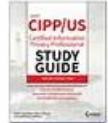


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## IAPP CIPP / US Certified Information Privacy Professional Study Guide



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To obtain the CIPP-US Certification, candidates must pass a rigorous exam that covers all of the key topics related to data privacy in the United States. CIPP-US exam is designed to test candidates' knowledge of privacy laws and regulations, as well as their understanding of best practices for protecting personal data and responding to data breaches.

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IAPP CIPP-US (Certified Information Privacy Professional/United States) Certification Exam is a credential certification that validates the knowledge and skills of privacy practitioners in the United States. It tests individuals on U.S. privacy laws and regulations, such as the Health Insurance Portability and Accountability Act (HIPAA), the Children's Online Privacy Protection Act (COPPA), and the California Consumer Privacy Act (CCPA). Certified Information Privacy Professional/United States (CIPP/US) certification demonstrates that the holder has expertise in designing, implementing, and managing privacy programs in organizations across various industries.

## **IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q200-Q205):**

### **NEW QUESTION # 200**

#### **SCENARIO**

Please use the following to answer the next question:

Felicia has spent much of her adult life overseas, and has just recently returned to the U.S. to help her friend Celeste open a jewelry store in California. Felicia, despite being excited at the prospect, has a number of security concerns, and has only grudgingly accepted the need to hire other employees. In order to guard against the loss of valuable merchandise, Felicia wants to carefully screen applicants. With their permission, Felicia would like to run credit checks, administer polygraph tests, and scrutinize videos of interviews. She intends to read applicants' postings on social media, ask questions about drug addiction, and solicit character references. Felicia believes that if potential employees are serious about becoming part of a dynamic new business, they will readily agree to these requirements.

Felicia is also in favor of strict employee oversight. In addition to protecting the inventory, she wants to prevent mistakes during transactions, which will require video monitoring. She also wants to regularly check the company vehicle's GPS for locations visited by employees. She also believes that employees who use their own devices for work-related purposes should agree to a certain amount of supervision.

Given her high standards, Felicia is skeptical about the proposed location of the store. She has been told that many types of background checks are not allowed under California law. Her friend Celeste thinks these worries are unfounded, as long as applicants verbally agree to the checks and are offered access to the results. Nor does Celeste share Felicia's concern about state breach notification laws, which, she claims, would be costly to implement even on a minor scale.

Celeste believes that even if the business grows a customer database of a few thousand, it's unlikely that a state agency would hassle an honest business if an accidental security incident were to occur.

In any case, Celeste feels that all they need is common sense ?like remembering to tear up sensitive documents before throwing them in the recycling bin. Felicia hopes that she's right, and that all of her concerns will be put to rest next month when their new business consultant (who is also a privacy professional) arrives from North Carolina.

Based on Felicia's Bring Your Own Device (BYOD) plan, the business consultant will most likely advise Felicia and Celeste to do what?

- A. Make employment decisions based on those willing to consent to the plan in writing.
- B. Adopt the same kind of monitoring policies used for work-issued devices.
- C. **Weigh any productivity benefits of the plan against the risk of privacy issues.**
- D. Reconsider the plan in favor of a policy of dedicated work devices.

#### **Answer: C**

#### **Explanation:**

BYOD is a practice that allows employees to use their own personal devices, such as smartphones, tablets, or laptops, for work-related purposes. BYOD can offer some benefits for both employers and employees, such as increased flexibility, convenience, and productivity.

However, BYOD also poses significant privacy and security risks, such as data breaches, unauthorized access, loss or theft of devices, malware infections, and compliance challenges.

Therefore, the business consultant will most likely advise Felicia and Celeste to weigh any productivity benefits of the plan against the risk of privacy issues, and to implement a comprehensive BYOD policy that addresses the following aspects:

The scope and purpose of the BYOD program, including the types of devices, data, and applications that are allowed or prohibited.

The roles and responsibilities of the employer and the employees, including the ownership, control, and access rights of the devices and the data.

The security measures and controls that are required to protect the devices and the data, such as encryption, passwords, remote wipe, antivirus software, firewalls, and VPNs. The privacy expectations and obligations of the employer and the employees, such as

the notice, consent, and disclosure requirements, the limits on data collection and monitoring, the retention and deletion policies, and the rights of access and correction. The legal and regulatory compliance requirements that apply to the BYOD program, such as the FTC Act, the GLBA, the HIPAA, the COPPA, the CCPA, and the GDPR. The incident response and reporting procedures that are followed in the event of a data breach, loss, or theft of a device, or any other privacy or security issue. The training and education programs that are provided to the employees to raise awareness and understanding of the BYOD policy and the best practices. The enforcement and audit mechanisms that are used to ensure compliance and accountability of the BYOD policy, such as sanctions, penalties, reviews, and audits.

#### NEW QUESTION # 201

Which entities must comply with the Telemarketing Sales Rule?

- A. For-profit organizations and for-profit telefunders regarding charitable solicitations
- B. For-profit organizations calling businesses when a binding contract exists between them
- C. Nonprofit organizations calling on their own behalf
- D. **For-profit and not-for-profit organizations when selling additional services to establish customers**

**Answer: D**

#### NEW QUESTION # 202

Under the Telemarketing Sales Rule, what characteristics of consent must be in place for an organization to acquire an exception to the Do-Not-Call rules for a particular consumer?

- A. The consent must be in writing, must state the times when calls can be made to the consumer and must be signed
- **B. The consent must be in writing, must contain the number to which calls can be made and must be signed**
- C. The consent must be in writing, must have an end date and must state the times when calls can be made
- D. The consent must be in writing, must contain the number to which calls can be made and must have an end date

**Answer: B**

Explanation:

The Telemarketing Sales Rule (TSR) is a federal regulation that applies to telemarketing calls, which are defined as "a plan, program, or campaign which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones and which involves more than one interstate telephone call."<sup>1</sup> The TSR requires telemarketers to make specific disclosures, prohibit misrepresentations, limit the times and number of calls, and set payment restrictions for the sale of certain goods and services. The TSR also gives consumers the right to opt out of receiving telemarketing calls by registering their phone numbers on the National Do Not Call Registry.<sup>2</sup> The TSR applies to both for-profit and not-for-profit organizations, but there are some exemptions and partial exemptions for certain types of entities, calls, and transactions. For example, the TSR does not apply to nonprofit organizations calling on their own behalf, as they are not considered to be engaged in telemarketing.

However, if a nonprofit organization hires a for-profit telemarketer or telefunder to solicit charitable contributions on its behalf, the for-profit entity must comply with the TSR, as it is engaged in telemarketing.

Similarly, the TSR does not apply to for-profit organizations calling businesses when a binding contract exists between them, as they are not considered to be inducing the purchase of goods or services. However, if a for-profit organization calls businesses to sell additional services to established customers, the TSR applies, as it is considered to be inducing the purchase of goods or services.<sup>3</sup> Therefore, among the four options, only for-profit organizations and for-profit telefunders regarding charitable solicitations must comply with the TSR, as they are engaged in telemarketing and do not fall under any of the exemptions or partial exemptions.

References: 1: eCFR :: 16 CFR Part 310 - Telemarketing Sales Rule3, Section 310.22: Telemarketing Sales Rule | Federal Trade Commission1, Rule Summary3: Complying with the Telemarketing Sales Rule - Federal Trade Commission2, Exemptions to the TSR.

#### NEW QUESTION # 203

The "Consumer Privacy Bill of Rights" presented in a 2012 Obama administration report is generally based on?

- **A. Traditional fair information practices**
- B. European Union Directive
- C. Common law principles
- D. The 1974 Privacy Act

**Answer: A**

Explanation:

"the 2012 White House Report contains a preface signed by President Obama and defines the "Consumer Privacy Bill of Rights" based on traditional fair information practices (FIPs)."

**NEW QUESTION # 204**

Which of the following federal agencies does NOT enforce the Disposal Rule under the Fair and Accurate Credit Transactions Act (FACTA)?

- A. The Consumer Financial Protection Bureau
- B. The Office of the Comptroller of the Currency
- **C. The Department of Health and Human Services**
- D. The Federal Trade Commission

**Answer: C**

Explanation:

The Disposal Rule under the Fair and Accurate Credit Transactions Act (FACTA) is a federal regulation that requires any person or entity that maintains or possesses consumer information derived from consumer reports to dispose of such information in a secure and proper manner.

The Disposal Rule aims to protect consumers from identity theft and fraud by preventing unauthorized access to or use of their personal information. The Disposal Rule is enforced by several federal agencies, depending on the type and sector of the entity that is subject to the rule.

These agencies include:

The Federal Trade Commission (FTC), which has general authority over most entities that are not specifically regulated by other agencies.

The Consumer Financial Protection Bureau (CFPB), which has authority over consumer financial products and services, such as banks, credit unions, lenders, debt collectors, and credit reporting agencies.

The Office of the Comptroller of the Currency (OCC), which has authority over national banks and federal savings associations.

The Federal Deposit Insurance Corporation (FDIC), which has authority over state-chartered banks that are not members of the Federal Reserve System and state-chartered savings associations. The Board of Governors of the Federal Reserve System (FRB), which has authority over state-chartered banks that are members of the Federal Reserve System, bank holding companies, and certain nonbank subsidiaries of bank holding companies. The National Credit Union Administration (NCUA), which has authority over federally insured credit unions.

The Securities and Exchange Commission (SEC), which has authority over brokers, dealers, investment companies, and investment advisers.

The Commodity Futures Trading Commission (CFTC), which has authority over commodity futures and options markets and intermediaries.

The Department of Health and Human Services (HHS) is NOT one of the federal agencies that enforces the Disposal Rule under FACTA. HHS has authority over health information privacy and security under the Health Insurance Portability and Accountability Act (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH), but not under FACTA.

**NEW QUESTION # 205**

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