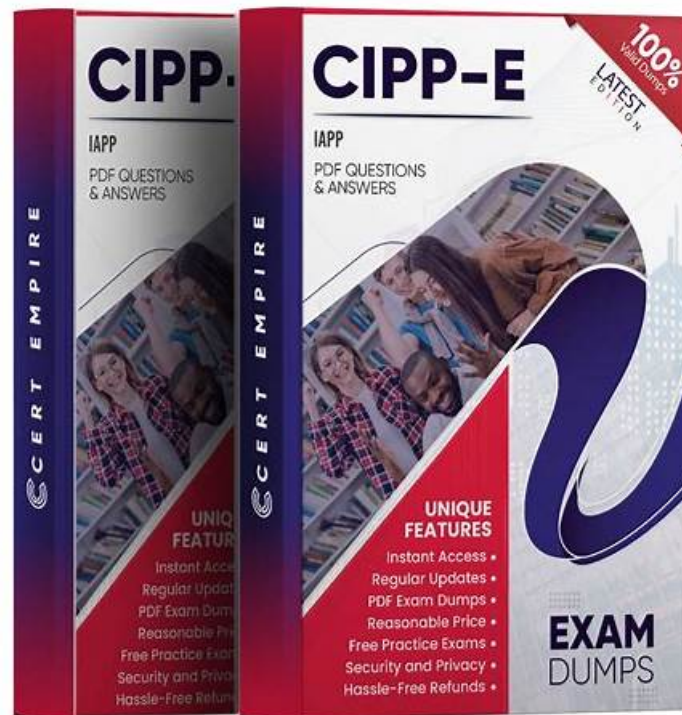


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The Certified Information Privacy Professional/Europe (CIPP/E) certification is an essential credential for individuals who desire to advance their privacy knowledge and expertise. The International Association of Privacy Professionals (IAPP) offers the CIPP/E certification exam to professionals who wish to demonstrate their mastery of the European Union's General Data Protection Regulation (GDPR). Certified Information Privacy Professional/Europe (CIPP/E) certification exam is an excellent way to gain a deep understanding of the GDPR and its implications for businesses operating in Europe.

IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample

Questions (Q43-Q48):

NEW QUESTION # 43

Which of the following would require designating a data protection officer?

- A. The core activities of the controller or processor consist of processing operations that require systematic monitoring of data subjects on a large scale.
- B. Processing is carried out for the purpose of providing for-profit goods or services to individuals in the EU.
- C. The core activities of the controller or processor consist of processing operations of financial information or information relating to children.
- D. Processing is carried out by an organization employing 250 persons or more.

Answer: A

Explanation:

According to Article 37 of the GDPR, the designation of a data protection officer (DPO) is mandatory for controllers and processors in three cases¹:

When the processing is carried out by a public authority or body, except for courts acting in their judicial capacity; When the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or When the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 and personal data relating to criminal convictions and offences referred to in Article 10.

The GDPR does not define what constitutes "regular and systematic monitoring" or "large scale", but the Article 29 Working Party (now replaced by the European Data Protection Board) has provided some guidance on these concepts². According to the guidance, "regular and systematic monitoring" includes all forms of tracking and profiling on the internet, including for the purposes of behavioural advertising, but also offline activities such as CCTV or health data monitoring. The guidance also suggests some criteria to assess whether the processing is carried out on a large scale, such as the number of data subjects concerned, the volume of data or the range of data items processed, the duration or permanence of the processing activity, and the geographical extent of the processing.

In the given scenario, option D is the only one that clearly falls under the second case of mandatory DPO designation, as it implies that the controller or processor is engaged in regular and systematic monitoring of data subjects on a large scale as part of their core activities. This could include, for example, online behavioural advertising, location tracking, loyalty programs, or health data analytics. The other options are not sufficient to trigger the obligation to appoint a DPO, unless they are combined with other factors that indicate a large scale or a high risk of the processing. For instance, option A is not relevant, as the GDPR does not set a threshold based on the size or number of employees of the organisation. Option B is also not decisive, as the GDPR does not distinguish between for-profit or non-profit purposes of the processing. Option C may require a DPO if the processing of financial information or information relating to children is done on a large scale and involves special categories of data, but it is not a general rule.

Reference:

1: Article 37 of the GDPR

2: Guidelines on Data Protection Officers ('DPOs')

3: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

4: https://edpb.europa.eu/sites/edpb/files/files/file1/wp243rev01_en.pdf

5: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

6: https://edpb.europa.eu/sites/edpb/files/files/file1/wp243rev01_en.pdf

7: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

NEW QUESTION # 44

SCENARIO

Please use the following to answer the next question:

Dynaroux Fashion ('Dynaroux') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Ronan 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, Jonas, the CEO, tells Ronan 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. Ronan tells the CEO

that: (a) the potential risks of such activities means that Dynaroux 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, Dynaroux may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

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

Which of the following facts about Dynaroux would trigger a data protection impact assessment under the GDPR?

- A. The company plans to undertake profiling of its customers through analysis of their purchasing patterns.
- B. The company employs approximately 650 people and will therefore be carrying out extensive processing activities.
- C. The company intends to shift their business model to rely more heavily on online shopping.
- D. The company will be undertaking processing activities involving sensitive data categories such as financial and children's data.

Answer: A

NEW QUESTION # 45

An unforeseen power outage results in company Z's lack of access to customer data for six hours. According to article 32 of the GDPR, this is considered a breach. Based on the WP 29's February, 2018 guidance, company Z should do which of the following?

- A. Notify affected individuals that their data was unavailable for a period of time.
- B. Notify the supervisory authority about the loss of availability
- C. Document the loss of availability to demonstrate accountability
- D. Conduct a thorough audit of all security systems

Answer: B

Explanation:

Explanation/Reference: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewihmsidxTqAhXvQUEAHXRaAdYQFjABegQIARAB&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Farticle29%2Fdocument.cfinf%3Fdoc_id%3D49827&usq=AOvVaw2uhYsKyRzJ6lwhQyiMURJF (5)

NEW QUESTION # 46

Under Article 21 of the GDPR, a controller must stop profiling when requested by a data subject, unless it can demonstrate compelling legitimate grounds that override the interests of the individual. In the Guidelines on Automated individual decision-making and Profiling, the WP 29 says the controller needs to do all of the following to demonstrate that it has such legitimate grounds EXCEPT?

- A. Consider the impact of the profiling on the data subject's interest, rights and freedoms.
- B. Consider the importance of the profiling to their particular objective.
- C. Demonstrate that the profiling is for the purposes of direct marketing.
- D. Carry out an exercise that weighs the interests of the controller and the basis for the data subject's objection.

Answer: C

NEW QUESTION # 47

SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, colloquially called We-Track-U, will use an app to collect information about its current Canadian customer base. The

expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

Who-R-U is NOT required to notify the local German DPA about the laptop theft because?

- A. The data isn't considered personally identifiable financial information.
- **B. The company isn't a controller established in the Union.**
- C. There is no evidence that the thieves have accessed the data on the laptop.
- D. The laptop belonged to a company located in Canada.

Answer: B

Explanation:

According to the GDPR, a data breach must be notified to the supervisory authority of the member state where the controller or processor is established, unless the breach is unlikely to result in a risk to the rights and freedoms of natural persons¹. The GDPR defines a controller as "the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data"². The GDPR also specifies that a controller or processor is considered to be established in the Union if it has "an effective and real exercise of activity through stable arrangements" in the Union, regardless of its legal form or location of its headquarters³.

In this scenario, Who-R-U is not a controller established in the Union, because it does not have any stable arrangements in the Union that involve the processing of personal data. The company only offers its services to Canadians, and does not target or monitor individuals in the Union. The fact that it has purchased the naming rights for a building in Germany, which comes with a few offices, does not constitute an effective and real exercise of activity in the Union, as the offices do not include any technology or infrastructure for processing personal data, and are only used by executives while traveling internationally. Therefore, Who-R-U is not subject to the GDPR's data breach notification obligation, and is not required to notify the local German DPA about the laptop theft.

References:

Art. 33 GDPR - Notification of a personal data breach to the supervisory authority Art. 4 GDPR - Definitions Art. 3 GDPR - Territorial scope Guidelines 9/2022 on personal data breach notification under GDPR Guidelines 3/2018 on the territorial scope of the GDPR I hope this helps you understand the GDPR and data breach notification better. If you have any other questions, please feel free to ask me. #

NEW QUESTION # 48

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