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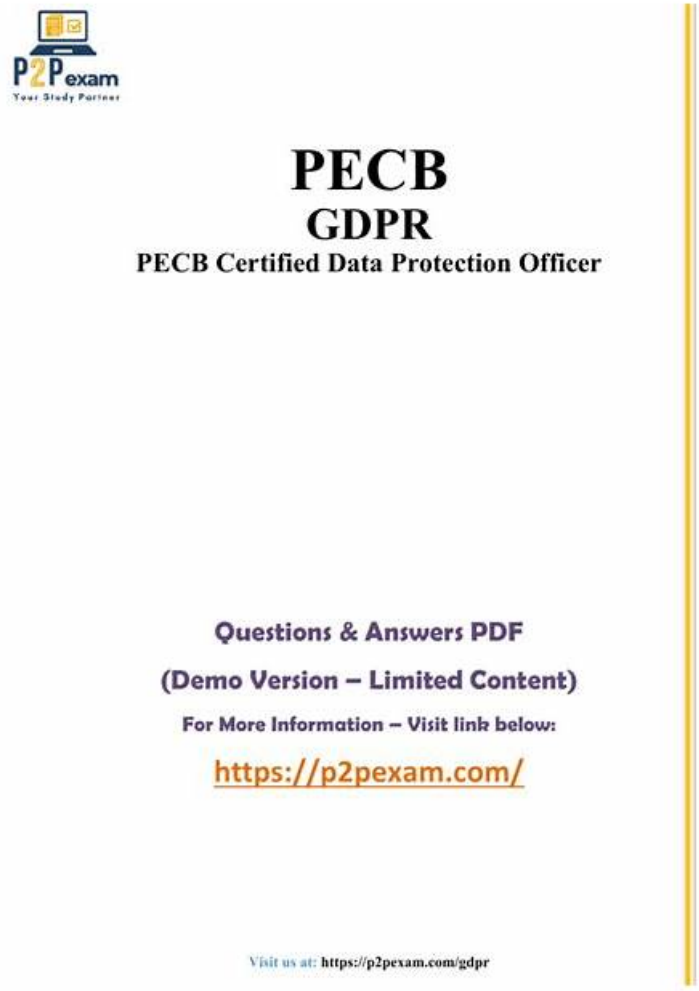

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PECB Certified Data Protection Officer Sample Questions (Q29-Q34):

NEW QUESTION # 29
Scenario 9:Soin is a French travel agency with the largest network of professional travel agents throughout Europe. They aim to create unique vacations for clients regardless of the destinations they seek. The company specializes in helping people find plane tickets, reservations at hotels, cruises, and other activities.
As any other industry, travel is no exception when it comes to GDPR compliance. Soin was directly affected by the enforcement of GDPR since its main activities require the collection and processing of customers' data.
Data collected by Soin includes customer's ID or passport details, financial and payment information, and contact information. This type of data is defined as personal by the GDPR; hence, Soin's data processing activities are built based on customer's consent.
At the beginning, as for many other companies, GDPR compliance was a complicated issue for Soin.
However, the process was completed within a few months and later on the company appointed a DPO. Last year, the supervisory authority of France, requested the conduct of a data protection external audit in Soin without an early notice. To ensure GDPR compliance before an external audit was conducted, Soin organized an internal audit. The data protection internal audit was conducted by the DPO of the company. The audit was initiated by firstly confirming the accuracy of records related to all current Soin's data processing activities.
The DPO considered that verifying compliance to Article 30 of GDPR would help in defining the data protection internal audit scope. The DPO noticed that not all processing activities of Soin were documented as required by the GDPR. For example, processing activities records of the company did not include a description of transfers of personal data to third countries. In addition, there was no clear description of categories of personal data processed by the company. Other areas that were audited included content of data protection policy, data retention guidelines, how sensitive data is stored, and security policies and practices.
The DPO conducted interviews with some employees at different levels of the company. During the audit, the DPO came across some emails sent by Soin's clients claiming that they do not have access in their personal data stored by Soin. Soin's Customer Service Department answered the emails saying that, based on Soin's policies, a client cannot have access to personal data stored by the company. Based on the information gathered, the DPO concluded that there was a lack of employee awareness on the GDPR.
All these findings were documented in the audit report. Once the audit was completed, the DPO drafted action plans to resolve the nonconformities found. Firstly, the DPO created a new procedure which could ensure the right of access to clients. All employees were provided with GDPR compliance awareness sessions.
Moreover, the DPO established a document which described the transfer of personal data to third countries and the applicability of safeguards when this transfer is done to an international organization.
Based on this scenario, answer the following question:
According to scenario 9, the DPO drafted and implemented all action plans to resolve the nonconformities found. Is this acceptable?

- A. Yes, the DPO is responsible for drafting, implementing, and reviewing corrections and corrective actions
- B. No, the DPO should only evaluate and follow up on action plans submitted in response to nonconformities
- C. No, the DPO should implement action plans as arranged in order of priority by top management

Answer: B

Explanation:
According to GDPR Article 39(1), the DPO's role is to monitor compliance, provide advice, and act as a point of contact for supervisory authorities. However, the DPO should not directly implement action plans, as this could create a conflict of interest (Recital 97). The responsibility for implementation lies with the controller or relevant departments, while the DPO ensures that the corrective actions align with GDPR requirements.

NEW QUESTION # 30
Scenario1:
MED is a healthcare provider located in Norway. It provides high-quality and affordable healthcare services, including disease prevention, diagnosis, and treatment. Founded in 1995, MED is one of the largest health organizations in the private sector. The company has constantly evolved in response to patients' needs.
Patients that schedule an appointment in MED's medical centers initially need to provide their personal information, including name, surname, address, phone number, and date of birth. Further checkups or admission require additional information, including previous medical history and genetic data. When providing their personal data, patients are informed that the data is used for personalizing treatments and improving communication with MED's doctors. Medical data of patients, including children, are stored in the database of MED's health information system. MED allows patients who are at least 16 years old to use the system and provide their personal information independently. For children below the age of 16, MED requires consent from the holderof parental responsibility before processing their data.
MED uses a cloud-based application that allows patients and doctors to upload and access information.

Patients can save all personal medical data, including test results, doctor visits, diagnosis history, and medicine prescriptions, as well as review and track them at any time. Doctors, on the other hand, can access their patients' data through the application and can add information as needed.
Patients who decide to continue their treatment at another health institution can request MED to transfer their data. However, even if patients decide to continue their treatment elsewhere, their personal data is still used by MED. Patients' requests to stop data processing are rejected. This decision was made by MED's top management to retain the information of everyone registered in their databases.
The company also shares medical data with InsHealth, a health insurance company. MED's data helps InsHealth create health insurance plans that meet the needs of individuals and families.
MED believes that it is its responsibility to ensure the security and accuracy of patients' personal data. Based on the identified risks associated with data processing activities, MED has implemented appropriate security measures to ensure that data is securely stored and processed.
Since personal data of patients is stored and transmitted over the internet, MED uses encryption to avoid unauthorized processing, accidental loss, or destruction of data. The company has established a security policy to define the levels of protection required for each type of information and processing activity. MED has communicated the policy and other procedures to personnel and provided customized training to ensure proper handling of data processing.
Question:
Based on scenario 1, MED shares patients' personal data with a health insurance company. Does MED comply with thepurpose limitation principle?

- A. No, personal data should be collected for specified, explicit, and legitimate purposes in accordance with Article 5 of GDPR.
- B. Yes, using personal data for creating health insurance plans is within the scope of the data collection purpose.
- C. Yes, as long as the data is encrypted before sharing.
- D. Yes, personal data may be used for purposes in the public interest or statistical purposes in accordance withArticle 89 of GDPR.

Answer: A

Explanation:
UnderArticle 5(1)(b) of GDPR, personal data must be collected for specific, explicit, and legitimate purposes and cannot be further processed in a manner incompatible with those purposes. Sharing medical data with an insurance company is a separate purpose and requires explicit consent or another lawful basis.
References:
* GDPR Article 5(1)(b)(Purpose limitation)

NEW QUESTION # 31
Scenario4:
Berc is a pharmaceutical company headquartered in Paris, France, known for developing inexpensive improved healthcare products. They want to expand to developing life-saving treatments. Berc has been engaged in many medical researches and clinical trials over the years. These projects required the processing of large amounts of data, including personal information. Since 2019, Berc has pursued GDPR compliance to regulate data processing activities and ensure data protection. Berc aims to positively impact human health through the use of technology and the power of collaboration. They recently have created an innovative solution in participation with Unty, a pharmaceutical company located in Switzerland. They want to enable patients to identify signs of strokes or other health-related issues themselves. They wanted to create a medical wrist device that continuously monitors patients' heart rate and notifies them about irregular heartbeats. The first step of the project was to collect information from individuals aged between 50 and 65. The purpose and means of processing were determined by both companies. The information collected included age, sex, ethnicity, medical history, and current medical status. Other information included names, dates of birth, and contact details. However, the individuals, who were mostly Berc's and Unty's customers, were not aware that there was an arrangement between Berc and Unty and that both companies have access to their personal data and share it between them. Berc outsourced the marketing of their new product to an international marketing company located in a country that had not adopted the adequacy decision from the EU commission. However, since they offered a good marketing campaign, following the DPO's advice, Berc contracted it. The marketing campaign included advertisement through telephone, emails, and social media. Berc requested that Berc's and Unty's clients be first informed about the product. They shared the contact details of clients with the marketing company.Based on this scenario, answer the following question:
Question:
Based on scenario 4,Berc followed the DPO's advice for outsourcing an international marketing companyin the absence of an adequacy decision. Is the DPO responsible for evaluating this case?

- A. Yes, the DPO should evaluate cases where an adequacy decision is absent.

- B. No, the controller or processor should evaluate cases when the adequacy decision is absent.
- C. No, because the marketing company operates under the same data protection rules as Berc.
- D. Yes, the DPO takes the final decision on transferring personal data to an international company in the absence of an adequacy decision.

Answer: B

Explanation:
UnderArticle 44 of GDPR, thecontroller (Berc)is responsible forensuring lawful data transfers. TheDPO advises on compliancebut doesnot make final decisionson data transfers.
* Option C is correctbecause thecontroller (Berc) must evaluate the legality of the transfer.
* Option A is incorrectbecauseDPOs provide advice but do not evaluate data transfer legality.
* Option B is incorrectbecauseDPOs do not have executive decision-making authority.
* Option D is incorrectbecausedata protection rules vary by jurisdiction, making this assumption incorrect.
References:
* GDPR Article 44(General principle for transfers)
* GDPR Article 39(1)(a)(DPO's advisory role)

NEW QUESTION # 32
Scenario1:
MED is a healthcare provider located in Norway. It provides high-quality and affordable healthcare services, including disease prevention, diagnosis, and treatment. Founded in 1995, MED is one of the largest health organizations in the private sector. The company has constantly evolved in response to patients' needs.
Patients that schedule an appointment in MED's medical centers initially need to provide their personal information, including name, surname, address, phone number, and date of birth. Further checkups or admission require additional information, including previous medical history and genetic data. When providing their personal data, patients are informed that the data is used for personalizing treatments and improving communication with MED's doctors. Medical data of patients, including children, are stored in the database of MED's health information system. MED allows patients who are at least 16 years old to use the system and provide their personal information independently. For children below the age of 16, MED requires consent from the holderof parental responsibility before processing their data.
MED uses a cloud-based application that allows patients and doctors to upload and access information.
Patients can save all personal medical data, including test results, doctor visits, diagnosis history, and medicine prescriptions, as well as review and track them at any time. Doctors, on the other hand, can access their patients' data through the application and can add information as needed.
Patients who decide to continue their treatment at another health institution can request MED to transfer their data. However, even if patients decide to continue their treatment elsewhere, their personal data is still used by MED. Patients' requests to stop data processing are rejected. This decision was made by MED's top management to retain the information of everyone registered in their databases.
The company also shares medical data with InsHealth, a health insurance company. MED's data helps InsHealth create health insurance plans that meet the needs of individuals and families.
MED believes that it is its responsibility to ensure the security and accuracy of patients' personal data. Based on the identified risks associated with data processing activities, MED has implemented appropriate security measures to ensure that data is securely stored and processed.
Since personal data of patients is stored and transmitted over the internet, MED uses encryption to avoid unauthorized processing, accidental loss, or destruction of data. The company has established a security policy to define the levels of protection required for each type of information and processing activity. MED has communicated the policy and other procedures to personnel and provided customized training to ensure proper handling of data processing.
Question:
Based on scenario 1, MED shares patients' personal data with a health insurance company. Does MED comply with thepurpose limitation principle?

- A. No, personal data should be collected for specified, explicit, and legitimate purposes in accordance with Article 5 of GDPR.
- B. Yes, using personal data for creating health insurance plans is within the scope of the data collection purpose.
- C. Yes, as long as the data is encrypted before sharing.
- D. Yes, personal data may be used for purposes in the public interest or statistical purposes in accordance withArticle 89 of GDPR.

Answer: A

NEW QUESTION # 33
Scenario5:
Recpond is a German employment recruiting company. Their services are delivered globally and include consulting and staffing solutions. In the beginning. Recpond provided its services through an office in Germany. Today, they have grown to become one of the largest recruiting agencies, providing employment to more than 500,000 people around the world. Recpond receives most applications through its website. Job searchers are required to provide the job title and location. Then, a list of job opportunities is provided. When a job position is selected, candidates are required to provide their contact details and professional work experience records. During the process, they are informed that the information will be used only for the purposes and period determined by Recpond. Recpond's experts analyze candidates' profiles and applications and choose the candidates that are suitable for the job position. The list of the selected candidates is then delivered to Recpond's clients, who proceed with the recruitment process. Files of candidates that are not selected are stored in Recpond's databases, including the personal data of candidates who withdraw the consent on which the processing was based. When the GDPR came into force, the company was unprepared.
The top management appointed a DPO and consulted him for all data protection issues. The DPO, on the other hand, reported the progress of all data protection activities to the top management. Considering the level of sensitivity of the personal data processed by Recpond, the DPO did not have direct access to the personal data of all clients, unless the top management deemed it necessary.
The DPO planned the GDPR implementation by initially analyzing the applicable GDPR requirements. Recpond, on the other hand, initiated a risk assessment to understand the risks associated with processing operations. The risk assessment was conducted based on common risks that employment recruiting companies face. After analyzing different risk scenarios, the level of risk was determined and evaluated. The results were presented to the DPO, who then decided to analyze only the risks that have a greater impact on the company. The DPO concluded that the cost required for treating most of the identified risks was higher than simply accepting them. Based on this analysis, the DPO decided to accept the actual level of the identified risks. After reviewing policies and procedures of the company. Recpond established a new data protection policy. As proposed by the DPO, the information security policy was also updated. These changes were then communicated to all employees of Recpond.Based on this scenario, answer the following question:
Question:
Based on scenario 5, theDPO reports directly to Recpond's top management. Is this in alignment with GDPR requirements?

- A. Yes, based on GDPR, the controller may chooseany reporting structurefor the DPO, including top and middle management.
- B. No, DPOs should report directly todepartment heads, not top management.
- C. Yes,Article 38of the GDPR requires that the DPO reports directly to the highest management level of the controller.
- D. No,Article 38of the GDPR requires that the DPO reports directly to thesupervisory authorityto ensure independence in performing their tasks.

Answer: C

Explanation:
UnderArticle 38(3) of GDPR, theDPO must report directly to the highest level of managementto ensure independenceandavoid interferencein their tasks.
* Option A is correctbecauseGDPR requires direct reporting to top management.
* Option B is incorrectbecause theDPO does not report to the supervisory authority, buttheycan liaise with it.
* Option C is incorrectbecauseGDPR does not allow reporting to middle management.
* Option D is incorrectbecausedepartment heads cannot oversee the DPO's work, ensuring they remainfree from conflict of interest.
References:
* GDPR Article 38(3)(DPO must report to highest management)
* Recital 97(DPO's independence and protection from undue influence)

NEW QUESTION # 34
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