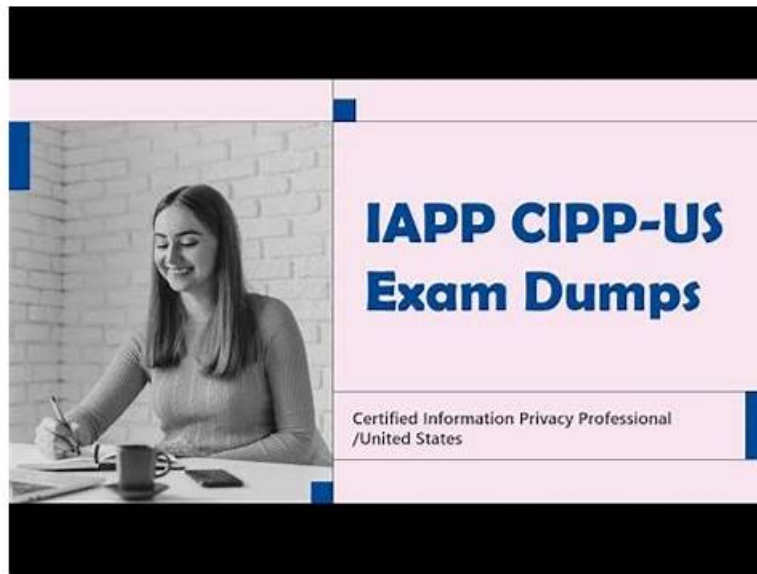


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The IAPP CIPP-US exam covers a broad range of topics related to U.S. privacy laws and regulations, including the Federal Trade Commission (FTC) Act, the Children's Online Privacy Protection Act (COPPA), the Health Insurance Portability and Accountability Act (HIPAA), and the Gramm-Leach-Bliley Act (GLBA). CIPP-US Exam also covers topics such as data breach notification laws, privacy policies and notices, and the General Data Protection Regulation (GDPR).

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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q79-Q84):

NEW QUESTION # 79

John, a California resident, receives notification that a major corporation with \$500 million in annual revenue has experienced a data breach. John's personal information in their possession has been stolen, including his full name and social security numb. John also learns that the corporation did not have reasonable cybersecurity measures in place to safeguard his personal information. Which of the following answers most accurately reflects John's ability to pursue a legal claim against the corporation under the California Consumer Privacy Act (CCPA)?

- A. John has no right to sue the corporation because the CCPA does not address any data breach rights.
- B. John can sue the corporation for the data breach but only to recover monetary damages he actually suffered as a result of the data breach.
- C. John cannot sue the corporation for the data breach because only the state's Attorney General has authority to file suit under the CCPA.

- **D. John can sue the corporation for the data breach to recover monetary damages suffered as a result of the data breach, and in some circumstances seek statutory damages irrespective of whether he suffered any financial harm.**

Answer: D

Explanation:

California Code, Civil Code Section 1798.150(a)(1))

NEW QUESTION # 80

SCENARIO

Please use the following to answer the next question:

Cheryl is the sole owner of Fitness Coach, Inc., a medium-sized company that helps individuals realize their physical fitness goals through classes, individual instruction, and access to an extensive indoor gym. She has owned the company for ten years and has always been concerned about protecting customer's privacy while maintaining the highest level of service. She is proud that she has built long-lasting customer relationships.

Although Cheryl and her staff have tried to make privacy protection a priority, the company has no formal privacy policy. So Cheryl hired Janice, a privacy professional, to help her develop one.

After an initial assessment, Janice created a first of a new policy. Cheryl read through the draft and was concerned about the many changes the policy would bring throughout the company. For example, the draft policy stipulates that a customer's personal information can only be held for one year after paying for a service such as a session with personal trainer. It also promises that customer information will not be shared with third parties without the written consent of the customer. The wording of these rules worry Cheryl since stored personal information often helps her company to serve her customers, even if there are long pauses between their visits. In addition, there are some third parties that provide crucial services, such as aerobics instructors who teach classes on a contract basis. Having access to customer files and understanding the fitness levels of their students helps instructors to organize their classes.

Janice understood Cheryl's concerns and was already formulating some ideas for revision. She tried to put Cheryl at ease by pointing out that customer data can still be kept, but that it should be classified according to levels of sensitivity. However, Cheryl was skeptical. It seemed that classifying data and treating each type differently would cause undue difficulties in the company's day-to-day operations. Cheryl wants one simple data storage and access system that any employee can access if needed.

Even though the privacy policy was only a draft, she was beginning to see that changes within her company were going to be necessary. She told Janice that she would be more comfortable with implementing the new policy gradually over a period of several months, one department at a time. She was also interested in a layered approach by creating documents listing applicable parts of the new policy for each department.

What is the best reason for Cheryl to follow Janice's suggestion about classifying customer data?

- **A. It will increase the security of customers' personal information (PI)**
- B. It will prevent the company from collecting too much personal information (PI)
- C. It will help the company meet a federal mandate
- D. It will help employees stay better organized

Answer: A

Explanation:

Data classification systematically categorizes information based on sensitivity and importance to determine its level of confidentiality. This process helps apply appropriate security and compliance measures to ensure each category receives proper protection. This process also helps to identify which personal data is subject to specific GDPR requirements, such as obtaining explicit consent from data subjects, or notifying data subjects in the event of a data breach. By classifying data, Cheryl can also make more informed decisions about where to store the information on her computer system and the nature of controls that are required based on classification. This way, she can protect her customers' privacy while maintaining the highest level of service.

NEW QUESTION # 81

SCENARIO

Please use the following to answer the next QUESTION:

Matt went into his son's bedroom one evening and found him stretched out on his bed typing on his laptop. "Doing your network?"

Matt asked hopefully.

"No," the boy said. "I'm filling out a survey."

Matt looked over his son's shoulder at his computer screen. "What kind of survey?" "It's asking Questions about my opinions."

"Let me see," Matt said, and began reading the list of Questions that his son had already answered. "It's asking your opinions about the government and citizenship. That's a little odd. You're only ten." Matt wondered how the web link to the survey had ended up in

his son's email inbox. Thinking the message might have been sent to his son by mistake he opened it and read it. It had come from an entity called the Leadership Project, and the content and the graphics indicated that it was intended for children. As Matt read further he learned that kids who took the survey were automatically registered in a contest to win the first book in a series about famous leaders.

To Matt, this clearly seemed like a marketing ploy to solicit goods and services to children. He asked his son if he had been prompted to give information about himself in order to take the survey. His son told him he had been asked to give his name, address, telephone number, and date of birth, and to answer Questions about his favorite games and toys.

Matt was concerned. He doubted if it was legal for the marketer to collect information from his son in the way that it was. Then he noticed several other commercial emails from marketers advertising products for children in his son's inbox, and he decided it was time to report the incident to the proper authorities.

How does Matt come to the decision to report the marketer's activities?

- A. The marketer failed to make an adequate attempt to provide Matt with information
- B. The marketer failed to identify himself and indicate the purpose of the messages
- C. The marketer did not provide evidence that the prize books were appropriate for children
- D. The marketer seems to have distributed his son's information without Matt's permission

Answer: A

NEW QUESTION # 82

In which situation is a company operating under the assumption of implied consent?

- A. An online retailer subscribes new customers to an e-mail list by default
- B. A retail clerk asks a customer to provide a zip code at the check-out counter
- C. An employer contacts the professional references provided on an applicant's resume
- D. A landlord uses the information on a completed rental application to run a credit report

Answer: C

Explanation:

* Implied consent is a form of consent that is inferred from the actions or inactions of the data subject, rather than explicitly expressed by the data subject¹.

* Implied consent is generally considered a valid basis for processing personal data under certain circumstances, such as when the processing is necessary for the performance of a contract, the legitimate interests of the data controller, or the reasonable expectations of the data subject².

* However, implied consent may not be sufficient for processing sensitive personal data, such as health, biometric, or genetic data, or for sending marketing communications, depending on the applicable laws and regulations².

* In the U.S., there is no comprehensive federal privacy law that regulates the use of implied consent for data processing, but there are sector-specific laws and state laws that may impose different requirements and limitations³.

* Based on the scenarios given in the question, the situation that is most likely to involve a company operating under the assumption of implied consent is A. An employer contacts the professional references provided on an applicant's resume.

* This is because the employer may reasonably infer that the applicant has consented to the contact of the references by voluntarily providing their information on the resume, and that the contact is necessary for the legitimate interest of the employer to verify the applicant's qualifications and suitability for the job⁴.

* The other situations may not involve implied consent, but rather require explicit consent or provide opt-out options for the data subjects, depending on the type and purpose of the data processing and the relevant laws and regulations⁵. For example:

* B. An online retailer subscribes new customers to an e-mail list by default. This may violate the CAN-SPAM Act, which requires online marketers to obtain affirmative consent from the recipients before sending commercial e-mail messages, and to provide a clear and conspicuous opt-out mechanism in every message⁵.

* C. A landlord uses the information on a completed rental application to run a credit report. This may violate the Fair Credit Reporting Act, which requires landlords to obtain written authorization from the applicants before obtaining their consumer reports, and to provide them

* with a copy of the report and a summary of their rights if they take any adverse action based on the report.

* D. A retail clerk asks a customer to provide a zip code at the check-out counter. This may violate the California Song-Beverly Credit Card Act, which prohibits retailers from requesting and recording personal identification information from customers who pay with a credit card, unless the information is necessary for a special purpose, such as shipping or fraud prevention.

References: 1: Implied Consent 2: Consent 3: U.S. Private-Sector Privacy (CIPP/US) 4: [Reference Checks:

Tips for Job Applicants and Employers] 5: [CAN-SPAM Act: A Compliance Guide for Business] : [Using Consumer Reports: What Landlords Need to Know] : [California Song-Beverly Credit Card Act] : [Reference Checks: Tips for Job Applicants and Employers] : [CAN-SPAM Act: A Compliance Guide for Business] :

NEW QUESTION # 83

Which of the following data elements is most likely to be subject to comprehensive state data security and privacy laws?

- A. Contact details of individuals who report emergencies, maintained by local authorities
- **B. Account holders' social security numbers, maintained by a bank.**
- C. Individual drivers' license numbers, maintained by a state agency.
- D. Users' sexual orientations, maintained by a social media website

Answer: B

Explanation:

Social security numbers (SSNs) are one of the most sensitive types of personally identifiable information (PII) and are subject to comprehensive data security and privacy laws at both the federal and state levels. Banks, as financial institutions, are subject to strict regulations under laws like the Gramm-Leach-Bliley Act (GLBA) and state privacy laws regarding the safeguarding of sensitive data like SSNs.

Why Social Security Numbers are Most Likely to Be Covered:

SSNs are a high-value target for identity theft, making their protection a focus of numerous privacy and data security laws.

Federal laws like GLBA and the Fair Credit Reporting Act (FCRA) impose strict data security requirements on financial institutions.

State laws, such as those in California, often require businesses to protect SSNs and notify individuals in the event of a breach involving sensitive information.

NEW QUESTION # 84

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