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CIPP/E Exam Prep Study Guide

Prohibition of cross border data transfers under Data Privacy Directive 95/46/EC apply when -
ANS - data transferred from a jurisdiction in the EU to a third country.

What treaty or convention allowed the Data Protection Directive 95/46/EC to be used as a
harmonising measure for European Member states. - ANS - The Treaty of Rome

Direct marketing would include: - ANS - Email promoting new book on sale.

What two opposing forces needed to be considered in formulating a privacy framework in the
European Economic Community? - ANS - Concerns for personal freedom and privacy and
ability to support free trade.

What principle is contained in art 12 of the Human Rights Declaration? - ANS - The right to a
private life and associated freedoms.

What right is protected by art 19 of the Human Rights Declaration? - ANS - The right to freedom
of opinion and expression.

Which article of the Human Rights Declaration reconciles articles 12 and 19 and how is it stated?
- ANS - Article 29(2) states that individual rights are not absolute and there are instances where a
balance must be struck to limit their exercise.

What was the purpose of the European Convention on Human Rights? - ANS - It was an
international treaty to protect human rights and fundamental freedoms.

Name special categories of data. - ANS - Racial or ethnic origin, political affiliations/opinions,
health information, sex life, religious beliefs, trade union membership.p 58

What are the specific rights enumerated in the ECHR? - ANS - right to life, prohibition of
torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial,

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The CIPP/E certification program was developed by the International Association of Privacy Professionals (IAPP), the largest privacy association in the world. The IAPP is a not-for-profit organization that promotes and advances the privacy profession globally. The IAPP CIPP/E certification program provides an essential and comprehensive understanding of the EU's data protection laws, and it is recognized as the gold standard certification for privacy professionals in Europe.

IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q248-Q253):

NEW QUESTION # 248

Which of the following would MOST likely trigger the extraterritorial effect of the GDPR, as specified by Article 3?

- A. Personal data of EU citizens being processed by a controller or processor based outside the EU.
- B. Personal data of EU residents being processed by a non-EU business that targets EU customers.
- C. The behavior of EU citizens outside the EU being monitored by non-EU law enforcement bodies.
- D. The behavior of suspected terrorists being monitored by EU law enforcement bodies.

Answer: A

Explanation:

According to Article 3(1) of the GDPR, personal data shall be processed in any member state only on the basis of a decision taken at a Union level that is binding for that member state, unless it is derogated from by national law. This means that the GDPR applies to any processing of personal data within the EU, regardless of where the controller or processor is located, as long as it is based on a decision made at a Union level that is binding for that member state.

Therefore, option B would most likely trigger the extraterritorial effect of the GDPR, as it involves personal data of EU citizens being processed by a controller or processor based outside the EU, which may be subject to a decision made at a Union level that is binding for that member state.

Option A would not trigger the extraterritorial effect of the GDPR, as it involves monitoring suspected terrorists, which is not considered processing under Article 4(1) and (2) of the GDPR. Monitoring may fall under other legal frameworks, such as national security or counter-terrorism laws.

Option C would not trigger the extraterritorial effect of the GDPR, as it involves monitoring EU citizens outside the EU by non-EU law enforcement bodies, which may not be subject to any decision made at a Union level that is binding for that member state.

Option D would not trigger the extraterritorial effect of the GDPR, as it involves processing personal data of EU residents by a non-EU business that targets EU customers, which may not be subject to any decision made at a Union level that is binding for that member state.

References: 1: Free CIPP/E Study Guide - International Association of Privacy Professionals.

NEW QUESTION # 249

SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA. Today, it is a multi-billion-dollar candy company operating in every continent. All of the company's IT servers are located in Vermont. This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father's company, but is also secretly working on launching

a new global online dating website company called Ben Knows Best.

Ben is aware that the Gummy Bear Company has millions of customers and believes that many of them might also be interested in finding their perfect match. For Project Big, Ben redesigns the company's online web portal and requires customers in the European Union and elsewhere to provide additional personal information in order to remain a customer. Project Ben begins collecting data about customers' philosophical beliefs, political opinions and marital status.

If a customer identifies as single, Ben then copies all of that customer's personal data onto a separate database for Ben Knows Best. Ben believes that he is not doing anything wrong, because he explicitly asks each customer to give their consent by requiring them to check a box before accepting their information. As Project Big is an important project, the company also hires a first year college student named Sam, who is studying computer science to help Ben out.

Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend's daughter, Alice, who just graduated from law school in the U.S., to be the company's new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company's operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company's IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone's information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

Ben's collection of additional data from customers created several potential issues for the company, which would most likely require what?

- A. Hiring a data protection officer.
- B. New corporate governance and code of conduct.
- C. A data protection impact assessment.
- D. A comprehensive data inventory.

Answer: C

Explanation:

Ben's collection of additional data from customers, especially sensitive data such as philosophical beliefs and political opinions, created several potential issues for the company, such as:

The risk of violating the data minimization principle, which requires that personal data collected must be adequate, relevant and limited to what is necessary for the purposes of the processing¹.

The risk of infringing the rights and freedoms of the data subjects, who may not be aware of or consent to the secondary use of their data by Ben Knows Best, or the unauthorized access and copying of their data by Sam.

The risk of non-compliance with the GDPR's requirements for processing special categories of data, which include data revealing philosophical beliefs and political opinions. Such data can only be processed under certain conditions, such as explicit consent, substantial public interest, or legal claims².

The risk of data breaches or losses, as the data is transferred to a separate database, copied by Sam, and stored on the company's servers in Vermont, which may not have adequate security measures or safeguards.

Therefore, the company would most likely require a data protection impact assessment (DPIA) to identify and mitigate these risks. A DPIA is a process that helps assess the impact of the envisaged processing operations on the protection of personal data, and consult with the supervisory authority if the DPIA indicates that the processing would result in a high risk in the absence of measures taken by the controller to mitigate the risk³. The other options are not necessarily required by the GDPR, although they may be good practices or contractual terms. Reference:

Free CIPP/E Study Guide, page 32, section 4.1.2

CIPP/E Certification, page 27, section 4.1.2

The Ultimate CIPP/E Study Guide for 2023, page 36, section 4.1.2

Principles - General Data Protection Regulation (GDPR), Article 5

Special categories of personal data - General Data Protection Regulation (GDPR), Article 9 Data protection impact assessment - General Data Protection Regulation (GDPR), Article 35

NEW QUESTION # 250

Company X has entrusted the processing of their payroll data to Provider Y. Provider Y stores this encrypted data on its server. The IT department of Provider Y finds out that someone managed to hack into the system and take a copy of the data from its server. In this scenario, whom does Provider Y have the obligation to notify?

- A. The public
- B. Law enforcement
- **C. Company X**
- D. The supervisory authority

Answer: C

Explanation:

According to Article 33 of the GDPR, in the case of a personal data breach, the processor (Provider Y) shall notify the controller (Company X) without undue delay after becoming aware of the breach. The processor does not have the obligation to notify the supervisory authority, the public, or law enforcement, unless otherwise required by law. The controller is responsible for notifying the supervisory authority and, where necessary, the data subjects, unless the breach is unlikely to result in a risk to their rights and freedoms. References:

- * Article 33 of the GDPR, which regulates the notification of a personal data breach to the supervisory authority.
- * [Article 34 of the GDPR], which regulates the communication of a personal data breach to the data subject.
- * ICO guidance, which explains the roles and responsibilities of controllers and processors in relation to data breach notification.

NEW QUESTION # 251

Which mechanism, new to the GDPR, now allows for the possibility of personal data transfers to third countries under Article 42?

- **A. Approved certifications.**
- B. Standard contractual clauses.
- C. Binding corporate rules.
- D. Law enforcement requests.

Answer: A

Explanation:

According to Article 42 of the GDPR, the Commission may approve certification mechanisms, seals and marks for the purpose of demonstrating the existence of appropriate safeguards for personal data transfers to third countries or international organisations. These certification mechanisms, seals and marks are voluntary and transparent, and are issued by accredited certification bodies or by the competent supervisory authorities. They are subject to the general provisions on certification in Articles 42 and 43 of the GDPR. They are intended to enhance the trust of data subjects and facilitate the free flow of personal data within the Union and beyond. They are also subject to periodic review and withdrawal or suspension if the conditions for certification are not or are no longer met. Reference:

Article 42 of the GDPR

European Data Protection Law & Practice textbook, Chapter 8: Transfers of Personal Data to Third Countries, Section 8.3: Appropriate Safeguards, Subsection 8.3.4: Certification Mechanisms, Seals and Marks Guidelines 1/2018 on certification and identifying certification criteria in accordance with Articles 42 and 43 of the Regulation

NEW QUESTION # 252

Tanya is the Data Protection Officer for Curtains Inc., a GDPR data controller. She has recommended that the company encrypt all personal data at rest. Which GDPR principle is she following?

- A. Storage Limitation
- B. Accuracy
- C. Lawfulness, fairness and transparency
- **D. Integrity and confidentiality**

Answer: D

Explanation:

Reference <https://www.icaew.com/technical/technology/data/data-protection/data-protection-articles/do-i-have-to-encrypt-personal-data-to-comply-with-dpa-2018>

NEW QUESTION # 253

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