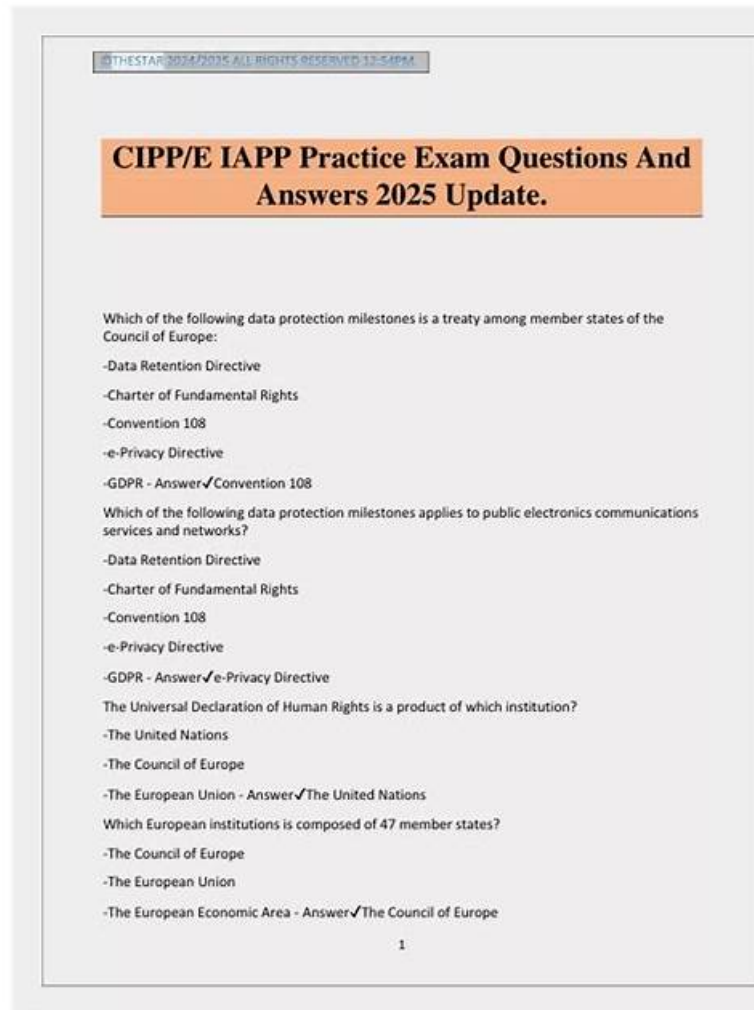


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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q161-Q166):

NEW QUESTION # 161

Which area of privacy is a lead supervisory authority's (LSA) MAIN concern?

- A. Special categories of data
- B. Data subject rights
- C. Data access disputes
- D. Cross-border processing

Answer: D

Explanation:

A lead supervisory authority (LSA) is the main point of contact for organisations that process personal data across multiple EU member states. The LSA is responsible for coordinating cross-border investigations, issuing binding decisions, and enforcing GDPR compliance¹. Cross-border processing is the main concern of the LSA, as it involves data processing activities that affect data subjects in more than one member state, or that take place in more than one member state². The other options are not the main concern of the LSA, as they are either covered by the national supervisory authorities of each member state, or are not specific to cross-border processing. References: Is it possible to choose your lead supervisory authority under the GDPR?, Art. 56 GDPR - Competence of the lead supervisory authority, Navigating GDPR Compliance with a Lead Supervisory Authority, Guidelines 8/2022 on identifying a controller or processor's lead supervisory authority

NEW QUESTION # 162

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.

Emily sends the draft to Sam for review. Which of the following is Sam most likely to point out as the biggest problem with Emily's consent provision?

- A. Direct marketing requires explicit consent, whereas the registration form only provides for a right to object
- B. The provision of the fitness app should be made conditional on the consent to the data processing for direct marketing.
- **C. Processing health data requires explicit consent, but the form does not ask for explicit consent.**
- D. It is not legal to include fields requiring information regarding health status without consent.

Answer: C

NEW QUESTION # 163

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

Answer: D

Explanation:

According to the GDPR, the lead supervisory authority is the supervisory authority with the primary responsibility for dealing with a cross-border processing activity, for example when a data subject makes a complaint about the processing of his or her personal data. The lead supervisory authority is determined according to the location of the main establishment or the single establishment of the controller or processor in the EU. The main establishment is the place where the decisions about the purposes and means of the processing are taken, or where the controller has its central administration in the EU. The single establishment is the only place where the controller or processor is established in the EU. Therefore, in this scenario, T-Craze's lead supervisory authority is Germany, because that is where T-Craze is headquartered and where it has its main product-design office, which implies that the decisions about the processing of personal data are taken there. The other options are not correct, because the location of the processing, the market or the affiliates are not relevant for determining the lead supervisory authority. Reference: Free CIPP/E Study Guide, page 39; CIPP/E Certification, page 19; GDPR, Article 4(16), Article 4(22), Article 56, Recital 36.

NEW QUESTION # 164

SCENARIO

Please use the following to answer the next question:

Financially, it has been a very good year at ARRA Hotels: Their 21 hotels, located in Greece (5), Italy (15) and Spain (1), have registered their most profitable results ever. To celebrate this achievement, ARRA Hotels' Human Resources office, based in ARRA's main Italian establishment, has organized a team event for its 420 employees and their families at its hotel in Spain. Upon arrival at the hotel, each employee and family member is given an electronic wristband at the reception desk. The wristband serves a number of functions:

- . Allows access to the "party zone" of the hotel, and emits a buzz if the user approaches any unauthorized areas
 - . Allows up to three free drinks for each person of legal age, and emits a buzz once this limit has been reached
 - . Grants a unique ID number for participating in the games and contests that have been planned.
- Along with the wristband, each guest receives a QR code that leads to the online privacy notice describing the use of the wristband. The page also contains an unchecked consent checkbox. In the case of employee family members under the age of 16, consent must be given by a parent.

Among the various activities planned for the event, ARRA Hotels' HR office has autonomously set up a photocall area, separate from the main event venue, where employees can come and have their pictures taken in traditional carnival costume.

The photos will be posted on ARRA Hotels' main website for general marketing purposes.

On the night of the event, an employee from one of ARRA's Greek hotels is displeased with the results of the photos in which he appears. He intends to file a complaint with the relevant supervisory authority in regard to the following:

- . The lack of any privacy notice in the separate photocall area
- The unlawful cross-border processing of his personal data
- . The unacceptable aesthetic outcome of his photos

Assuming that there is a cross-border processing of personal data, which of the following criteria would NOT be useful to the lead supervisory authority responsible for the Greek employee's complaint when trying to determine the location of the controller's main establishment?

- A. Where the processor is registered as a company.
- B. Where the controller is registered as a company.
- C. Where the director with responsibility for processing activities is located.
- D. Where decisions about the processing activities are made.

Answer: A

NEW QUESTION # 165

SCENARIO

Please use the following to answer the next question:

Due to rapidly expanding workforce, Company A has decided to outsource its payroll function to Company B. Company B is an established payroll service provider with a sizable client base and a solid reputation in the industry.

Company B's payroll solution for Company A relies on the collection of time and attendance data obtained via a biometric entry system installed in each of Company A's factories. Company B won't hold any biometric data itself, but the related data will be uploaded to Company B's UK servers and used to provide the payroll service. Company B's live systems will contain the following information for each of Company A's employees:

Name

Address

Date of Birth

Payroll number

National Insurance number

Sick pay entitlement

Maternity/paternity pay entitlement

Holiday entitlement

Pension and benefits contributions

Trade union contributions

Jenny is the compliance officer at Company A. She first considers whether Company A needs to carry out a data protection impact assessment in relation to the new time and attendance system, but isn't sure whether or not this is required.

Jenny does know, however, that under the GDPR there must be a formal written agreement requiring Company B to use the time and attendance data only for the purpose of providing the payroll service, and to apply appropriate technical and organizational security measures for safeguarding the data. Jenny suggests that Company B obtain advice from its data protection officer. The company doesn't have a DPO but agrees, in the interest of finalizing the contract, to sign up for the provisions in full. Company A enters into the contract.

Weeks later, while still under contract with Company A, Company B embarks upon a separate project meant to enhance the

functionality of its payroll service, and engages Company C to help. Company C agrees to extract all personal data from Company B's live systems in order to create a new database for Company B.

This database will be stored in a test environment hosted on Company C's U.S. server. The two companies agree not to include any data processing provisions in their services agreement, as data is only being used for IT testing purposes.

Unfortunately, Company C's U.S. server is only protected by an outdated IT security system, and suffers a cyber security incident soon after Company C begins work on the project. As a result, data relating to Company A's employees is visible to anyone visiting Company C's website. Company A is unaware of this until Jenny receives a letter from the supervisory authority in connection with the investigation that ensues. As soon as Jenny is made aware of the breach, she notifies all affected employees.

Under the GDPR, which of Company B's actions would NOT be likely to trigger a potential enforcement action?

- A. Their failure to provide sufficient security safeguards to Company A's data.
- B. Their decision to operate without a data protection officer.
- **C. Their engagement of Company C to improve their payroll service.**
- D. Their omission of data protection provisions in their contract with Company C.

Answer: C

NEW QUESTION # 166

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























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