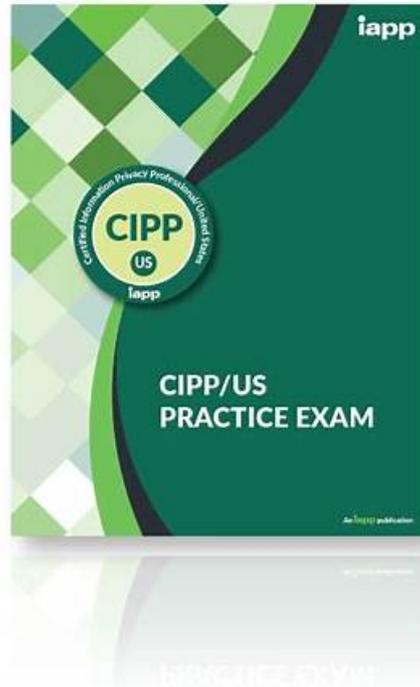


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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q59-Q64):

NEW QUESTION # 59

Which law provides employee benefits, but often mandates the collection of medical information?

- A. The Employee Medical Security Act.
- B. The Family and Medical Leave Act.
- **C. The Americans with Disabilities Act.**
- D. The Occupational Safety and Health Act.

Answer: C

NEW QUESTION # 60

Why was the Privacy Protection Act of 1980 drafted?

- A. To respond to police searches of newspaper facilities
- B. To protect individuals from personal privacy invasion by the police
- C. To assist in the prosecution of white-collar crimes
- **D. To assist prosecutors in civil litigation against newspaper companies**

Answer: D

Explanation:

The Privacy Protection Act of 1980 (PPA) is a federal law that protects journalists and newsrooms from search and seizure by government officials in connection with criminal investigations or prosecutions. The PPA prohibits the government from searching for or seizing any work product materials or documentary materials possessed by a person who intends to disseminate them to the public through a newspaper, book, broadcast, or other similar form of public communication, unless certain exceptions apply. The PPA was drafted in response to the Supreme Court's decision in *Zurcher v. Stanford Daily*, which upheld the constitutionality of a police search of a student newspaper's office without a subpoena, based on probable cause that the newspaper had evidence of a crime. The PPA was intended to protect the First Amendment rights of the press and the privacy interests of journalists and their sources from unreasonable government intrusion.

NEW QUESTION # 61

The use of cookies on a website by a service provider is generally not deemed a 'sale' of personal information by CCPA, as long as which of the following conditions is met?

- **A. The information collected by the service provider is necessary to perform debugging and the business and service provider have entered into an appropriate agreement.**
- B. The service provider retains personal information obtained in the course of providing the services specified in the agreement with the subcontractors.
- C. The analytics cookies placed by the service provider are capable of being tracked but cannot be linked to a particular consumer of that business.
- D. The third party stores personal information to trigger a response to a consumer's request to exercise their right to opt in.

Answer: A

Explanation:

The California Consumer Privacy Act (CCPA) defines a 'sale' of personal information as any transfer or disclosure of personal information to another business or third party for monetary or other valuable consideration. However, the CCPA also provides some exceptions to this definition, such as:

* If the consumer has directed the business to intentionally disclose the personal information or use the personal information to interact with a third party, provided the third party does not also sell the personal information.

* If the business transfers the personal information to a service provider that is contractually prohibited from retaining, using, or

disclosing the personal information for any purpose other than performing the services specified in the contract with the business.

* If the business transfers the personal information to a third party as part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, provided the information is used or shared consistently with the CCPA.

The use of cookies on a website by a service provider is generally not deemed a sale of personal information by the CCPA, as long as the information collected by the service provider is necessary to perform the services specified in the contract with the business, and the service provider does not further collect, sell, or use the personal information of the consumer except as necessary to perform the business purpose. One of the examples of a valid business purpose is to perform debugging to identify and repair errors that impair existing intended functionality.

Therefore, option D is the correct answer, as it describes a scenario where the use of cookies by a service provider is not a sale of personal information under the CCPA, assuming the service provider complies with the contractual obligations and does not further use or disclose the information.

Option A is incorrect, as it does not describe a valid exception to the definition of a sale. The third party that stores personal information to trigger a response to a consumer's request to opt in is not acting as a service provider, but as a separate entity that may have its own interest in the personal information. The consumer's request to opt in does not necessarily imply that the consumer has directed the business to disclose the personal information to the third party.

Option B is incorrect, as it does not describe a valid exception to the definition of a sale. The analytics cookies placed by the service provider may still constitute a sale of personal information, even if they cannot be linked to a particular consumer of that business. The CCPA defines personal information broadly to include any information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Therefore, the analytics cookies may still fall within the scope of personal information, and their use by the service provider may still be a sale, unless one of the exceptions applies.

Option C is incorrect, as it does not describe a valid exception to the definition of a sale. The service provider that retains personal information obtained in the course of providing the services specified in the agreement with the subcontractors is not acting as a service provider to the business, but as a separate entity that may have its own interest in the personal information. The agreement with the subcontractors does not necessarily imply that the business has authorized the service provider to retain, use, or disclose the personal information for any purpose other than performing the services specified in the contract with the business.

References:

* [IAPP CIPP/US Study Guide], Chapter 10: California Consumer Privacy Act, pp. 223-226.

* CIPP/US Practice Questions (Sample Questions), Question 30.

NEW QUESTION # 62

Which entities must comply with the Telemarketing Sales Rule?

- A. Nonprofit organizations calling on their own behalf
- B. For-profit and not-for-profit organizations when selling additional services to establish customers
- **C. For-profit organizations and for-profit telefundraisers regarding charitable solicitations**
- D. For-profit organizations calling businesses when a binding contract exists between them

Answer: C

Explanation:

Some types of businesses are not covered by the TSR even though they conduct telemarketing campaigns that may involve some interstate telephone calls to sell goods or services. These three types of entities are not subject to the FTC's jurisdiction, and are not covered by the TSR:

1. banks, federal credit unions, and federal savings and loans.
2. common carriers - such as long-distance telephone companies and airlines - when they are engaging in common carrier activity.
3. NON-PROFIT ORGANIZATIONS - those entities that are not organized to carry on business for their own, or their members', profit.

<https://www.ftc.gov/business-guidance/resources/complying-telemarketing-sales-rule#comply>

NEW QUESTION # 63

Which of the following state laws has an entity exemption for organizations subject to the Gramm- Leach-Bliley Act (GLBA)?

- A. California Consumer Privacy Act.
- B. Virginia Consumer Data Protection Act
- **C. California Privacy Rights Act.**
- D. Nevada Privacy Law.

Answer: C

Explanation:

The Virginia Consumer Data Protection Act (VCDPA) is a state law that provides comprehensive privacy rights and obligations for consumers and businesses in Virginia. The VCDPA applies to any entity that conducts business in Virginia or produces products or services that are targeted to residents of Virginia and that either: (a) controls or processes personal data of at least 100,000 consumers; or (b) controls or processes personal data of at least 25,000 consumers and derives over 50% of gross revenue from the sale of personal data. However, the VCDPA also provides several exemptions for certain types of entities and data, including an entity exemption for financial institutions or data subject to the Gramm-Leach-Bliley Act (GLBA). This means that organizations that are regulated by the GLBA are not subject to the VCDPA, regardless of the type or source of data they collect or process. The GLBA is a federal law that regulates the collection, use, and disclosure of personal financial information by financial institutions and their affiliates. The GLBA applies to any business that is significantly engaged in financial activities, such as banks, credit unions, securities firms, insurance companies, and certain fintech companies. The GLBA requires financial institutions to provide notice and choice to consumers about their privacy practices, to safeguard the security and confidentiality of consumer information, and to limit the sharing of consumer information with third parties. The GLBA also preempts state laws only to the extent that they are inconsistent with the GLBA, unless the state law provides greater protection to consumers. The other state laws listed in the question do not have an entity exemption for organizations subject to the GLBA, but they may have partial or data exemptions for certain types of information that are regulated by the GLBA. For example, the California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA) are state laws that provide comprehensive privacy rights and obligations for consumers and businesses in California. The CCPA and the CPRA apply to any business that collects or sells the personal information of California residents and that meets one or more of the following thresholds: (a) has annual gross revenues in excess of \$25 million; (b) alone or in combination, annually buys, receives for the business's commercial purposes, sells, or shares for commercial purposes, the personal information of 50,000 or more consumers, households, or devices; or (c) derives 50% or more of its annual revenues from selling consumers' personal information. However, the CCPA and the CPRA also provide several exemptions for certain types of entities and data, including a data exemption for personal information collected, processed, sold, or disclosed pursuant to the GLBA, if it is in conflict with the GLBA. This means that information that is subject to the GLBA is exempt from the privacy requirements of the CCPA and the CPRA, but not from the data breach liability provisions. The CCPA and the CPRA do not exempt financial institutions or other entities that are regulated by the GLBA from their scope, unless they only collect or process information that is subject to the GLBA.

The Nevada Privacy Law is a state law that provides privacy rights and obligations for consumers and operators of websites or online services in Nevada. The Nevada Privacy Law applies to any person who owns or operates an Internet website or online service for commercial purposes that collects and maintains covered information from consumers who reside in Nevada and use or visit the Internet website or online service. Covered information includes any one or more of the following items of personally identifiable information about a consumer collected by an operator through an Internet website or online service and maintained by the operator in an accessible form: (a) a first and last name; (b) a home or other physical address which includes the name of a street and the name of a city or town; (c) an electronic mail address; (d) a telephone number; (e) a social security number; (f) an identifier that allows a specific person to be contacted either physically or online; or (g) any other information concerning a person collected from the person through the Internet website or online service of the operator and maintained by the operator in combination with an identifier in a form that makes the information personally identifiable.

However, the Nevada Privacy Law also provides several exemptions for certain types of entities and data, including a data exemption for any data that is subject to the GLBA. This means that information that is regulated by the GLBA is exempt from the Nevada Privacy Law, regardless of the type or source of data. The Nevada Privacy Law does not exempt financial institutions or other entities that are subject to the GLBA from its scope, unless they only collect or process information that is subject to the GLBA.

NEW QUESTION # 64

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