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A key component of the OECD Guidelines is the 'individual participation principle.' What parts of the GDPR provide the closest equivalent? - **Answer:** Rights granted to data subjects under Articles 12 to 23

Under the GDPR, when processing data for direct marketing activities, data controllers must do which of the following? - **Answer:** Provide info explaining how personal data will be used for marketing purposes

How does the GDPR define processing? - **Answer:** Any operation or set of operations performed on personal data or on sets of personal data

Which of the following is a right/freedom that must be considered when balancing privacy rights under the GDPR? - **Answer:** Freedom of expression

Which of the following is a right/freedom that must be considered when balancing privacy rights under the GDPR? - **Answer:** Freedom to conduct lawful business

Much of the GDPR builds upon the Data Protection Directive. Which of the following data subject rights is the only right that did NOT exist in some form in the Directive? - **Answer:** Right to data portability

Under the right to be forgotten, what is a controller required to do when they receive a proper request for erasure from a data subject? - **Answer:** Inform all third party controllers processing shared personal data that they must delete it

What is one major goal that the OECD Guidelines, Convention 108 and the Data Protection Directive had in common but largely failed to achieve in Europe? - **Answer:** Synchronization of the approaches to data protection

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The CIPP/E Exam covers a range of topics related to data protection laws and regulations in Europe, including the General Data Protection Regulation (GDPR), and provides a comprehensive understanding of the legal principles that govern the collection, use, and disclosure of personal information. CIPP-E Exam is designed to test the knowledge, skills, and abilities of professionals who are responsible for managing and protecting personal data in their organizations, and it is recognized as the gold standard in privacy certification for European privacy professionals.

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Just like the old saying goes, there is no royal road to success, and only those who do not dread the fatiguing climb of gaining its numinous summits. In a similar way, there is no smoothly paved road to the CIPP-E certification. You have to work on it and get started from now. If you want to gain the related certification, it is very necessary that you are bound to spend some time on carefully

preparing for the CIPP-E Exam, including choosing the convenient and practical study materials, sticking to study and keep an optimistic attitude and so on.

IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q207-Q212):

NEW QUESTION # 207

When assessing the level of risk created by a data breach, which of the following would NOT have to be taken into consideration?

- A. The size of any data processor involved.
- B. The special characteristics of the data controller.
- C. The nature, sensitivity and volume of personal data.
- D. The ease of identification of individuals.

Answer: A

Explanation:

When assessing the level of risk created by a data breach, the size of any data processor involved would not have to be taken into consideration. According to the GDPR, a data breach is "a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed" 1. The GDPR requires data controllers and processors to notify the relevant supervisory authority of a data breach within 72 hours, unless the breach is unlikely to result in a risk to the rights and freedoms of natural persons 2. The GDPR also requires data controllers to communicate the data breach to the affected data subjects without undue delay, if the breach is likely to result in a high risk to their rights and freedoms 3.

The GDPR does not specify the exact criteria for determining the level of risk, but it provides some guidance in Recital 85, which states that "the likelihood and severity of the risk to the rights and freedoms of the data subject should be determined by reference to the nature, scope, context and purposes of the processing". The recital also mentions some factors that could increase the risk, such as the ease of identification of individuals, the special categories of personal data, the large scale of the processing, or the special characteristics of the data controller. Therefore, these factors should be taken into consideration when assessing the level of risk created by a data breach.

However, the size of any data processor involved is not relevant for the risk assessment, as it does not affect the impact of the breach on the data subjects. The data processor is only responsible for processing the personal data on behalf of the data controller, and has no direct relationship with the data subjects. The data processor's obligations in case of a data breach are to notify the data controller without undue delay, and to assist the data controller in complying with its obligations under the GDPR. The data processor's size may affect its ability to fulfill these obligations, but it does not change the level of risk created by the data breach itself. Reference: 1: Article 4(12) of the GDPR 2: Article 33 of the GDPR 3: Article 34 of the GDPR : Recital 85 of the GDPR : Article 4(8) of the GDPR : Article 28 of the GDPR I hope this helps. If you have any other questions, please feel free to ask.

NEW QUESTION # 208

SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA.

Today, it is a multi-billion-dollar candy company operating in every continent. All of the company's IT servers are located in Vermont. This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father's company, but is also secretly working on launching a new global online dating website company called Ben Knows Best.

Ben is aware that the Gummy Bear Company has millions of customers and believes that many of them might also be interested in finding their perfect match. For Project Big, Ben redesigns the company's online web portal and requires customers in the European Union and elsewhere to provide additional personal information in order to remain a customer. Project Ben begins collecting data about customers' philosophical beliefs, political opinions and marital status.

If a customer identifies as single, Ben then copies all of that customer's personal data onto a separate database for Ben Knows Best. Ben believes that he is not doing anything wrong, because he explicitly asks each customer to give their consent by requiring them to check a box before accepting their information. As Project Big is an important project, the company also hires a first year college student named Sam, who is studying computer science to help Ben out.

Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend's daughter, Alice, who just graduated from law school in the U.S., to be the company's new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has

drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company's operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company's IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone's information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

Ben's collection of additional data from customers created several potential issues for the company, which would most likely require what?

- A. A data protection impact assessment.
- B. Hiring a data protection officer.
- **C. New corporate governance and code of conduct.**
- D. A comprehensive data inventory.

Answer: C

NEW QUESTION # 209

Which of the following would MOST likely trigger the extraterritorial effect of the GDPR, as specified by Article 3?

- A. The behavior of suspected terrorists being monitored by EU law enforcement bodies.
- **B. Personal data of EU citizens being processed by a controller or processor based outside the EU.**
- C. The behavior of EU citizens outside the EU being monitored by non-EU law enforcement bodies.
- D. Personal data of EU residents being processed by a non-EU business that targets EU customers.

Answer: B

Explanation:

According to Article 3(1) of the GDPR¹, personal data shall be processed in any member state only on the basis of a decision taken at a Union level that is binding for that member state, unless it is derogated from by national law. This means that the GDPR applies to any processing of personal data within the EU, regardless of where the controller or processor is located, as long as it is based on a decision made at a Union level that is binding for that member state.

Therefore, option B would most likely trigger the extraterritorial effect of the GDPR, as it involves personal data of EU citizens being processed by a controller or processor based outside the EU, which may be subject to a decision made at a Union level that is binding for that member state.

Option A would not trigger the extraterritorial effect of the GDPR, as it involves monitoring suspected terrorists, which is not considered processing under Article 4(1) and (2) of the GDPR¹. Monitoring may fall under other legal frameworks, such as national security or counter-terrorism laws.

Option C would not trigger the extraterritorial effect of the GDPR, as it involves monitoring EU citizens outside the EU by non-EU law enforcement bodies, which may not be subject to any decision made at a Union level that is binding for that member state.

Option D would not trigger the extraterritorial effect of the GDPR, as it involves processing personal data of EU residents by a non-EU business that targets EU customers, which may not be subject to any decision made at a Union level that is binding for that member state.

NEW QUESTION # 210

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

Answer: D

Explanation:

While Company B made several mistakes in handling Company A's employee data, not all of them would likely trigger a potential enforcement action under the GDPR. Here's an analysis of each option:

A: Omission of data protection provisions in the contract with Company C: This is a clear violation of the GDPR. Company B, as the data controller, is responsible for ensuring that any third-party processors comply with data protection requirements. By omitting data protection provisions in the contract, Company B failed to take appropriate steps to ensure the security and privacy of the personal data. This would be a likely trigger for an enforcement action.

B: Failure to provide sufficient security safeguards to Company A's data: This is another violation of the GDPR. Company B has a legal obligation to implement appropriate technical and organizational security measures to protect personal data from unauthorized access, use, disclosure, alteration, or destruction. The outdated IT security system at Company C's U.S. server demonstrates a failure to meet this obligation. This would also be a likely trigger for an enforcement action.

C: Engagement of Company C to improve their payroll service: While outsourcing certain aspects of data processing is permitted under the GDPR, the data controller remains ultimately responsible for compliance.

However, simply engaging another company to improve a service itself isn't necessarily a violation. As long as the proper safeguards are in place and the data processing is carried out in accordance with the GDPR, this action alone would not likely trigger an enforcement action.

D: Decision to operate without a data protection officer: The GDPR requires certain organizations to appoint a data protection officer (DPO). While Company B may be required to have a DPO depending on its size and activities, the absence of a DPO wouldn't automatically trigger an enforcement action. However, it could indicate a lack of compliance culture and contribute to other violations, increasing the likelihood of an enforcement action.

Therefore, while Company B made several mistakes, only the ones that directly violate specific data protection requirements, such as omitting data protection provisions in contracts or failing to implement appropriate security measures, are likely to trigger an enforcement action. Engaging a third-party to improve a service, as long as it's done in a compliant manner, isn't a violation in itself.

NEW QUESTION # 211

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

Answer: B

NEW QUESTION # 212

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