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Adoption year of the Universal Declaration of Human Rights - ANSWER-1948

Who ratified the Universal Declaration of Human Rights - ANSWER-General Assembly of United Nations

What is Art. 12 of Universal Declaration of Human Rights about - ANSWER-Privacy of family, home & correspondence  
Protection of law against inferences to privacy

What is Art. 19 of Universal Declaration of Human Rights about - ANSWER-Freedom of opinion & expression  
Any media, regardless of frontiers

Which Art. of Universal Declaration of Human Rights solves conflicts between Art. 12 & Art. 19 - And how, - ANSWER-Art. 29(2) - Individual rights are NOT absolute, such as to protect freedom of others, morality, public order, etc.

Adoption year of the European Convention on Human Rights (ECHR) - ANSWER-Signed in Rome in 1950, in force in 1953

Who ratified the European Convention on Human Rights - ANSWER-Council of Europe (CoE)

How many member states in the Council of Europe - ANSWER-47 member states, mostly in Europe, open to non European states

Why is the European Convention on Human Rights (ECHR) such a powerful instrument - ANSWER-Because of the large scope of fundamental rights and freedom it protects

What is Art. 8 of European Convention on Human Rights (ECHR) about - ANSWER-Right to respect private and family life and correspondence

What is Art. 10 of European Convention on Human Rights (ECHR) about - ANSWER-Freedom of expression

What is the judicial body enforcing the European Convention on Human Rights - ANSWER-The European Court of Human Rights

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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q260-Q265):

### NEW QUESTION # 260

If a multi-national company wanted to conduct background checks on all current and potential employees, including those based in Europe, what key provision would the company have to follow?

- A. Background checks on European employees will stem from data protection and employment law, which can vary between member states.
- B. Background checks are only authorized with prior notice and express consent from all employees including those based in Europe.
- C. Background checks may not be allowed on European employees, but the company can create lists based on its legitimate interests, identifying individuals who are ineligible for employment.
- D. Background checks on employees could be performed only under prior notice to all employees.

### Answer: A

Explanation:

The GDPR does not explicitly regulate background checks, but it does apply to the processing of personal data that may be obtained or used during such checks. Therefore, the company must comply with the GDPR principles, such as lawfulness, fairness, transparency, data minimization, purpose limitation, accuracy, storage limitation, integrity and confidentiality, and accountability. The company must also identify a lawful basis for processing personal data, such as legal obligation, legitimate interest, or consent, and respect the data subject rights, such as the right to information, access, rectification, erasure, restriction, objection, and portability. Moreover, the company must be aware of the specific rules and restrictions regarding the processing of special categories of data (such as biometric, health, or political data) and data relating to criminal convictions and offences, which are subject to Article 10 of the GDPR and the laws of each member state. The company must also consider the national employment laws and the guidelines of the relevant supervisory authorities, which may impose additional conditions or limitations on the scope, methods, and purposes of background checks. For example, some member states may require prior authorization, notification, or consultation with the supervisory authority, the data subject, or the works council before conducting background checks. Some member states may also prohibit or restrict certain types of background checks, such as social media screening, credit checks, or criminal record checks, unless they are necessary, proportionate, and relevant for the specific job position or sector. Therefore, the company must conduct a thorough assessment of the legal framework and the risks and benefits of background checks in each member state where it operates or recruits employees, and ensure that it has a clear and consistent policy and procedure for conducting background checks in a GDPR-compliant manner. References: How to 'background check' under the GDPR, How to perform GDPR compliant background checks, GDPR and the processing of criminal conviction data across Europe, Pre-employment vetting: Data protection and criminal records, How GDPR Affects Background Checking Reference: <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>

### NEW QUESTION # 261

Under Article 9 of the GDPR, which of the following categories of data is NOT expressly prohibited from data processing?

- A. Personal data revealing trade union membership.
- B. Personal data revealing ethnic origin.
- C. Personal data revealing genetic data.
- D. Personal data revealing financial data.

### Answer: D

### NEW QUESTION # 262

Company X has entrusted the processing of their payroll data to Provider

Y. Provider Y stores this encrypted data on its server. The IT department of Provider Y finds out that someone managed to hack into the system and take a copy of the data from its server. In this scenario, whom does Provider Y have the obligation to notify?

- A. Law enforcement

- B. The public
- C. Company X
- D. The supervisory authority

**Answer: A**

### NEW QUESTION # 263

#### SCENARIO

Please use the following to answer the next question:

TripBliss Inc. is a travel service company which has lost substantial revenue over the last few years. Their new manager, Oliver, suspects that this is partly due to the company's outdated website. After doing some research, he meets with a sales representative from the up-and-coming IT company Techiva, hoping that they can design a new, cutting-edge website for TripBliss Inc.'s foundering business.

During negotiations, a Techiva representative describes a plan for gathering more customer information through detailed Questionnaires, which could be used to tailor their preferences to specific travel destinations. TripBliss Inc. can choose any number of data categories - age, income, ethnicity - that would help them best accomplish their goals. Oliver loves this idea, but would also like to have some way of gauging how successful this approach is, especially since the Questionnaires will require customers to provide explicit consent to having their data collected. The Techiva representative suggests that they also run a program to analyze the new website's traffic, in order to get a better understanding of how customers are using it. He explains his plan to place a number of cookies on customer devices. The cookies will allow the company to collect IP addresses and other information, such as the sites from which the customers came, how much time they spend on the TripBliss Inc. website, and which pages on the site they visit. All of this information will be compiled in log files, which Techiva will analyze by means of a special program. TripBliss Inc. would receive aggregate statistics to help them evaluate the website's effectiveness. Oliver enthusiastically engages Techiva for these services.

Techiva assigns the analytics portion of the project to longtime account manager Leon Santos. As is standard practice, Leon is given administrator rights to TripBliss Inc.'s website, and can authorize access to the log files gathered from it. Unfortunately for TripBliss Inc., however, Leon is taking on this new project at a time when his dissatisfaction with Techiva is at a high point. In order to take revenge for what he feels has been unfair treatment at the hands of the company, Leon asks his friend Fred, a hobby hacker, for help. Together they come up with the following plan: Fred will hack into Techiva's system and copy their log files onto a USB stick. Despite his initial intention to send the USB to the press and to the data protection authority in order to denounce Techiva, Leon experiences a crisis of conscience and ends up reconsidering his plan. He decides instead to securely wipe all the data from the USB stick and inform his manager that the company's system of access control must be reconsidered.

If TripBliss Inc. decides not to report the incident to the supervisory authority, what would be their BEST defense?

- A. The resulting obligation to notify data subjects would involve disproportionate effort.
- B. The incident resulted from the actions of a third-party that were beyond their control.
- **C. The destruction of the stolen data makes any risk to the affected data subjects unlikely.**
- D. The sensitivity of the categories of data involved in the incident was not substantial enough.

**Answer: C**

Explanation:

According to the GDPR, data controllers must report personal data breaches to the supervisory authority without undue delay and, where feasible, not later than 72 hours after having become aware of it (Art 33 of GDPR). However, the notification is not required if the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons (Art 33(1) of GDPR). In this case, TripBliss Inc. could argue that the stolen data was securely erased by Leon before it could be disclosed to anyone else, and therefore the risk of harm to the data subjects was minimal. TripBliss Inc. would have to provide evidence of the secure deletion of the data and the absence of any copies or backups. Alternatively, TripBliss Inc. could also invoke the exception of disproportionate effort to avoid notifying the data subjects directly, but only if they have made a public communication or similar measure to inform them in an equally effective manner (Art 34(3)(b) of GDPR). The other options are not valid defenses, as they do not affect the likelihood of risk to the data subjects. The incident was not caused by a third-party, but by an employee of Techiva, who was acting as a data processor on behalf of TripBliss Inc. As the data controller, TripBliss Inc. is responsible for ensuring that the data processor provides sufficient guarantees to implement appropriate technical and organisational measures to comply with the GDPR (Art 28 of GDPR). The sensitivity of the data categories is not relevant for the notification obligation, as any personal data breach could pose a risk to the data subjects, depending on the circumstances. The GDPR does not provide a threshold for the sensitivity of the data, but rather requires a case-by-case assessment of the potential impact of the breach. Reference:

GDPR, Art 33, Art 34, Art 28

Free CIPP/E Study Guide, p. 15

European Data Protection Law & Practice, p. 123-124

Personal data breach notification under the GDPR

## NEW QUESTION # 264

What is the consequence if a processor makes an independent decision regarding the purposes and means of processing it carries out on behalf of a controller?

- A. The processor will be liable to pay compensation to affected data subjects
- B. The processor will be considered to be a controller in respect of the processing concerned
- C. The controller will be required to demonstrate that the unauthorized processing negatively affected one or more of the parties involved
- D. The controller will be liable to pay an administrative fine

**Answer: A**

Explanation:

Reference <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/controllers-and-processors/>

## NEW QUESTION # 265

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