

CIPP-E Musterprüfungsfragen - CIPP-E Testfragen

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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) CIPP-E Prüfungsfragen mit Lösungen (Q114-Q119):

114. Frage

Articles 13 and 14 of the GDPR provide details on the obligation of data controllers to inform data subjects when collecting personal data. However, both articles specify an exemption for situations in which the data subject already has the information. Which other situation would also exempt the data controller from this obligation under Article 14?

- A. When the personal data was obtained through multiple source in the public domain
- B. When providing the information would go against a police order.
- C. When the personal data was obtained 5 years before the entry into force of the GDPR
- **D. When providing the information would involve a disproportionate effort**

Antwort: D

Begründung:

According to Article 14 of the GDPR, the data controller must provide the data subject with certain information when collecting personal data from a source other than the data subject¹. However, there are some exceptions to this obligation, such as when the data subject already has the information, or when the provision of such information proves impossible or would involve a disproportionate effort². The latter exception may apply, for example, when the personal data are collected from a large number of sources, or when the personal data are processed for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes³. The data controller must take appropriate measures to protect the data subject's rights and interests, and make the information publicly available². References: 1: Art. 14 GDPR

- Information to be provided where personal data have not been obtained from the data subject²: Article 14(5) (b) of the GDPR³: Recital 62 of the GDPR.

115. Frage

Article 5(1)(b) of the GDPR states that personal data must be "collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes." Based on Article 5(1)(b), what is the impact of a member state's interpretation of the word "incompatible"?

- A. It sets the standard for the level of detail a controller must record when documenting the purpose for collecting personal data.
- B. It guides the courts on the severity of the consequences for those who are convicted of the intentional misuse of personal data.
- C. It indicates the degree of flexibility a controller has in using personal data in ways that may vary from its original intended purpose.
- **D. It dictates the level of security a processor must follow when using and storing personal data for two different purposes.**

Antwort: D

116. Frage

SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third-party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated. Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles.

Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Based on current trends in European privacy practices, which aspect of Brady Box' Online Behavioral Advertising (OBA) is most likely to be insufficient if the company becomes established in Europe?

- A. The need to have the contents of the advertising approved.
- B. The contract with the third-party advertising network.
- C. The level of security within the website.
- D. The lack of the option to opt in.

Antwort: D

Begründung:

Online Behavioural Advertising (OBA) means the collection of data from a particular computer or device regarding web viewing behaviours over time and across multiple web domains not under Common Control for the purpose of using such data to predict web user preferences or interests to deliver online advertising to that particular computer or device based on the preferences or interests inferred from such web viewing behaviours¹. OBA is subject to the EU law on consent to the processing of personal data, which requires a clear affirmative action by the data subject indicating his or her agreement to the processing². The consent must be freely given, specific, informed and unambiguous, and it can be withdrawn at any time². The consent must also be obtained prior to the collection and use of data for OBA purposes³. Therefore, Brady Box's OBA practice is most likely to be

117. Frage

SCENARIO

Please use the following to answer the next question:

Financially, it has been a very good year at ARRA Hotels: Their 21 hotels, located in Greece (5), Italy (15) and Spain (1), have registered their most profitable results ever. To celebrate this achievement, ARRA Hotels' Human Resources office, based in ARRA's main Italian establishment, has organized a team event for its 420 employees and their families at its hotel in Spain. Upon arrival at the hotel, each employee and family member is given an electronic wristband at the reception desk. The wristband serves a number of functions:

- . Allows access to the "party zone" of the hotel, and emits a buzz if the user approaches any unauthorized areas
- . Allows up to three free drinks for each person of legal age, and emits a buzz once this limit has been reached
- . Grants a unique ID number for participating in the games and contests that have been planned.

Along with the wristband, each guest receives a QR code that leads to the online privacy notice describing the use of the wristband. The page also contains an unchecked consent checkbox. In the case of employee family members under the age of 16, consent must be given by a parent.

Among the various activities planned for the event, ARRA Hotels' HR office has autonomously set up a photocall area, separate from the main event venue, where employees can come and have their pictures taken in traditional carnival costume.

The photos will be posted on ARRA Hotels' main website for general marketing purposes.

On the night of the event, an employee from one of ARRA's Greek hotels is displeased with the results of the photos in which he appears. He intends to file a complaint with the relevant supervisory authority in regard to the following:

. The lack of any privacy notice in the separate photocall area

The unlawful cross-border processing of his personal data

. The unacceptable aesthetic outcome of his photos

Which of the following principles has likely been violated in the processing of the photocall photos containing personal data?

- A. Adequacy.
- B. Data minimization.
- **C. Transparency.**
- D. Lawfulness.

Antwort: C

118. Frage

Article 29 Working Party has emphasized that the GDPR forbids "forum shopping", which occurs when companies do what?

- A. Choose the data protection officer that is most sympathetic to their business concerns.
- **B. Designate their main establishment in member state with the most flexible practices.**
- C. File appeals of infringement judgments with more than one EU institution simultaneously.
- D. Select third-party processors on the basis of cost rather than quality of privacy protection.

Antwort: B

Begründung:

The GDPR aims to harmonize the data protection rules across the EU and to ensure consistent and effective enforcement of those rules. However, the GDPR also recognizes that there may be some differences in the interpretation and application of the law among the member states, depending on their national legislation, culture and practices. Therefore, the GDPR introduces the concept of the "main establishment" of a controller or processor, which is the place where the decisions on the purposes and means of the processing of personal data are taken in the EU¹. The main establishment determines which national supervisory authority will act as the lead authority for the cross-border processing activities of that controller or processor, and which national law will apply in case of a dispute or a complaint². The Article 29 Working Party, which is an advisory body composed of representatives of the national supervisory authorities, the European Data Protection Supervisor and the European Commission, has issued guidelines on how to identify the main establishment of a controller or processor under the GDPR³. The guidelines emphasize that the main establishment must reflect the reality of the processing activities and the effective and real exercise of management power over those activities. The guidelines also warn against the practice of "forum shopping", which occurs when a controller or processor designates its main establishment in a member state with the most flexible or lenient data protection regime, regardless of the actual location of the decision-making or the data processing. The guidelines state that such a practice is forbidden under the GDPR, and that the supervisory authorities will closely monitor and verify the criteria used by the controllers or processors to determine their main establishment. If the supervisory authorities find that the main establishment does not correspond to the factual situation, they may challenge the designation and apply the relevant corrective measures⁴. References: 1 Art. 4 (16) GDPR - Definitions - General Data Protection Regulation (GDPR)

2 Art. 56-58 GDPR - Cooperation and consistency - General Data Protection Regulation (GDPR)³ Guidelines

3/2018 on the territorial scope of the GDPR (Article 3) - European Data Protection Board⁴ Ibid, p. 14-15.

Reference: <https://gdprinformers.com/gdpr-articles/forum-shopping-illegal-gdpr>

119. Frage

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