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## **IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q108-Q113):**

### **NEW QUESTION # 108**

#### **SCENARIO**

Please use the following to answer the next question:

Jane is a U.S. citizen and a senior software engineer at California-based Jones Labs, a major software supplier to the U.S. Department of Defense and other U.S. federal agencies. Jane's manager, Patrick, is a French citizen who has been living in California for over a decade. Patrick has recently begun to suspect that Jane is an insider secretly transmitting trade secrets to foreign intelligence. Unbeknownst to Patrick, the FBI has already received a hint from anonymous whistleblower, and jointly with the National Security Agency is investigating Jane's possible implication in a sophisticated foreign espionage campaign.

Ever since the pandemic, Jane has been working from home. To complete her daily tasks, she uses her corporate laptop, which after each login conspicuously provides notice that the equipment belongs to Jones Labs and may be monitored according to the enacted privacy policy and employment handbook. Jane also has a corporate mobile phone that she uses strictly for business, the terms of which are defined in her employment contract and elaborated upon in her employee handbook. Both the privacy policy and the employee handbook are revised annually by a reputable California law firm specializing in privacy law. Jane also has a personal iPhone that she uses for private purposes only.

Jones Labs has its primary data center in San Francisco, which is managed internally by Jones Labs engineers. The secondary data center, managed by Amazon AWS, is physically located in the UK for disaster recovery purposes. Jones Labs' mobile devices backup is managed by a mid-sized mobile defense company located in Denver, which physically stores the data in Canada to reduce costs. Jones Labs' MS Office documents are securely stored in a Microsoft Office 365 data.

Under Section 702 of FISA, the NSA may do which of the following without a Foreign Intelligence Surveillance Court warrant?

- A. Compel Microsoft to disclose Patrick's Skype calls with a Brazilian national living in Peru.
- B. **Compel AWS to disclose email communications between two Chinese nationals residing in the EU.**
- C. Compel AWS to disclose Jane's email communications with a Taiwanese national residing in Taiwan.
- D. Compel Jane to disclose the PIN code for her corporate mobile phone.

#### **Answer: B**

Explanation:

Under Section 702 of the Foreign Intelligence Surveillance Act (FISA), the National Security Agency (NSA) is authorized to collect and analyze communications of non-U.S. persons located outside the United States for foreign intelligence purposes. Section 702 allows the NSA to compel U.S.-based service providers, such as AWS or Microsoft, to provide access to data without requiring a warrant from the Foreign Intelligence Surveillance Court (FISC) if certain criteria are met.

Key Aspects of Section 702:

Scope of Surveillance:

Section 702 applies to non-U.S. persons located outside the United States. It cannot be used to target U.S. citizens or individuals located within the United States, even if they communicate with non-U.S. persons.

Provider Obligations:

The NSA can compel U.S.-based service providers (e.g., AWS, Microsoft) to disclose information about communications involving foreign individuals if the data is relevant to foreign intelligence purposes.

### **NEW QUESTION # 109**

#### **SCENARIO**

Please use the following to answer the next question :

You are the chief privacy officer at HealthCo, a major hospital in a large U.S. city in state A. HealthCo is a HIPAA-covered entity that provides healthcare services to more than 100,000 patients. A third-party cloud computing service provider, CloudHealth, stores and manages the electronic protected health information (ePHI) of these individuals on behalf of HealthCo. CloudHealth stores the data in state B. As part of HealthCo's business associate agreement (BAA) with CloudHealth, HealthCo requires CloudHealth to implement security measures, including industry standard encryption practices, to adequately protect the data. However, HealthCo did not perform due diligence on CloudHealth before entering the contract, and has not conducted audits of CloudHealth's security measures.

A CloudHealth employee has recently become the victim of a phishing attack. When the employee unintentionally clicked on a link

from a suspicious email, the PHI of more than 10,000 HealthCo patients was compromised. It has since been published online. The HealthCo cybersecurity team quickly identifies the perpetrator as a known hacker who has launched similar attacks on other hospitals - ones that exposed the PHI of public figures including celebrities and politicians.

During the course of its investigation, HealthCo discovers that CloudHealth has not encrypted the PHI in accordance with the terms of its contract. In addition, CloudHealth has not provided privacy or security training to its employees. Law enforcement has requested that HealthCo provide its investigative report of the breach and a copy of the PHI of the individuals affected.

A patient affected by the breach then sues HealthCo, claiming that the company did not adequately protect the individual's ePHI, and that he has suffered substantial harm as a result of the exposed data. The patient's attorney has submitted a discovery request for the ePHI exposed in the breach.

What is the most effective kind of training CloudHealth could have given its employees to help prevent this type of data breach?

- A. Training on the difference between confidential and non-public information
- B. Training on the terms of the contractual agreement with HealthCo
- C. **Training on techniques for identifying phishing attempts**
- D. Training on CloudHealth's HR policy regarding the role of employees involved data breaches

**Answer: C**

#### **NEW QUESTION # 110**

##### **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.

In what area does Larry have a misconception about private-sector employee rights?

- A. The enforceability of local law
- B. The definition of tort law
- C. The strict nature of state law
- D. **The applicability of federal law**

**Answer: D**

Explanation:

Larry has a misconception about the applicability of federal law to private-sector employee rights.

He believes that the U.S. Constitution protects American workers from various forms of discrimination, harassment, and invasion of privacy by their employers. However, the U.S.

Constitution only applies to government actions, not private actions, unless there is a specific federal statute that extends constitutional protections to the private sector. For example, the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex, or national origin by private employers. The Electronic Communications Privacy Act of 1986 regulates the interception and disclosure of electronic communications by private parties. The CAN-SPAM Act of 2003 sets the rules for commercial email and gives recipients the right to opt out of receiving unwanted messages. These are examples of federal laws that apply to private-sector employees, but they do not cover all the situations that Larry faces at SunriseLynx. For instance, there is no

federal law that protects private- sector employees from political discrimination or from having their personal mail opened by their employers. Larry may have to rely on state laws or common law torts to seek redress for these violations of his rights.

## NEW QUESTION # 111

### SCENARIO

Please use the following to answer the next QUESTION:

Declan has just started a job as a nursing assistant in a radiology department at Woodland Hospital. He has also started a program to become a registered nurse.

Before taking this career path, Declan was vaguely familiar with the Health Insurance Portability and Accountability Act (HIPAA). He now knows that he must help ensure the security of his patients' Protected Health Information (PHI). Therefore, he is thinking carefully about privacy issues.

On the morning of his first day, Declan noticed that the newly hired receptionist handed each patient a HIPAA privacy notice. He wondered if it was necessary to give these privacy notices to returning patients, and if the radiology department could reduce paper waste through a system of one-time distribution.

He was also curious about the hospital's use of a billing company. He Questioned whether the hospital was doing all it could to protect the privacy of its patients if the billing company had details about patients' care.

On his first day Declan became familiar with all areas of the hospital's large radiology department. As he was organizing equipment left in the halfway, he overheard a conversation between two hospital administrators. He was surprised to hear that a portable hard drive containing non-encrypted patient information was missing. The administrators expressed relief that the hospital would be able to avoid liability. Declan was surprised, and wondered whether the hospital had plans to properly report what had happened.

Despite Declan's concern about this issue, he was amazed by the hospital's effort to integrate Electronic Health Records (EHRs) into the everyday care of patients. He thought about the potential for streamlining care even more if they were accessible to all medical facilities nationwide.

Declan had many positive interactions with patients. At the end of his first day, he spoke to one patient, John, whose father had just been diagnosed with a degenerative muscular disease. John was about to get blood work done, and he feared that the blood work could reveal a genetic predisposition to the disease that could affect his ability to obtain insurance coverage. Declan told John that he did not think that was possible, but the patient was wheeled away before he could explain why. John plans to ask a colleague about this.

In one month, Declan has a paper due for one his classes on a health topic of his choice. By then, he will have had many interactions with patients he can use as examples. He will be pleased to give credit to John by name for inspiring him to think more carefully about genetic testing.

Although Declan's day ended with many Questions, he was pleased about his new position.

How can the radiology department address Declan's concern about paper waste and still comply with the Health Insurance Portability and Accountability Act (HIPAA)?

- A. Direct patients to the correct area of the hospital website
- B. State the privacy policy to the patient verbally
- C. Post the privacy notice in a prominent location instead
- D. Confirm that patients are given the privacy notice on their first visit Section: (none) Explanation

**Answer: A**

## NEW QUESTION # 112

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 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
- 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 has no right to sue the corporation because the CCPA does not address any data breach rights.

**Answer: A**

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

## NEW QUESTION # 113

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