

CIPP-US Hot Spot Questions, CIPP-US Interactive Course

CIPP/US exam study guide questions and answers 2024

What is the responsibility of the executive branch? - answer The executive branch of the government is led by the president and is responsible for carrying out and enforcing the laws created by the legislative branch.

What is personal information according to GAPP? - answer Information that is or can be about or related to an identifiable individual.

What is the scope of the Bank Secrecy Act (BSA)? - answer The BSA applies to "financial institutions," defined broadly to include organizations such as banks, brokerages, jewelers, and even pawnbrokers.

Determining whether a practice unfairly injures consumers requires the use of a three-pronged test that was documented in a 1980 FTC Policy Statement on Unfairness. What are they? - answer -The injury must be substantial.

-The injury must not be outweighed by countervailing benefits to consumers and to competition.

-The injury must not be reasonably avoidable.

What are the seven foundational principles of Privacy by Design? - answer 1. Proactive, not Reactive; 2. Preventive, not Remedial.

3. Privacy as the Default Setting.

4. Privacy Embedded into Design.

5. Full Functionality - Positive-Sum, not Zero-Sum.

5. End-to-End Security - Full Lifecycle Protection.

Visibility and 6. Transparency - Keep It Open.

7. Respect for User Privacy - Keep It User-Centric.

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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q184-Q189):

NEW QUESTION # 184

SCENARIO

Please use the following to answer the next QUESTION:

You are the chief privacy officer at HealthCo, a major hospital in a large U.S. city in state A. HealthCo is a HIPAA-covered entity that provides healthcare services to more than 100,000 patients. A third-party cloud computing service provider, CloudHealth, stores and manages the electronic protected health information (ePHI) of these individuals on behalf of HealthCo. CloudHealth stores the data in state B. As part of HealthCo's business associate agreement (BAA) with CloudHealth, HealthCo requires CloudHealth to implement security measures, including industry standard encryption practices, to adequately protect the data. However, HealthCo did not perform due diligence on CloudHealth before entering the contract, and has not conducted audits of CloudHealth's security measures.

A CloudHealth employee has recently become the victim of a phishing attack. When the employee unintentionally clicked on a link from a suspicious email, the PHI of more than 10,000 HealthCo patients was compromised. It has since been published online. The HealthCo cybersecurity team quickly identifies the perpetrator as a known hacker who has launched similar attacks on other hospitals - ones that exposed the PHI of public figures including celebrities and politicians.

During the course of its investigation, HealthCo discovers that CloudHealth has not encrypted the PHI in accordance with the terms of its contract. In addition, CloudHealth has not provided privacy or security training to its employees. Law enforcement has requested that HealthCo provide its investigative report of the breach and a copy of the PHI of the individuals affected.

A patient affected by the breach then sues HealthCo, claiming that the company did not adequately protect the individual's ePHI, and that he has suffered substantial harm as a result of the exposed data. The patient's attorney has submitted a discovery request for the ePHI exposed in the breach.

What is the most effective kind of training CloudHealth could have given its employees to help prevent this type of data breach?

- A. Training on the terms of the contractual agreement with HealthCo
- **B. Training on techniques for identifying phishing attempts**
- C. Training on the difference between confidential and non-public information
- D. Training on CloudHealth's HR policy regarding the role of employees involved data breaches

Answer: B

Explanation:

Phishing is a form of social engineering that involves sending fraudulent emails or other messages that appear to come from a legitimate source, but are designed to trick recipients into revealing sensitive information, such as passwords, account numbers, or personal identifiers¹. Phishing is one of the most common and effective methods of cyberattacks, and it can lead to data breaches, identity theft, ransomware infections, or other serious consequences². Therefore, training on how to recognize and avoid phishing attempts is crucial for any organization that handles sensitive data, especially ePHI, which is subject to strict regulations under HIPAA³.

Training on techniques for identifying phishing attempts can help employees to spot the signs of a phishing email, such as:

- * Sender's address or domain name that does not match the expected source or contains spelling errors⁴
 - * Generic salutations or impersonal tone that do not address the recipient by name or use proper grammar⁴
 - * Urgent or threatening language that creates a sense of pressure or fear and asks the recipient to take immediate action, such as clicking on a link, opening an attachment, or providing information⁴
 - * Suspicious links or attachments that may contain malware or lead to fake websites that mimic the appearance of a legitimate site, but have a different URL or request login credentials or other data⁴
 - * Requests for sensitive information that are unusual or out of context, such as asking for passwords, account numbers, or personal identifiers that the sender should already have or should not need⁴
- Training on techniques for identifying phishing attempts can also help employees to learn how to respond to a phishing email, such as:
- * Not clicking on any links or opening any attachments in the email⁴
 - * Not replying to the email or providing any information to the sender⁴
 - * Reporting the email to the IT department or security team and deleting it from the inbox⁴
 - * Verifying the legitimacy of the email by contacting the sender directly using a different channel, such as phone or another email address⁴
 - * Updating the antivirus software and scanning the device for any malware infection⁴
- Training on techniques for identifying phishing

attempts is the most effective kind of training that CloudHealth could have given its employees to help prevent this type of data breach, because it would have enabled them to recognize the phishing email that compromised the PHI of more than 10,000 HealthCo patients, and to avoid falling victim to it. Training on the terms of the contractual agreement with HealthCo, the difference between confidential and non-public information, or CloudHealth's HR policy regarding the role of employees involved in data breaches, while important, would not have been as effective in preventing this specific type of data breach, because they would not have addressed the root cause of the breach, which was the phishing email.

References:

- * 1: IAPP, Phishing, <https://iapp.org/resources/glossary/phishing/>
- * 2: SpinOne, The Top 5 Phishing Awareness Training Providers 2023, <https://spinbackup.com/blog/phishing-awareness-training-best-providers/>
- * 3: IAPP, HIPAA, <https://iapp.org/resources/glossary/hipaa/>
- * 4: Expert Insights, The Top 11 Phishing Awareness Training and Simulation Solutions, <https://expertinsights.com/insights/the-top-11-phishing-awareness-training-and-simulation-solutions/>

NEW QUESTION # 185

What are banks required to do under the Gramm-Leach-Bliley Act (GLBA)?

- A. Conduct annual consumer surveys regarding satisfaction with user preferences
- **B. Offer an Opt-Out before transferring PI to an unaffiliated third party for the latter's own use**
- C. Provide consumers with the opportunity to opt out of receiving telemarketing phone calls
- D. Process requests for changes to user preferences within a designated time frame

Answer: B

Explanation:

Explanation/Reference: <https://www.investopedia.com/terms/g/gbla.asp>

NEW QUESTION # 186

Which of the following best describes how federal anti-discrimination laws protect the privacy of private-sector employees in the United States?

- A. They promote a workforce of employees with diverse skills and interests.
- B. They prescribe working environments that are safe and comfortable.
- **C. They limit the types of information that employers can collect about employees.**
- D. They limit the amount of time a potential employee can be interviewed.

Answer: C

Explanation:

Federal anti-discrimination laws, such as Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990, prohibit employers from discriminating against employees or applicants based on certain protected characteristics, such as race, color, religion, sex, national origin, age, disability, and genetic information.

These laws also limit the types of information that employers can collect, use, disclose, or retain about employees or applicants, in order to prevent discrimination or invasion of privacy. For example, employers cannot ask about an applicant's medical history, disability status, genetic information, or religious beliefs, unless they are relevant to the job or a bona fide occupational qualification. Employers also cannot use such information to make adverse employment decisions, such as hiring, firing, promotion, or compensation, unless they are justified by a legitimate business necessity or a reasonable accommodation. Employers must also safeguard the confidentiality of such information and dispose of it properly when it is no longer needed. References:

- * Federal Laws Prohibiting Job Discrimination Questions And Answers
- * Laws Enforced by EEOC
- * Employment and Anti-Discrimination Laws in the Workplace
- * Protections Against Discrimination and Other Prohibited Practices
- * 3. Who is protected from employment discrimination?

NEW QUESTION # 187

Which of the following types of information would an organization generally NOT be required to disclose to law enforcement?

- A. Personal health information under the HIPAA Privacy Rule
- B. Information about workplace injuries under OSHA requirements
- C. Money laundering information under the Bank Secrecy Act of 1970
- D. Information about medication errors under the Food, Drug and Cosmetic Act

Answer: A

Explanation:

The HIPAA Privacy Rule generally prohibits covered entities and business associates from disclosing protected health information (PHI) to law enforcement without the individual's authorization, unless one of the exceptions in 45 CFR § 164.512 applies. These exceptions include disclosures required by law, disclosures for law enforcement purposes, disclosures about victims of abuse, neglect or domestic violence, disclosures for health oversight activities, disclosures for judicial and administrative proceedings, disclosures for research purposes, disclosures to avert a serious threat to health or safety, disclosures for specialized government functions, disclosures for workers' compensation, and disclosures to coroners and medical examiners. None of these exceptions apply to the type of information in option D, which is personal health information that is not related to any of the above purposes. Therefore, an organization would generally not be required to disclose such information to law enforcement under the HIPAA Privacy Rule. References: <https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition/disclosures-third-parties>
<https://bing.com/search?q=information+disclosure+to+law+enforcement>
<https://hipaatrek.com/law-enforcement-hipaa-disclosing-phi/>

NEW QUESTION # 188

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.

Based on the way he uses social media, Evan is susceptible to a lawsuit based on?

- A. Defamation
- B. Intrusion upon seclusion
- C. Publicity given to private life
- D. Discrimination

Answer: D

Explanation:

Discrimination is the unfair or prejudicial treatment of people based on certain characteristics, such as race, gender, age, religion, or political affiliation. Discrimination can occur in various contexts, such as employment, education, housing, or public accommodations. Discrimination can violate federal, state, or local laws that prohibit discrimination on the basis of protected categories. In the scenario, Evan is susceptible to a lawsuit based on discrimination because he uses social media to favor employees who share his political views and deny promotions to those who do not. This could constitute political discrimination, which is prohibited by some state and local laws, such as the District of Columbia Human Rights Act and the New York City Human Rights Law. Additionally, Evan's use of social media could reveal other protected characteristics of his employees, such as their race, gender, age, religion, or

sexual orientation, and expose him to claims of discrimination based on those grounds as well. For example, if Evan posts derogatory comments about a certain race or religion, and then denies a promotion to an employee of that race or religion, that employee could sue Evan for discrimination under federal laws, such as Title VII of the Civil Rights Act of 1964 or the Civil Rights Act of 1991. References:

* Political Discrimination in the Workplace | Nolo

* Social Media and Employment Law Summary of Key Cases and Legal Issues

* IAPP CIPP/US Certified Information Privacy Professional Study Guide, Chapter 4: State Privacy Laws and Regulations, Section 4.1: State Anti-Discrimination Laws.

NEW QUESTION # 189

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