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Certification CIPP-E Test Questions | CIPP-E Reliable Study Plan

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q280-Q285):

NEW QUESTION # 280

Which judicial body makes decisions on actions taken by individuals wishing to enforce their rights under EU law?

- A. European Court of Human Rights
- B. Court of Auditors
- C. Court of Justice of European Union
- D. European Data Protection Board

Answer: C

Explanation:

The Court of Justice of the European Union (CJEU) is the judicial body of the EU that makes decisions on issues of EU law and enforces European decisions either in respect to actions taken by the European Commission against a member state or actions taken by individuals to enforce their rights under EU law. The CJEU consists of two courts: the Court of Justice and the General Court. The CJEU ensures the uniform interpretation and application of EU law across the EU and settles disputes between EU institutions, member states, and individuals.

The other options are not correct, as they are not the judicial bodies that make decisions on actions taken by individuals wishing to enforce their rights under EU law. The Court of Auditors is the EU's independent external auditor that checks the legality and regularity of the EU's revenue and expenditure, and the soundness of its financial management. The European Court of Human Rights (ECHR) is an international court that oversees the European Convention on Human Rights and Fundamental Freedoms of 1950. The ECHR is not linked to the EU institutions, and it covers human rights laws across Europe, including in many non-EU countries. The European Data Protection Board (EDPB) is an independent body that ensures the consistent application of the GDPR and issues opinions on various aspects of data protection, but it does not have judicial authority.

Reference:

Court of Justice of the European Union

Court of Justice of the European Union - International Association of Privacy Professionals Judicial enforcement of EU law |

European Foundation for the Improvement of Living and Working Conditions Competences of the Court of Justice of the European Union

NEW QUESTION # 281

In which situation would a data controller most likely be able to justify the processing of the data of a child without parental consent?

- A. When a legitimate business interest makes obtaining consent impractical.
- B. When providing the child with materials purely for educational use.
- C. When providing preventive or counselling services to the child.
- D. When the data is to be processed for market research.

Answer: C

Explanation:

Under the GDPR, the processing of personal data of a child on the basis of consent requires the consent of the holder of parental responsibility over the child, unless the child is at least 16 years old or the applicable national law provides for a lower age (not below 13 years). However, there are some situations where the processing of personal data of a child without parental consent may be justified by other lawful grounds, such as the performance of a contract, the compliance with a legal obligation, the protection of vital interests, the performance of a task carried out in the public interest, or the legitimate interests of the controller or a third party. One of these situations is when the processing is necessary for providing preventive or counselling services to the child, especially in the context of information society services. This is recognised by Recital 38 of the GDPR, which states that:

"Children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection should, in particular, apply to the use of personal data of children for the purposes of marketing or creating personality or user profiles and the collection of personal data with regard to children when using services offered directly to a child. The consent of the holder of parental responsibility should not be necessary in the context of preventive or counselling services offered directly to a child." Therefore, the processing of personal data of a child without parental consent may be lawful if it is necessary for providing preventive or counselling services to the child, such as health, education, social or legal services, that are offered directly to the child and that aim to protect the child's well-being, safety, development or rights. This may include, for example, online counselling platforms, sexual health advice services, anti-bullying or mental health support services, or child protection helplines. In such cases, the controller should ensure that the processing is fair, transparent, proportionate and respectful of the child's best interests, and that appropriate safeguards are in

place to protect the child's personal data and rights.

The other options are not likely to justify the processing of personal data of a child without parental consent, as they do not meet the criteria of necessity, proportionality or legitimacy. The processing of personal data of a child for market research purposes is not necessary for the performance of a contract, the compliance with a legal obligation, the protection of vital interests, the performance of a task carried out in the public interest, or the legitimate interests of the controller or a third party, and may pose significant risks to the child's privacy and autonomy. Therefore, such processing requires the consent of the holder of parental responsibility over the child, unless the child is old enough to give their own consent. The provision of materials purely for educational use to a child may not require the processing of personal data of the child at all, or may only require the processing of minimal personal data, such as the child's name or email address. In such cases, the processing may be based on the consent of the child, if the child is old enough to understand the implications of their consent, or on the legitimate interests of the controller, if the processing is necessary for the provision of the educational materials and does not override the interests or rights of the child. However, the controller should still inform the child and the holder of parental responsibility about the processing and provide them with the opportunity to object or withdraw their consent. The existence of a legitimate business interest does not automatically justify the processing of personal data of a child without parental consent, as the controller must also consider the impact of the processing on the rights and freedoms of the child, and whether the processing is necessary and proportionate for the pursuit of that interest. Moreover, the controller must balance the legitimate business interest against the interests or rights of the child, and ensure that the processing does not cause any harm or disadvantage to the child. If the processing involves the use of personal data of a child for the purposes of marketing or creating personality or user profiles, the controller must obtain the consent of the holder of parental responsibility over the child, unless the child is old enough to give their own consent, as these purposes pose a high risk to the child's privacy and autonomy. Reference: GDPR Article 6, GDPR Article 8, GDPR Recital 38, Children and the UK GDPR | ICO, Guidelines on consent under Regulation 2016/679 - European Data Protection Board

NEW QUESTION # 282

Articles 13 and 14 of the GDPR provide details on the obligation of data controllers to inform data subjects when collecting personal data. However, both articles specify an exemption for situations in which the data subject already has the information. Which other situation would also exempt the data controller from this obligation under Article 14?

- A. When providing the information would go against a police order.
- **B. When providing the information would involve a disproportionate effort**
- C. When the personal data was obtained 5 years before the entry into force of the GDPR
- D. When the personal data was obtained through multiple source in the public domain

Answer: B

Explanation:

According to Article 14 of the GDPR, the data controller must provide the data subject with certain information when collecting personal data from a source other than the data subject¹. However, there are some exceptions to this obligation, such as when the data subject already has the information, or when the provision of such information proves impossible or would involve a disproportionate effort². The latter exception may apply, for example, when the personal data are collected from a large number of sources, or when the personal data are processed for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes³. The data controller must take appropriate measures to protect the data subject's rights and interests, and make the information publicly available². References: 1: Art. 14 GDPR

- Information to be provided where personal data have not been obtained from the data subject²: Article 14(5) (b) of the GDPR³: Recital 62 of the GDPR.

NEW QUESTION # 283

Since blockchain transactions are classified as pseudonymous, are they considered to be within the material scope of the GDPR, or outside of it?

- A. Within the material scope of the GDPR but outside of the territorial scope, because blockchains are decentralized.
- B. Outside the material scope of the GDPR, because transactions are for personal or household purposes.
- **C. Within the material scope of the GDPR to the extent that transactions include data subjects in the European Union.**
- D. Outside the material scope of the GDPR, because transactions do not include personal data about data subjects in the European Union.

Answer: C

Explanation:

According to the GDPR, the material scope of the regulation covers the processing of personal data wholly or partly by automated

means, or by non-automated means if the data forms part of a filing system or is intended to form part of a filing system (Article 2(1)). Personal data is defined as any information relating to an identified or identifiable natural person (data subject) (Article 4(1)). An identifiable natural person is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (Article 4(1)). Therefore, pseudonymous data, such as blockchain transactions that use public keys or other identifiers, may still fall within the definition of personal data if the data subject can be identified or re-identified by using additional information or means (Recital 26).

The GDPR also applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the European Union, regardless of whether the processing takes place in the European Union or not (Article 3(1)). The GDPR also applies to the processing of personal data of data subjects who are in the European Union by a controller or processor not established in the European Union, where the processing activities are related to the offering of goods or services to such data subjects in the European Union or the monitoring of their behaviour as far as their behaviour takes place within the European Union (Article 3(2)). Therefore, the territorial scope of the GDPR covers both controllers and processors established in the European Union, and controllers and processors not established in the European Union but targeting or monitoring data subjects in the European Union.

In this scenario, blockchain transactions are classified as pseudonymous data, which may still be considered as personal data under the GDPR if the data subjects can be identified or re-identified. Therefore, such transactions are within the material scope of the GDPR, as they involve the processing of personal data by automated means. However, the GDPR only applies to such transactions to the extent that they include data subjects in the European Union, either by having a controller or processor established in the European Union, or by offering goods or services to or monitoring the behaviour of such data subjects. Therefore, the answer is C.

NEW QUESTION # 284

According to the AI Act, a provider of a high-risk AI system has all of the following obligations EXCEPT?

- A. Ensuring users understand how the system mitigates bias.
- B. Providing detailed documentation about the system to the users.
- C. Registering the system in the European AI Board's database.
- D. Conducting a conformity assessment before placing the system on the market.

Answer: A

Explanation:

The EU Artificial Intelligence Act (AI Act) introduces strict regulations for high-risk AI systems to ensure safety, fairness, and transparency. These regulations apply to both providers and users of AI systems within the EU and even globally under certain conditions.

Key obligations for providers of high-risk AI systems under the AI Act include:

* Conformity Assessment (Answer Choice D)

* Before placing a high-risk AI system on the market, the provider must conduct a conformity assessment to ensure compliance with EU legal and ethical standards.

* Public Registration of High-Risk AI Systems (Answer Choice B)

* The AI Act requires high-risk AI systems to be registered in an EU-wide database maintained by the European Commission to enhance transparency and oversight.

* Providing Documentation (Answer Choice C)

* Providers must supply detailed technical documentation about the AI system to users, ensuring they understand the system's functionality, risks, and compliance measures.

Why is Answer Choice A incorrect?

The AI Act does not explicitly require providers to ensure users understand how the system mitigates bias. Instead, providers must ensure the quality of training and testing data and implement safeguards to prevent bias, but this does not extend to user education on bias mitigation.

NEW QUESTION # 285

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