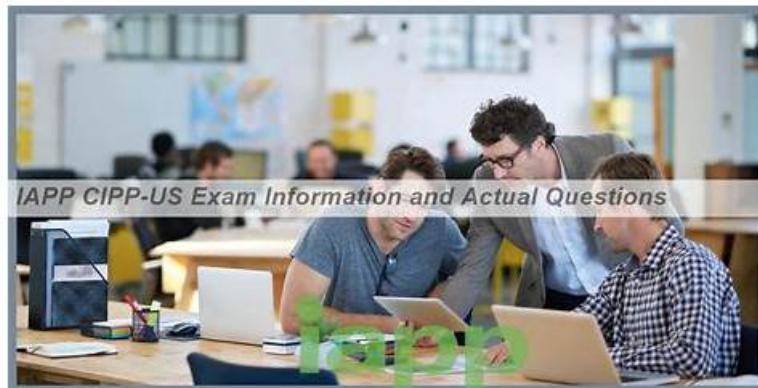


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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q75-Q80):

NEW QUESTION # 75

Which federal agency plays a role in privacy policy, but does NOT have regulatory authority?

- A. The Department of Commerce.
- B. The Federal Communications Commission.
- C. The Office of the Comptroller of the Currency.
- D. The Department of Transportation.

Answer: A

Explanation:

The Department of Commerce (DOC) plays a role in privacy policy by promoting the development and adoption of voluntary codes

of conduct, standards, and best practices for the private sector, as well as facilitating cross-border data transfers through mechanisms such as the EU-U.S. Privacy Shield and the APEC Cross-Border Privacy Rules. However, the DOC does not have regulatory authority to enforce privacy laws or impose sanctions for privacy violations. The other agencies listed have some degree of regulatory authority over privacy issues within their respective domains. For example, the Office of the Comptroller of the Currency (OCC) supervises national banks and federal savings associations and enforces the GLBA privacy and security rules for these institutions. The Federal Communications Commission (FCC) regulates interstate and international communications and enforces the privacy and security rules for telecommunications carriers, broadband providers, and voice over internet protocol (VoIP) services. The Department of Transportation (DOT) oversees the transportation sector and enforces the privacy and security rules for airlines, travel agents, and other covered entities under the Aviation and Transportation Security Act (ATSA). References:
* IAPP CIPP/US Certified Information Privacy Professional Study Guide, Chapter 1: Introduction to the U.S. Privacy Environment, Section 1.3: Federal Agencies with a Role in Privacy, p. 18-19
* IAPP CIPP/US Body of Knowledge, Domain I: Introduction to the U.S. Privacy Environment, Objective I.B: Identify the major federal agencies with a role in privacy, Subobjective I.B.4: Identify the role of the Department of Commerce, p. 7
* IAPP CIPP/US Exam Blueprint, Domain I: Introduction to the U.S. Privacy Environment, Objective I.B: Identify the major federal agencies with a role in privacy, Subobjective I.B.4: Identify the role of the Department of Commerce, p. 3

NEW QUESTION # 76

SCENARIO

Please use the following to answer the next QUESTION:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to." Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

Larry believes that Evan's arrogance also affects the way he treats employees. The U.S. Constitution protects American workers, and Larry believes that the rights of those at SunriseLynx are violated regularly. At first Evan seemed friendly, even connecting with employees on social media. However, following Evan's political posts, it became clear to Larry that employees with similar affiliations were the only ones offered promotions.

Further, Larry occasionally has packages containing personal-use items mailed to work. Several times, these have come to him already opened, even though this name was clearly marked. Larry thinks the opening of personal mail is common at SunriseLynx, and that Fourth Amendment rights are being trampled under Evan's leadership.

Larry has also been dismayed to overhear discussions about his coworker, Sadie. Telemarketing calls are regularly recorded for quality assurance, and although Sadie is always professional during business, her personal conversations sometimes contain sexual comments. This too is something Larry has heard Evan laughing about. When he mentioned this to a coworker, his concern was met with a shrug. It was the coworker's belief that employees agreed to be monitored when they signed on. Although personal devices are left alone, phone calls, emails and browsing histories are all subject to surveillance. In fact, Larry knows of one case in which an employee was fired after an undercover investigation by an outside firm turned up evidence of misconduct. Although the employee may have stolen from the company, Evan could have simply contacted the authorities when he first suspected something amiss.

Larry wants to take action, but is uncertain how to proceed.

Which act would authorize Evan's undercover investigation?

- A. The Fair and Accurate Credit Transactions Act (FACTA)
- B. The Whistleblower Protection Act
- C. The National Labor Relations Act (NLRA)
- D. The Stored Communications Act (SCA)

Answer: D

Explanation:

The Stored Communications Act (SCA) is a federal law that regulates the privacy of electronic communications that are stored by third-party service providers, such as email providers, cloud storage providers, or social media platforms. The SCA prohibits unauthorized access to or disclosure of such communications, unless authorized by law or by the consent of the user or the service provider. The SCA also provides exceptions for certain types of access or disclosure, such as those made for law enforcement purposes, for the protection of the service provider's rights or property, or for the consent of the subscriber or customer. One of the exceptions to the SCA is where the service provider gives consent to the access or disclosure of the stored communications. This means that if a third-party service provider agrees to cooperate with an investigation or a request for information, the access or disclosure is lawful under the SCA. Consent can be express or implied, depending on the circumstances and the terms of service of the provider. For example, if a service provider has a policy that allows it to disclose user information to third parties for legitimate purposes, the provider has impliedly consented to the access or disclosure of the stored communications.

However, if a service provider has a policy that prohibits such disclosure, the provider has not consented to the access or disclosure of the stored communications.

In the scenario, Evan's undercover investigation may have been authorized by the SCA if he obtained the consent of the third-party service provider that stored the electronic communications of the employee who was suspected of misconduct. For instance, if the employee used a company email account or a cloud storage service that had a policy that allowed the service provider to disclose user information to the employer or to law enforcement, Evan may have been able to access or disclose the stored communications with the consent of the service provider. However, if the employee used a personal email account or a cloud storage service that had a policy that protected user privacy and prohibited such disclosure, Evan may have violated the SCA by accessing or disclosing the stored communications without the consent of the service provider.

References: [Stored Communications Act], 18 U.S.C. §§ 2701-2712 : [IAPP CIPP/US Study Guide], Chapter 8, Section 8.2.2. : [The Stored Communications Act: An Old Statute for Modern Problems], pp. 10-11.

NEW QUESTION # 77

Within what time period must a commercial message sender remove a recipient's address once they have asked to stop receiving future e-mail?

- A. 21 days
- B. 7 days
- C. 15 days
- **D. 10 days**

Answer: D

Explanation:

According to the CAN-SPAM Act of 2003, a federal law that regulates commercial email messages, a commercial message sender must honor a recipient's opt-out request within 10 business days. The sender must provide a clear and conspicuous way for the recipient to opt out of receiving future emails, such as a link or an email address. The sender must not charge a fee, require the recipient to provide any personal information, or make the recipient take any steps other than sending a reply email or visiting a single web page to opt out. The sender must also not sell, exchange, or transfer the email address of the recipient who has opted out, unless it is necessary to comply with the law or prevent fraud.

NEW QUESTION # 78

The Cable Communications Policy Act of 1984 requires which activity?

- A. Notice to subscribers of any investigation involving unauthorized reception of cable services
- B. Obtaining subscriber consent for disseminating any personal information necessary to render cable services
- C. Destruction of personal information a maximum of six months after it is no longer needed
- **D. Delivery of an annual notice detailing how subscriber information is to be used**

Answer: D

Explanation:

The Cable Communications Policy Act of 1984 (CCPA) is a federal law that regulates the cable television industry and protects the privacy of cable subscribers. One of the provisions of the CCPA is that cable operators must provide their subscribers with an annual notice that clearly and conspicuously informs them of the following information:

The nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information The nature, frequency, and purpose of any disclosure of such information, including an identification of the types of persons to whom the disclosure may be made The period during which such information will be maintained by the cable operator The times and place at which the subscriber may have access to such information The limitations provided by the CCPA with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under the CCPA to enforce such limitations The annual notice must also state that the subscriber has the right to prevent disclosure of personally identifiable information to third parties, except as required by law or court order, and that the subscriber may sue for damages, attorney's fees, and other relief for violations of the CCPA.

NEW QUESTION # 79

What was unique about the action that the Federal Trade Commission took against B.J.'s Wholesale Club in 2005?

- A. It made user consent mandatory after any revisions of policy.
- B. It was based on matters of fairness rather than deception.
- C. It was the first substantial U.S.-EU Safe Harbor enforcement.
- D. It made third-party audits a penalty for policy violations.

Answer: B

Explanation:

The Federal Trade Commission (FTC) is the primary federal agency that enforces consumer privacy and data security laws in the United States. The FTC has the authority to bring enforcement actions against businesses that engage in unfair or deceptive acts or practices that affect commerce, under Section 5 of the FTC Act. Unfair acts or practices are those that cause or are likely to cause substantial injury to consumers that is not reasonably avoidable by consumers and is not outweighed by countervailing benefits to consumers or competition. Deceptive acts or practices are those that involve a material representation, omission, or practice that is likely to mislead consumers acting reasonably under the circumstances.

The FTC's action against B.J.'s Wholesale Club in 2005 was unique because it was based on matters of fairness rather than deception. The FTC alleged that B.J.'s Wholesale Club, a retailer that operates warehouse stores and gas stations, failed to provide reasonable security for the sensitive information of its customers, such as name, card number, and expiration date, that it collected from the magnetic stripes of credit and debit cards. The FTC claimed that this information was used by unauthorized persons to make millions of dollars of fraudulent purchases. The FTC did not allege that B.J.'s Wholesale Club made any false or misleading statements or omissions about its data security practices, but rather that its failure to take appropriate security measures was an unfair practice that violated Section 5 of the FTC Act. The FTC argued that B.J.'s Wholesale Club's lax security caused or was likely to cause substantial injury to consumers that was not reasonably avoidable by consumers and was not outweighed by any benefits to consumers or competition. The FTC's action against B.J.'s Wholesale Club was one of the first cases in which the FTC used its unfairness authority to address data security issues, and it set a precedent for future enforcement actions against businesses that fail to protect consumer data. The settlement required B.J.'s Wholesale Club to implement a comprehensive information security program and obtain audits by an independent third-party security professional every other year for 20 years.

NEW QUESTION # 80

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