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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q219-Q224):

NEW QUESTION # 219
An organisation receives a request multiple times from a data subject seeking to exercise his rights with respect to his own personal

data. Under what condition can the organisation charge the data subject for processing the request?

- A. Only where the administrative costs of taking the action requested exceeds a certain threshold.
- B. Only to the extent this is allowed under the restrictions on data subjects' rights introduced under Art 23 of GDPR.
- C. Only if the organisation can demonstrate that the request is clearly excessive or misguided.
- D. Only where the organisation can show that it is reasonable to do so because more than one request was made.

Answer: C

Explanation:
1. A request may be manifestly unfounded or excessive if it has no clear purpose, is clearly frivolous or vexatious, is made repeatedly by the same data subject, or goes beyond what is reasonably necessary to fulfil the data subject's request2. In such cases, the organisation can either charge a reasonable fee or refuse to act on the request, but it must be able to justify its decision and inform the data subject of the reasons and their right to lodge a complaint with a supervisory authority or a judicial remedy1. The other options are not correct, as they either do not reflect the conditions for charging a fee under the GDPR, or are not relevant to the question. References: Right of access | ICO, Charge for a Data Subject Request GDPR - GDPR Wiki

NEW QUESTION # 220
Many businesses print their employees' photographs on building passes, so that employees can be identified by security staff. This is notwithstanding the fact that facial images potentially qualify as biometric data under the GDPR. Why would such practice be permitted?

- A. Because use of biometric data to confirm the unique identification of data subjects benefits from an exemption.
- B. Because employees are deemed to have given their explicit consent when they agree to be photographed by their employer.
- C. Because photographic ID is a physical security measure which is "necessary for reasons of substantial public interest".
- D. Because photographs qualify as biometric data only when they undergo a "specific technical processing".

Answer: D

Explanation:
According to Recital 51 of the GDPR, photographs are not automatically considered as biometric data, unless they are processed by a specific technical means that allows the unique identification or authentication of a natural person1. This means that printing employees' photographs on building passes does not necessarily involve biometric data, as long as the photographs are not used for facial recognition or other similar purposes. The other options are incorrect, as they do not reflect the definition of biometric data or the conditions for processing special categories of personal data under the GDPR2. Reference:
Recital 51 of the GDPR
ICO guidance on special category data
Reference https://ess.csa.canon.com/rs/206-CLL-191/images/IAPP-Top-10-Operational-Impacts-of- GDPR.pdf?TC=DM&CN=CSA_OMNIA_Partners&CS=CSA&CR=T1_Gov%20GenNonProfit (11)

NEW QUESTION # 221
The origin of privacy as a fundamental human right can be found in which document?

- A. Charier of Fundamental Rights of the European Union 2000.
- B. OECD Guidelines on the Protection of Privacy 1980.
- C. European Convention of Human Rights 1953.
- D. Universal Declaration of Human Rights 1948.

Answer: D

NEW QUESTION # 222
An unforeseen power outage results in company Z's lack of access to customer data for six hours. According to article 32 of the GDPR, this is considered a breach. Based on the WP 29's February, 2018 guidance, company Z should do which of the following?

- A. Document the loss of availability to demonstrate accountability
- B. Notify the supervisory authority about the loss of availability
- C. Notify affected individuals that their data was unavailable for a period of time.

- D. Conduct a thorough audit of all security systems

Answer: A

Explanation:
According to Article 32 of the GDPR, the controller and the processor must implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of the processing, including the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident1. A personal data breach is defined as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed2. Therefore, a power outage that results in the loss of availability of customer data for six hours is considered a personal data breach under the GDPR.
Based on the WP 29's February, 2018 guidance, which was endorsed by the European Data Protection Board, company Z should document the loss of availability to demonstrate accountability3. The guidance states that controllers must document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken, regardless of whether the breach needs to be notified to the supervisory authority or the data subjects. This documentation must enable the supervisory authority to verify compliance with the GDPR and must be made available to the supervisory authority on request4.
The other options (A, C, and D) are not required by the GDPR or the guidance, although they may be advisable or beneficial depending on the circumstances. Option A is not mandatory, as the GDPR only requires the controller to communicate the personal data breach to the data subject when the breach is likely to result in a high risk to the rights and freedoms of natural persons5. A temporary loss of availability may not pose such a high risk, unless it affects the data subject's essential services or activities. Option C is also not obligatory, as the GDPR only requires the controller to notify the supervisory authority of the personal data breach within 72 hours unless the breach is unlikely to result in a risk to the rights and freedoms of natural persons6. A short-term loss of availability may not entail such a risk, unless it affects a large number of data subjects or sensitive data. Option D is not specified by the GDPR or the guidance, although it may be a good practice to conduct a thorough audit of all security systems after a personal data breach to identify and address any vulnerabilities or weaknesses that may have contributed to the incident or may lead to future incidents. References:
* 1: Article 32 of the GDPR
* 2: Article 4 (12) of the GDPR
* 3: Endorsed WP29 Guidelines
* 4: Article 33 (5) of the GDPR
* 5: Article 34 (1) of the GDPR
* 6: Article 33 (1) of the GDPR
* 7: Guidelines on Personal data breach notification under Regulation 2016/679, WP250 rev.01
* 8: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
* 9: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679

NEW QUESTION # 223
A U.S. company's website sells widgets. Which of the following factors would NOT in itself subject the company to the GDPR?

- A. The website is in English and French, and is accessible in France.
- B. The widgets are offered in EU and priced in euro.
- C. An affiliate office is located in France but the processing is in the U.S.
- D. The website places cookies to monitor the EU website user behavior.

Answer: A

Explanation:
ccording to the GDPR, the regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, regardless of whether the processing takes place in the Union or not1. The GDPR also applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to: (a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or (b) the monitoring of their behaviour as far as their behaviour takes place within the Union1.
In this scenario, a U.S. company's website sells widgets to customers in the EU and places cookies to monitor their behavior. These factors would subject the company to the GDPR, as they indicate that the company is offering goods or services and monitoring the behavior of data subjects in the Union2. However, the fact that the website is in English and French, and is accessible in France, would not in itself subject the company to the GDPR, as these factors do not necessarily imply an intention to target customers in the Union3. The language and accessibility of the website are not sufficient to establish a relevant and sufficient degree of stability and

continuity of the company's activities in the Union3. Therefore, the correct answer is B.
Reference:
Art. 3 GDPR - Territorial scope
Guidelines 3/2018 on the territorial scope of the GDPR (Article 3)
What does territorial scope mean under the GDPR?
I hope this helps you understand the GDPR and territorial scope better. If you have any other questions, please feel free to ask me.

NEW QUESTION # 224
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