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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q190-Q195):

NEW QUESTION # 190
SCENARIO
Please use the following to answer the next question:

ProStorage is a multinational cloud storage provider headquartered in the Netherlands. Its CEO. Ruth Brown, has developed a two-pronged strategy for growth: 1) expand ProStorage s global customer base and 2) increase ProStorage's sales force by efficiently onboarding effective teams. Enacting this strategy has recently been complicated by Ruth's health condition, which has limited her working hours, as well as her ability to travel to meet potential customers. ProStorage's Human Resources department and Ruth's Chief of Staff now work together to manage her schedule and ensure that she is able to make all her medical appointments The latter has become especially crucial after Ruth's last trip to India, where she suffered a medical emergency and was hospitalized m New Delhi Unable to reach Ruths family, the hospital reached out to ProStorage and was able to connect with her Chief of Staff, who in coordination with Mary, the head of HR. provided information to the doctors based on accommodate on requests Ruth made when she started a: ProStorage In support of Ruth's strategic goals of hiring more sales representatives, the Human Resources team is focused on improving its processes to ensure that new employees are sourced, interviewed, hired, and onboarded efficiently. To help with this, Mary identified two vendors, HRYourWay, a German based company, and InstaHR, an Australian based company. She decided to have both vendors go through ProStorage's vendor risk review process so she can work with Ruth to make the final decision. As part of the review process, Jackie, who is responsible for maintaining ProStorage's privacy program (including maintaining controller BCRs and conducting vendor risk assessments), reviewed both vendors but completed a transfer impact assessment only for InstaHR. After her review of both boasted a more established privacy program and provided third-party attestations, whereas HRYourWay was a small vendor with minimal data protection operations.
Thus, she recommended InstaHR.
ProStorage's marketing team also worked to meet the strategic goals of the company by focusing on industries where it needed to grow its market share. To help with this, the team selected as a partner UpFinance, a US based company with deep connections to financial industry customers. During ProStorage's diligence process, Jackie from the privacy team noted in the transfer impact assessment that UpFinance implements several data protection measures including end-to-end encryption, with encryption keys held by the customer.
Notably, UpFinance has not received any government requests in its 7 years of business. Still, Jackie recommended that the contract require UpFinance to notify ProStorage if it receives a government request for personal data UpFinance processes on its behalf prior to disclosing such data.
What transfer mechanism did ProStorage most likely rely on to transfer Ruth's medical information to the hospital?

- A. Performance of a contract with Ruth.
- B. Protecting the vital interest of Ruth
- C. Protecting against legal liability from Ruth.
- D. Ruth's implied consent.

Answer: B

Explanation:
According to Article 49 of the GDPR, transfers of personal data to third countries or international organisations may take place in the absence of an adequacy decision or appropriate safeguards, such as standard contractual clauses or binding corporate rules, only if one of the derogations listed in that article applies1. One of the derogations is when the transfer is necessary for the protection of the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent1. This derogation is intended to cover only urgent situations, such as medical emergencies, where the transfer is essential for the data subject's life or health2.
In this scenario, ProStorage most likely relied on this derogation to transfer Ruth's medical information to the hospital in India, where she suffered a medical emergency and was hospitalized. The transfer was necessary for the protection of Ruth's vital interests, as she was in a critical condition and needed urgent medical care. Ruth was also physically or legally incapable of giving consent, as she was unconscious or incapacitated. Therefore, option B is the correct answer.
Option A is incorrect because Ruth's implied consent is not a valid transfer mechanism under the GDPR. Consent must be explicit, informed, specific, and freely given for the transfer of personal data to third countries or international organisations1. Ruth did not give any explicit consent for the transfer of her medical information to the hospital, nor was she informed or asked about it. Moreover, consent cannot be relied on as a transfer mechanism when the data subject is in a situation of distress or dependence, such as a medical emergency, as it would not be considered freely given2.
Option C is incorrect because the performance of a contract with Ruth is not a valid transfer mechanism under the GDPR. The transfer of personal data to third countries or international organisations on the basis of a contract with the data subject is only allowed if the transfer is necessary for the performance of that contract or for the implementation of pre-contractual measures taken at the data subject's request1. In this scenario, there is no contract between ProStorage and Ruth that requires or justifies the transfer of her medical information to the hospital. The transfer is not necessary for the performance of Ruth's employment contract with ProStorage, nor for any pre-contractual measures taken by Ruth.
Option D is incorrect because the protection against legal liability from Ruth is not a valid transfer mechanism under the GDPR. The transfer of personal data to third countries or international organisations on the grounds of legal claims or defence is only allowed if the transfer is necessary for the establishment, exercise or defence of legal claims1. In this scenario, there is no legal claim or defence involved in the transfer of Ruth's medical information to the hospital. The transfer is not necessary for the establishment, exercise or defence of any legal claim by or against ProStorage or Ruth.

Reference:
Derogations for specific situations
Guidelines 2/2018 on derogations of Article 49 under Regulation 2016/679

NEW QUESTION # 191
The Murla HB Club should have carried out a DPIA before the installation of the new access system AND at what other time?

- A. After the complaint of the supporter
- B. After the AEPD notification of the investigation.
- C. Periodically, when new risks were foreseen
- D. At the end of every match of the season.

Answer: C

Explanation:
A Data Protection Impact Assessment (DPIA) is required under Article 35 of the GDPR when data processing is likely to result in a high risk to individuals' rights and freedoms. This includes processing involving new technologies, systematic monitoring, or the large-scale processing of sensitive data.
* When should a DPIA be conducted?
* Before implementing a new high-risk processing activity (e.g., a biometric access system).
* Whenever a significant change in risk occurs (e.g., security updates, regulatory changes, new threats).
* Regularly to reassess and mitigate emerging risks.
* Why is B the correct answer?
* DPIAs are not a one-time process; they must be reviewed periodically to assess new risks.
* Why are other answers incorrect?
* A (After the complaint) # A DPIA is a proactive measure, not something done only after a complaint.
* C (At the end of the season) # GDPR does not require assessments to be tied to event cycles.
* D (After regulatory notification) # DPIAs must be done before investigations, not as a response.
Conclusion: DPIAs should be conducted periodically when new risks arise, making B the correct answer.

NEW QUESTION # 192
Through a combination of hardware failure and human error, the decryption key for a bank's customer account transaction database has been lost. An investigation has determined that this was not the result of hacking or malfeasance, simply an unfortunate combination of circumstances. Which of the following accurately indicates the nature of this incident?

- A. A data breach has occurred because the loss of the key has resulted in the loss of confidentiality or integrity of the data.
- B. A data breach has not occurred because no data was exposed to any unauthorized individual.
- C. A data breach has occurred because the loss of the key has resulted in the data no longer being accessible.
- D. A data breach has not occurred because the loss was not the result of hacking.

Answer: A

Explanation:
A data breach is broadly defined as any incident that leads to the unauthorized access, disclosure, alteration, or destruction of personal data. While options A and B might seem plausible at first glance, they focus on a narrow interpretation of a breach.
The key here is the loss of confidentiality and/or integrity. Even though no one has actively stolen the data, the bank can no longer guarantee the confidentiality of the information, nor can it ensure the integrity of the data since it cannot be accessed or modified securely. This constitutes a loss of control over the data and thus qualifies as a data breach.
References:
* IAPP CIPP/E textbook, Chapter 5: Data Breach Notification (specifically, the definition of a personal data breach)
* GDPR Article 4(12) - Definition of a personal data breach

NEW QUESTION # 193
SCENARIO
Please use the following to answer the next question:
Building Block Inc. is a multinational company, headquartered in Chicago with offices throughout the United States, Asia, and Europe (including Germany, Italy, France and Portugal). Last year the company was the victim of a phishing attack that resulted in a

significant data breach. The executive board, in coordination with the general manager, their Privacy Office and the Information Security team, resolved to adopt additional security measures. These included training awareness programs, a cybersecurity audit, and use of a new software tool called SecurityScan, which scans employees' computers to see if they have software that is no longer being supported by a vendor and therefore not getting security updates. However, this software also provides other features, including the monitoring of employees' computers.
Since these measures would potentially impact employees, Building Block's Privacy Office decided to issue a general notice to all employees indicating that the company will implement a series of initiatives to enhance information security and prevent future data breaches.
After the implementation of these measures, server performance decreased. The general manager instructed the Security team on how to use SecurityScan to monitor employees' computers activity and their location. During these activities, the Information Security team discovered that one employee from Italy was daily connecting to a video library of movies, and another one from Germany worked remotely without authorization. The Security team reported these incidents to the Privacy Office and the general manager. In their report, the team concluded that the employee from Italy was the reason why the server performance decreased. Due to the seriousness of these infringements, the company decided to apply disciplinary measures to both employees, since the security and privacy policy of the company prohibited employees from installing software on the company's computers, and from working remotely without authorization.
To comply with the GDPR, what should Building Block have done as a first step before implementing the SecurityScan measure?

- A. Consulted with the Information Security team to weigh security measures against possible server impacts.
- B. Consulted with the relevant data protection authority about potential privacy violations.
- C. Assessed potential privacy risks by conducting a data protection impact assessment.
- D. Distributed a more comprehensive notice to employees and received their express consent.

Answer: C

Explanation:
A data protection impact assessment (DPIA) is a process to identify and minimise the data protection risks of a project that is likely to result in a high risk to the rights and freedoms of individuals1. The GDPR requires controllers to conduct a DPIA before starting such processing activities1. In this case, Building Block should have done a DPIA before implementing the SecurityScan measure, as it involves the monitoring of employees' computers, which could affect their privacy and other fundamental rights2. A DPIA would help Building Block to assess the necessity, proportionality and compliance measures of the SecurityScan measure, as well as to identify and mitigate the risks to the employees and to consult with the relevant stakeholders, such as the data protection officer, the employees themselves, and the supervisory authorities12. The other options are not the first step that Building Block should have done, as they either follow or depend on the outcome of the DPIA. Reference: Data Protection Impact Assessment (DPIA) - GDPR.eu, Data protection impact assessments | ICO

NEW QUESTION # 194
Which of the following is the weakest lawful basis for processing employee personal data?

- A. Processing based on legal obligation.
- B. Processing based on fulfilling an employment contract.
- C. Processing based on employee consent.
- D. Processing based on legitimate interests.

Answer: C

Explanation:
Reference:
According to the GDPR, consent is one of the six lawful bases for processing personal data, but it is not always the most appropriate one. Consent must be freely given, specific, informed and unambiguous, and the data subject must have the right to withdraw it at any time1. In the context of employment, consent is often not a valid lawful basis, because there is a clear imbalance of power between the employer and the employee, which means that the consent is not freely given2. Moreover, consent can be difficult to manage and document, and it can pose practical problems if the employee withdraws it. Therefore, consent is the weakest lawful basis for processing employee personal data, and employers should rely on other lawful bases, such as contract, legal obligation, vital interests, public task or legitimate interests, depending on the purpose and necessity of the processing3. Reference: 1: Article 4(11) and Article 7 of the GDPR; 2: [EDPB Guidelines], page 6; 3: A Guide to Lawful Basis for Processing Employee Personal Data.

NEW QUESTION # 195

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