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## **IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q47-Q52):**

### **NEW QUESTION # 47**

Which of the following is NOT a role of works councils?

- A. Determining whether to approve or reject certain decisions of the employer that affect employees.
- **B. Determining whether employees' personal data can be processed or not.**
- C. Determining what changes will affect employee working conditions.
- D. Determining the monetary fines to be levied against employers for data breach violations of employee data.

**Answer: B**

### **NEW QUESTION # 48**

In which case would a controller who has undertaken a DPIA most likely need to consult with a supervisory authority?

- A. Where the DPIA identifies that the processing being proposed collects the sensitive data of EU citizens.
- B. Where the DPIA identifies that personal data needs to be transferred to other countries outside of the EEA.
- C. Where the DPIA identifies risks that will require insurance for protecting its business interests.
- **D. Where the DPIA identifies high risks to individuals' rights and freedoms that the controller can take steps to reduce.**

**Answer: D**

Explanation:

Reference <https://www.dataguidance.com/opinion/eu-how-when-and-why-carrying-out-dpia>

### **NEW QUESTION # 49**

#### **SCENARIO**

Please use the following to answer the next question:

Zandelay Fashion ('Zandelay') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Martin is their recently appointed data protection officer, who oversees the company's compliance with the General Data Protection Regulation (GDPR) and other privacy legislation.

The company offers both male and female clothing lines across all age demographics, including children. In doing so, the company processes large amounts of information about such customers, including preferences and sensitive financial information such as credit card and bank account numbers.

In an aggressive bid to build revenue growth, Jerry, the CEO, tells Martin that the company is launching a new mobile app and loyalty scheme that puts significant emphasis on profiling the company's customers by analyzing their purchases. Martin tells the CEO that: (a) the potential risks of such activities means that Zandelay needs to carry out a data protection impact assessment to assess this new venture and its privacy implications; and (b) where the results of this assessment indicate a high risk in the absence of appropriate protection measures, Zandelay may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

Jerry tells Martin that he is not happy about the prospect of having to directly engage with a supervisory authority and having to disclose details of Zandelay's business plan and associated processing activities.

What would MOST effectively assist Zandelay in conducting their data protection impact assessment?

- A. Information about DPIAs found in Articles 38 through 40 of the GDPR.

- B. Records of processing activities that data controllers are required to maintain.
- C. Data breach documentation that data controllers are required to maintain.
- D. Existing DPIA guides published by local supervisory authorities.

**Answer: D**

Explanation:

A data protection impact assessment (DPIA) is a process to help identify and minimise the data protection risks of a project that involves personal data, especially when using new technologies or processing that is likely to result in a high risk to individuals<sup>1</sup>. The UK GDPR requires data controllers to carry out a DPIA before starting such processing and to consult the supervisory authority if the DPIA indicates a high risk that cannot be mitigated<sup>1</sup>. The UK GDPR also provides some general guidance on the content and methodology of a DPIA, but it does not prescribe a specific format or procedure<sup>1</sup>. Therefore, to effectively assist Zandelay in conducting their DPIA, it would be helpful to refer to existing DPIA guides published by local supervisory authorities, such as the ICO in the UK or the DPC in Ireland<sup>23</sup>. These guides offer more detailed and practical advice on how to conduct a DPIA, what to include in it, how to assess and mitigate the risks, and when to consult the authority<sup>23</sup>. They also provide templates, checklists, examples, and case studies to illustrate the DPIA process<sup>23</sup>. By following these guides, Zandelay can ensure that their DPIA is comprehensive, consistent, and compliant with the UK GDPR and the relevant national laws.

The other options are not as effective as option C, because:

Option A: Information about DPIAs found in Articles 38 through 40 of the UK GDPR is too general and vague to assist Zandelay in conducting their DPIA. These articles only outline the basic requirements and principles of a DPIA, but do not provide any specific guidance on how to conduct one, what to include in it, or how to assess and mitigate the risks<sup>1</sup>. Zandelay would need more detailed and practical advice to effectively perform a DPIA.

Option B: Data breach documentation that data controllers are required to maintain is not relevant to conducting a DPIA. A data breach is a security incident that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data<sup>1</sup>. A data controller must document any data breaches, including the facts, effects, and remedial actions taken, and notify the supervisory authority and the affected individuals without undue delay<sup>1</sup>. However, a data breach is not the same as a data protection risk, which is the potential for adverse effects on individuals as a result of the processing of their personal data<sup>2</sup>. A DPIA is a proactive and preventive measure to identify and minimise the data protection risks of a project, not a reactive and corrective measure to deal with the consequences of a data breach<sup>2</sup>.

Option D: Records of processing activities that data controllers are required to maintain are not sufficient to assist Zandelay in conducting their DPIA. A record of processing activities is a document that contains information about the purposes, categories, recipients, transfers, retention periods, and security measures of the processing of personal data by a data controller or a data processor<sup>1</sup>. A data controller must maintain a record of processing activities under its responsibility and make it available to the supervisory authority upon request<sup>1</sup>. However, a record of processing activities is not the same as a DPIA, which is a more in-depth and systematic analysis of the data protection risks and the measures to address them<sup>2</sup>. A record of processing activities may provide some useful information for a DPIA, such as the nature, scope, context, and purposes of the processing, but it does not cover other aspects, such as the necessity, proportionality, compliance, and impact of the processing<sup>2</sup>.

<https://blog.netwrix.com/2021/02/17/data-protection-impact-assessment/>

<https://ico.org.uk/for-organisations-2/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

**NEW QUESTION # 50**

**SCENARIO**

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third- party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated. Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Based on the scenario, what is the main reason that Brady should be concerned with Hermes Designs' handling of customer personal data?

- A. The data is being used for a new purpose.
- **B. The data is being processed via a new means.**
- C. The data is uncategorized.
- D. The data is sensitive.

**Answer: B**

#### **NEW QUESTION # 51**

A well-known video production company, based in Spain but specializing in documentaries filmed worldwide, has just finished recording several hours of footage featuring senior citizens in the streets of Madrid. Under what condition would the company NOT be required to obtain the consent of everyone whose image they use for their documentary?

- A. If the company limits the footage to data subjects solely of legal age.
- B. If obtaining consent is deemed voluntary by local legislation.
- C. If obtaining consent is deemed to involve disproportionate effort.
- **D. If the company's status as a documentary provider allows it to claim legitimate interest.**

**Answer: D**

Explanation:

According to the GDPR, consent is one of the six lawful bases for processing personal data, but not the only one. The other five are: contract, legal obligation, vital interests, public task and legitimate interests.

Legitimate interests can be invoked by controllers who process personal data for their own benefit or for the benefit of third parties, as long as such processing does not override the rights and freedoms of the data subjects, especially if they are children. The GDPR also recognizes that processing personal data for journalistic purposes or the purposes of academic, artistic or literary expression may be necessary for the exercise of the right to freedom of expression and information, which is a legitimate interest. Therefore, the company may not need to obtain the consent of everyone whose image they use for their documentary, if they can demonstrate that their processing is necessary for the purposes of their journalistic, artistic or literary expression, and that they have taken into account the reasonable expectations of the data subjects and the potential impact on their privacy. The company should also comply with any relevant national laws or codes of conduct that may apply to such processing. References:

\* GDPR, Article 6(1)(a)-(f)

\* GDPR, Recital 47

\* GDPR, Article 85

#### **NEW QUESTION # 52**

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