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PECB Certified Data Protection Officer Sample Questions (Q76-Q81):

NEW QUESTION # 76

Question:

All the statements below regarding the lawfulness of processing are correct, except:

- A. Processing is necessary for the legitimate interests pursued by the controller, except where overridden by the interests or fundamental rights of the data subject.
- B. Processing is necessary for the performance of a contract to which the data subject is a party.
- C. Processing is necessary to protect the vital interests of the data subject or another natural person.
- D. Processing is necessary to obtain consent from the data subject.

Answer: D

Explanation:

Under Article 6 of GDPR, there are six legal bases for data processing. Consent is only one of them, and processing is not always dependent on obtaining consent.

* Option B is correct because GDPR does not require consent for all processing activities; processing can also be based

on contractual necessity, legal obligations, vital interests, public tasks, or legitimate interests.

* Option A is incorrect because contractual necessity is a valid legal basis for processing.

* Option C is incorrect because vital interests (e.g., processing in medical emergencies) are a valid legal basis.

* Option D is incorrect because legitimate interests can justify processing, provided they do not override the rights of data subjects.

References:

* GDPR Article 6(1) (Lawfulness of processing)

* Recital 40 (Processing should be lawful and justified)

NEW QUESTION # 77

Question:

What can be included in a DPIA?

- **A. All of the above.**
- B. The measures taken to protect the integrity, availability, and confidentiality of systems.
- C. Documented information on personal data transfers to third countries.
- D. Assessment of the risks to the rights and freedoms of data subjects.

Answer: A

Explanation:

Under Article 35(7) of GDPR, a DPIA must include:

* A description of processing activities and their purpose.

* An assessment of necessity and proportionality.

* An assessment of risks to individuals.

* Planned measures to address risks.

* Option D is correct because all these elements are essential for a DPIA.

* Option A is correct because documenting cross-border data transfers is required under GDPR Article 35(7)(d).

* Option B is correct because security measures must be described to mitigate risks.

* Option C is correct because assessing risks to individuals is the core function of a DPIA.

References:

* GDPR Article 35(7) (DPIA requirements)

* Recital 90 (DPIA helps controllers manage processing risks)

NEW QUESTION # 78

Scenario 1:

MED is a healthcare provider located in Norway. It provides high-quality and affordable healthcare services, including disease prevention, diagnosis, and treatment. Founded in 1995, MED is one of the largest health organizations in the private sector. The company has constantly evolved in response to patients' needs.

Patients that schedule an appointment in MED's medical centers initially need to provide their personal information, including name, surname, address, phone number, and date of birth. Further checkups or admission require additional information, including previous medical history and genetic data. When providing their personal data, patients are informed that the data is used for personalizing treatments and improving communication with MED's doctors. Medical data of patients, including children, are stored in the database of MED's health information system. MED allows patients who are at least 16 years old to use the system and provide their personal information independently. For children below the age of 16, MED requires consent from the holder of parental responsibility before processing their data.

MED uses a cloud-based application that allows patients and doctors to upload and access information.

Patients can save all personal medical data, including test results, doctor visits, diagnosis history, and medicine prescriptions, as well as review and track them at any time. Doctors, on the other hand, can access their patients' data through the application and can add information as needed.

Patients who decide to continue their treatment at another health institution can request MED to transfer their data. However, even if patients decide to continue their treatment elsewhere, their personal data is still used by MED. Patients' requests to stop data processing are rejected. This decision was made by MED's top management to retain the information of everyone registered in their databases.

The company also shares medical data with InsHealth, a health insurance company. MED's data helps InsHealth create health insurance plans that meet the needs of individuals and families.

MED believes that it is its responsibility to ensure the security and accuracy of patients' personal data. Based on the identified risks associated with data processing activities, MED has implemented appropriate security measures to ensure that data is securely stored and processed.

Since personal data of patients is stored and transmitted over the internet, MED uses encryption to avoid unauthorized processing, accidental loss, or destruction of data. The company has established a security policy to define the levels of protection required for each type of information and processing activity. MED has communicated the policy and other procedures to personnel and provided customized training to ensure proper handling of data processing.

Question:

If a patient requests MED to permanently erase their data, MED should:

- A. Erase the personal data only if required to comply with a legal obligation.
- B. Refuse the request because medical data must be retained indefinitely for future reference.
- C. Reject the request since the medical history of patients cannot be permanently erased.
- **D. Erase the personal data if it is no longer needed for its original purpose.**

Answer: D

Explanation:

Under Article 17 of the General Data Protection Regulation (GDPR), also known as the "Right to be Forgotten," data subjects have the right to request the erasure of their personal data when:

- * The data is no longer necessary for the purpose for which it was collected.
- * The data subject withdraws consent (where processing was based on consent).
- * The data was processed unlawfully.

In this scenario, if the data is no longer necessary for the original purpose (e.g., if the patient has completed their treatment and there are no legal retention obligations), MED should erase the data. However, there are exceptions under GDPR, such as legal retention requirements for medical records under national healthcare regulations.

Rejecting the request outright (Option A) is incorrect because GDPR requires controllers to assess whether retention is still necessary. Similarly, Option C is too restrictive because GDPR allows deletion even if no legal obligation mandates it. Option D is incorrect because indefinite retention is not permitted unless a valid justification exists.

References:

- * GDPR Article 17(Right to Erasure)
- * Recital 65(Clarification on when personal data can be erased)
- * Article 5(1)(e)(Storage limitation principle)

NEW QUESTION # 79

Scenario 5:

Repond is a German employment recruiting company. Their services are delivered globally and include consulting and staffing solutions. In the beginning, Repond provided its services through an office in Germany. Today, they have grown to become one of the largest recruiting agencies, providing employment to more than 500,000 people around the world. Repond receives most applications through its website. Job searchers are required to provide the job title and location. Then, a list of job opportunities is provided. When a job position is selected, candidates are required to provide their contact details and professional work experience records. During the process, they are informed that the information will be used only for the purposes and period determined by Repond. Repond's experts analyze candidates' profiles and applications and choose the candidates that are suitable for the job position. The list of the selected candidates is then delivered to Repond's clients, who proceed with the recruitment process. Files of candidates that are not selected are stored in Repond's databases, including the personal data of candidates who withdraw the consent on which the processing was based. When the GDPR came into force, the company was unprepared.

The top management appointed a DPO and consulted him for all data protection issues. The DPO, on the other hand, reported the progress of all data protection activities to the top management. Considering the level of sensitivity of the personal data processed by Repond, the DPO did not have direct access to the personal data of all clients, unless the top management deemed it necessary. The DPO planned the GDPR implementation by initially analyzing the applicable GDPR requirements. Repond, on the other hand, initiated a risk assessment to understand the risks associated with processing operations. The risk assessment was conducted based on common risks that employment recruiting companies face. After analyzing different risk scenarios, the level of risk was determined and evaluated. The results were presented to the DPO, who then decided to analyze only the risks that have a greater impact on the company. The DPO concluded that the cost required for treating most of the identified risks was higher than simply accepting them. Based on this analysis, the DPO decided to accept the actual level of the identified risks. After reviewing policies and procedures of the company, Repond established a new data protection policy. As proposed by the DPO, the information security policy was also updated. These changes were then communicated to all employees of Repond. Based on this scenario, answer the following question:

Question:

Based on scenario 5, Repond established and communicated the data protection policy to all employees. What should the DPO ensure in this regard?

- A. That the data protection policy is approved by the supervisory authority before implementation.

- B. That all policies within Recpond are reviewed and updated by the DPO.
- C. That the updates of the data protection policy are communicated to all employees through an official letter.
- D. That employee awareness on the data protection policy is monitored.

Answer: D

Explanation:

Under Article 39(1)(b) of GDPR, the DPO is responsible for raising awareness and training employees but does not draft or approve policies.

- * Option B is correct because DPOs must ensure employee awareness and training.
- * Option A is incorrect because DPOs do not have direct responsibility for updating policies.
- * Option C is incorrect because GDPR does not mandate policy updates via official letters.
- * Option D is incorrect because supervisory authorities do not approve internal data protection policies.

References:

- * GDPR Article 39(1)(b) (DPO's role in employee training and awareness)
- * Recital 97 (DPO's responsibility for training)

NEW QUESTION # 80

Scenario 4:

Berc is a pharmaceutical company headquartered in Paris, France, known for developing inexpensive improved healthcare products. They want to expand to developing life-saving treatments. Berc has been engaged in many medical researches and clinical trials over the years. These projects required the processing of large amounts of data, including personal information. Since 2019, Berc has pursued GDPR compliance to regulate data processing activities and ensure data protection. Berc aims to positively impact human health through the use of technology and the power of collaboration. They recently have created an innovative solution in participation with Unty, a pharmaceutical company located in Switzerland. They want to enable patients to identify signs of strokes or other health-related issues themselves. They wanted to create a medical wrist device that continuously monitors patients' heart rate and notifies them about irregular heartbeats. The first step of the project was to collect information from individuals aged between 50 and 65. The purpose and means of processing were determined by both companies. The information collected included age, sex, ethnicity, medical history, and current medical status. Other information included names, dates of birth, and contact details. However, the individuals, who were mostly Berc's and Unty's customers, were not aware that there was an arrangement between Berc and Unty and that both companies have access to their personal data and share it between them. Berc outsourced the marketing of their new product to an international marketing company located in a country that had not adopted the adequacy decision from the EU commission. However, since they offered a good marketing campaign, following the DPO's advice, Berc contracted it. The marketing campaign included advertisement through telephone, emails, and social media. Berc requested that Berc's and Unty's clients be first informed about the product. They shared the contact details of clients with the marketing company. Based on this scenario, answer the following question:

Question:

Is the transfer of data from Berc to Unty in compliance with GDPR?

- A. No, Berc must conduct a new DPIA before transferring data to Switzerland.
- B. Yes, Berc can transfer data to Unty because they collected data for the same purpose.
- C. No, Berc cannot transfer data to a company in Switzerland unless authorization from the supervisory authority in France is obtained.
- D. Yes, Berc can transfer data to Unty because Switzerland provides a level of data protection that is "essentially equivalent" to that of the EU.

Answer: D

Explanation:

Under Article 45 of GDPR, data transfers to third countries are lawful if the European Commission has adopted an adequacy decision, meaning the country offers equivalent protection to GDPR. Switzerland has such an adequacy decision, making Berc's transfer lawful.

- * Option A is correct because Switzerland meets GDPR adequacy standards.
- * Option B is incorrect because having the same purpose does not automatically make the transfer lawful.
- * Option C is incorrect because no supervisory authorization is needed when an adequacy decision exists.
- * Option D is incorrect because a DPIA is not required for a GDPR-compliant transfer.

References:

- * GDPR Article 45(1) (Adequacy decisions for third countries)
- * European Commission Decision on Switzerland's adequacy

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