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Sample Questions (Q83-Q88):

NEW QUESTION # 83

Who has rulemaking authority for the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACTA)?

- A. The Consumer Financial Protection Bureau
- B. State Attorneys General
- C. The Department of Commerce
- D. The Federal Trade Commission

Answer: A

Explanation:

Explanation/Reference: <https://www.ftc.gov/enforcement/statutes/fair-accurate-credit-transactions-act-2003>

NEW QUESTION # 84

What was the original purpose of the Foreign Intelligence Surveillance Act?

- A. To further define a framework for authorizing wiretaps by the executive branch for national security purposes under Article II of the Constitution.
- B. To further define what information can reasonably be under surveillance in public places under the USA PATRIOT Act, such as Internet access in public libraries.
- C. To further clarify when a warrant is not required for a wiretap performed internally by the telephone company outside the suspect's home, stemming from the *Olmstead v. United States* decision.
- D. To further clarify a reasonable expectation of privacy stemming from the *Katz v. United States* decision.

Answer: A

Explanation:

The Foreign Intelligence Surveillance Act (FISA) was enacted in 1978 in response to revelations of widespread privacy violations by the federal government under President Nixon. It established procedures for requesting judicial authorization for electronic surveillance and physical search of persons engaged in espionage or international terrorism against the United States on behalf of a foreign power¹ The original purpose of FISA was to further define a framework for authorizing wiretaps by the executive branch for national security purposes under Article II of the Constitution, which grants the president the power to conduct foreign affairs and defend the nation²³ FISA was intended to balance the need for collecting foreign intelligence information with the protection of privacy and civil liberties of U.

S. persons⁴ References: <https://www.intelligence.gov/foreign-intelligence-surveillance-act>
<https://www.intelligence.gov/foreign-intelligence-surveillance-act/1234-categories-of-fisa>

NEW QUESTION # 85

SCENARIO

Please use the following to answer the next QUESTION:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to." Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

Larry believes that Evan's arrogance also affects the way he treats employees. The U.S. Constitution protects American workers, and Larry believes that the rights of those at SunriseLynx are violated regularly. At first Evan seemed friendly, even connecting with employees on social media. However, following Evan's political posts, it became clear to Larry that employees with similar affiliations were the only ones offered promotions.

Further, Larry occasionally has packages containing personal-use items mailed to work. Several times, these have come to him already opened, even though this name was clearly marked. Larry thinks the opening of personal mail is common at SunriseLynx, and that Fourth Amendment rights are being trampled under Evan's leadership.

Larry has also been dismayed to overhear discussions about his coworker, Sadie. Telemarketing calls are regularly recorded for quality assurance, and although Sadie is always professional during business, her personal conversations sometimes contain sexual comments. This too is something Larry has heard Evan laughing about. When he mentioned this to a coworker, his concern was met

with a shrug. It was the coworker's belief that employees agreed to be monitored when they signed on. Although personal devices are left alone, phone calls, emails and browsing histories are all subject to surveillance. In fact, Larry knows of one case in which an employee was fired after an undercover investigation by an outside firm turned up evidence of misconduct. Although the employee may have stolen from the company, Evan could have simply contacted the authorities when he first suspected something amiss. Larry wants to take action, but is uncertain how to proceed.

Which act would authorize Evan's undercover investigation?

- A. The Whistleblower Protection Act
- **B. The National Labor Relations Act (NLRA)**
- C. The Stored Communications Act (SCA)
- D. The Fair and Accurate Credit Transactions Act (FACTA)

Answer: B

NEW QUESTION # 86

In 2011, the FTC announced a settlement with Google regarding its social networking service Google Buzz. The FTC alleged that in the process of launching the service, the company did all of the following EXCEPT?

- A. Failed to comply with Safe Harbor principles.
- B. Violated its own privacy policies.
- C. Engaged in deceptive trade practices.
- **D. Failed to employ sufficient security safeguards.**

Answer: D

Explanation:

<https://www.ftc.gov/news-events/news/press-releases/2011/03/ftc-charges-deceptive-privacy-practices-googles-rollout-its-buzz-social-network>

NEW QUESTION # 87

California's SB 1386 was the first law of its type in the United States to do what?

- A. Require state attorney general enforcement of federal regulations against unfair and deceptive trade practices
- **B. Require commercial entities to disclose a security data breach concerning personal information about the state's residents**
- C. Require notification of non-California residents of a breach that occurred in California
- D. Require encryption of sensitive information stored on servers that are Internet connected

Answer: B

Explanation:

Explanation/Reference: <https://corporate.findlaw.com/law-library/california-raises-the-bar-on-data-security-and-privacy.html>

NEW QUESTION # 88

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