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IAPP CIPP E

Certified Information Privacy Professional/Europe (CIPP/E)

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Question 1

Which statement is correct when considering the right to privacy under Article 8 of the European Convention on Human Rights (ECHR)?

Options:

- A. The right to privacy is an absolute right
- B. The right to privacy has to be balanced against other rights under the ECHR
- C. The right to freedom of expression under Article 10 of the ECHR will always override the right to privacy
- D. The right to privacy protects the right to hold opinions and to receive and impart ideas without interference

Answer: B

Explanation:

Reference: https://www.echr.coe.int/Documents/Guide_Art_8_ENG.pdf (15)

Question 2

What is one major goal that the OECD Guidelines, Convention 108 and the Data Protection Directive (Directive 95/46/EC) all had in common but largely failed to achieve in Europe?

Options:

- A. The establishment of a list of legitimate data processing criteria
- B. The creation of legally binding data protection principles
- C. The synchronization of approaches to data protection
- D. The restriction of cross-border data flow

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample

Questions (Q162-Q167):

NEW QUESTION # 162

Which aspect of processing does the GDPR allow processors to determine for themselves?

- A. Their own purposes for the processing, if such purposes are compatible with those for which the personal data were initially collected.
- **B. Their own type of hardware or software and the specific security measures for the processing.**
- C. The parameters of their marketing campaigns using personal data relating to the controller's customers.
- D. The question of whether the controller needs to be informed about the substitution of another processor carrying out specific processing activities on behalf of the controller.

Answer: B

Explanation:

The GDPR defines processors as entities that process personal data on behalf of controllers, typically under a contract or other legal act that sets out the subject matter, duration, nature, purpose, type and categories of personal data, and the obligations and rights of the controller. Processors must act only on the documented instructions of the controller, unless required by law to act otherwise. Processors must also comply with the GDPR's requirements regarding the security, confidentiality, transfer, sub-processing, notification, assistance, cooperation, and documentation of the personal data processing.

However, the GDPR does not prescribe the exact technical and organisational measures that processors must implement to ensure the security of the personal data processing. Instead, the GDPR requires that processors take into account the state of the art, the costs of implementation, the nature, scope, context and purposes of the processing, and the risks for the rights and freedoms of data subjects. Therefore, processors have some discretion to determine their own type of hardware or software and the specific security measures for the processing, as long as they provide a level of security appropriate to the risk and comply with the controller's instructions. Processors may also adhere to approved codes of conduct or certification mechanisms to demonstrate their compliance with the GDPR's security requirements.

The other options listed in the question are not aspects of processing that the GDPR allows processors to determine for themselves. According to the GDPR:

Processors must inform the controller of any intended changes concerning the addition or replacement of other processors, and give the controller the opportunity to object to such changes. Processors must also impose the same data protection obligations on any sub-processors as those agreed with the controller.

Processors must not process the personal data for their own purposes, unless they have a legal basis to do so and inform the data subjects accordingly. Processors must only process the personal data for the purposes determined by the controller, and in accordance with the controller's instructions.

Processors must not use the personal data relating to the controller's customers for their own marketing campaigns, unless they have obtained the consent of the data subjects or have another legitimate interest to do so. Processors must respect the data subjects' rights to object to direct marketing and to withdraw their consent at any time.

References:

GDPR, Articles 4, 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43.

EDPB Guidelines 07/2020 on the concepts of controller and processor in the GDPR, pages 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.

NEW QUESTION # 163

SCENARIO

Please use the following to answer the next question:

Anna and Frank both work at Granchester University. Anna is a lawyer responsible for data protection, while Frank is a lecturer in the engineering department. The University maintains a number of types of records:

- * Student records, including names, student numbers, home addresses, pre-university information, university attendance and performance records, details of special educational needs and financial information.
- * Staff records, including autobiographical materials (such as curricula, professional contact files, student evaluations and other relevant teaching files).
- * Alumni records, including birthplaces, years of birth, dates of matriculation and conferrals of degrees.

These records are available to former students after registering through Granchester's Alumni portal.

- * Department for Education records, showing how certain demographic groups (such as first-generation students) could be expected, on average, to progress. These records do not contain names or identification numbers.

- * Under their security policy, the University encrypts all of its personal data records in transit and at rest.

In order to improve his teaching, Frank wants to investigate how his engineering students perform in relation to Department for Education expectations. He has attended one of Anna's data protection training courses and knows that he should use no more

personal data than necessary to accomplish his goal. He creates a program that will only export some student data: previous schools attended, grades originally obtained, grades currently obtained and first time university attended. He wants to keep the records at the individual student level. Mindful of Anna's training, Frank runs the student numbers through an algorithm to transform them into different reference numbers. He uses the same algorithm on each occasion so that he can update each record over time.

One of Anna's tasks is to complete the record of processing activities, as required by the GDPR. After receiving her email reminder, as required by the GDPR. After receiving her email reminder, Frank informs Anna about his performance database.

Ann explains to Frank that, as well as minimizing personal data, the University has to check that this new use of existing data is permissible. She also suspects that, under the GDPR, a risk analysis may have to be carried out before the data processing can take place. Anna arranges to discuss this further with Frank after she has done some additional research.

Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted).

Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

Anna will find that a risk analysis is NOT necessary in this situation as long as?

- A. The data subjects are no longer current students of Frank's
- **B. The data subjects gave their unambiguous consent for the original processing**
- C. The processing will not negatively affect the rights of the data subjects
- D. The algorithms that Frank uses for the processing are technologically sound

Answer: B

NEW QUESTION # 164

How is the GDPR's position on consent MOST likely to affect future app design and implementation?

- **A. Users will be given granular types of consent for particular types of processing.**
- B. App developers' responsibilities as data controllers will increase.
- C. App developers will expand the amount of data necessary to collect for an app's functionality.
- D. Users will see fewer advertisements when using apps.

Answer: A

NEW QUESTION # 165

SCENARIO

Please use the following to answer the next question:

Zandelay Fashion ('Zandelay') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Martin is their recently appointed data protection officer, who oversees the company's compliance with the General Data Protection Regulation (GDPR) and other privacy legislation.

The company offers both male and female clothing lines across all age demographics, including children. In doing so, the company processes large amounts of information about such customers, including preferences and sensitive financial information such as credit card and bank account numbers.

In an aggressive bid to build revenue growth, Jerry, the CEO, tells Martin that the company is launching a new mobile app and loyalty scheme that puts significant emphasis on profiling the company's customers by analyzing their purchases. Martin tells the CEO that: (a) the potential risks of such activities means that Zandelay needs to carry out a data protection impact assessment to assess this new venture and its privacy implications; and (b) where the results of this assessment indicate a high risk in the absence of appropriate protection measures. Zandelay may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

Jerry tells Martin that he is not happy about the prospect of having to directly engage with a supervisory authority and having to disclose details of Zandelay's business plan and associated processing activities.

What must Zandelay provide to the supervisory authority during the prior consultation?

- **A. An explanation of the purposes and means of the intended processing**
- B. An evaluation of the complexity of the intended processing.
- C. Certificates that prove Martin's professional qualities and expert knowledge of data protection law.
- D. Records showing that customers have explicitly consented to the intended profiling activities.

Answer: A

NEW QUESTION # 166

What obligation does a data controller or processor have after appointing a data protection officer?

- A. To ensure that the data protection officer acts as the sole point of contact for individuals' questions about their personal data.
- B. To ensure that the data protection officer receives sufficient instructions regarding the exercise of his or her defined tasks.
- **C. To submit for approval to the data protection officer a code of conduct to govern organizational practices and demonstrate compliance with data protection principles.**
- D. To provide resources necessary to carry out the defined tasks of the data protection officer and to maintain his or her expert knowledge.

Answer: C

NEW QUESTION # 167

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