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CIPP/E Questions and Answers

1. Universal Declaration of Human Rights - Passage

ANS 1948

2. Universal Declaration of Human Rights - Article 12

ANS The right to a private life and associated freedoms.

3. Universal Declaration of Human Rights - Article 19

ANS Freedom of expression.

4. Universal Declaration of Human Rights - Article 29(2)

ANS Rights are not absolute and there are instances where a balance must be struck.

5. European Convention on Human Rights

ANS Treaty drawn up by the Council of Europe that protects fundamental rights. Adopted in 1953 and based on the Universal Declaration of Human Rights.

6. European Convention on Human Rights - Enforcement

ANS Enforced by the European Court of Human Rights

7. European Convention on Human Rights - Article 8

ANS Protects rights of individuals

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The CIPP-E Certification program covers the EU's General Data Protection Regulation (GDPR) and other relevant privacy laws and regulations in the region. CIPP-E exam is designed for privacy professionals who work in both the public and private sectors, including legal, compliance, and information security professionals. Certified Information Privacy Professional/Europe (CIPP/E) certification program is designed to help professionals gain a deeper understanding of the EU's privacy laws and regulations, including data protection principles, compliance requirements, and enforcement mechanisms. Certified Information Privacy Professional/Europe (CIPP/E) certification program is an excellent opportunity for professionals to demonstrate their knowledge and expertise in the field of privacy and data protection in the EU.

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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q123-Q128):

NEW QUESTION # 123

SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third-party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated. Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Under the General Data Protection Regulation (GDPR), what is the most likely reason Serge may have grounds to object to the use of his quotation?

- A. Because of the misapplication of the household exception in relation to a social networking service (SNS).
- B. Because of the misrepresentation of personal data as an endorsement.
- **C. Because of the use of personal data outside of the social networking service (SNS).**
- D. Because of the juxtaposition of the quotation with others' quotations.

Answer: C

Explanation:

The GDPR defines personal data as "any information relating to an identified or identifiable natural person" (Article 4(1)). This includes names, quotations, and any other data that can be linked to a specific individual. The GDPR also requires that personal data be processed lawfully, fairly, and transparently, and that it be collected for specified, explicit, and legitimate purposes (Article 5(1)). Furthermore, the GDPR grants data subjects the right to object to the processing of their personal data for direct marketing purposes or for the purposes of the legitimate interests of the controller or a third party (Article 21).

In this scenario, Serge may have grounds to object to the use of his quotation on Brady Box's home webpage, as it constitutes the processing of his personal data outside of the original purpose for which it was collected. Serge posted the quotation on Brady Box's SNS, which is a separate service from Brady Box's web page design service. By using the quotation on the home webpage, Brady Box is processing Serge's personal data for a different purpose than the one for which Serge provided it, and without his consent or a legitimate interest. This may violate the principles of purpose limitation and lawfulness under the GDPR. Moreover, Serge may object to the use of his quotation as it implies his endorsement of Brady Box's service, which may affect his reputation or interests. The other options are less likely to be valid grounds for objection, as they are not directly related to the GDPR's provisions on personal data protection. The misrepresentation of personal data as an endorsement may be a matter of contract law or consumer protection law, but not necessarily a GDPR issue. The juxtaposition of the quotation with others' quotations may not affect Serge's rights or interests, unless it creates a false or misleading impression of his views or opinions. The misapplication of the household

exception in relation to a SNS may not apply in this case, as the household exception only covers the processing of personal data by a natural person in the course of a purely personal or household activity (Article 2(2)). Serge's posting of the quotation on a SNS may not qualify as a purely personal or household activity, as it involves the disclosure of personal data to a wider audience.

Reference:

GDPR

GDPR and social media

How does GDPR affect social media marketing?

Data Protection & Social Media: How GDPR Influences Today's Social Media Marketing

NEW QUESTION # 124

SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

Who-R-U is NOT required to notify the local German DPA about the laptop theft because?

- A. The laptop belonged to a company located in Canada.
- B. The data isn't considered personally identifiable financial information.
- C. The company isn't a controller established in the Union.
- D. There is no evidence that the thieves have accessed the data on the laptop.

Answer: C

NEW QUESTION # 125

Which of the following is an accurate statement regarding the "one-stop-shop" mechanism of the GDPR?

- A. It allows supervisory authorities concerned (other than the lead supervisory authority) to act against organizations in exceptional cases even if they do not have any type of establishment in the Member State of the respective authority.
- B. It applies only to direct enforcement of data protection supervisory authorities (e.g. finding a breach), but not to initiating or engaging in court proceedings
- C. It can result in several lead supervisory authorities in the EU assuming competence over the same data processing activities of an organization.
- D. It gives competence to the lead supervisory authority to address privacy issues derived from processes carried out by public authorities established in different countries.

Answer: A

Explanation:

The "one-stop-shop" mechanism of the GDPR is a system of co-operation and consistency procedures that aims to ensure that the data protection regulation is enforced uniformly across all member states and calls on the data protection authorities (DPAs) across member states to co-operate with each other and the Commission to ensure consistent application of the GDPR¹. The "one-stop-shop" mechanism applies to organisations that conduct cross-border data processing, which means that they process personal data in the context of the activities of their establishments in more than one member state, or that they target or monitor data subjects in more than one member state¹. Under the "one-stop-shop" mechanism, such organisations will have to deal primarily with the DPA of the member state where they have their main establishment or their single establishment in the EU, which will act as their lead supervisory authority for all matters related to their cross-border data processing¹. The lead supervisory authority will co-ordinate with other concerned supervisory authorities, which are the DPAs of the member states where the data subjects are affected by the data processing¹. The lead supervisory authority will have the competence to adopt binding decisions regarding measures to ensure compliance with the GDPR, such as imposing administrative fines or ordering the suspension of data flows¹. However, the "one-stop-shop" mechanism does not prevent the concerned supervisory authorities from acting against organisations in exceptional cases, even if they do not have any type of establishment in the member state of the respective authority¹. These exceptional cases include the following situations²:

- * When a complaint is lodged with a supervisory authority, the subject matter relates only to an establishment in its member state or substantially affects data subjects only in its member state;
- * When a supervisory authority is addressing a possible infringement related to the offering of goods or services to data subjects in its member state or to the monitoring of their behaviour in its member state;
- * When a supervisory authority adopts provisional measures intended to produce legal effects in its own member state;
- * When an urgent need to act arises in order to protect the rights and freedoms of data subjects. In these cases, the concerned supervisory authority will inform the lead supervisory authority and the other concerned supervisory authorities, and will try to reach a consensus on the action to be taken². If no consensus is reached, the consistency mechanism will apply, which involves the intervention of the European Data Protection Board (EDPB) to issue a binding decision on the matter². Therefore, option D is the correct answer. References: Art. 60 GDPR - Cooperation between the lead supervisory authority and the other supervisory authorities concerned, Guidelines 3/2018 on the territorial scope of the GDPR (Article 3)

NEW QUESTION # 126

SCENARIO

Please use the following to answer the next question:

You have just been hired by a toy manufacturer based in Hong Kong. The company sells a broad range of dolls, action figures and plush toys that can be found internationally in a wide variety of retail stores. Although the manufacturer has no offices outside Hong Kong and in fact does not employ any staff outside Hong Kong, it has entered into a number of local distribution contracts. The toys produced by the company can be found in all popular toy stores throughout Europe, the United States and Asia. A large portion of the company's revenue is due to international sales.

The company now wishes to launch a new range of connected toys, ones that can talk and interact with children. The CEO of the company is touting these toys as the next big thing, due to the increased possibilities offered: The figures can answer children's questions on various subjects, such as mathematical calculations or the weather. Each figure is equipped with a microphone and speaker and can connect to any smartphone or tablet via Bluetooth. Any mobile device within a 10-meter radius can connect to the toys via Bluetooth as well. The figures can also be associated with other figures (from the same manufacturer) and interact with each other for an enhanced play experience.

When a child asks the toy a question, the request is sent to the cloud for analysis, and the answer is generated on cloud servers and sent back to the figure. The answer is given through the figure's integrated speakers, making it appear as though that the toy is actually responding to the child's question. The packaging of the toy does not provide technical details on how this works, nor does it mention that this feature requires an internet connection. The necessary data processing for this has been outsourced to a data center located in South Africa. However, your company has not yet revised its consumer-facing privacy policy to indicate this.

In parallel, the company is planning to introduce a new range of game systems through which consumers can play the characters they acquire in the course of playing the game. The system will come bundled with a portal that includes a Near-Field Communications (NFC) reader. This device will read an RFID tag in the action figure, making the figure come to life onscreen. Each character has its own stock features and abilities, but it is also possible to earn additional ones by accomplishing game goals. The only information stored in the tag relates to the figures' abilities. It is easy to switch characters during the game, and it is possible to bring the figure to locations outside of the home and have the character's abilities remain intact.

In light of the requirements of Article 32 of the GDPR (related to the Security of Processing), which practice should the company institute?

- A. Include three-factor authentication before each use by a child in order to ensure the best level of security possible.
- **B. Encrypt the data in transit over the wireless Bluetooth connection.**
- C. Insert contractual clauses into the contract between the toy manufacturer and the cloud service provider, since South Africa is outside the European Union.

- Answer: B**

Answer: A

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