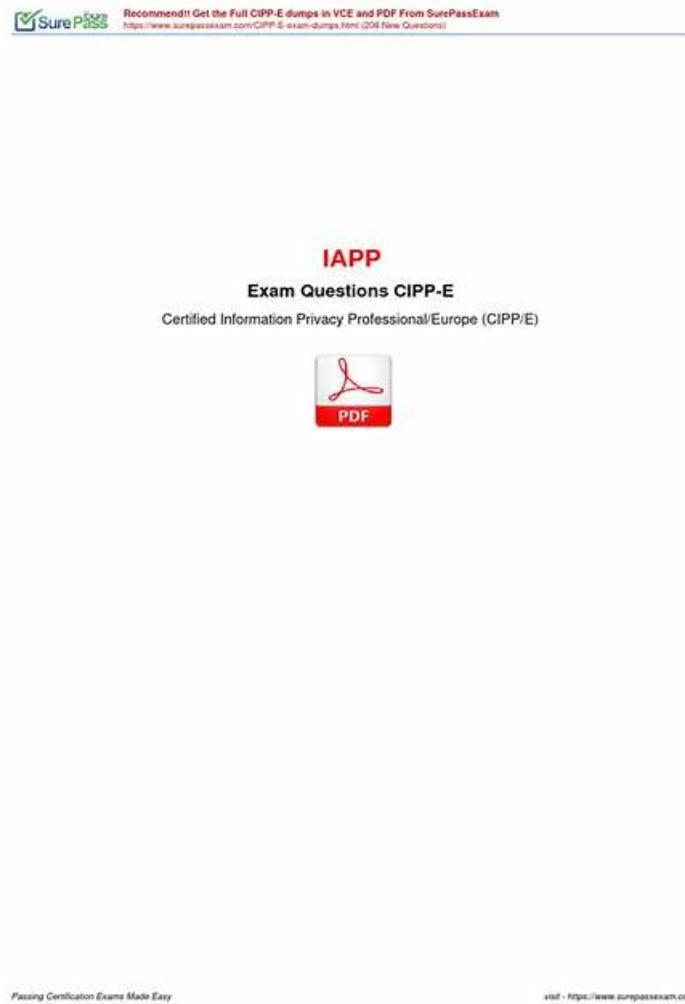


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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q200-Q205):

### NEW QUESTION # 200

Under Article 58 of the GDPR, which of the following describes a power of supervisory authorities in European Union (EU) member states?

- A. The authority to select penalties when a controller is found guilty in a court of law.
- B. **The right to access data for investigative purposes.**
- C. The discretion to carry out goals of elected officials within the member state.
- D. The ability to enact new laws by executive order.

### Answer: B

Explanation:

Article 58 of the GDPR lists the powers of supervisory authorities in EU member states. Among these powers are the investigative powers, which include the right to access data and information from controllers and processors, as well as to access their premises and equipment. This power enables the supervisory authorities to perform their tasks of monitoring and enforcing the GDPR. The other options are not powers of supervisory authorities under Article 58 of the GDPR. Reference: Art. 58 GDPR - Powers, Article 58 Powers - GDPR, Article 58 GDPR - GDPRhub

### NEW QUESTION # 201

Based on GDPR Article 35, which of the following situations would trigger the need to complete a DPIA?

- A. A company wants to combine location data with other data in order to offer more personalized service for the customer.
- B. **A company wants to build a dating app that creates candidate profiles based on location data and data from third-party sources.**
- C. A company wants to use location data to track delivery trucks in order to make the routes more efficient.
- D. A company wants to use location data to infer information on a person's clothes purchasing habits.

### Answer: B

Explanation:

According to Article 35 of the GDPR, a Data Protection Impact Assessment (DPIA) is required when the processing of data is likely to result in a high risk to the rights and freedoms of natural persons, especially when using new technologies. A DPIA is supposed to show the characteristics of the processing, the risks and the measures adopted to mitigate them. The GDPR also provides some examples of processing operations that require a DPIA, such as:

\* a systematic and extensive evaluation of personal aspects based on automated processing, including profiling, and on which decisions are based that produce legal or significant effects on the data subject;  
\* processing on a large scale of special categories of data or data relating to criminal convictions and offences; or  
\* a systematic monitoring of a publicly accessible area on a large scale.

Among the answer choices, only option C falls under the first example, as it involves a systematic and extensive evaluation of personal aspects based on location data and data from third-party sources, which could be used for profiling and matching purposes. This could have significant effects on the data subjects' privacy, personal relationships and reputation. Therefore, a DPIA would be required for this processing operation.

Option A does not necessarily involve a systematic and extensive evaluation of personal aspects, nor does it produce legal or significant effects on the data subject. It could be considered a legitimate interest of the company to offer more personalized service, as long as it respects the principles of data minimization, purpose limitation and transparency.

Option B does not involve a decision based on the processing, nor does it produce legal or significant effects on the data subject. It could be considered a form of direct marketing, which is subject to specific rules under the GDPR and the ePrivacy Directive.

Option D does not involve personal data relating to natural persons, but rather to delivery trucks. Therefore, it does not pose a high risk to the rights and freedoms of natural persons.

References:

\* GDPR Article 35

\* Guidelines on DPIA

### NEW QUESTION # 202

Which GDPR requirement will present the most significant challenges for organizations with Bring Your Own Device (BYOD) programs?

- A. Data subjects must be sufficiently informed of the purposes for which their personal data is processed.
- B. Personal data of data subjects must always be accurate and kept up to date.
- C. Data controllers must be in control of the data they hold at all times.
- D. Processing of special categories of personal data on a large scale requires appointing a DPO.

#### Answer: C

Explanation:

According to the Free CIPP/E Study Guide, page 12, "the GDPR requires data controllers to implement appropriate technical and organizational measures to ensure and to be able to demonstrate that processing is performed in accordance with the GDPR. These measures should take into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons." The GDPR also requires data controllers to ensure the security of personal data, to notify data breaches to the supervisory authorities and data subjects, and to cooperate with the supervisory authorities in providing any information necessary for the performance of their tasks. Therefore, the GDPR requirement that data controllers must be in control of the data they hold at all times will present the most significant challenges for organizations with BYOD programs, as they will have to deal with the increased risks of data loss, theft, unauthorized access, or misuse that may arise from the use of personal devices by employees or contractors. The other options are not necessarily more challenging for organizations with BYOD programs, although they may involve other obligations under the GDPR, such as obtaining a valid legal basis, providing adequate safeguards, or informing the data subjects. Reference:

Free CIPP/E Study Guide, page 12

GDPR, Articles 24, 25, 28, 32, 33, 34 and 58

### NEW QUESTION # 203

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

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

#### Answer: D

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 # 204

#### 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 What is potentially wrong with the backup system operated in the AWS cloud?

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

**Answer: C**

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 processed<sup>1</sup>. 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 subjects<sup>2</sup>. 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 controller<sup>3</sup>. 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 GDPR<sup>4</sup>. 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 # 205

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