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## Certified Information Privacy Professional/Europe (CIPP/E) valid training

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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q32-Q37):

**NEW QUESTION # 32**
SCENARIO
Please use the following to answer the next question:
Jack worked as a Pharmacovigiliance Operations Specialist in the Irish office of a multinational pharmaceutical company on a clinical trial related to COVID-19. As part of his onboarding process Jack received privacy training He was explicitly informed that while he would need to process confidential patient data in the course of his work, he may under no circumstances use this data for anything other than the performance of work-related (asks This was also specified in the privacy policy, which Jack signed upon conclusion of the training.
After several months of employment, Jack got into an argument with a patient over the phone. Out of anger he later posted the patient's name and hearth information, along with disparaging comments, on a social media website. When this was discovered by his Pharmacovigilance supervisors. Jack was immediately dismissed Jack's lawyer sent a letter to the company stating that dismissal was a disproportionate sanction, and that if Jack was not reinstated within 14 days his firm would have no alternative but to commence legal proceedings against the company. This letter was accompanied by a data access request from Jack requesting a copy of "all personal data, including internal emails that were sent/received by Jack or where Jack is directly or indirectly identifiable from the contents * In relation to the emails Jack listed six members of the management team whose inboxes he required access.
The company conducted an initial search of its IT systems, which returned a large amount of information They then contacted Jack, requesting that he be more specific regarding what information he required, so that they could carry out a targeted search Jack responded by stating that he would not narrow the scope of the information requester.
What would be the most appropriate response to Jacks data subject access request?

- A. The company should provide all requested information except for the emails, as they are excluded from data access request requirements under the GDPR.
- B. The company should cite the need for an extension, and agree to provide the information requested in Jack's original DSAR within a period of 3 months.
- C. The company should not provide any information, as the company is headquartered outside of the EU.
- D. The company should decline to provide any information, as the amount of information requested is too excessive to provide in one month.

**Answer: D**

Explanation:
According to Article 15 of the GDPR, data subjects have the right to access and receive a copy of their personal data, and other supplementary information, from the data controller1. However, this right is not absolute and may be subject to limitations or restrictions. One of the grounds for refusing or limiting a data subject access request (DSAR) is when the request is manifestly unfounded or excessive, in particular because of its repetitive character1. In such cases, the controller may either charge a reasonable fee, taking into account the administrative costs of providing the information, or refuse to act on the request1. The controller must inform the data subject of the reasons for not taking action and of the possibility of lodging a complaint with a supervisory authority or seeking a judicial remedy1.
In this scenario, Jack's DSAR is likely to be considered excessive, as he requests a copy of all personal data, including internal emails, that were sent or received by him or where he is directly or indirectly identifiable from the contents. This is a very broad and vague request, which would require the company to search and review a large amount of information, and potentially disclose confidential or sensitive data about other employees or third parties. The company has already contacted Jack, asking him to be more specific about what information he requires, but he refused to narrow the scope of his request. Therefore, the company has a valid reason to decline to provide any information, as the amount of information requested is too excessive to provide in one month, which is the general time limit for responding to a DSAR under the GDPR1. Therefore, option B is the correct answer.
Option A is incorrect because the company's headquarters location is irrelevant for the purpose of the DSAR, as the GDPR applies to any processing of personal data in the context of the activities of an establishment of a controller or a processor in the EU, regardless of whether the processing takes place in the EU or not2. The company has an establishment in Ireland, where Jack worked, and therefore is subject to the GDPR.

Option C is incorrect because the company cannot agree to provide the information requested in Jack's original DSAR within a period of 3 months, as this would violate the data subject's right of access and the principle of accountability under the GDPR. The company can only extend the time limit to respond to a DSAR by a further two months if the request is complex or if the controller receives a number of requests from the same data subject1. However, the company must inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay1. In this case, the company has not done so, and has instead asked Jack to be more specific about his request.
Option D is incorrect because the company cannot provide all requested information except for the emails, as this would not comply with the data subject's right of access and the principle of transparency under the GDPR. The company must provide the data subject with a copy of the personal data undergoing processing, unless this adversely affects the rights and freedoms of others1. The emails are part of the personal data undergoing processing, and the company cannot exclude them from the DSAR without a valid reason. The company must also provide the data subject with the following supplementary information, unless the data subject already has it1:
the purposes of the processing;
the categories of personal data concerned;
the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing; the right to lodge a complaint with a supervisory authority; where the personal data are not collected from the data subject, any available information as to their source; the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
Reference:
Right of access
Territorial scope

**NEW QUESTION # 33**
Which kind of privacy notice, originally advocated by the Article 29 Working Party, is commonly recommended tor Al-based technologies because of the way it provides processing information at specific points of data collection?

- A. Just-in-lime notice.
- B. Privacy dashboard notice
- C. Layered notice.
- D. Visualization notice.

**Answer: B**

**NEW QUESTION # 34**
Which of the following is one of the supervisory authority's investigative powers?

- A. To require that controllers or processors adopt approved data protection certification mechanisms.
- B. To require data controllers to provide them with written notification of all new processing activities.
- C. To notify the controller or the processor of an alleged infringement of the GDPR.
- D. To determine whether a controller or processor has the right to a judicial remedy concerning a compensation decision made against them.

**Answer: C**

Explanation:
According to Article 58 of the GDPR, each supervisory authority has the power to notify the controller or the processor of an alleged infringement of the GDPR as part of its investigative powers. This power allows the supervisory authority to alert the controller or the processor of a possible violation of the GDPR and to initiate further actions if necessary. The notification may also include recommendations or instructions on how to remedy the infringement or prevent further violations. References:
* Article 58 of the GDPR
* European Data Protection Law & Practice textbook, Chapter 9: Supervision and Enforcement, Section 9.2: Supervisory Authorities, Subsection 9.2.2: Powers of Supervisory Authorities Reference: https://gdpr-info.eu/art-58-gdpr/

**NEW QUESTION # 35**
Which GDPR principle would a Spanish employer most likely depend upon to annually send the personal data of its employees to the national tax authority?

- A. The protection of the vital interest of the employees.
- B. The legitimate interest of the public administration.
- C. The legal obligation of the employer.
- D. The consent of the employees.

**Answer: C**

Explanation:
According to Article 6 of the GDPR, the processing of personal data is only lawful if and to the extent that at least one of the following applies:
* the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
* processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
* processing is necessary for compliance with a legal obligation to which the controller is subject;
* processing is necessary in order to protect the vital interests of the data subject or of another natural person;
* processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
* processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.
In this case, the Spanish employer would most likely depend on the legal obligation of the employer as the lawful basis for sending the personal data of its employees to the national tax authority. This is because the employer is subject to the tax laws and regulations of Spain, which require the employer to report the income and deductions of its employees to the tax authority on an annual basis. The employer must comply with this legal obligation, and the processing of the employees' personal data is necessary for this purpose. The employer does not need to obtain the consent of the employees, as consent is not a valid basis for processing personal data where there is a clear imbalance between the data subject and the controller, such as in the context of employment. The employer also does not need to rely on the legitimate interest of the public administration, as this is not a specific purpose for which the employer is processing the personal data, but rather a general interest that may be served by the tax authority. The employer also does not need to invoke the protection of the vital interest of the employees, as this basis only applies in situations where the processing is necessary to protect someone's life, such as in a medical emergency. References: Article 6 GDPR - Lawfulness of processing - General Data Protection Regulation (GDPR), Lawful basis for processing
| ICO, Legal obligation as a lawful basis for processing personal data under the GDPR, [Consent in the employment context | ICO], [Vital interests | ICO]

**NEW QUESTION # 36**
Bioface is a company based in the United States. It has no servers, personnel or assets in the European Union.
By collecting photographs from social media and other web-based services, such as newspapers and blogs, it uses machine learning to develop a facial recognition algorithm. The algorithm identifies individuals in photographs who are not in its data set based the algorithm and its existing data. The service collects photographs of data subjects in the European Union and will identify them if presented with their photographs. Bioface offers its service to government agencies and companies in the United States and Canada, but not to those in the European Union. Bioface does not offer the service to individuals.
Why is Bioface subject to the territorial scope of the General Data Protection Regulation?

- A. It collects data from European Union websites, which constitutes an establishment in the European Union.
- B. It offers services in the European Union by identifying data subjects in the European Union.
- C. It monitors the behavior of data subjects in the European Union.
- D. It collects data from subjects and uses it for automated processing.

**Answer: C**

Explanation:
According to the GDPR, the territorial scope of the regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to: (a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or (b) the monitoring of their behavior as far as their behavior takes place within the Union1. In this scenario, Bioface is not established in the Union, but it is collecting photographs of data subjects in the Union and using a facial recognition algorithm to identify them.

This constitutes monitoring of their behavior within the Union, and therefore triggers the application of the GDPR. The other options are not correct because: (A) Bioface does not have any establishment in the Union, as it only collects data from web-based services, which does not imply the existence of stable arrangements in the Union2; (B) Bioface is not offering services in the Union, as it only targets government agencies and companies in the US and Canada, and does not intend to provide its service to data subjects in the Union3; Bioface collects data from subjects and uses it for automated processing, but this is not a sufficient criterion to determine the territorial scope of the GDPR, as it does not relate to the offering of goods or services or the monitoring of behavior in the Union4. References: 1: Article 3(2) of the GDPR; 2: EDPB Guidelines, paragraph 20; 3: EDPB Guidelines, paragraph 38; 4: EDPB Guidelines, paragraph 50.

**NEW QUESTION # 37**
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