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## IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q72-Q77):

## NEW QUESTION # 72

### SCENARIO

Please use the following to answer the next QUESTION

When there was a data breach involving customer personal and financial information at a large retail store, the company's directors were shocked. However, Roberta, a privacy analyst at the company and a victim of identity theft herself, was not. Prior to the breach, she had been working on a privacy program report for the executives. How the company shared and handled data across its organization was a major concern. There were neither adequate rules about access to customer information nor procedures for purging and destroying outdated data. In her research, Roberta had discovered that even low-level employees had access to all of the company's customer data, including financial records, and that the company still had in its possession obsolete customer data going back to the 1980s.

Her report recommended three main reforms. First, permit access on an as-needs-to-know basis. This would mean restricting employees' access to customer information to data that was relevant to the work performed. Second, create a highly secure database for storing customers' financial information (e.g., credit card and bank account numbers) separate from less sensitive information. Third, identify outdated customer information and then develop a process for securely disposing of it.

When the breach occurred, the company's executives called Roberta to a meeting where she presented the recommendations in her report. She explained that the company having a national customer base meant it would have to ensure that it complied with all relevant state breach notification laws. Thanks to Roberta's guidance, the company was able to notify customers quickly and within the specific timeframes set by state breach notification laws.

Soon after, the executives approved the changes to the privacy program that Roberta recommended in her report. The privacy program is far more effective now because of these changes and, also, because privacy and security are now considered the responsibility of every employee.

Based on the problems with the company's privacy security that Roberta identifies, what is the most likely cause of the breach?

- A. Mishandling of information caused by lack of access controls.
- B. Fraud involving credit card theft at point-of-service terminals.
- C. Lost company property such as a computer or flash drive.
- D. Unintended disclosure of information shared with a third party.

**Answer: A**

## NEW QUESTION # 73

Chanel Hair Studio is a busy high-end hair salon. In an effort to maximize efficiency of its operations and reduce wait times for appointments, Chanel decides to implement artificial intelligence software that will use client profiles and history to predict which clients will likely be late for their appointments. Information used to create the client profile included appointment history, distance from the salon, and any references to being tardy pulled from the client's social media accounts. If a client is predicted to be late, their appointment will be cancelled within 5 minutes.

Based on the details, what is the biggest potential privacy concern related to Chanel's use of this new software?

- A. Assessing client tardiness history with the salon for predictive purposes.
- B. Scanning a client's social media accounts to use in a client profile without notice to the client.
- C. Calculating client profile address distance from the salon to determine location from salon to help predict if the client will be late.
- D. Using client profile information for any purpose other than setting up an appointment.

**Answer: B**

Explanation:

The biggest potential privacy concern related to Chanel's use of this new software is scanning a client's social media accounts to use in a client profile without notice to the client. This could violate the client's reasonable expectation of privacy and consent, as well as the privacy policies of the social media platforms. The client may not be aware that their social media posts are being used for this purpose, and may not have given their permission or opt-in consent for such data collection and processing. This could also expose the client to potential discrimination or harm based on their social media activity, such as losing their appointment or being charged a cancellation fee. Furthermore, this practice could conflict with the Fair Information Practice Principles (FIPPs), such as transparency, purpose specification, and data minimization.

## NEW QUESTION # 74

Which of the following accurately describes the purpose of a particular federal enforcement agency?

- A. The National Institute of Standards and Technology (NIST) has established mandatory privacy standards that can then be

enforced against all for-profit organizations by the Department of Justice (DOJ).

- B. The Cybersecurity and Infrastructure Security Agency (CISA) is authorized to bring civil enforcement actions against organizations whose website or other online service fails to adequately secure personal information.
- C. The Federal Communications Commission (FCC) regulates privacy practices on the internet and enforces violations relating to websites' posted privacy disclosures.
- D. The Federal Trade Commission (FTC) is typically recognized as having the broadest authority under the FTC Act to address unfair or deceptive privacy practices.

**Answer: D**

Explanation:

The FTC is the primary federal agency responsible for enforcing privacy and data security laws in the United States. The FTC has broad jurisdiction over most commercial entities that collect, use, or share personal information from consumers. The FTC Act prohibits unfair or deceptive acts or practices in or affecting commerce, which includes unfair or deceptive privacy practices. The FTC can bring enforcement actions against companies that violate their own privacy policies, fail to provide adequate notice or choice to consumers, engage in unfair or harmful data practices, or breach consumers' reasonable expectations of privacy. The FTC can also issue rules, guidelines, and reports on privacy and data security issues, as well as conduct investigations, workshops, and educational campaigns.

## NEW QUESTION # 75

### SCENARIO

Please use the following to answer the next QUESTION:

Declan has just started a job as a nursing assistant in a radiology department at Woodland Hospital. He has also started a program to become a registered nurse.

Before taking this career path, Declan was vaguely familiar with the Health Insurance Portability and Accountability Act (HIPAA). He now knows that he must help ensure the security of his patients' Protected Health Information (PHI). Therefore, he is thinking carefully about privacy issues.

On the morning of his first day, Declan noticed that the newly hired receptionist handed each patient a HIPAA privacy notice. He wondered if it was necessary to give these privacy notices to returning patients, and if the radiology department could reduce paper waste through a system of one-time distribution.

He was also curious about the hospital's use of a billing company. He questioned whether the hospital was doing all it could to protect the privacy of its patients if the billing company had details about patients' care.

On his first day Declan became familiar with all areas of the hospital's large radiology department. As he was organizing equipment left in the hallway, he overheard a conversation between two hospital administrators. He was surprised to hear that a portable hard drive containing non-encrypted patient information was missing. The administrators expressed relief that the hospital would be able to avoid liability. Declan was surprised, and wondered whether the hospital had plans to properly report what had happened.

Despite Declan's concern about this issue, he was amazed by the hospital's effort to integrate Electronic Health Records (EHRs) into the everyday care of patients. He thought about the potential for streamlining care even more if they were accessible to all medical facilities nationwide.

Declan had many positive interactions with patients. At the end of his first day, he spoke to one patient, John, whose father had just been diagnosed with a degenerative muscular disease. John was about to get blood work done, and he feared that the blood work could reveal a genetic predisposition to the disease that could affect his ability to obtain insurance coverage. Declan told John that he did not think that was possible, but the patient was wheeled away before he could explain why. John plans to ask a colleague about this.

In one month, Declan has a paper due for one of his classes on a health topic of his choice. By then, he will have had many interactions with patients he can use as examples. He will be pleased to give credit to John by name for inspiring him to think more carefully about genetic testing.

Although Declan's day ended with many questions, he was pleased about his new position.

Based on the scenario, what is the most likely way Declan's supervisor would answer his question about the hospital's use of a billing company?

- A. By describing how the billing system is integrated into the hospital's electronic health records (EHR) system
- B. By assuring Declan that third parties are prevented from seeing Private Health Information (PHI)
- C. By suggesting that Declan look at the hospital's publicly posted privacy policy
- D. By pointing out that contracts are in place to help ensure the observance of minimum security standards

**Answer: D**

Explanation:

HIPAA requires covered entities, such as hospitals, to enter into contracts with their business associates, such as billing companies,

that access, use, or disclose protected health information (PHI). These contracts, known as business associate agreements (BAAs), must specify the permitted and required uses and disclosures of PHI by the business associate, as well as the safeguards, reporting and termination procedures that the business associate must follow to protect the privacy and security of PHI. By having these contracts in place, the hospital can ensure that the billing company is complying with HIPAA and observing the minimum security standards required by law. References:

\* HIPAA Rules for Medical Billing - Compliancy Group

\* HIPAA Compliance for Billing Companies: Easy Guide - iFax

### NEW QUESTION # 76

According to FERPA, when can a school disclose records without a student's consent?

- A. If the disclosure is not to be conducted through email to the third party
- B. If the disclosure is to practitioners who are involved in a student's health care
- C. If the disclosure is to provide transcripts to a school where a student intends to enroll
- D. If the disclosure would not reveal a student's student identification number

**Answer: C**

### NEW QUESTION # 77

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