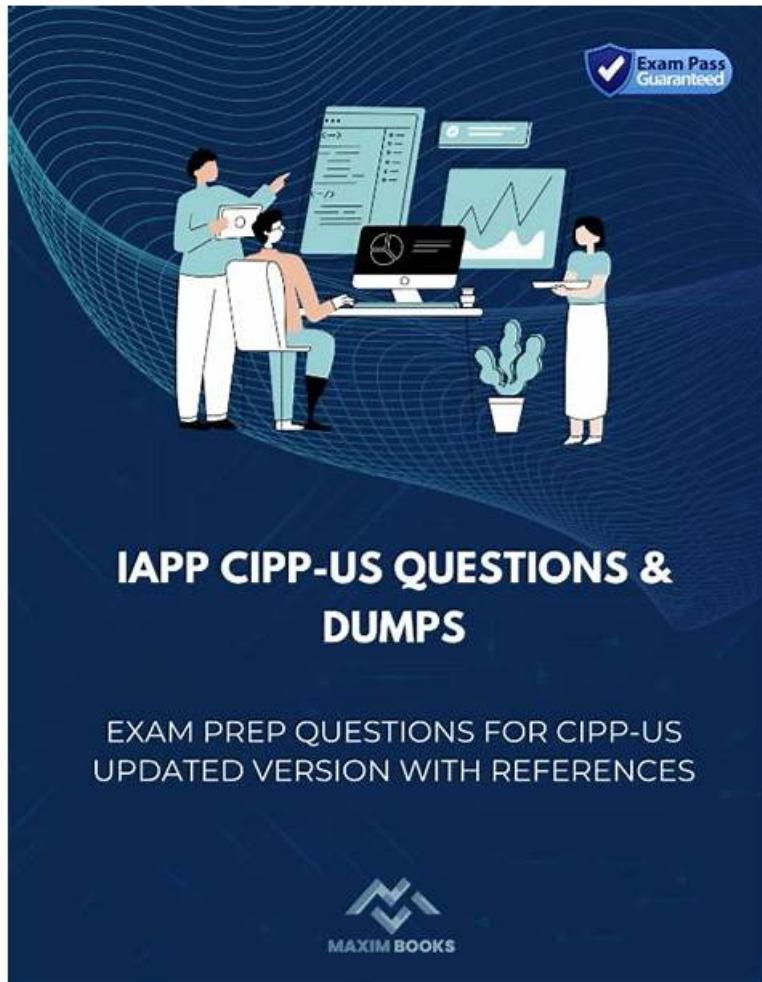


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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q126-Q131):

NEW QUESTION # 126

SCENARIO

Please use the following to answer the next QUESTION:

Declan has just started a job as a nursing assistant in a radiology department at Woodland Hospital. He has also started a program to become a registered nurse.

Before taking this career path, Declan was vaguely familiar with the Health Insurance Portability and Accountability Act (HIPAA). He now knows that he must help ensure the security of his patients' Protected Health Information (PHI). Therefore, he is thinking carefully about privacy issues.

On the morning of his first day, Declan noticed that the newly hired receptionist handed each patient a HIPAA privacy notice. He wondered if it was necessary to give these privacy notices to returning patients, and if the radiology department could reduce paper waste through a system of one-time distribution.

He was also curious about the hospital's use of a billing company. He questioned whether the hospital was doing all it could to protect the privacy of its patients if the billing company had details about patients' care.

On his first day Declan became familiar with all areas of the hospital's large radiology department. As he was organizing equipment left in the hallway, he overheard a conversation between two hospital administrators. He was surprised to hear that a portable hard drive containing non-encrypted patient information was missing. The administrators expressed relief that the hospital would be able to avoid liability. Declan was surprised, and wondered whether the hospital had plans to properly report what had happened.

Despite Declan's concern about this issue, he was amazed by the hospital's effort to integrate Electronic Health Records (EHRs) into the everyday care of patients. He thought about the potential for streamlining care even more if they were accessible to all medical facilities nationwide.

Declan had many positive interactions with patients. At the end of his first day, he spoke to one patient, John, whose father had just been diagnosed with a degenerative muscular disease. John was about to get blood work done, and he feared that the blood work could reveal a genetic predisposition to the disease that could affect his ability to obtain insurance coverage. Declan told John that he did not think that was possible, but the patient was wheeled away before he could explain why. John plans to ask a colleague about this.

In one month, Declan has a paper due for one of his classes on a health topic of his choice. By then, he will have had many interactions with patients he can use as examples. He will be pleased to give credit to John by name for inspiring him to think more carefully about genetic testing.

Although Declan's day ended with many questions, he was pleased about his new position.

What is the most likely way that Declan might directly violate the Health Insurance Portability and Accountability Act (HIPAA)?

- A. By following through with his plans for his upcoming paper
- B. By speaking to a patient without prior authorization
- C. By being present when patients are checking in
- D. By ignoring the conversation about a potential breach

Answer: A

Explanation:

Declan might directly violate the HIPAA Privacy Rule by using John's name and personal health information (PHI) in his paper without his written authorization. The Privacy Rule protects the confidentiality of PHI that is created, received, maintained, or transmitted by a covered entity or its business associate. PHI includes any information that relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual¹. Declan, as a nursing assistant, is part of the covered entity's workforce and must comply with the Privacy Rule. He cannot disclose John's PHI to anyone, including his classmates or instructors, without John's authorization or a valid exception under the Privacy Rule. Even if he does not use John's full name, he may still reveal enough information to make John identifiable, such as his diagnosis, his father's condition, or his location. This would be an impermissible use and disclosure of PHI, and a potential HIPAA violation. Declan should either obtain John's written authorization to use his PHI in his paper, or de-identify the information according to the Privacy Rule's standards². References:

- * Summary of the HIPAA Privacy Rule
- * Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule

NEW QUESTION # 127

One of the most significant elements of Senate Bill No. 260 relating to Internet privacy is the introduction of what term into Nevada law?

- A. Artificial Intelligence.
- B. Data Ethics
- C. Transfer Mechanism
- D. Data Brokers

Answer: D

Explanation:

One of the most significant changes introduced by Nevada Senate Bill 260 (SB 260) is the inclusion of the term "Data Brokers" into Nevada privacy law. The bill requires data brokers to register with the Nevada Secretary of State and comply with new privacy requirements, such as responding to consumer opt-out requests. This addition aligns Nevada's privacy framework more closely with laws like Vermont's data broker law.

Key Provisions of SB 260:

* Definition of Data Brokers:

* A data broker is defined as a company that collects, sells, or licenses consumer data and does not have a direct relationship with the consumer.

* Registration Requirements:

* Data brokers must register annually with the Nevada Secretary of State.

* Consumer Rights:

* Consumers are granted the right to opt out of the sale of their personal information, extending the scope of Nevada's existing privacy law.

Explanation of Options:

* A. Data Ethics: While data ethics is an important concept, it is not introduced as a specific term under SB 260.

* B. Data Brokers: This is correct. The inclusion of data brokers as a regulated entity is the primary addition introduced by SB 260.

* C. Artificial Intelligence: SB 260 does not address artificial intelligence directly.

* D. Transfer Mechanism: SB 260 focuses on regulating data brokers, not cross-border data transfer mechanisms.

References from CIPP/US Materials:

* Nevada Senate Bill 260 (SB 260): Introduces data broker registration and opt-out rights.

* IAPP CIPP/US Certification Textbook: Discusses state-specific privacy laws, including Nevada's privacy framework.

NEW QUESTION # 128

Which of the following is commonly required for an entity to be subject to breach notification requirements under most state laws?

- A. The entity must have employees in the state
- B. The entity must be registered in the state
- C. The entity must be an information broker
- D. The entity must conduct business in the state

Answer: D

Explanation:

Most state laws require that a person or business that conducts business in the state and owns or licenses personal information of residents of that state must notify those residents of any breach of the security of the system involving their personal information. This means that the entity does not have to be physically located in the state, have employees in the state, or be registered in the state to be subject to the breach notification requirements, as long as it conducts business in the state and holds personal information of state residents.

Conducting business in the state can be interpreted broadly to include any transaction or activity that involves the state or its residents, such as selling goods or services, collecting payments, or maintaining a website accessible by state residents. The other options (B, C, and D) are not commonly required by most state laws, although some states may have additional or specific requirements for certain types of entities, such as information brokers, health care providers, or financial institutions. References:

* Security Breach Notification Chart | Perkins Coie

* Security Breach Notification Laws - National Conference of State Legislatures

* IAPP CIPP/US Certified Information Privacy Professional Study Guide, Chapter 4: State Privacy Laws and Regulations, Section 4.2: State Security Breach Notification Laws.

NEW QUESTION # 129

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 university posts a public student directory that includes names, hometowns, e-mail addresses, and majors
- **C. 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**
- D. University police provide an arrest report to a student's hometown police, who suspect him of a similar crime

Answer: C

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.

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. 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. 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. Schools may disclose directory information without consent, unless the parent or eligible student has opted out of such disclosure. However, schools must notify parents and eligible students of the types of directory information they designate and their right to opt out annually.

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. 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. 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.

NEW QUESTION # 130

In a case of civil litigation, what might a defendant who is being sued for distributing an employee's private information face?

- A. Probation.
- **B. An injunction.**
- C. Criminal fines.

- D. A jail sentence.

Answer: B

Explanation:

An injunction is a court order that requires a party to stop or refrain from doing something. In a case of civil litigation, a defendant who is being sued for distributing an employee's private information might face an injunction that prohibits them from further disclosing or using the employee's private information. An injunction is a form of equitable relief that aims to prevent or remedy harm that cannot be adequately compensated by monetary damages. Probation, criminal fines, and jail sentences are forms of criminal sanctions that are not applicable in civil litigation, unless the defendant is also charged with a criminal offense related to the distribution of the employee's private information. References: Standing issues in U.S. privacy class actions, US Private-Sector Privacy (CIPP/US Exam Prep), IAPP CIPP/US

NEW QUESTION # 131

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