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IAPP CIPP-US (Certified Information Privacy Professional/United States (CIPP/US)) Exam is designed to test the knowledge and skills of professionals who work in the field of data privacy. CIPP-US exam covers a wide range of topics related to privacy laws and regulations in the United States, including the General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA), and the Health Insurance Portability and Accountability Act (HIPAA).

IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q140-Q145):

NEW QUESTION # 140

SCENARIO

Please use the following to answer the next QUESTION:

A US-based startup company is selling a new gaming application. One day, the CEO of the company receives an urgent letter from a prominent EU-based retail partner. Triggered by an unresolved complaint lodged by an EU resident, the letter describes an ongoing investigation by a supervisory authority into the retailer's data handling practices.

The complainant accuses the retailer of improperly disclosing her personal data, without consent, to parties in the United States.

Further, the complainant accuses the EU-based retailer of failing to respond to her withdrawal of consent and request for erasure of her personal data. Your organization, the US-based startup company, was never informed of this request for erasure by the EU-based retail partner. The supervisory authority investigating the complaint has threatened the suspension of data flows if the parties involved do not cooperate with the investigation. The letter closes with an urgent request: "Please act immediately by identifying all personal data received from our company." This is an important partnership. Company executives know that its biggest fans come from Western Europe; and this retailer is primarily responsible for the startup's rapid market penetration.

As the Company's data privacy leader, you are sensitive to the criticality of the relationship with the retailer.

Under the General Data Protection Regulation (GDPR), how would the U.S.-based startup company most likely be classified?

- A. As a data processor
- B. As a data controller
- C. As a data manager
- **D. As a data supervisor**

Answer: D

NEW QUESTION # 141

SCENARIO

Please use the following to answer the next question:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to." Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

Larry believes that Evan's arrogance also affects the way he treats employees. The U.S.

Constitution protects American workers, and Larry believes that the rights of those at SunriseLynx are violated regularly. At first Evan seemed friendly, even connecting with employees on social media. However, following Evan's political posts, it became clear to Larry that employees with similar affiliations were the only ones offered promotions.

Further, Larry occasionally has packages containing personal-use items mailed to work. Several times, these have come to him already opened, even though this name was clearly marked. Larry thinks the opening of personal mail is common at SunriseLynx, and that Fourth Amendment rights are being trampled under Evan's leadership.

Larry has also been dismayed to overhear discussions about his coworker, Sadie. Telemarketing calls are regularly recorded for quality assurance, and although Sadie is always professional during business, her personal conversations sometimes contain sexual comments. This too is something Larry has heard Evan laughing about. When he mentioned this to a coworker, his concern was met with a shrug. It was the coworker's belief that employees agreed to be monitored when they signed on. Although personal devices are left alone, phone calls, emails and browsing histories are all subject to surveillance. In fact, Larry knows of one case in which an employee was fired after an undercover investigation by an outside firm turned up evidence of misconduct. Although the employee may have stolen from the company, Evan could have simply contacted the authorities when he first suspected something amiss.

Larry wants to take action, but is uncertain how to proceed.

Which act would authorize Evan's undercover investigation?

- A. The National Labor Relations Act (NLRA)
- B. The Fair and Accurate Credit Transactions Act (FACTA)
- C. The Whistleblower Protection Act
- **D. The Stored Communications Act (SCA)**

Answer: D

Explanation:

The Stored Communications Act (SCA) is a federal law that regulates the privacy of electronic communications that are stored by third-party service providers, such as email providers, cloud storage providers, or social media platforms. The SCA prohibits unauthorized access to or disclosure of such communications, unless authorized by law or by the consent of the user or the service provider. The SCA also provides exceptions for certain types of access or disclosure, such as those made for law enforcement.

purposes, for the protection of the service provider's rights or property, or for the consent of the subscriber or customer . One of the exceptions to the SCA is where the service provider gives consent to the access or disclosure of the stored communications. This means that if a third-party service provider agrees to cooperate with an investigation or a request for information, the access or disclosure is lawful under the SCA. Consent can be express or implied, depending on the circumstances and the terms of service of the provider. For example, if a service provider has a policy that allows it to disclose user information to third parties for legitimate purposes, the provider has impliedly consented to the access or disclosure of the stored communications. However, if a service provider has a policy that prohibits such disclosure, the provider has not consented to the access or disclosure of the stored communications.

In the scenario, Evan's undercover investigation may have been authorized by the SCA if he obtained the consent of the third-party service provider that stored the electronic communications of the employee who was suspected of misconduct. For instance, if the employee used a company email account or a cloud storage service that had a policy that allowed the service provider to disclose user information to the employer or to law enforcement, Evan may have been able to access or disclose the stored communications with the consent of the service provider.

However, if the employee used a personal email account or a cloud storage service that had a policy that protected user privacy and prohibited such disclosure, Evan may have violated the SCA by accessing or disclosing the stored communications without the consent of the service provider.

NEW QUESTION # 142

Which action is prohibited under the Electronic Communications Privacy Act of 1986?

- A. Monitoring all employee telephone calls
- B. Monitoring employee telephone calls of a personal nature
- C. Intercepting electronic communications and unauthorized access to stored communications
- D. Accessing stored communications with the consent of the sender or recipient of the message

Answer: C

Explanation:

The Electronic Communications Privacy Act of 1986 (ECPA) is a federal law that protects the privacy of wire, oral, and electronic communications while they are being made, in transit, or stored on computers¹. The ECPA has three titles: Title I prohibits the intentional interception, use, or disclosure of wire, oral, or electronic communications, except for certain exceptions, such as consent, provider protection, or law enforcement purposes². Title II, also known as the Stored Communications Act (SCA), prohibits the unauthorized access to or disclosure of stored wire or electronic communications, such as email, voicemail, or online messages, except for certain exceptions, such as consent, provider protection, or law enforcement purposes³. Title III regulates the installation and use of pen register and trap and trace devices, which record the numbers dialed to or from a telephone line, but not the content of the communications⁴.

Therefore, the action that is prohibited under the ECPA is intercepting electronic communications and unauthorized access to stored communications, which are covered by Title I and Title II of the Act, respectively. The other actions are not prohibited by the ECPA, as long as they comply with the exceptions and requirements of the Act. For example, monitoring all employee telephone calls or monitoring employee telephone calls of a personal nature may be allowed if the employer has a legitimate business purpose, has obtained the consent of the employees, or has a court order⁵. Accessing stored communications with the consent of the sender or recipient of the message is also allowed under the ECPA, as consent is one of the exceptions to the prohibition of unauthorized access³.

References: 1: Electronic Communications Privacy Act of 1986 (ECPA), Bureau of Justice Assistance. 2: 18

U.S. Code Chapter 119 - WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS, Legal Information Institute. 3: 18 U.S. Code Chapter

121 - STORED WIRE AND ELECTRONIC COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS, Legal Information Institute. 4: 18 U.S. Code Chapter 206 - PEN REGISTERS AND TRAP AND TRACE DEVICES, Legal Information Institute. 5: Monitoring Employees' Phone Calls and E-Mail, FindLaw.

NEW QUESTION # 143

Which federal law or regulation preempts state law?

- A. Telemarketing Sales Rule
- B. Health Insurance Portability and Accountability Act
- C. Controlling the Assault of Non-Solicited Pornography and Marketing Act
- D. Electronic Communications Privacy Act of 1986

Answer: B

Explanation:

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 is a federal law that regulates the privacy and security of health information in the United States. HIPAA preempts state laws that are contrary to its provisions, unless the state laws provide more stringent protections for health information. HIPAA establishes a floor of federal standards for health information privacy and security, but allows states to enact laws that are more protective of individuals' rights. For example, some states may require more specific consent from individuals before disclosing their health information, or impose stricter penalties for violations of health information privacy and security. HIPAA also provides exceptions for certain state laws that serve a compelling public interest, such as public health, safety, or welfare.

NEW QUESTION # 144

In what way is the Controlling the Assault of Non-Solicited Pornography and Marketing (CAN- SPAM) Act intended to help consumers?

- A. By requiring a company to receive an opt-in before sending any advertising e-mails.
- **B. By requiring companies to allow consumers to opt-out of future e-mails.**
- C. By providing consumers with free spam-filtering software.
- D. By prohibiting companies from sending objectionable content through unsolicited e-mails.

Answer: B

Explanation:

The Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act is a law passed in 2003 that establishes the first national standards for the sending of commercial e- mail in the United States. The law requires the Federal Trade Commission (FTC) to enforce its provisions. The law applies to any commercial e-mail message, which is defined as any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service. The law does not apply to transactional or relationship messages, which are messages that facilitate an agreed-upon transaction or update a customer about an existing business relationship. The law also does not apply to non-commercial messages, such as political or charitable solicitations.

The CAN-SPAM Act is intended to help consumers by giving them more control over the commercial e-mails they receive. The law does not require companies to obtain prior consent (opt-in) from consumers before sending them commercial e-mails, but it does require companies to honor consumers' requests to stop receiving such e-mails (opt-out). The law specifies that each commercial e-mail message must include a clear and conspicuous notice of the opportunity to decline to receive further messages from the sender, and a valid physical postal address of the sender. The sender must provide a functioning return e-mail address or other Internet-based mechanism that allows the recipient to submit an opt-out request. The sender must honor the opt- out request within 10 business days and must not sell, exchange, or transfer the e-mail address of the opt-out requester to another entity, unless the other entity is acting as an agent of the sender. By requiring companies to allow consumers to opt-out of future e-mails, the CAN-SPAM Act aims to reduce the amount of unwanted and unsolicited commercial e-mail that consumers receive, and to protect their privacy and preferences. The law also imposes other requirements on companies that send commercial e-mails, such as banning false or misleading header information and deceptive subject lines, requiring the identification of the message as an advertisement, and requiring the labeling of sexually explicit content. The law also authorizes the FTC and other federal agencies to enforce the law and impose civil penalties for violations.

NEW QUESTION # 145

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