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CIPP/E Questions and Answers

1. Universal Declaration of Human Rights - Passage

ANS 1948

2. Universal Declaration of Human Rights - Article 12

ANS The right to a private life and associated freedoms.

3. Universal Declaration of Human Rights - Article 19

ANS Freedom of expression.

4. Universal Declaration of Human Rights - Article 29(2)

ANS Rights are not absolute and there are instances where a balance must be struck.

5. European Convention on Human Rights

ANS Treaty drawn up by the Council of Europe that protects fundamental rights. Adopted in 1953 and based on the Universal Declaration of Human Rights.

6. European Convention on Human Rights - Enforcement

ANS Enforced by the European Court of Human Rights

7. European Convention on Human Rights - Article 8

ANS Protects rights of individuals

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q308-Q313):

NEW QUESTION # 308

According to the European Data Protection Board, controllers responding to a data subject access request can refuse to provide a copy of personal data under certain conditions. Which of the following is NOT one of these conditions?

- A. If there is such a large amount of data that the controller cannot identify the data subject of the request.
- B. If the data subject access request was sent to an employee that is not involved in the processing of such requests.
- C. If the personal data was processed in the past but is no longer at the controller's disposal at the time of the request.
- **D. If the controller is unable to use end-to-end encrypted emails for responding to such requests.**

Answer: D

Explanation:

The right of access is one of the fundamental rights of data subjects under the GDPR. It allows data subjects to obtain from the controller confirmation as to whether or not personal data concerning them are being processed, and, where that is the case, access to the personal data and certain information about the processing. The controller must provide a copy of the personal data undergoing processing to the data subject, unless the data subject requests otherwise. The right of access is not absolute and may be subject to limitations, restrictions or exceptions, in accordance with the GDPR and the national laws of the member states.

The EDPB has issued draft guidelines on the right of access, which provide more detailed guidance on how to handle data subject access requests and what are the possible grounds for refusing to provide a copy of the personal data. According to the draft guidelines, the controller can refuse to provide a copy of the personal data in the following situations:

If the data subject access request was sent to an employee that is not involved in the processing of such requests. In this case, the controller must inform the data subject of the appropriate contact point for submitting the request and must not consider the request as received until it reaches the designated person or unit. This does not mean that the controller can ignore or delay the request, but rather that the controller must ensure that the request is forwarded to the responsible person or unit as soon as possible.

If there is such a large amount of data that the controller cannot identify the data subject of the request. In this case, the controller can ask the data subject to provide additional information to enable the identification of the data subject, such as a unique identifier, a reference number, a specific time period, a location or a context of the processing. The controller must not ask for more information than is necessary and must not use the information for any other purpose than verifying the identity of the data subject.

If the personal data was processed in the past but is no longer at the controller's disposal at the time of the request. In this case, the controller must inform the data subject that the personal data are no longer available and explain the reasons why the personal data have been erased, anonymised, archived or otherwise disposed of. The controller must also provide the data subject with any relevant information about the retention period, the archiving policy, the anonymisation process or the disposal method of the personal data.

The controller cannot refuse to provide a copy of the personal data in the following situation:

If the controller is unable to use end-to-end encrypted emails for responding to such requests. In this case, the controller must still provide a copy of the personal data to the data subject, but must ensure that the communication is secure and that the personal data are protected from unauthorised or unlawful access, disclosure, alteration or destruction. The controller can use alternative means of communication, such as secure online platforms, password-protected files, encrypted devices or postal mail, depending on the preferences and circumstances of the data subject. The controller must also inform the data subject of the risks involved in the chosen communication method and obtain the data subject's consent before sending the personal data.

Reference:

GDPR, Articles 12, 13, 14, 15, 23 and 34.

EDPB Guidelines 01/2022 on data subject rights - Right of access Version 2, pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

NEW QUESTION # 309

What is true if an employee makes an access request to his employer for any personal data held about him?

- A. The employer must supply all the information held about the employee.
- **B. The employer must supply any information held about an employee unless an exemption applies.**
- C. The employer can decline the request if the information is only held electronically.
- D. The employer can automatically decline the request if it contains personal data about a third person.

Answer: B

Explanation:
Explanation

NEW QUESTION # 310

SCENARIO

Please use the following to answer the next question:

T-Craze, a German-headquartered specialty t-shirt company, was successfully selling to large German metropolitan cities. However, after a recent merger with another German-based company that was selling to a broader European market, T-Craze revamped its marketing efforts to sell to a wider audience. These efforts included a complete redesign of its logo to reflect the recent merger, and improvements to its website meant to capture more information about visitors through the use of cookies.

T-Craze also opened various office locations throughout Europe to help expand its business. While Germany continued to host T-Craze's headquarters and main product-design office, its French affiliate became responsible for all marketing and sales activities. The French affiliate recently procured the services of Right Target, a renowned marketing firm based in the Philippines, to run its latest marketing campaign. After thorough research, Right Target determined that T-Craze is most successful with customers between the ages of 18 and 22. Thus, its first campaign targeted university students in several European capitals, which yielded nearly 40% new customers for T-Craze in one quarter. Right Target also ran subsequent campaigns for T-Craze, though with much less success.

The last two campaigns included a wider demographic group and resulted in countless unsubscribe requests, including a large number in Spain. In fact, the Spanish data protection authority received a complaint from Sofia, a mid-career investment banker. Sofia was upset after receiving a marketing communication even after unsubscribing from such communications from the Right Target on behalf of T-Craze.

Which of the following is T-Craze's lead supervisory authority?

- A. Spain, because that is T-Craze's primary market based on its marketing campaigns.
- B. France, because that is where T-Craze conducts processing of personal information.
- C. T-Craze may choose its lead supervisory authority where any of its affiliates are based, because it has presence in several European countries.
- D. Germany, because that is where T-Craze is headquartered.

Answer: A

NEW QUESTION # 311

Which judicial body makes decisions on actions taken by individuals wishing to enforce their rights under EU law?

- A. European Court of Human Rights
- B. Court of Auditors
- C. Court of Justice of European Union
- D. European Data Protection Board

Answer: C

Explanation:

The Court of Justice of the European Union (CJEU) is the judicial body of the EU that makes decisions on issues of EU law and enforces European decisions either in respect to actions taken by the European Commission against a member state or actions taken by individuals to enforce their rights under EU law. The CJEU consists of two courts: the Court of Justice and the General Court. The CJEU ensures the uniform interpretation and application of EU law across the EU and settles disputes between EU institutions, member states, and individuals.

The other options are not correct, as they are not the judicial bodies that make decisions on actions taken by individuals wishing to enforce their rights under EU law. The Court of Auditors is the EU's independent external auditor that checks the legality and regularity of the EU's revenue and expenditure, and the soundness of its financial management. The European Court of Human Rights (ECHR) is an international court that oversees the European Convention on Human Rights and Fundamental Freedoms of 1950. The ECHR is not linked to the EU institutions, and it covers human rights laws across Europe, including in many non-EU countries. The European Data Protection Board (EDPB) is an independent body that ensures the consistent application of the GDPR and issues opinions on various aspects of data protection, but it does not have judicial authority.

Reference:

Court of Justice of the European Union

Court of Justice of the European Union - International Association of Privacy Professionals Judicial enforcement of EU law |

European Foundation for the Improvement of Living and Working Conditions Competences of the Court of Justice of the European

NEW QUESTION # 312

SCENARIO

Please use the following to answer the next question:

The fitness company Vigotron has recently developed a new app called M-Health, which it wants to market on its website as a free download. Vigotron's marketing manager asks his assistant Emily to create a webpage that describes the app and specifies the terms of use. Emily, who is new at Vigotron, is excited about this task. At her previous job she took a data protection class, and though the details are a little hazy, she recognizes that Vigotron is going to need to obtain user consent for use of the app in some cases. Emily sketches out the following draft, trying to cover as much as possible before sending it to Vigotron's legal department.

Registration Form

Vigotron's new M-Health app makes it easy for you to monitor a variety of health-related activities, including diet, exercise, and sleep patterns. M-Health relies on your smartphone settings (along with other third-party apps you may already have) to collect data about all of these important lifestyle elements, and provide the information necessary for you to enrich your quality of life. (Please click here to read a full description of the services that M-Health provides.) Vigotron values your privacy. The M-Health app allows you to decide which information is stored in it, and which apps can access your data. When your device is locked with a passcode, all of your health and fitness data is encrypted with your passcode. You can back up data stored in the Health app to Vigotron's cloud provider, Stratculous. (Read more about Stratculous here.) Vigotron will never trade, rent or sell personal information gathered from the M-Health app. Furthermore, we will not provide a customer's name, email address or any other information gathered from the app to any third-party without a customer's consent, unless ordered by a court, directed by a subpoena, or to enforce the manufacturer's legal rights or protect its business or property.

We are happy to offer the M-Health app free of charge. If you want to download and use it, we ask that you first complete this registration form. (Please note that use of the M-Health app is restricted to adults aged 16 or older, unless parental consent has been given to minors intending to use it.) First name:

Surname:

Year of birth:

Email:

Physical Address (optional*):

Health status:

*If you are interested in receiving newsletters about our products and services that we think may be of interest to you, please include your physical address. If you decide later that you do not wish to receive these newsletters, you can unsubscribe by sending an email to unsubscribe@vigotron.com or send a letter with your request to the address listed at the bottom of this page.

Terms and Conditions

1. Jurisdiction. [...]
2. Applicable law. [...]
3. Limitation of liability. [...]

Consent

By completing this registration form, you attest that you are at least 16 years of age, and that you consent to the processing of your personal data by Vigotron for the purpose of using the M-Health app. Although you are entitled to opt out of any advertising or marketing, you agree that Vigotron may contact you or provide you with any required notices, agreements, or other information concerning the services by email or other electronic means. You also agree that the Company may send automated emails with alerts regarding any problems with the M-Health app that may affect your well being.

What is one potential problem Vigotron's age policy might encounter under the GDPR?

- A. Organizations must make reasonable efforts to verify parental consent.
- B. Users are only required to be aged 13 or over to be considered adults.
- **C. Age restrictions are more stringent when health data is involved.**
- D. Organizations that tie a service to marketing must seek consent for each purpose.

Answer: C

NEW QUESTION # 313

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