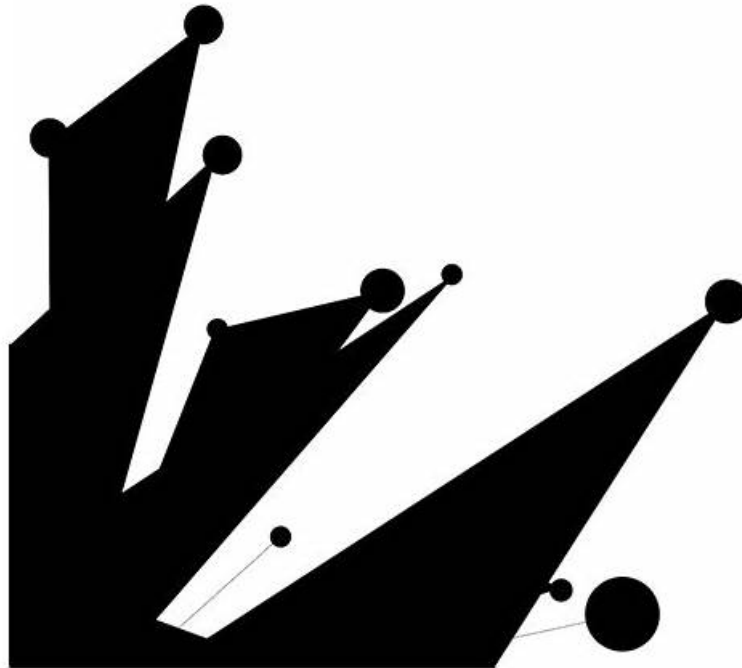


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The CIPP-E Exam is specifically tailored to the European data protection laws, regulations, and frameworks. It covers the European

Union's General Data Protection Regulation (GDPR) as well as other regional data protection laws such as the ePrivacy Directive, the Network and Information Security Directive, and the Data Protection Directive.

IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q13-Q18):

NEW QUESTION # 13

Under the GDPR, who would be LEAST likely to be allowed to engage in the collection, use, and disclosure of a data subject's sensitive medical information without the data subject's knowledge or consent?

- A. A health professional involved in the medical care for the data subject, where the data subject's life hinges on the timely dissemination of such information.
- B. A public authority responsible for public health, where the sharing of such information is considered necessary for the protection of the general populace.
- C. A member of the judiciary involved in adjudicating a legal dispute involving the data subject and concerning the health of the data subject.
- **D. A journalist writing an article relating to the medical condition in QUESTION, who believes that the publication of such information is in the public interest.**

Answer: D

Explanation:

The GDPR defines data concerning health as a special category of personal data that is subject to specific processing conditions and safeguards. The GDPR prohibits the processing of such data unless one of the exceptions in Article 9 applies. One of these exceptions is the explicit consent of the data subject, which means that the data subject has given a clear and affirmative indication of their agreement to the processing of their health data. Another exception is when the processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care. A third exception is when the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services. These exceptions are based on the principle of necessity, which means that the processing must be strictly necessary for a specific purpose and cannot be achieved by other means.

In the given scenario, the journalist does not fall under any of these exceptions. The journalist is not a health professional, a public authority, or a person who has obtained the explicit consent of the data subject. The journalist is not processing the data for any legitimate purpose related to public health, medical care, or social protection. The journalist is merely pursuing their own interest in publishing a story that may or may not be in the public interest. The journalist is not respecting the data subject's rights and freedoms, especially their right to privacy and confidentiality. Therefore, the journalist would be least likely to be allowed to engage in the collection, use, and disclosure of the data subject's sensitive medical information without their knowledge or consent. References:

* Article 4 (15) and Article 9 of the GDPR

* Health data | ICO

* What does the GDPR mean for personal data in medical reports?

* Sensitive data and medical confidentiality - FutureLearn

* Health data and data privacy: storing sensitive data under GDPR

NEW QUESTION # 14

Based on GDPR Article 35, which of the following situations would trigger the need to complete a DPIA?

- **A. A company wants to build a dating app that creates candidate profiles based on location data and data from third-party sources.**
- B. A company wants to combine location data with other data in order to offer more personalized service for the customer.
- C. A company wants to use location data to track delivery trucks in order to make the routes more efficient.
- D. A company wants to use location data to infer information on a person's clothes purchasing habits.

Answer: A

NEW QUESTION # 15

SCENARIO - Please use the following to answer the next question:

It has been a tough season for the Spanish Handball League, with acts of violence and racism having increased exponentially during

their last few matches.

In order to address this situation, the Spanish Minister of Sports, in conjunction with the National Handball League Association, issued an Administrative Order (the "Act") obliging all the professional clubs to install a fingerprint-reading system for accessing some areas of the sports halls, primarily the ones directly behind the goalkeepers. The rest of the areas would retain the current access system, which allows any spectators access as long as they hold valid tickets.

The Act named a selected hardware and software provider, New Digital Finger, Ltd., for the creation of the new fingerprint system. Additionally, it stipulated that any of the professional clubs that failed to install this system within a two-year period would face fines under the Act.

The Murla HB Club was the first to install the new system, renting the New Digital Finger hardware and software. Immediately afterward, the Murla HB Club automatically renewed current supporters' subscriptions, while introducing a new contractual clause requiring supporters to access specific areas of the hall through the new fingerprint reading system installed at the gates.

After the first match hosted by the Murla HB Club, a local supporter submitted a complaint to the club and to the Spanish Data Protection Authority (the AEPD), claiming that the new access system violates EU data protection laws. Having been notified by the AEPD of the upcoming investigation regarding this complaint, the Murla HB Club immediately carried out a Data Protection Impact Assessment (DPIA), the conclusions of which stated that the new access system did not pose any high risks to data subjects' privacy rights.

The Murla HB Club should have carried out a DPIA before the installation of the new access system and at what other time?

- A. At the end of every match of the season.
- B. After the AEPD notification of the investigation.
- **C. Periodically, when new risks were foreseen.**
- D. After the complaint of the supporter.

Answer: C

Explanation:

A DPIA is not a one-time activity. While it's crucial to conduct a DPIA before implementing a new system that processes personal data (like the fingerprint system), the GDPR requires organizations to review and update their DPIAs periodically, especially when there are changes that might affect the risk to data subjects.

Here's why the other options are incorrect:

A: After the complaint of the supporter: While a complaint might trigger a review of the processing, the DPIA should have been done proactively before any issues arose.

C: At the end of every match of the season: This frequency is excessive and doesn't align with the idea of assessing risks when changes occur.

D: After the AEPD notification of the investigation: Similar to option A, this is reactive rather than proactive.

References:

GDPR Article 35 - Data protection impact assessment

IAPP CIPP/E textbook, Chapter 4: Accountability and Data Governance (specifically, sections on DPIAs and ongoing review)

WP29 Guidelines on Data Protection Impact Assessment (DPIA)

NEW QUESTION # 16

A company is located in a country NOT considered by the European Union (EU) to have an adequate level of data protection.

Which of the following is an obligation of the company if it imports personal data from another organization in the European Economic Area (EEA) under standard contractual clauses?

- **A. Ensure that local laws do not impede the company from meeting its contractual obligations.**
- B. Supply any information requested by a data protection authority (DPA) within 30 days.
- C. Submit the contract to its own government authority.
- D. Ensure that notice is given to and consent is obtained from data subjects.

Answer: A

Explanation:

The GDPR allows the transfer of personal data to countries outside of the EEA that do not provide an adequate level of data protection, if appropriate safeguards are provided by the data exporter and the data importer¹. One of these safeguards are standard contractual clauses (SCCs) adopted by the European Commission, which are model clauses that impose obligations on both parties to ensure that the transfer complies with the GDPR requirements². The SCCs also include clauses on the rights of the data subjects, the obligations of the data protection authorities, and the liability and indemnification of the parties³. One of the obligations of the data importer under the SCCs is to warrant that it has no reason to believe that the legislation applicable to it prevents it from fulfilling the instructions received from the data exporter and its obligations under the contract, and that in the event

of a change in this legislation which is likely to have a substantial adverse effect on the warranties and obligations provided by the SCCs, it will promptly notify the change to the data exporter as soon as it is aware, in which case the data exporter is entitled to suspend the transfer of data and/or terminate the contract⁴. Therefore, option D is the correct answer, as it reflects the obligation of the data importer under the SCCs to ensure that local laws do not impede the company from meeting its contractual obligations. Options A, B and C are incorrect, as they are not obligations of the data importer under the SCCs. Option A is not required by the GDPR or the SCCs, as the data importer does not need to submit the contract to its own government authority, unless the law of the country where the data importer is established requires it to do so prior to the transfer or disclosure of personal data⁵. Option B is not an obligation of the data importer, but of the data exporter, who must provide the data subjects with the information required by Articles 13 and 14 of the GDPR, including the fact that the data will be transferred to a third country and the appropriate safeguards in place⁶. Option C is not specific to the SCCs, but a general obligation of any controller or processor under the GDPR, who must cooperate with the supervisory authority and make available all information necessary to demonstrate compliance with their obligations⁷. Reference: 1: Article 46(1) of the GDPR 2: Standard Contractual Clauses (SCC) - European Commission 3: EU Standard Contractual Clauses (Word documents) 4: Clause 5(a) of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 5: Clause 5(b) of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 6: Clause 9 of the SCCs for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 7: Article 31 of the GDPR

NEW QUESTION # 17

The GDPR specifies fines that may be levied against data controllers for certain infringements. Which of the following infringements would be subject to the less severe administrative fine of up to 10 million euros (or in the case of an undertaking, up to 2% of the total worldwide annual turnover of the preceding financial year)?

- A. Failure to implement technical and organizational measures to ensure data protection is enshrined by design and default.
- B. Failure to demonstrate that consent was given by the data subject to the processing of their personal data where it is used as the basis for processing.
- C. Failure to process personal information in a manner compatible with its original purpose.
- D. Failure to provide the means for a data subject to rectify inaccuracies in personal data.

Answer: A

Explanation:

According to Article 83 of the GDPR, the less severe administrative fines of up to 10 million euros or 2% of the annual worldwide turnover apply to infringements of the articles governing controllers and processors, certification bodies, and monitoring bodies. These include Articles 8, 11, 25-39, 42, and 43. Among the answer choices, only option B falls under this category, as Article 25 requires controllers to implement data protection by design and by default. Option A is related to Article 7, which governs the conditions for consent. Option C is related to Article 5, which sets out the principles for processing personal data. Option D is related to Article 16, which grants the right to rectification to data subjects. These articles are subject to the more severe administrative fines of up to 20 million euros or 4% of the annual worldwide turnover. Reference:

GDPR Article 83

GDPR Article 25

GDPR Article 7

GDPR Article 5

GDPR Article 16

NEW QUESTION # 18

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