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IAPP Certified Information Privacy Professional/United States (CIPP/US) Sample Questions (Q12-Q17):

NEW QUESTION # 12

Which of the following would best provide a sufficient consumer disclosure under the Fair Credit Reporting Act (FCRA) prior to a consumer report being obtained for employment purposes?

- A. A notice provision in an electronic employment application.
- B. A verbal notice provided with a conditional offer of employment
- C. A standalone notice document.

- D. A notice provision in a mailed offer letter.

Answer: C

Explanation:

Under the Fair Credit Reporting Act (FCRA), employers are required to provide a clear and conspicuous disclosure in a standalone document before obtaining a consumer report (e.g., a background check) for employment purposes. This requirement ensures that the individual is fully aware that a consumer report will be obtained and consents to the process.

Requirements for a Sufficient Consumer Disclosure:

Clear and Conspicuous Disclosure:

Employers must inform the individual, in writing, that a consumer report may be obtained for employment purposes.

Standalone Document:

The disclosure must be provided in a separate document not combined with other materials, such as an employment application. This ensures the individual's attention is focused on the notice.

Written Authorization:

Employers must obtain written authorization from the individual before procuring the consumer report.

NEW QUESTION # 13

What information did the Red Flag Program Clarification Act of 2010 add to the original Red Flags rule?

- A. The components of an identity theft detection program.
- B. The most common methods of identity theft.
- **C. The definition of what constitutes a creditor.**
- D. The process for proper disposal of sensitive data.

Answer: C

Explanation:

The Red Flag Program Clarification Act of 2010 amended the original Red Flags rule, which required certain financial institutions and creditors to develop and implement a written identity theft prevention program. The Clarification Act narrowed the definition of creditor to include only those who regularly and in the ordinary course of business advance funds to or on behalf of a person, based on an obligation of the person to repay the funds or repayable from specific property pledged by or on behalf of the person¹. This excludes creditors who advance funds for expenses incidental to a service provided by the creditor to that person³. References:

* CIPP/US Practice Questions (Sample Questions), Question 133, Answer B, Explanation B.

* IAPP CIPP/US Certified Information Privacy Professional Study Guide, Chapter 4, Section 4.3, p.108-109.

* Red Flag Program Clarification Act of 2010, Section 2, Subsection (b).

NEW QUESTION # 14

Acme Student Loan Company has developed an artificial intelligence algorithm that determines whether an individual is likely to pay their bill or default. A person who is determined by the algorithm to be more likely to default will receive frequent payment reminder calls, while those who are less likely to default will not receive payment reminders.

Which of the following most accurately reflects the privacy concerns with Acme Student Loan Company using artificial intelligence in this manner?

- A. If the algorithm's methodology is disclosed to consumers, then it is acceptable for Acme to have a disparate impact on protected classes.
- B. If the algorithm makes automated decisions based on risk factors and public information, Acme need not determine if the algorithm has a disparate impact on protected classes.
- **C. If the algorithm uses information about protected classes to make automated decisions, Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output.**
- D. If the algorithm uses risk factors that impact the automatic decision engine. Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output.

Answer: C

Explanation:

The correct answer is D. If the algorithm uses information about protected classes to make automated decisions, Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output. The Fair Credit Reporting Act (FCRA) protects consumers from unfair, inaccurate, and discriminatory treatment by creditors and other businesses that use credit reports.

The FCRA prohibits creditors from using information about protected classes, such as race, color, religion, national origin, sex, marital status, age, or because they receive income from a public assistance program, to make decisions about credit. In the case of Acme Student Loan Company, the algorithm is using information about protected classes to make automated decisions about whether to send payment reminder calls. This could have a disparate impact on protected classes, such as people of color or people with low incomes. For example, people of color may be more likely to be identified as being at risk of default, even if they are just as likely to repay their loans as people of other races. Acme Student Loan Company must ensure that the algorithm does not have a disparate impact on protected classes. This could be done by using a variety of methods, such as:

- * Testing the algorithm for accuracy, fairness, and bias before and after deployment
- * Providing consumers with notice and consent options for the use of their data
- * Allowing consumers to access, correct, or delete their data
- * Implementing accountability and oversight mechanisms for the algorithm
- * Ensuring compliance with applicable laws and regulations

References: <https://economictimes.indiatimes.com/news/how-to/ai-and-privacy-the-privacy-concerns-surroundin>
<https://pupuweb.com/iapp-cipp-us-qa-privacy-concerns-acme-student-loan-company-artificial-intelligence/>

NEW QUESTION # 15

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.

Regarding credit checks of potential employees, Celeste has a misconception regarding what?

- A. Disclosure requirements.
- B. Employment-at-will rules.
- C. Records retention policies
- D. Consent requirements.

Answer: D

NEW QUESTION # 16

Privacy Is Hiring Inc., a CA-based company, is an online specialty recruiting firm focusing on placing privacy professionals in roles at major companies. Job candidates create online profiles outlining their experience and credentials, and can pay \$19.99/month via credit card to have their profiles promoted to potential employers. Privacy Is Hiring Inc. keeps all customer data at rest encrypted on its servers.

Under what circumstances would Privacy Is Hiring Inc., need to notify affected individuals in the event of a data breach?

- A. If the job candidates' credit card information and the encryption keys were among the information taken.
- B. If law enforcement has completed its investigation and has authorized Privacy Is Hiring Inc. to provide the notification to clients and applicable regulators.
- C. If the personal information stolen included the individuals' names and credit card pin numbers.

- D. If Privacy Is Hiring Inc., reasonably believes that job candidates will be harmed by the data breach.

Answer: C

NEW QUESTION # 17

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