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CIPP/US Practice Questions with correct answers

The U.S. Constitution establishes what three branches of government? Answer ✓✓
Legislative, Executive, Judicial

What establishes the three branches of the U.S. Government? Answer ✓✓ The U.S. Constitution

What is the purpose of the three-branch government design? Answer ✓✓ To provide a separation of powers with a system of check and balances among the branches.

What similarities are found between state and federal government? Answer ✓✓ The three branches are also often found at the state and often the local levels.

What is the legislative branch's make-up? Answer ✓✓ The legislative branch is made up of elected representatives who write and pass laws. It includes the Congress (House and Senate).

What does the legislative branch do? Answer ✓✓ Congress confirms presidential appointees, and can override vetoes.

What are the duties of the executive branch? Answer ✓✓ The executive branch's duties are to enforce and administer the law.

Who makes up the executive branch? Answer ✓✓ The President, Vice President, cabinet, and federal agencies (such as the FTC).

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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q198-Q203):

NEW QUESTION # 198

The Clarifying Lawful Overseas Use of Data (CLOUD) Act is primarily intended to do which of the following?

- A. Establish baseline privacy obligations that US companies must comply with for personal information, even if stored in a foreign country
- B. Codify a treaty with the EU that permits the cross-border transfer of personal information from the EU to the United States in compliance with the General Data Protection Regulation (GDPR).
- C. Update the legal mechanisms through which federal law enforcement may obtain data that service providers maintain in a foreign country
- D. Prohibit foreign companies from using the personal Information of US. citizens without their consent

Answer: C

Explanation:

The Clarifying Lawful Overseas Use of Data (CLOUD) Act, enacted in 2018, updates the legal framework for federal law enforcement to access electronic data held by U.S. service providers, even when the data is stored outside the United States. The act resolves jurisdictional issues that arise in cross-border data requests and facilitates international cooperation for law enforcement purposes.

Key Provisions of the CLOUD Act:

* Data Access for Law Enforcement:

* The CLOUD Act allows U.S. federal law enforcement to compel U.S.-based service providers (e.g., Microsoft, Google) to provide access to data stored abroad using a valid warrant or subpoena, provided the request complies with applicable laws.

* International Data Sharing Agreements:

* The CLOUD Act enables the U.S. to establish bilateral agreements with other countries to streamline access to data for law enforcement purposes. These agreements ensure that U.S. and foreign law enforcement can access data without violating each other's sovereignty or privacy laws.

* Conflict with Foreign Laws:

* The act includes mechanisms for providers to challenge data requests that conflict with the laws of the country where the data is stored, providing safeguards for compliance with foreign privacy laws like the General Data Protection Regulation (GDPR).

Explanation of Options:

* A. Codify a treaty with the EU that permits the cross-border transfer of personal information from the EU to the United States in compliance with the GDPR: This is incorrect. The CLOUD Act is not specific to the EU or GDPR compliance. Instead, it focuses on law enforcement access to data stored abroad.

* B. Update the legal mechanisms through which federal law enforcement may obtain data that service providers maintain in a foreign country: This is correct. The CLOUD Act directly addresses law enforcement's ability to compel data access from U.S. providers, regardless of the data's physical location.

* C. Establish baseline privacy obligations that U.S. companies must comply with for personal information, even if stored in a foreign country: This is incorrect. The CLOUD Act is focused on law enforcement access to data, not privacy obligations for companies.

* D. Prohibit foreign companies from using the personal information of U.S. citizens without their consent: This is incorrect. The CLOUD Act does not regulate foreign companies or impose consent requirements for using personal information.

References from CIPP/US Materials:

* CLOUD Act (18 U.S.C. § 2713): Establishes legal mechanisms for cross-border data access and international agreements.

* IAPP CIPP/US Certification Textbook: Discusses the CLOUD Act's impact on cross-border data requests and its interaction with global privacy laws.

NEW QUESTION # 199

Which legislation provides privacy provisions for the exemption of disclosure of certain biomedical information, securing remote access to view PHI, prohibiting the blocking of information, certificates of confidentiality, and compassionate sharing of mental health or substance abuse information with family or caregivers?

- A. 21st Century Cures Act of 2016
- B. HIPAA Security Rule of 2003
- C. HITECH of 2013
- D. GINA of 2008

Answer: A

Explanation:

The purpose of the 21st Century Cures Act (Cures Act) is to expedite the research process for new medical devices and prescription drugs, quicken the process for drug approval, and reform mental health treatment.

NEW QUESTION # 200

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. 10 days
- C. 15 days
- D. 7 days

Answer: B

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 # 201

A company based in United States receives information about its UK subsidiary's employees in connection with the centralized HR service it provides.

How can the UK company ensure an adequate level of data protection that would allow the restricted data transfer to continue?

- A. By allowing each employee the option to opt-out to the restricted transfer, as it is necessary to send their names in order to book the sales bonuses.
- B. By revising the contract with the United States parent company incorporating EU SCCs, as it continues to be valid for restricted transfers under the UK regime.
- C. By signing up to an approved code of conduct under UK GDPR to demonstrate compliance with its requirements, both for the parent and the subsidiary companies.
- D. By submitting to the ICO a new application for the UK BCRs using the UK BCR application forms, as their existing authorized EU BCRs are not recognized.

Answer: B

Explanation:

The UK company can ensure an adequate level of data protection for the restricted data transfer to the US parent company by using the EU Standard Contractual Clauses (SCCs), which are contractual terms that provide safeguards for personal data transferred from the UK to third countries. The UK GDPR recognizes the validity of the EU SCCs adopted before the end of the Brexit transition period, and allows the UK Information Commissioner's Office (ICO) to issue new SCCs in the future. The other options are not correct because:

* A. Signing up to an approved code of conduct under the UK GDPR is not sufficient to ensure an adequate level of data protection for restricted transfers, as it is not a transfer mechanism on its own.

The UK company would still need to use another appropriate safeguard, such as SCCs or Binding Corporate Rules (BCRs), to transfer personal data to the US parent company.

* C. Submitting a new application for the UK BCRs is not necessary, as the UK GDPR recognizes the existing authorized EU BCRs as valid for restricted transfers from the UK. The UK company can continue to rely on its EU BCRs, as long as they are updated to reflect the UK GDPR requirements and the role of the ICO as the competent supervisory authority.

* D. Allowing each employee the option to opt-out to the restricted transfer is not a valid transfer mechanism under the UK GDPR, as it does not provide adequate safeguards for the personal data of the employees. The UK company would need to obtain the explicit consent of each employee for the restricted transfer, which must be freely given, specific, informed, and unambiguous.

References:

- * UK GDPR, Chapter V, Article 46
- * UK GDPR, Chapter V, Article 47
- * UK GDPR, Chapter V, Article 49
- * ICO guidance on international transfers
- * IAPP CIPP/US Study Guide, Chapter 10, Section 10.3.2

NEW QUESTION # 202

When designing contact tracing apps in relation to COVID-19 or any other diagnosed virus, all of the following privacy measures should be considered EXCEPT?

- **A. Opt-out choice.**
- B. Use limitations.
- C. Data retention.
- D. User confidentiality.

Answer: A

Explanation:

Contact tracing apps are designed to help public health authorities track and contain the spread of COVID-19 or any other diagnosed virus by notifying users who have been in close contact with an infected person.

However, these apps also raise privacy concerns, as they collect and process sensitive personal data, such as health status and location information. Therefore, contact tracing apps should follow the principles of privacy by design and default, which means that they should incorporate privacy measures into their development and operation, and offer the highest level of privacy protection to users.

Some of the privacy measures that should be considered when designing contact tracing apps are:

* Data retention: Contact tracing apps should only retain the personal data they collect for as long as necessary to achieve their public health purpose, and delete or anonymize the data afterwards. Data retention periods should be clearly communicated to users and based on scientific evidence and legal requirements.

* Use limitations: Contact tracing apps should only use the personal data they collect for the specific and legitimate purpose of contact tracing, and not for any other purposes, such as commercial, law enforcement, or surveillance. Use limitations should be enforced by technical and organizational measures, such as encryption, access controls, and audits.

* User confidentiality: Contact tracing apps should protect the confidentiality of users' personal data and identity, and not disclose them to third parties without their consent or legal authorization. User confidentiality should be ensured by technical and organizational measures, such as pseudonymization, aggregation, and data minimization.

Opt-out choice, on the other hand, is not a privacy measure that should be considered when designing contact tracing apps, as it would undermine their effectiveness and public health objective. Contact tracing apps rely on voluntary participation and widespread adoption by users to function properly and achieve their purpose.

Therefore, offering users the option to opt out of the app or certain features, such as data sharing or notifications, would reduce the app's coverage and accuracy, and potentially expose users and others to greater health risks. Instead of opt-out choice, contact tracing apps should provide users with clear and transparent information about how the app works, what data it collects and how it uses it, what benefits and risks it entails, and what rights and controls users have over their data. This way, users can make an informed and voluntary decision to use the app or not, based on their own preferences and values.

References:

- * [IAPP CIPP/US Study Guide], Chapter 2: Privacy by Design and Default, pp. 35-36.
- * [IAPP CIPP/US Body of Knowledge], Section II: Limits on Private-sector Collection and Use of Data, Subsection B: Privacy by Design, pp. 9-10.
- * [IAPP Glossary], Terms: Contact Tracing, Privacy by Design, Privacy by Default.

NEW QUESTION # 203

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