its payroll service, and engages Company C to help. Company C agrees to extract all personal data from Company B's live systems in order to create a new database for Company B.

This database will be stored in a test environment hosted on Company C's U.S. server. The two companies agree not to include any data processing provisions in their services agreement, as data is only being used for IT testing purposes.

Unfortunately, Company C's U.S. server is only protected by an outdated IT security system, and suffers a cyber security incident soon after Company C begins work on the project. As a result, data relating to Company A's employees is visible to anyone visiting Company C's website. Company A is unaware of this until Jenny receives a letter from the supervisory authority in connection with the investigation that ensues. As soon as Jenny is made aware of the breach, she notifies all affected employees.

The GDPR requires sufficient guarantees of a company's ability to implement adequate technical and organizational measures. What would be the most realistic way that Company B could have fulfilled this requirement?

- **A. Hiring companies whose measures are consistent with recommendations of accrediting bodies.**
- B. Avoiding the use of another company's data to improve their own services.
- C. Vetting companies' measures with the appropriate supervisory authority.
- D. Requesting advice and technical support from Company A's IT team.

Answer: A

Explanation:

Reference <https://www.knowyourcompliance.com/gdpr-technical-organisational-measures/>

NEW QUESTION # 310

Which GDPR principle would a Spanish employer most likely depend upon to annually send the personal data of its employees to the national tax authority?

- A. The protection of the vital interest of the employees.
- B. The consent of the employees.
- C. The legitimate interest of the public administration.
- **D. The legal obligation of the employer.**

Answer: D

Explanation:

According to Article 6 of the GDPR, the processing of personal data is only lawful if and to the extent that at least one of the following applies:

the data subject has given consent to the processing of his or her personal data for one or more specific purposes; processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; processing is necessary for compliance with a legal obligation to which the controller is subject; processing is necessary in order to protect the vital interests of the data subject or of another natural person; processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

In this case, the Spanish employer would most likely depend on the legal obligation of the employer as the lawful basis for sending the personal data of its employees to the national tax authority. This is because the employer is subject to the tax laws and regulations of Spain, which require the employer to report the income and deductions of its employees to the tax authority on an annual basis. The employer must comply with this legal obligation, and the processing of the employees' personal data is necessary for this purpose. The employer does not need to obtain the consent of the employees, as consent is not a valid basis for processing personal data where there is a clear imbalance between the data subject and the controller, such as in the context of employment. The employer also does not need to rely on the legitimate interest of the public administration, as this is not a specific purpose for which the employer is processing the personal data, but rather a general interest that may be served by the tax authority. The employer also does not need to invoke the protection of the vital interest of the employees, as this basis only applies in situations where the processing is necessary to protect someone's life, such as in a medical emergency. Reference: Article 6 GDPR - Lawfulness of processing - General Data Protection Regulation (GDPR), Lawful basis for processing | ICO, Legal obligation as a lawful basis for processing personal data under the GDPR, [Consent in the employment context | ICO], [Vital interests | ICO]

NEW QUESTION # 311

A well-known video production company, based in Spain but specializing in documentaries filmed worldwide, has just finished recording several hours of footage featuring senior citizens in the streets of Madrid. Under what condition would the company NOT be required to obtain the consent of everyone whose image they use for their documentary?

- A. If the company limits the footage to data subjects solely of legal age.
- B. If obtaining consent is deemed to involve disproportionate effort.
- **C. If the company's status as a documentary provider allows it to claim legitimate interest.**
- D. If obtaining consent is deemed voluntary by local legislation.

Answer: C

Explanation:

According to the GDPR, consent is one of the six lawful bases for processing personal data, but not the only one. The other five are: contract, legal obligation, vital interests, public task and legitimate interests.

Legitimate interests can be invoked by controllers who process personal data for their own benefit or for the benefit of third parties, as long as such processing does not override the rights and freedoms of the data subjects, especially if they are children. The GDPR also recognizes that processing personal data for journalistic purposes or the purposes of academic, artistic or literary expression may be necessary for the exercise of the right to freedom of expression and information, which is a legitimate interest. Therefore, the company may not need to obtain the consent of everyone whose image they use for their documentary, if they can demonstrate that their processing is necessary for the purposes of their journalistic, artistic or literary expression, and that they have taken into account the reasonable expectations of the data subjects and the potential impact on their privacy. The company should also comply with any relevant national laws or codes of conduct that may apply to such processing. References:

* GDPR, Article 6(1)(a)-(f)

* GDPR, Recital 47

* GDPR, Article 85

NEW QUESTION # 312

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