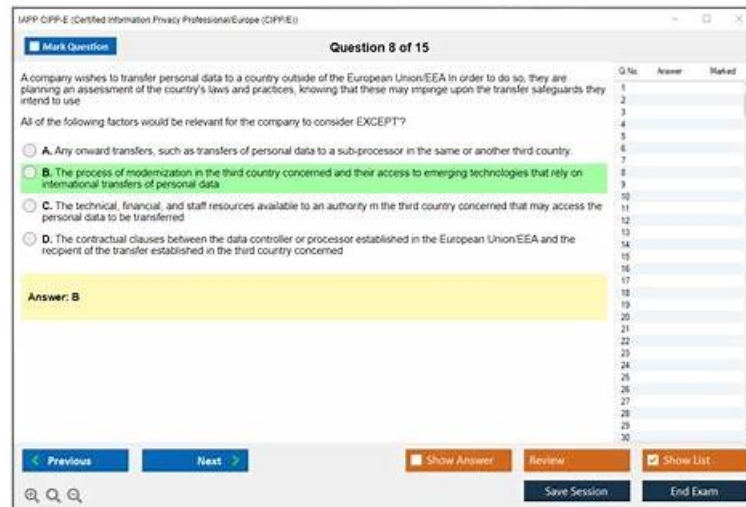


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The CIPP/E certification is an excellent way for privacy professionals to demonstrate their knowledge and expertise in European data protection laws and regulations. It is also a valuable credential for individuals who work with personal data on a daily basis, such as data protection officers, privacy consultants, and lawyers. By earning the CIPP/E certification, individuals can enhance their professional credibility, increase their earning potential, and gain a competitive advantage in the job market.

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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q34-Q39):

### NEW QUESTION # 34

A company in France suffers a robbery over the weekend owing to a faulty alarm system. When it is determined that the break-in involves the loss of a substantial amount of data, the company decides on a CCTV system to monitor for future incidents. Company technicians install cameras in the entrance of the building, hallways and offices. Footage is recorded continuously, and is monitored by the home office in the United States. What is the most realistic step the company could take to address their security concerns

and comply with the personal data processing principles set out in Article 5 of the GDPR?

- A. Seek informed consent from company employees.
- B. Retain captured footage for no more than 30 days.
- C. Have cameras recording during work hours only.
- **D. Restrict camera placement to building entrances only.**

**Answer: D**

Explanation:

According to Article 5 of the GDPR, personal data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')<sup>1</sup>. The company's decision to install cameras in the entrance of the building, hallways and offices may violate this principle, as it may expose the personal data of the employees and visitors to unnecessary risks, such as hacking, misuse or disclosure. Moreover, the company must also comply with the other principles of data processing, such as lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy and storage limitation<sup>1</sup>. The company must have a legitimate and specific purpose for installing the cameras, and must inform the data subjects about the processing of their personal data. The company must also ensure that the cameras collect only the minimum amount of data necessary for the purpose, and that the data are accurate and kept for no longer than necessary. The company must also respect the rights and freedoms of the data subjects, and provide them with the means to exercise their rights, such as the right to access, rectify, erase, restrict, object or port<sup>2</sup>.

The most realistic step the company could take to address their security concerns and comply with the personal data processing principles set out in Article 5 of the GDPR is to restrict the camera placement to building entrances only. This would limit the scope and impact of the data processing, and reduce the risks to the personal data of the employees and visitors. The company would still need to inform the data subjects about the processing, and ensure that the footage is securely stored and transferred, especially if it is monitored by the home office in the United States, which is a third country that may not offer adequate protection for personal data<sup>3</sup>. The company would also need to consider the possibility of obtaining the consent of the data subjects, or relying on another legal basis for the processing, such as the legitimate interests of the company or the performance of a contract<sup>4</sup>. Reference:

Article 5 of the GDPR

[Article 12-23 of the GDPR]

[Article 44-50 of the GDPR]

[Article 6 of the GDPR]

### NEW QUESTION # 35

How does the GDPR now define "processing"?

- **A. Any operation or set of operations performed on personal data or on sets of personal data.**
- B. Any use or disclosure of personal data compatible with the purpose for which the data was collected.
- C. Any act involving the collecting and recording of personal data.
- D. Any operation or set of operations performed by automated means on personal data or on sets of personal data.

**Answer: A**

Explanation:

The GDPR defines processing as "any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction" (Article 4(2)). This is a broad definition that covers almost any activity involving personal data, regardless of the method or means used. The GDPR also specifies that processing should be lawful, fair and transparent, and should respect the principles of data protection by design and by default (Article 5). References: CIPP/E Certification - International Association of Privacy Professionals, Free CIPP/E Study Guide - International Association of Privacy Professionals, [GDPR - EUR-Lex] I hope this helps. If you have any other questions, please let me know. # Reference: <https://gdpr-info.eu/issues/processing/>

### NEW QUESTION # 36

#### SCENARIO

Please use the following to answer the next question:

Liem, an online retailer known for its environmentally friendly shoes, has recently expanded its presence in Europe. Anxious to achieve market dominance, Liem teamed up with another eco friendly company, EcoMick, which sells accessories like belts and

bags. Together the companies drew up a series of marketing campaigns designed to highlight the environmental and economic benefits of their products. After months of planning, Liem and EcoMick entered into a data sharing agreement to use the same marketing database, MarketIQ, to send the campaigns to their respective contacts.

Liem and EcoMick also entered into a data processing agreement with MarketIQ, the terms of which included processing personal data only upon Liem and EcoMick's instructions, and making available to them all information necessary to demonstrate compliance with GDPR obligations.

Liem and EcoMick then procured the services of a company called JaphSoft, a marketing optimization firm that uses machine learning to help companies run successful campaigns. Clients provide JaphSoft with the personal data of individuals they would like to be targeted in each campaign. To ensure protection of its clients' data, JaphSoft implements the technical and organizational measures it deems appropriate. JaphSoft works to continually improve its machine learning models by analyzing the data it receives from its clients to determine the most successful components of a successful campaign. JaphSoft then uses such models in providing services to its client-base. Since the models improve only over a period of time as more information is collected, JaphSoft does not have a deletion process for the data it receives from clients. However, to ensure compliance with data privacy rules, JaphSoft pseudonymizes the personal data by removing identifying information from the contact information. JaphSoft's engineers, however, maintain all contact information in the same database as the identifying information.

Under its agreement with Liem and EcoMick, JaphSoft received access to MarketIQ, which included contact information as well as prior purchase history for such contacts, to create campaigns that would result in the most views of the two companies' websites. A prior Liem customer, Ms. Iman, received a marketing campaign from JaphSoft regarding Liem's as well as EcoMick's latest products. While Ms. Iman recalls checking a box to receive information in the future regarding Liem's products, she has never shopped EcoMick, nor provided her personal data to that company.

Which of the following BEST describes the relationship between Liem, EcoMick and JaphSoft?

- A. JaphSoft is the sole processor because it processes personal data on behalf of its clients.
- **B. Liem and EcoMick are joint controllers because they carry out joint marketing activities.**
- C. EcoMick and JaphSoft are a controller and Liem is a processor because EcoMick is sharing its marketing data with Liem for contacts in Europe.
- D. Liem is a controller and EcoMick is a processor because Liem provides specific instructions regarding how the marketing campaigns should be rolled out.

**Answer: B**

Explanation:

According to the UK GDPR, consent means "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her" 1. One of the requirements for consent to be informed is that the data subject should be aware of the identity of the controller who is processing the personal data 2. In this scenario, Ms. Iman only gave consent to Liem to process her personal data for marketing purposes, but she was not informed that JaphSoft, a third-party controller, would also access and process her personal data. Therefore, her consent was not valid in regard to JaphSoft, as she did not know who was processing her personal data and for what purposes. Reference:

UK GDPR Article 4 (11)

UK GDPR Recital 42

### NEW QUESTION # 37

What must a data controller do in order to make personal data pseudonymous?

- **A. Separately hold any information that would allow linking the data to the data subject.**
- B. Remove all indirect data identifiers and dispose of them securely.
- C. Use the data only in aggregated form for research purposes.
- D. Encrypt the data in order to prevent any unauthorized access or modification.

**Answer: A**

### NEW QUESTION # 38

Data retention in the EU was underpinned by a legal framework established by the Data Retention Directive (2006/24/EC). Why is the Directive no longer part of EU law?

- **A. The Directive was annulled by the Court of Justice of the European Union.**
- B. The Directive was superseded by the EU Directive on Privacy and Electronic Communications.
- C. The Directive was annulled by the European Court of Human Rights.

- D. The Directive was superseded by the General Data Protection Regulation.

**Answer: A**

Explanation:

The Data Retention Directive (2006/24/EC) was a legal framework that required Member States to ensure that providers of publicly available electronic communications services or of public communications networks retained certain data for a period of between six months and two years, for the purpose of the prevention, investigation, detection and prosecution of serious crime<sup>1</sup>. However, on 8 April 2014, the Court of Justice of the European Union (CJEU) declared the Directive invalid, as it entailed a wide-ranging and particularly serious interference with the fundamental rights to respect for private life and to the protection of personal data, without limiting the access of the competent national authorities to the data retained to what was strictly necessary<sup>2</sup>. The CJEU also found that the Directive did not provide sufficient safeguards to ensure effective protection of the data against the risk of abuse and against any unlawful access and use of the data<sup>2</sup>. Therefore, the Directive is no longer part of EU law.

Reference:

Directive 2006/24/EC of the European Parliament and of the Council

Court of Justice of the European Union PRESS RELEASE No 54/14

I hope this helps you understand the GDPR and data retention better. If you have any other questions, please feel free to ask me.

## NEW QUESTION # 39

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