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- **CIPP-US Prep Guide: Preparing for the US Certified Information Privacy Professional Exam**

Jon-Michael C. Brook wrote this revision material while intending to guide candidates in the exam and have them pass the final test on their first try. In a nutshell, it breaks down the Common Body of Knowledge into small manageable bits that help the candidate understand the notions better. Moreover, it has test tips, thorough coverage of the topics tested in the exam, reviews at the end of every chapter, and real-world examples of how the US data privacy laws should be applied.

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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q13-Q18):

NEW QUESTION # 13

What type of material is exempt from an individual's right to disclosure under the Privacy Act?

- A. Material reporting investigative efforts to prevent unlawful persecution of an individual.
- B. Material used to determine potential collaboration with foreign governments in negotiation of trade deals.
- C. Material requires by statute to be maintained and used solely for research purposes.
- **D. Material reporting investigative efforts pertaining to the enforcement of criminal law.**

Answer: D

Explanation:

The Privacy Act allows agencies to exempt certain records from some of its provisions, including the right to disclosure, if the records fall within one of the categories specified in subsections (j) or (k) of the Act. One of these categories is records maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. 5 U.S.C. § 552a (j) (2). Therefore, material reporting investigative efforts pertaining to the enforcement of criminal law falls within this category and can be exempted from the right to disclosure under the Privacy Act.

NEW QUESTION # 14

Which of the following is NOT a principle found in the APEC Privacy Framework?

- A. Preventing Harm
- B. Access and Correction.
- **C. Privacy by Design.**
- D. Integrity of Personal Information.

Answer: C

Explanation:

The APEC Privacy Framework is a set of non-binding principles adopted by the Asia-Pacific Economic Cooperation (APEC) that

aim to promote electronic commerce and protect information privacy in the region.

The Framework is consistent with the core values of the OECD Guidelines on the Protection of Privacy and Trans-Border Flows of Personal Data, and reaffirms the value of privacy to individuals and to the information society. The Framework consists of nine principles: Preventing Harm, Notice, Collection Limitation, Use of Personal Information, Choice, Integrity of Personal Information, Security Safeguards, Access and Correction, and Accountability. Privacy by Design is not one of the principles in the APEC Privacy Framework, although it is a concept that is endorsed by the OECD Guidelines and other privacy frameworks. References: APEC Privacy Framework (2015), APEC Privacy Principles, IAPP CIPP/US Study Guide, Chapter 4.

NEW QUESTION # 15

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 hallway, 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 of 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.

What is the most likely way that Declan might directly violate the Health Insurance Portability and Accountability Act (HIPAA)?

- A. By ignoring the conversation about a potential breach
- B. By following through with his plans for his upcoming paper
- C. By being present when patients are checking in
- D. By speaking to a patient without prior authorization

Answer: B

Explanation:

Declan might directly violate the HIPAA Privacy Rule by using John's name and personal health information (PHI) in his paper without his written authorization. The Privacy Rule protects the confidentiality of PHI that is created, received, maintained, or transmitted by a covered entity or its business associate. PHI includes any information that relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. Declan, as a nursing assistant, is part of the covered entity's workforce and must comply with the Privacy Rule. He cannot disclose John's PHI to anyone, including his classmates or instructors, without John's authorization or a valid exception under the Privacy Rule. Even if he does not use John's full name, he may still reveal enough information to make John identifiable, such as his diagnosis, his father's condition, or his location. This would be an impermissible use and disclosure of PHI, and a potential HIPAA violation. Declan should either obtain John's written authorization to use his PHI in his paper, or de-identify the information according to the Privacy Rule's standards.

NEW QUESTION # 16

A large online bookseller decides to contract with a vendor to manage Personal Information (PI). What is the least important factor for the company to consider when selecting the vendor?

- A. The vendor's reputation
- B. The vendor's employee retention rates
- **C. The vendor's financial health**
- D. The vendor's employee training program

Answer: C

NEW QUESTION # 17

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

Answer: B

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. References:

* IAPP CIPP/US Body of Knowledge, Section III.C.2

* IAPP CIPP/US Textbook, Chapter 3, pp. 113-115

* FTC Mobile Device Security

NEW QUESTION # 18

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