

# CIPP-E Exam Papers & CIPP-E Sure Pass

## CIPP-E EXAM 2023 WITH QUESTIONS AND ANSWERS

### CIPP/E

What is the CLOUD Act? - ANSWER Clarifying Lawful Overseas Use of Data

What are main points of CLOUD Act? - ANSWER 1. Applies to information anywhere in the world if data is in the "possession, custody or control" of the recipient of the warrant.

2. A recipient can seek to quash the subpoena if it can show that the affected individual is not a United States person and that the required disclosure of that individual's data would violate the laws of a "qualifying foreign government".

3. Third, requires courts considering a motion to quash to conduct a comity analysis.

What is a "qualifying foreign government" under the CLOUD Act? - ANSWER

Those who have signed an executive agreement with the United States to cooperate in cross-border data access. To qualify, a foreign government would need the approval of the State Department and the U.S. Department of Justice. They would also have to agree to adhere to significant substantive and procedural privacy and civil liberties protections.

What factors are considered in a comity analysis under the CLOUD Act? - ANSWER

1. Location of the target

2. Nationalities involved

3. Alternative avenues to the data

4. Interests of the United States

5. Interests of the foreign sovereign

What are the 6 European Institutions - ANSWER 1. Council of Europe

2. European Court of Human Rights

3. European Parliament

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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample

## Questions (Q184-Q189):

### NEW QUESTION # 184

Which of the following describes a mandatory requirement for a group of undertakings that wants to appoint a single data protection officer?

- A. The data protection officer must be located in the country where the data controller has its main establishment.
- **B. The data protection officer must be easily accessible from each establishment where the undertakings are located.**
- C. The group of undertakings must obtain approval from a supervisory authority.
- D. The group of undertakings must be comprised of organizations of similar sizes and functions.

**Answer: B**

Explanation:

According to Article 37(2) of the GDPR, a group of undertakings may appoint a single data protection officer (DPO) provided that the DPO is easily accessible from each establishment<sup>12</sup>. This means that the DPO should be able to communicate effectively with the data subjects and the supervisory authorities in the relevant languages and jurisdictions, and to perform the tasks referred to in Article 39 of the GDPR<sup>34</sup>. The accessibility of the DPO does not necessarily depend on the physical location of the DPO, but rather on the availability of the DPO to the relevant stakeholders via various means of communication<sup>34</sup>. Therefore, the DPO does not have to be located in the country where the data controller has its main establishment, nor does the group of undertakings have to obtain approval from a supervisory authority or be comprised of organizations of similar sizes and functions to appoint a single DPO. References: CIPP/E Certification - International Association of Privacy Professionals, Free CIPP/E Study Guide - International Association of Privacy Professionals, GDPR - EUR-Lex, What's different about a group data protection officer?, Data Protection Officers: What US Companies Need to Know - Cooley

### NEW QUESTION # 185

#### SCENARIO

Please use the following to answer the next question:

Anna and Frank both work at Granchester University. Anna is a lawyer responsible for data protection, while Frank is a lecturer in the engineering department. The University maintains a number of types of records:

- \* Student records, including names, student numbers, home addresses, pre-university information, university attendance and performance records, details of special educational needs and financial information.
- \* Staff records, including autobiographical materials (such as curricula, professional contact files, student evaluations and other relevant teaching files).

- \* Alumni records, including birthplaces, years of birth, dates of matriculation and conferrals of degrees.

These records are available to former students after registering through Granchester's Alumni portal.

- \* Department for Education records, showing how certain demographic groups (such as first-generation students) could be expected, on average, to progress. These records do not contain names or identification numbers.

- \* Under their security policy, the University encrypts all of its personal data records in transit and at rest.

In order to improve his teaching, Frank wants to investigate how his engineering students perform in relation to Department for Education expectations. He has attended one of Anna's data protection training courses and knows that he should use no more personal data than necessary to accomplish his goal. He creates a program that will only export some student data: previous schools attended, grades originally obtained, grades currently obtained and first time university attended. He wants to keep the records at the individual student level.

Mindful of Anna's training, Frank runs the student numbers through an algorithm to transform them into different reference numbers. He uses the same algorithm on each occasion so that he can update each record over time.

One of Anna's tasks is to complete the record of processing activities, as required by the GDPR. After receiving her email reminder, as required by the GDPR. After receiving her email reminder, Frank informs Anna about his performance database.

Ann explains to Frank that, as well as minimizing personal data, the University has to check that this new use of existing data is permissible. She also suspects that, under the GDPR, a risk analysis may have to be carried out before the data processing can take place. Anna arranges to discuss this further with Frank after she has done some additional research.

Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted).

Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

Before Anna determines whether Frank's performance database is permissible, what additional information does she need?

- A. More information about the extent of the information loss.
- B. More information about the algorithm Frank used to mask student numbers.
- **C. More information about what students have been told and how the research will be used.**

- D. More information about Frank's data protection training.

**Answer: C**

#### NEW QUESTION # 186

Which of the following is the weakest lawful basis for processing employee personal data?

- A. Processing based on legal obligation.
- **B. Processing based on employee consent.**
- C. Processing based on legitimate interests.
- D. Processing based on fulfilling an employment contract.

**Answer: B**

Explanation:

Reference:

According to the GDPR, consent is one of the six lawful bases for processing personal data, but it is not always the most appropriate one. Consent must be freely given, specific, informed and unambiguous, and the data subject must have the right to withdraw it at any time<sup>1</sup>. In the context of employment, consent is often not a valid lawful basis, because there is a clear imbalance of power between the employer and the employee, which means that the consent is not freely given<sup>2</sup>. Moreover, consent can be difficult to manage and document, and it can pose practical problems if the employee withdraws it. Therefore, consent is the weakest lawful basis for processing employee personal data, and employers should rely on other lawful bases, such as contract, legal obligation, vital interests, public task or legitimate interests, depending on the purpose and necessity of the processing<sup>3</sup>. Reference: 1: Article 4(11) and Article 7 of the GDPR; 2: [EDPB Guidelines], page 6; 3: A Guide to Lawful Basis for Processing Employee Personal Data.

#### NEW QUESTION # 187

Which of the following countries will continue to enjoy adequacy status under the GDPR, pending any future European Commission decision to the contrary?

- A. Greece
- B. Norway
- **C. Switzerland**
- D. Australia

**Answer: C**

#### NEW QUESTION # 188

##### SCENARIO

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\* Student records, including names, student numbers, home addresses, pre-university information, university attendance and performance records, details of special educational needs and financial information.

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Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted).

Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

Anna will find that a risk analysis is NOT necessary in this situation as long as?

- A. The processing will not negatively affect the rights of the data subjects
- B. The algorithms that Frank uses for the processing are technologically sound
- C. The data subjects gave their unambiguous consent for the original processing
- D. The data subjects are no longer current students of Frank's

**Answer: C**

## NEW QUESTION # 189

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