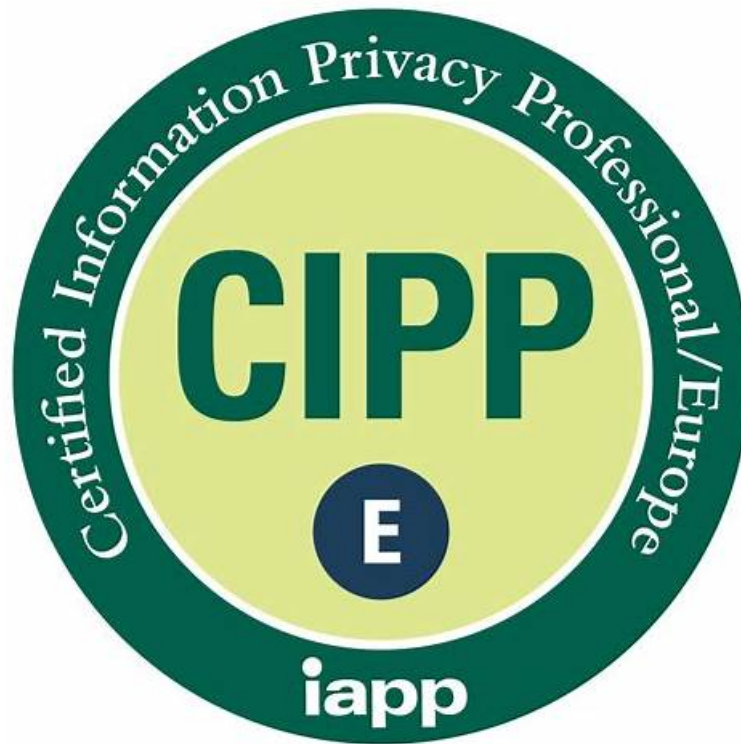


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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample

Questions (Q87-Q92):

NEW QUESTION # 87

What is the consequence if a processor makes an independent decision regarding the purposes and means of processing it carries out on behalf of a controller?

- A. The controller will be required to demonstrate that the unauthorized processing negatively affected one or more of the parties involved
- B. The processor will be liable to pay compensation to affected data subjects
- **C. The processor will be considered to be a controller in respect of the processing concerned**
- D. The controller will be liable to pay an administrative fine

Answer: C

Explanation:

According to the UK GDPR, a processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller¹. A processor must act only on the documented instructions of the controller and must not process the data for its own purposes or in a way that is incompatible with the controller's purposes¹. If a processor makes an independent decision regarding the purposes and means of processing it carries out on behalf of a controller, it will be considered to be a controller in respect of that processing and will be subject to the same obligations and liabilities as a controller under the UK GDPR¹. This means that the processor will have to comply with the data protection principles, ensure the rights of data subjects, implement appropriate technical and organisational measures, report data breaches, conduct data protection impact assessments, appoint a data protection officer if required, and cooperate with the supervisory authority¹. The processor will also be exposed to the risk of administrative fines, compensation claims, and reputational damage¹. Reference: 1

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/controllers-and-processors/controllers-and-processors/what-are-controllers-and-processors/>

NEW QUESTION # 88

A Spanish electricity customer calls her local supplier with Questions: about the company's upcoming merger. Specifically, the customer wants to know the recipients to whom her personal data will be disclosed once the merger is final. According to Article 13 of the GDPR, what must the company do before providing the customer with the requested information?

- **A. Verify that the identity of the customer can be proven by other means.**
- B. Verify that the personal data has not already been sent to the customer.
- C. Verify that the request is applicable to the data collected before the GDPR entered into force.
- D. Verify that the purpose of the request from the customer is in line with the GDPR.

Answer: A

Explanation:

According to Article 13 of the GDPR, the controller (in this case, the electricity supplier) has the obligation to provide the data subject (in this case, the customer) with information about the processing of their personal data, including the recipients or categories of recipients of the personal data, if any. However, before providing such information, the controller must verify the identity of the data subject, to ensure that the information is not disclosed to unauthorized persons. This verification can be done by other means than the personal data already collected, such as asking for additional information, sending a verification code, or using a secure online portal. The other options (A, B, and C) are not relevant for this verification, as they do not relate to the identity of the data subject, but to the scope, purpose, and history of the processing. References:

* Article 13 of the GDPR

* The right to be informed (transparency) (Article 13 & 14 GDPR)

* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) Reference: https://fpf.org/wp-content/uploads/2018/11/GDPR_CCPA_Comparison-Guide.pdf

NEW QUESTION # 89

An organisation receives a request multiple times from a data subject seeking to exercise his rights with respect to his own personal data. Under what condition can the organisation charge the data subject for processing the request?

- **A. Only if the organisation can demonstrate that the request is clearly excessive or misguided.**
- B. Only to the extent this is allowed under the restrictions on data subjects' rights introduced under Art 23 of GDPR.

- C. Only where the administrative costs of taking the action requested exceeds a certain threshold.
- D. Only where the organisation can show that it is reasonable to do so because more than one request was made.

Answer: A

NEW QUESTION # 90

A company is located in a country NOT considered by the European Union (EU) to have an adequate level of data protection. Which of the following is an obligation of the company if it imports personal data from another organization in the European Economic Area (EEA) under standard contractual clauses?

- A. Supply any information requested by a data protection authority (DPA) within 30 days.
- B. Submit the contract to its own government authority.
- C. Ensure that notice is given to and consent is obtained from data subjects.
- **D. Ensure that local laws do not impede the company from meeting its contractual obligations.**

Answer: D

Explanation:

The GDPR allows the transfer of personal data to countries outside of the EEA that do not provide an adequate level of data protection, if appropriate safeguards are provided by the data exporter and the data importer¹. One of these safeguards are standard contractual clauses (SCCs) adopted by the European Commission, which are model clauses that impose obligations on both parties to ensure that the transfer complies with the GDPR requirements². The SCCs also include clauses on the rights of the data subjects, the obligations of the data protection authorities, and the liability and indemnification of the parties³. One of the obligations of the data importer under the SCCs is to warrant that it has no reason to believe that the legislation applicable to it prevents it from fulfilling the instructions received from the data exporter and its obligations under the contract, and that in the event of a change in this legislation which is likely to have a substantial adverse effect on the warranties and obligations provided by the SCCs, it will promptly notify the change to the data exporter as soon as it is aware, in which case the data exporter is entitled to suspend the transfer of data and/or terminate the contract⁴. Therefore, option D is the correct answer, as it reflects the obligation of the data importer under the SCCs to ensure that local laws do not impede the company from meeting its contractual obligations. Options A, B and C are incorrect, as they are not obligations of the data importer under the SCCs. Option A is not required by the GDPR or the SCCs, as the data importer does not need to submit the contract to its own government authority, unless the law of the country where the data importer is established requires it to do so prior to the transfer or disclosure of personal data⁵. Option B is not an obligation of the data importer, but of the data exporter, who must provide the data subjects with the information required by Articles 13 and 14 of the GDPR, including the fact that the data will be transferred to a third country and the appropriate safeguards in place⁶. Option C is not specific to the SCCs, but a general obligation of any controller or processor under the GDPR, who must cooperate with the supervisory authority and make available all information necessary to demonstrate compliance with their obligations⁷. References: 1: Article 46(1) of the GDPR 2: Standard Contractual Clauses (SCC) - European Commission 3: EU Standard Contractual Clauses (Word documents) 4: Clause 5(a) of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 5: Clause 5(b) of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 6: Clause 9 of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 7: Article 31 of the GDPR

NEW QUESTION # 91

What ruling did the Planet 49 CJEU judgment make regarding the issue of pre-ticked boxes?

- A. They are allowed if recorded in the register of processing activities.
- B. They constitute valid consent if the processing is necessary for purposes of legitimate interest
- **C. They do not amount to valid consent under any circumstances.**
- D. They are allowed if determined to be technically necessary.

Answer: C

NEW QUESTION # 92

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