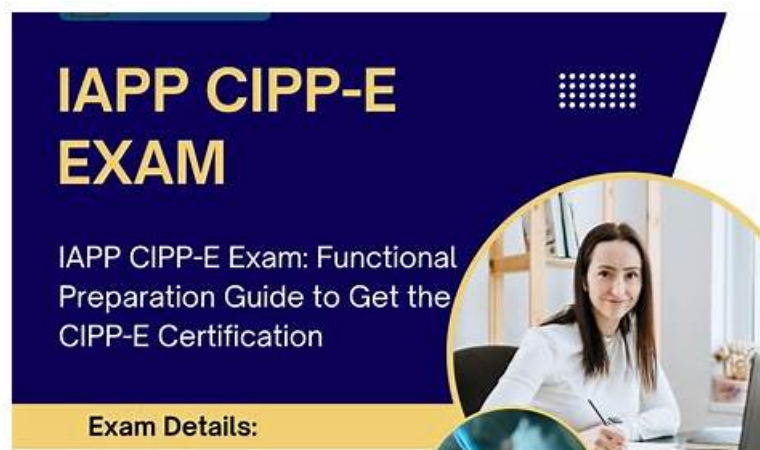


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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q93-Q98):

NEW QUESTION # 93

In the wake of the Schrems II ruling, which of the following actions has been recommended by the EDPB for companies transferring personal data to third countries?

- A. Storing all personal data within the borders of the European Union.
- **B. Adopting a risk-based approach and implementing supplementary measures as needed.**
- C. Ensuring that all data transfers are encrypted with unbreakable encryption algorithms.
- D. Obtaining explicit consent from each EU citizen for every individual data transfer.

Answer: B

NEW QUESTION # 94

SCENARIO

Please use the following to answer the next question:

BHealthy, a company based in Italy, is ready to launch a new line of natural products, with a focus on sunscreen. The last step prior to product launch is for BHealthy to conduct research to decide how extensively to market its new line of sunscreens across Europe. To do so, BHealthy teamed up with Natural Insight, a company specializing in determining pricing for natural products. BHealthy decided to share its existing customer information - name, location, and prior purchase history - with Natural Insight. Natural Insight intends to use this information to train its algorithm to help determine the price point at which BHealthy can sell its new sunscreens. Prior to sharing its customer list, BHealthy conducted a review of Natural Insight's security practices and concluded that the company has sufficient security measures to protect the contact information. Additionally, BHealthy's data processing contractual terms with Natural Insight require continued implementation of technical and organization measures. Also indicated in the contract are restrictions on use of the data provided by BHealthy for any purpose beyond provision of the services, which include use of the data for continued improvement of Natural Insight's machine learning algorithms.

In which case would Natural Insight's use of BHealthy's data for improvement of its algorithms be considered data processor activity?

- A. If Natural Insight agrees to be fully liable for its use of BHealthy's customer information in its product improvement activities.
- B. If Natural Insight satisfies the transparency requirement by notifying BHealthy's customers of its plans to use their information for its product improvement activities.
- **C. If Natural Insight receives express contractual instructions from BHealthy to use its data for improving its algorithms.**
- D. If Natural Insight uses BHealthy's data for improving price point predictions only for BHealthy.

Answer: C

Explanation:

According to the General Data Protection Regulation (GDPR), a data processor is a natural or legal person, agency, public authority, or any other body who processes personal data on behalf of a data controller. A data controller is a natural or legal person, agency, public authority, or any other body who, alone or jointly with others, determines the purposes and means of the processing of personal data. The GDPR imposes specific obligations and responsibilities on both data controllers and data processors, and requires them to enter into a written contract or other legal act that sets out the subject matter, duration, nature, and purpose of the processing, as well as the obligations and rights of the data controller.

In this scenario, BHealthy is the data controller, as it determines the purpose and means of collecting and sharing its customer information with Natural Insight. Natural Insight is the data processor, as it processes the customer information on behalf of BHealthy for the purpose of determining the price point for BHealthy's new sunscreens. However, Natural Insight also intends to use the customer information for its own purpose of improving its algorithms, which may not be aligned with BHealthy's purpose or instructions. This may constitute a breach of the data processing contract and the GDPR, as the data processor must only process the personal data on documented instructions from the data controller, unless required to do so by EU or member state law (Article 28(3)(a) of the GDPR).

Therefore, the only case in which Natural Insight's use of BHealthy's data for improvement of its algorithms would be considered data processor activity is if Natural Insight receives express contractual instructions from BHealthy to use its data for improving its algorithms. This would mean that BHealthy has given its consent and authorization for Natural Insight to process the data for that specific purpose, and that Natural Insight is acting in accordance with BHealthy's instructions. In this case, Natural Insight would still be bound by the data processing contract and the GDPR, and would have to comply with the other obligations and requirements of a data processor, such as ensuring the security of the data, respecting the conditions for engaging another processor, assisting the data controller in ensuring compliance with the GDPR, and deleting or returning the data to the data controller after the end of the service.

The other options are not valid cases for data processor activity, as they do not involve the data controller's instructions or consent. If Natural Insight uses BHealthy's data for improving price point predictions only for BHealthy, it may still be processing the data for a different purpose than the one for which it was collected and shared, and without BHealthy's knowledge or approval. If Natural Insight agrees to be fully liable for its use of BHealthy's customer information in its product improvement activities, it may still be violating the data processing contract and the GDPR, as it is not acting on behalf of the data controller, but for its own benefit. If Natural Insight satisfies the transparency requirement by notifying BHealthy's customers of its plans to use their information for its product improvement activities, it may still be infringing the data controller's rights and obligations, as it is not the data controller's role to inform the data subjects of the processing activities, and it may not have a lawful basis for processing the data for its own purpose.

Reference:

GDPR

Data Controllers and Processors - GDPR EU

Who does the UK GDPR apply to? | ICO

What Activities Count as Processing Under the GDPR?
What constitutes data processing? - European Commission

NEW QUESTION # 95

Article 5(1)(b) of the GDPR states that personal data must be "collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes." Based on Article 5(1)(b), what is the impact of a member state's interpretation of the word "incompatible"?

- A. It guides the courts on the severity of the consequences for those who are convicted of the intentional misuse of personal data.
- **B. It indicates the degree of flexibility a controller has in using personal data in ways that may vary from its original intended purpose.**
- C. It dictates the level of security a processor must follow when using and storing personal data for two different purposes.
- D. It sets the standard for the level of detail a controller must record when documenting the purpose for collecting personal data.

Answer: B

Explanation:

The purpose limitation principle requires that personal data be collected for specified, explicit and legitimate purposes and not be further processed in a manner that is incompatible with those purposes. However, the GDPR does not provide a clear definition of what constitutes an incompatible purpose. Instead, it leaves room for interpretation by the member states, taking into account the context and circumstances of the processing.

This means that the degree of flexibility a controller has in using personal data for a new purpose may vary depending on the member state's law and guidance. Some factors that may affect the compatibility assessment include the link between the original and the new purpose, the expectations of the data subject, the nature of the data, the impact of the further processing, and the safeguards applied by the controller. References:

- * GDPR Article 5(1)(b), which states the purpose limitation principle.
- * GDPR Article 6(4), which lists the criteria for assessing the compatibility of a new purpose.
- * ICO guidance, which explains the purpose limitation principle and provides examples of compatible and incompatible purposes.
- * [EDPB guidelines], which provide further guidance on the application of the purpose limitation principle.

NEW QUESTION # 96

It a company receives an anonymous email demanding ransom for the stolen personal data of its clients, what must the company do next, per GDPR requirements?

- A. Notify the police and file a criminal complaint about the incident
- **B. Send a notification to the competent supervisory authority describing the incident.**
- C. Start an investigation to understand the incident's possible scope, duration and nature
- D. Send an email about the incident to all clients and ask them to change their passwords

Answer: B

NEW QUESTION # 97

SCENARIO

Please use the following to answer the next question:

ProStorage is a multinational cloud storage provider headquartered in the Netherlands. Its CEO, Ruth Brown, has developed a two-pronged strategy for growth: 1) expand ProStorage's global customer base and 2) increase ProStorage's sales force by efficiently onboarding effective teams. Enacting this strategy has recently been complicated by Ruth's health condition, which has limited her working hours, as well as her ability to travel to meet potential customers. ProStorage's Human Resources department and Ruth's Chief of Staff now work together to manage her schedule and ensure that she is able to make all her medical appointments. The latter has become especially crucial after Ruth's last trip to India, where she suffered a medical emergency and was hospitalized in New Delhi. Unable to reach Ruth's family, the hospital reached out to ProStorage and was able to connect with her Chief of Staff, who in coordination with Mary, the head of HR, provided information to the doctors based on accommodate on requests Ruth made when she started at ProStorage. Why is the additional measure recommended by Jackie sufficient for using UpFinance?

- A. UpFinance is in a highly regulated financial industry

- B. UpFinance is based in a country without surveillance laws.
- C. UpFinance is an established 7-year-old business.
- D. UpFinance implements sufficient data protection measures

Answer: B

NEW QUESTION # 98

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