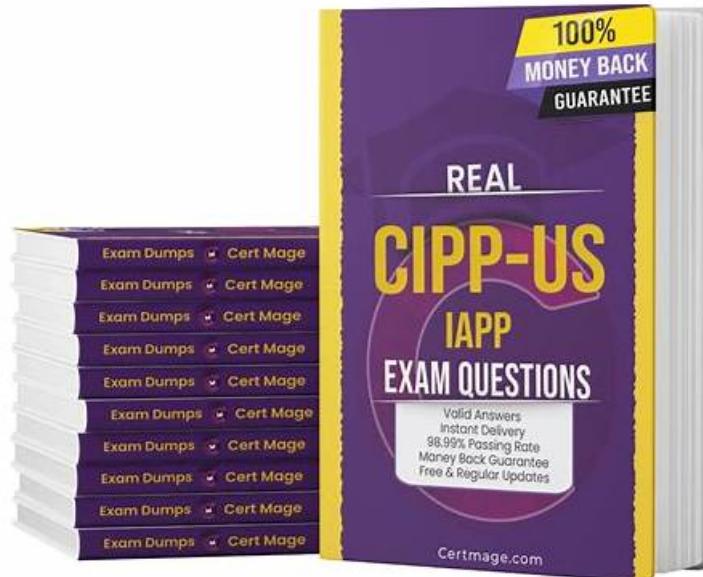


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individuals who work in various industries, including healthcare, finance, technology, and government. CIPP-US Exam is also suitable for lawyers, consultants, and privacy officers who are responsible for ensuring that their organization is compliant with applicable privacy laws and regulations.

IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q62-Q67):

NEW QUESTION # 62

Which was NOT one of the five priority areas listed by the Federal Trade Commission in its 2012 report, "Protecting Consumer Privacy in an Era of Rapid Change: Recommendations for Businesses and Policymakers"?

- A. Do Not Track
- B. International data transfers
- C. Large platform providers
- D. Promoting enforceable self-regulatory codes

Answer: A

Explanation:

The Federal Trade Commission (FTC) issued its 2012 report, "Protecting Consumer Privacy in an Era of Rapid Change: Recommendations for Businesses and Policymakers"¹, which outlined a framework for privacy protection based on three main principles: privacy by design, simplified consumer choice, and greater transparency. The report also identified five priority areas for the FTC's privacy enforcement and policy efforts, which were:

- * Data brokers
- * Large platform providers
- * Mobile
- * Promoting enforceable self-regulatory codes
- * International data transfers

Do Not Track was not one of the five priority areas, but rather a specific mechanism for implementing the principle of simplified consumer choice. The report endorsed the development of a Do Not Track system that would allow consumers to opt out of online behavioral advertising across websites and platforms¹. The report also noted the progress made by various stakeholders, such as the World Wide Web Consortium (W3C), the Digital Advertising Alliance (DAA), and browser companies, in advancing the Do Not Track initiative¹. References: 1: Federal Trade Commission, Protecting Consumer Privacy in an Era of Rapid Change: Recommendations for Businesses and Policymakers (March 2012), available at 1.

NEW QUESTION # 63

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.

Upon review, the data privacy leader discovers that the Company's documented data inventory is obsolete.

What is the data privacy leader's next best source of information to aid the investigation?

- A. Reports on recent purchase histories
- B. Interviews with key marketing personnel
- C. Database schemas held by the retailer
- D. Lists of all customers, sorted by country

Answer: B

Explanation:

The data privacy leader needs to identify all the personal data that the Company has received from the retailer, as well as the purposes, retention periods, and sharing practices of such data. Since the data inventory is obsolete, the data privacy leader cannot rely on it to provide accurate and complete information. Therefore, the next best source of information is to interview the key marketing personnel who are responsible for the partnership with the retailer and the use of the personal data. The marketing personnel can provide insights into the data flows, the data categories, the data processing activities, and the data protection measures that the Company has implemented. They can also help the data privacy leader to locate the relevant documents, contracts, and records that can support the investigation. References: [IAPP CIPP/US Study Guide], Chapter 5: Data Management, p. 97-98; IAPP Privacy Tech Vendor Report, Data Mapping and Inventory, p. 9-10.

NEW QUESTION # 64

According to FERPA, when can a school disclose records without a student's consent?

- A. If the disclosure would not reveal a student's student identification number
- B. If the disclosure is to practitioners who are involved in a student's health care
- C. If the disclosure is not to be conducted through email to the third party
- D. **If the disclosure is to provide transcripts to a school where a student intends to enroll**

Answer: D

Explanation:

According to FERPA, a school may disclose personally identifiable information (PII) from an eligible student's education records without consent if the disclosure meets one of the exceptions in 34 CFR § 99.31.

One of these exceptions is for disclosures to other schools to which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer (34 CFR § 99.31(a)(2)). This exception allows schools to disclose transcripts, recommendations, or other information that may facilitate the student's admission or enrollment at another school. However, the school must make a reasonable attempt to notify the student of the disclosure, unless the student initiated the disclosure, and must provide the student with a copy of the records that were disclosed upon request (34 CFR § 99.34(a)(1)). References: <https://studentprivacy.ed.gov/ferpa>

NEW QUESTION # 65

Which of the following practices is NOT a key component of a data ethics framework?

- A. **Automated decision-making.**
- B. Preferability testing.
- C. Data governance.
- D. Auditing.

Answer: A

Explanation:

A data ethics framework is a set of principles and guidelines that help organizations ensure that their data practices are ethical, responsible, and trustworthy. According to the IAPP CIPP/US Study Guide, some of the key components of a data ethics framework are1:

* Data governance: the policies, processes, and standards that govern how data is collected, used, stored, and shared within an organization.

* Preferability testing: the process of assessing the potential impacts and risks of data-driven solutions on stakeholders, such as customers, employees, and society.

* Auditing: the process of monitoring, reviewing, and verifying the compliance and performance of data practices against the established ethical standards and legal requirements. Automated decision-making, on the other hand, is not a key component of a data ethics framework, but rather a data practice that may raise ethical issues and challenges. Automated decision-making refers to the use of algorithms, artificial intelligence, or machine learning to make decisions or recommendations without human intervention2. While automated decision-making can offer benefits such as efficiency, accuracy, and consistency, it can also pose risks such as bias, discrimination, lack of transparency, and accountability3.

Therefore, automated decision-making should be subject to ethical evaluation and oversight, but it is not itself a part of a data ethics framework. References:

* [IAPP CIPP/US Study Guide], Chapter 10, Section 10.4, page 287

* [IAPP Glossary], Automated Decision-Making

NEW QUESTION # 66

Which of the following best describes private-sector workplace monitoring in the United States?

- A. U.S. federal law restricts monitoring only to industries for which it is necessary
- B. Judgments in private lawsuits have severely limited the monitoring of employees
- **C. Employers have broad authority to monitor their employees**
- D. Most employees are protected from workplace monitoring by the U.S. Constitution

Answer: C

Explanation:

In the United States, there is no comprehensive federal law that regulates employee monitoring in the private sector. Instead, there are various federal and state laws that address specific aspects of monitoring, such as electronic communications, video surveillance, GPS tracking, and biometric data. Generally, these laws provide more protection for employees' privacy when they are using their own devices or personal accounts, or when they are outside of work hours or premises. However, when employees are using company-owned devices or accounts, or when they are performing work-related tasks, employers have broad authority to monitor their activities, as long as they have a legitimate business interest and do not violate any specific laws.

Employers are also advised to inform employees of their monitoring practices and obtain their consent, either explicitly or implicitly, to avoid potential legal disputes or employee backlash.

NEW QUESTION # 67

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