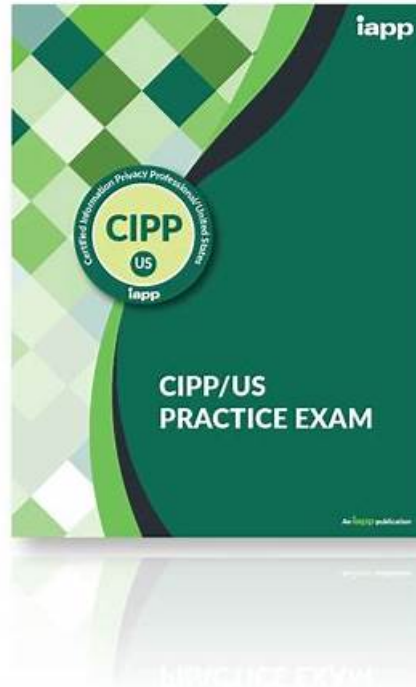


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## IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q127-Q132):

### NEW QUESTION # 127

#### SCENARIO

Please use the following to answer the next QUESTION:

A US-based startup company is selling a new gaming application. One day, the CEO of the company receives an urgent letter from

a prominent EU-based retail partner. Triggered by an unresolved complaint lodged by an EU resident, the letter describes an ongoing investigation by a supervisory authority into the retailer's data handling practices.

The complainant accuses the retailer of improperly disclosing her personal data, without consent, to parties in the United States. Further, the complainant accuses the EU-based retailer of failing to respond to her withdrawal of consent and request for erasure of her personal data. Your organization, the US-based startup company, was never informed of this request for erasure by the EU-based retail partner. The supervisory authority investigating the complaint has threatened the suspension of data flows if the parties involved do not cooperate with the investigation. The letter closes with an urgent request: "Please act immediately by identifying all personal data received from our company." This is an important partnership. Company executives know that its biggest fans come from Western Europe; and this retailer is primarily responsible for the startup's rapid market penetration.

As the Company's data privacy leader, you are sensitive to the criticality of the relationship with the retailer.

Under the GDPR, the complainant's request regarding her personal information is known as what?

- A. Right of Access
- **B. Right to Be Forgotten**
- C. Right of Removal
- D. Right of Rectification

**Answer: B**

Explanation:

Under the GDPR, the complainant's request regarding her personal information is known as the right to be forgotten, also known as the right to erasure. This right allows individuals to ask organizations to delete their personal data in certain circumstances, such as when the data is no longer necessary, the consent is withdrawn, or the processing is unlawful. The right to be forgotten is not absolute and may not apply if the processing is necessary for legal, public interest, or legitimate purposes. The right to be forgotten also requires organizations to inform any recipients of the data about the erasure request, unless it is impossible or involves disproportionate effort. References:

\* Everything you need to know about the "Right to be forgotten"

\* Right to erasure | ICO

\* Art. 17 GDPR - Right to erasure ('right to be forgotten') - General ...

\* [IAPP CIPP/US Certified Information Privacy Professional Study Guide], Chapter 6, page 213.

## NEW QUESTION # 128

Which act violates the Family Educational Rights and Privacy Act of 1974 (FERPA)?

- A. A newspaper prints the names, grade levels, and hometowns of students who made the quarterly honor roll
- **B. A K-12 assessment vendor obtains a student's signed essay about her hometown from her school to use as an exemplar for public release**
- C. A university posts a public student directory that includes names, hometowns, e-mail addresses, and majors
- D. University police provide an arrest report to a student's hometown police, who suspect him of a similar crime

**Answer: B**

Explanation:

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records. FERPA grants parents or eligible students the right to access, amend, and control the disclosure of their education records, with some exceptions. Schools must obtain written consent from the parent or eligible student before disclosing any personally identifiable information from the education records, unless an exception applies<sup>123</sup> Option A violates FERPA because it involves the disclosure of a student's personally identifiable information (PII) from the education records without consent. A student's signed essay about her hometown is considered an education record under FERPA, as it is directly related to the student and maintained by the school<sup>12</sup> A K-

12 assessment vendor is not a school official with a legitimate educational interest, nor does it fall under any of the exceptions that allow disclosure without consent<sup>12</sup> Therefore, the school must obtain the student's (or the parent's, if the student is a minor) written consent before providing the essay to the vendor for public release.

Option B does not violate FERPA because it involves the disclosure of directory information, which is not considered PII under FERPA. Directory information is information that would not generally be considered harmful or an invasion of privacy if disclosed, such as name, address, phone number, e-mail address, major, etc<sup>12</sup> Schools may disclose directory information without consent, unless the parent or eligible student has opted out of such disclosure<sup>12</sup> However, schools must notify parents and eligible students of the types of directory information they designate and their right to opt out annually<sup>12</sup> Option C does not violate FERPA because it involves the disclosure of information that is not part of the education records. FERPA only applies to education records that are directly related to a student and maintained by the school or a party acting for the school<sup>12</sup> A newspaper's publication of the names,

grade levels, and hometowns of students who made the quarterly honor roll is not based on the education records, but on the newspaper's own sources and reporting. Therefore, FERPA does not prohibit such disclosure.

Option D does not violate FERPA because it involves the disclosure of information under an exception that allows disclosure without consent. FERPA permits schools to disclose education records, or PII from education records, without consent to comply with a judicial order or lawfully issued subpoena, or to appropriate officials in connection with a health or safety emergency<sup>123</sup> If the university police provide an arrest report to the student's hometown police in response to a subpoena or to prevent a serious threat to the student or others, they are not violating FERPA.

References: 1: Family Educational Rights and Privacy Act - Wikipedia 2: Family Educational Rights and Privacy Act (FERPA) | CDC 3: What is FERPA? | Protecting Student Privacy - ed

### NEW QUESTION # 129

Which of the following federal agencies does NOT have regulatory authority related to privacy?

- A. Consumer Financial Protection Bureau.
- B. Federal Reserve
- C. U.S. Department of Commerce.
- D. U.S. Department of Transportation.

**Answer: C**

Explanation:

The U.S. Department of Commerce (DOC) is a federal agency that promotes economic growth, trade, and innovation, but does not have regulatory authority related to privacy. The DOC administers several voluntary privacy frameworks, such as the Privacy Shield, the APEC Cross-Border Privacy Rules, and the NIST Privacy Framework, but these are not legally binding or enforceable by the DOC<sup>12</sup>. The DOC also participates in international privacy negotiations and dialogues, but does not have the power to issue rules or regulations on privacy matters<sup>3</sup>.

The other three options are examples of federal agencies that do have regulatory authority related to privacy. The Consumer Financial Protection Bureau (CFPB) is an independent agency that enforces consumer protection laws, such as the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act, and the Dodd-Frank Act, which contain privacy and data security provisions<sup>4</sup>. The U.S. Department of Transportation (DOT) is a federal agency that regulates transportation safety, security, and infrastructure, and has issued privacy rules for airlines, motor carriers, and railroads. The Federal Reserve (FRB) is an independent agency that oversees the nation's monetary policy, banking system, and financial stability, and has issued privacy rules for financial institutions under its jurisdiction. References: 1: Privacy Shield Program Overview | International Trade Administration 2: NIST Privacy Framework | NIST 3: Privacy and Data Security | U.S. Department of Commerce 4: Consumer Financial Protection Bureau - Wikipedia : [Privacy | US Department of Transportation] : [Privacy - Federal Reserve Board]

### NEW QUESTION # 130

What was the primary reason for the creation of HIPAA?

- A. To introduce protected health information security measures.
- B. To increase the efficiency of electronic healthcare payments.
- C. To create a common database within healthcare systems for patient diagnosis and prescription management.
- D. To extend privacy laws to business associates within health care.

**Answer: B**

Explanation:

Although HIPAA contains extensive privacy protection, the law is mainly adopted to increase the efficiency of (electronic) healthcare payments.

### NEW QUESTION # 131

Which of these organizations would be required to provide its customers with an annual privacy notice?

- A. The Golden Gavel Auction House.
- B. The Breezy City Housing Commission.
- C. The King County Savings and Loan.
- D. The Four Winds Tribal College.

**Answer: C**

Explanation:

The annual privacy notice requirement under the Gramm-Leach-Bliley Act (GLBA) applies to financial institutions that collect nonpublic personal information from customers and disclose it to nonaffiliated third parties, unless they qualify for an exception. A financial institution is any entity that engages in activities that are financial in nature or incidental to such activities, as defined by section 4(k) of the Bank Holding Company Act of 1956. The King County Savings and Loan is a financial institution under this definition, as it engages in lending money and accepting deposits. Therefore, it is required to provide its customers with an annual privacy notice, unless it meets the conditions for an exception. The Four Winds Tribal College, the Golden Gavel Auction House, and the Breezy City Housing Commission are not financial institutions under the GLBA, as they do not engage in activities that are financial in nature or incidental to such activities.

Therefore, they are not required to provide their customers with an annual privacy notice under the GLBA. References:

\* Amendment to the Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act, section I.

Background, paragraph 2.

\* 17 CFR § 248.5 - Annual privacy notice to customers required., paragraph (a) (1).

\* IAPP CIPP/US Study Guide, page 65.

## NEW QUESTION # 132

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