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CIPP/E Certification from IAPP Questions and Answers 100% Correct

Adoption year of the Universal Declaration of Human Rights - ANSWER-1948

Who ratified the Universal Declaration of Human Rights - ANSWER-General Assembly of United Nations

What is Art. 12 of Universal Declaration of Human Rights about - ANSWER-Privacy of family, home & correspondence
Protection of law against inferences to privacy

What is Art. 19 of Universal Declaration of Human Rights about - ANSWER-Freedom of opinion & expression
Any media, regardless of frontiers

Which Art. of Universal Declaration of Human Rights solves conflicts between Art. 12 & Art. 19 - And how. - ANSWER-Art. 29(2) - Individual rights are NOT absolute, such as to protect freedom of others, morality, public order, etc.

Adoption year of the European Convention on Human Rights (ECHR) - ANSWER-Signed in Rome in 1950, in force in 1953

Who ratified the European Convention on Human Rights - ANSWER-Council of Europe (CoE)

How many member states in the Council of Europe - ANSWER-47 member states, mostly in Europe, open to non European states

Why is the European Convention on Human Rights (ECHR) such a powerful instrument - ANSWER-Because of the large scope of fundamental rights and freedom it protects

What is Art. 8 of European Convention on Human Rights (ECHR) about - ANSWER-Right to respect private and family life and correspondence

What is Art. 10 of European Convention on Human Rights (ECHR) about - ANSWER-Freedom of expression

What is the judicial body enforcing the European Convention on Human Rights - ANSWER-The European Court of Human Rights

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q99-Q104):

NEW QUESTION # 99

The origin of privacy as a fundamental human right can be found in which document?

- A. Charter of Fundamental Rights of the European Union 2000.
- **B. Universal Declaration of Human Rights 1948.**
- C. OECD Guidelines on the Protection of Privacy 1980.
- D. European Convention of Human Rights 1953.

Answer: B

Explanation:

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in 1948 as a response to the atrocities of World War II. It is considered the first global expression of human rights and fundamental freedoms. Article 12 of the UDHR states that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

Everyone has the right to the protection of the law against such interference or attacks." This article is the origin of privacy as a fundamental human right that has influenced many subsequent international and regional instruments, such as the European Convention of Human Rights (ECHR), the OECD Guidelines on the Protection of Privacy, and the Charter of Fundamental Rights of the European Union (CFREU). References:

* IAPP CIPP/E Study Guide, page 7

* [Universal Declaration of Human Rights]

* [Article 12 of the UDHR]

NEW QUESTION # 100

SCENARIO

Please use the following to answer the next question:

Anna and Frank both work at Granchester University. Anna is a lawyer responsible for data protection, while Frank is a lecturer in the engineering department. The University maintains a number of types of records:

* Student records, including names, student numbers, home addresses, pre-university information, university attendance and performance records, details of special educational needs and financial information.

* Staff records, including autobiographical materials (such as curricula, professional contact files, student evaluations and other relevant teaching files).

* Alumni records, including birthplaces, years of birth, dates of matriculation and conferrals of degrees.

These records are available to former students after registering through Granchester's Alumni portal.

Department for Education records, showing how certain demographic groups (such as first-generation students) could be expected, on average, to progress. These records do not contain names or identification numbers.

* Under their security policy, the University encrypts all of its personal data records in transit and at rest.

In order to improve his teaching, Frank wants to investigate how his engineering students perform in relation to Department for Education expectations. He has attended one of Anna's data protection training courses and knows that he should use no more personal data than necessary to accomplish his goal. He creates a program that will only export some student data: previous schools attended, grades originally obtained, grades currently obtained and first time university attended. He wants to keep the records at the individual student level. Mindful of Anna's training, Frank runs the student numbers through an algorithm to transform them into different reference numbers. He uses the same algorithm on each occasion so that he can update each record over time.

One of Anna's tasks is to complete the record of processing activities, as required by the GDPR. After receiving her email reminder, as required by the GDPR. After receiving her email reminder, Frank informs Anna about his performance database.

Ann explains to Frank that, as well as minimizing personal data, the University has to check that this new use of existing data is permissible. She also suspects that, under the GDPR, a risk analysis may have to be carried out before the data processing can take

place. Anna arranges to discuss this further with Frank after she has done some additional research. Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted). Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

Anna will find that a risk analysis is NOT necessary in this situation as long as?

- A. The algorithms that Frank uses for the processing are technologically sound
- B. The data subjects gave their unambiguous consent for the original processing
- C. The processing will not negatively affect the rights of the data subjects
- **D. The data subjects are no longer current students of Frank's**

Answer: D

Explanation:

A risk analysis is a process of identifying, assessing and mitigating the potential threats and vulnerabilities that may affect the personal data processing activities of an organization. A risk analysis is not a one-time activity, but a continuous and dynamic process that requires regular monitoring and updating. A risk analysis is also not a substitute for compliance with the GDPR, but a tool to help ensure compliance by identifying and addressing the legal obligations and best practices.

According to the GDPR, an organization must conduct a data protection impact assessment (DPIA) before starting any new or significantly increased processing activity that may pose a high risk to the rights and freedoms of the data subjects. A DPIA is a systematic and documented process that aims to identify, evaluate and mitigate the risks associated with such processing activities. A DPIA must be carried out by or on behalf of the controller (the person or entity that determines the purposes and means of processing) or by another person acting on their behalf.

In this scenario, Frank is conducting a DPIA for his new processing activity of analyzing his students' performance data in relation to Department for Education expectations. This processing activity poses a high risk to the rights and freedoms of his students, as it involves collecting, storing, using and transferring their personal data without their explicit consent or knowledge. Therefore, Frank must conduct a DPIA before starting this processing activity.

However, there are some exceptions to this requirement. One of them is when the processing activity involves personal data that are no longer relevant for the original purpose for which they were collected or otherwise processed. In this case, Frank can use existing personal data without conducting a DPIA, as long as he ensures that they are adequate, relevant and limited to what is necessary for his new purpose.

Therefore, in this situation, Anna will find that a risk analysis is NOT necessary in this situation as long as the data subjects are no longer current students of Frank's. This means that Frank can use his existing student records without conducting a DPIA, as long as he ensures that they are adequate, relevant and limited to what is necessary for his new purpose.

References:

- * Risks and data protection impact assessments (DPIAs) | ICO
- * What Are GDPR Risk Assessments and Why Are They Important?
- * GDPR Compliance Risk Assessment Best Practices | Accountable
- * Why risk assessments are essential for GDPR compliance

NEW QUESTION # 101

Which of the following does NOT have to be included in the records most processors must maintain in relation to their data processing activities?

- **A. Details of any data protection impact assessment conducted in relation to any processing activities carried out by the processor on behalf of each controller for which the processor is acting.**
- B. Categories of processing carried out on behalf of each controller for which the processor is acting.
- C. Details of transfers of personal data to a third country carried out on behalf of each controller for which the processor is acting.
- D. Name and contact details of each controller on behalf of which the processor is acting.

Answer: A

Explanation:

According to the GDPR, processors must maintain records of all categories of processing activities carried out on behalf of each controller, containing the following information¹²:

- * the name and contact details of the processor or processors and of each controller on behalf of which the processor is acting, and, where applicable, of the controller's or the processor's representative, and the data protection officer;
- * the categories of processing carried out on behalf of each controller;

* where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation and, in the case of transfers referred to in the second subparagraph of Article 49(1), the documentation of suitable safeguards;

* where possible, a general description of the technical and organisational security measures referred to in Article 32(1).

The records must be in writing, including in electronic form, and must be made available to the supervisory authority on request. The obligation to maintain records does not apply to an enterprise or an organisation employing fewer than 250 persons unless the processing it carries out is likely to result in a risk to the rights and freedoms of data subjects, the processing is not occasional, or the processing includes special categories of data or personal data relating to criminal convictions and offences.

The GDPR does not require processors to include details of any data protection impact assessment (DPIA) conducted in relation to any processing activities carried out by the processor on behalf of each controller for which the processor is acting. A DPIA is a process to help identify and minimise the data protection risks of a project. It is the responsibility of the controller to carry out a DPIA where a type of processing is likely to result in a high risk to the rights and freedoms of natural persons. The processor may assist the controller in carrying out the DPIA, but the processor does not have to document it in its records of processing activities. Therefore, the correct answer is D. References:

* GDPR, Article 30(2)

* GDPR, Article 35

* ICO, Documentation1

* ICO, Data protection impact assessments1

Reference: <https://gdpr-info.eu/art-30-gdpr/>

NEW QUESTION # 102

If a company is planning to use closed-circuit television (CCTV) on its premises and is concerned with GDPR compliance, it should first do all of the following EXCEPT?

- A. Notify the appropriate data protection authority.
- B. Ensure that safeguards are in place to prevent unauthorized access to the footage.
- C. Perform a data protection impact assessment (DPIA).
- **D. Create an information retention policy for those who operate the system.**

Answer: D

NEW QUESTION # 103

SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third-party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated. Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Based on the scenario, what is the main reason that Brady should be concerned with Hermes Designs' handling of customer personal data?

- A. The data is uncategorized.
- **B. The data is being used for a new purpose.**
- C. The data is sensitive.
- D. The data is being processed via a new means.

Answer: B

Explanation:

According to the GDPR, personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes¹. This means that data controllers must inform data subjects about the purposes of data processing and obtain their consent or rely on another lawful basis for processing. Data controllers must also respect the principle of data minimisation, which means that they should only collect and process personal data that is adequate, relevant and limited to what is necessary for the purposes for which they are processed².

In the scenario, Brady transfers his customers' personal data to Hermes Designs, a third-party contractor, for the purpose of providing web page design services. However, Hermes Designs uses the data for a new purpose, which is creating sample customized banner advertisements and conducting direct marketing to the customers. This new purpose is not compatible with the original purpose for which the data was collected and transferred, and it is not likely that the customers have consented to it or that there is another lawful basis for it. Moreover, Hermes Designs may be processing more personal data than what is necessary for the original purpose, such as the customers' business plans and preferences. Therefore, Brady should be concerned with Hermes Designs' handling of customer personal data, as it may violate the GDPR and expose him to legal risks and reputational damages.

Reference:

1: Art. 5(1)(b) GDPR Principles relating to processing of personal data

2: Art. 5(1) GDPR Principles relating to processing of personal data

NEW QUESTION # 104

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