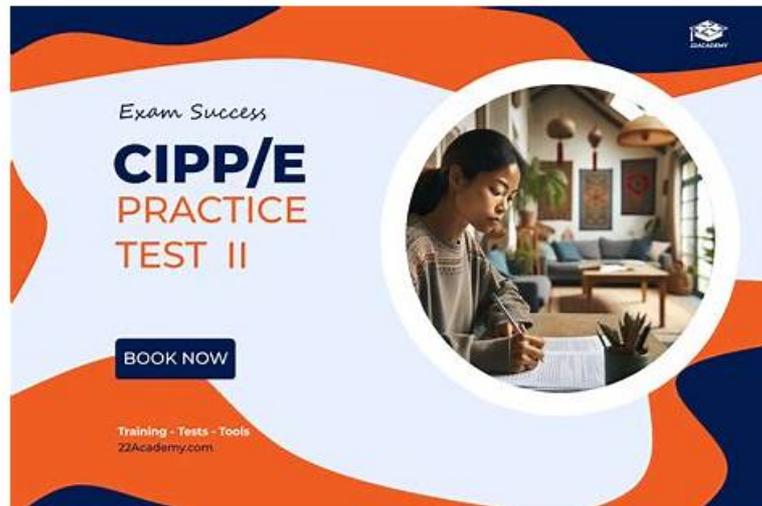


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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q271-Q276):

NEW QUESTION # 271

Jerry the Chief Marketing Officer for a sports apparel and trophy company, sells products to schools and athletic clubs globally. Recently the company has decided to invest in a new line of customized sports equipment. Jerry plans to email his current customer base to offer them a discount on their first purchase of such equipment.

Jerry tells Kate, the Director of Privacy, about his plan. What is the best guidance Kate can provide to Jerry?

- A. Permit Jerry to carry out his marketing plan on the basis of legitimate interest
- B. Permit Jerry to carry out his plan on the basis of marketing similar products to existing customers.
- C. Require Jerry to send all current customers a second notice to allow them to opt-in to marketing emails
- D. Require Jerry to include an option to opt out of marketing emails in the future

Answer: C

NEW QUESTION # 272

SCENARIO

Please use the following to answer the next question:

Jane Stan's her new role as a Data Protection Officer (DPO) at a Malta-based company that allows anyone to buy and sell cryptocurrencies via its online platform. The company stores and processes the personal data of its customers in a dedicated data center located in Malta (EU).

People wishing to trade cryptocurrencies are required to open an online account on the platform. They then must successfully pass a KYC due diligence procedure aimed at preventing money laundering and ensuring compliance with applicable financial regulations. The non-European customers are also required to waive all their GDPR rights by reading a disclaimer written in bold and belong a checkbox on a separate page in order to get their account approved on the platform.

The customers must likewise accept the terms of service of the platform. The terms of service also include a privacy policy section, saying, among other things, that if a

- A. The AWS servers are located in the EU but in a country different than the location of the corporate headquarters.
- **B. The data storage period has to be revised, and a data processing agreement w*h AWS must be signed**
- C. It is unlawful to process any personal data in a cloud unless the cloud is certified as GDPR-compliant by a competent supervisory authority.
- D. AWS is a U S company, and no personal data of European residents may be transferred to it without explicit written consent from data subjects.

Answer: B

Explanation:

According to the GDPR, personal data must be kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed¹. Therefore, the data storage period of the backup system must be aligned with this principle and reviewed regularly. Moreover, the GDPR requires that when a controller (the company) uses a processor (AWS) to process personal data on its behalf, it must ensure that the processor provides sufficient guarantees to implement appropriate technical and organizational measures to meet the requirements of the GDPR and ensure the protection of the rights of the data subjects². This is usually done by signing a data processing agreement that sets out the subject matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subjects, and the obligations and rights of the controller³. AWS offers a GDPR-compliant Data Processing Addendum (DPA) that is incorporated into the AWS Service Terms and applies automatically to all customers who require it to comply with the GDPR⁴. Reference:

Free CIPP/E Study Guide, page 24, section 4.2.1

Free CIPP/E Study Guide, page 25, section 4.3

GDPR, Article 28

GDPR - Amazon Web Services (AWS), section "GDPR resources"

NEW QUESTION # 273

Under the GDPR, which of the following is true in regard to adequacy decisions involving cross-border transfers?

- **A. The European Commission can adopt an adequacy decision for individual companies.**
- B. EU member states are vested with the power to accept or reject a European Commission adequacy decision.
- C. The European Commission can adopt, repeal or amend an existing adequacy decision.
- D. To be considered as adequate, third countries must implement the EU General Data Protection Regulation into their national legislation.

Answer: A

Explanation:

Explanation/Reference: <https://www.futurelearn.com/courses/general-data-protection-regulation/0/steps/32449>

NEW QUESTION # 274

Sanctions for non-compliance with the EU Artificial Intelligence Act (AI Act) could result in a maximum fine of?

- A. The higher of up to 10 million Euro or up to 2% of the entity's total worldwide turnover for the preceding financial year.

- B. The higher of up to 40 million Euro or up to 8% of the entity's total worldwide turnover for the preceding financial year.
- C. The higher of up to 20 million Euro or up to 4% of the entity's total worldwide turnover for the preceding financial year.
- **D. The higher of up to 30 million Euro or up to 6% of the entity's total worldwide turnover for the preceding financial year.**

Answer: D

Explanation:

The EU Artificial Intelligence Act (AI Act) is a proposed regulation that aims to establish harmonised rules on the development and use of artificial intelligence in the EU. The AI Act classifies AI systems according to their level of risk and imposes various requirements and obligations on providers and users of such systems. The AI Act also provides for the enforcement of its rules by national competent authorities and the European Commission. According to Article 71 of the AI Act, the sanctions for non-compliance with the AI Act depend on the type and severity of the infringement. The maximum fine for the most serious infringements, such as placing on the market or putting into service prohibited AI systems, or failing to comply with the data and data governance requirements for high-risk AI systems, is the higher of up to 30 million Euro or up to 6% of the total worldwide annual turnover of the preceding financial year of the legal entity concerned. This is the same level of fine as for the most serious infringements of the General Data Protection Regulation (GDPR).

Reference:

* EUR-Lex - 52021PC0206 - EN - EUR-Lex1

* European Parliament Adopts Negotiating Position on the AI Act2

NEW QUESTION # 275

Which mechanism, introduced by the GDPR as a means of ensuring both compliance and transparency, allows for the possibility of personal data transfers to third countries under Article 42?

- **A. Approved certifications.**
- B. Law enforcement requests.
- C. Binding corporate rules.
- D. Standard contractual clauses.

Answer: A

Explanation:

The General Data Protection Regulation (GDPR) introduces a mechanism for personal data transfers to third countries or international organisations that do not ensure an adequate level of data protection, based on approved certifications. According to Article 42 of the GDPR, the European Commission, the European Data Protection Board (EDPB) and the national data protection authorities (DPAs) shall encourage the establishment of data protection certification mechanisms and of data protection seals and marks, for the purpose of demonstrating compliance with the GDPR of processing operations by controllers and processors. The specific needs of micro, small and medium-sized enterprises shall be taken into account.

The GDPR also provides that the certification mechanisms shall be voluntary and available via a transparent process. The certification shall be issued by the competent supervisory authority or by the certification bodies accredited by the supervisory authority or by the national accreditation body. The certification shall be valid for a maximum period of three years and may be renewed, under the same conditions, if the relevant requirements continue to be met. The certification shall be withdrawn, as the case may be, by the competent supervisory authority or by the certification bodies, where the requirements for the certification are not or are no longer met.

The GDPR further stipulates that the certification shall be issued to a controller or processor who has demonstrated, in accordance with the approved certification criteria, that the processing of personal data is in compliance with the GDPR. The certification shall specify the scope and purpose of the processing, the criteria applied and the duration of the validity of the certification. The certification shall not reduce the responsibility of the controller or the processor for compliance with the GDPR and shall not be interpreted as an endorsement of the quality or reliability of the products or services of the controller or the processor by the supervisory authority or the certification body.

The GDPR also states that the certification mechanisms shall contribute to the proper application of the GDPR, taking account of the specific features of the various processing sectors and the different risks for the rights and freedoms of data subjects. The certification mechanisms shall allow for the verification of compliance with the GDPR of processing operations by controllers and processors not established in the EU, regardless of the location of the processing. The certification mechanisms shall also provide for the possibility to demonstrate compliance with the GDPR for personal data transfers to third countries or international organisations under Article 46, which sets out the rules and requirements for the transfer of personal data to third countries or international organisations based on appropriate safeguards, such as binding corporate rules, standard contractual clauses, codes of conduct or certification mechanisms.

References:

GDPR, Articles 42, 43, 44, 45, 46, 47, 48 and 49.

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