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## IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q96-Q101):

### NEW QUESTION # 96

How can the relationship between the GDPR and the Digital Services Act, the Data Governance Act and the Digital Markets Act most accurately be described?

- A. The aforementioned legal acts do not refer to (i.e., do not mention) the GDPR.
- B. The aforementioned legal acts change specific provisions (i.e., certain articles) of the GDPR.
- C. The aforementioned legal acts apply without prejudice (i.e., in parallel) to the GDPR.
- D. The aforementioned legal acts contain some sector-specific exemptions (i.e., only for certain businesses) from the GDPR.

**Answer: C**

Explanation:

The GDPR is the EU's general data protection regulation that applies to the processing of personal data by controllers and processors in the EU, regardless of whether the processing takes place in the EU or not. The GDPR also applies to the processing of personal data of data subjects who are in the EU by a controller or processor not established in the EU, where the processing activities are related to the offering of goods or services to data subjects in the EU or the monitoring of their behaviour as far as their behaviour takes place within the EU. The GDPR sets out the principles, rights and obligations for the protection of personal data, as well as the enforcement and cooperation mechanisms among the data protection authorities and the European Data Protection Board.

The Digital Services Act (DSA), the Data Governance Act (DGA) and the Digital Markets Act (DMA) are part of the EU's digital strategy that aims to create a single market for data and digital services, by supporting responsible access, sharing and re-use of data, while respecting the values of the EU and in particular the protection of personal data. These legal acts do not change or replace the GDPR, but rather complement and reinforce it, by addressing specific issues and challenges related to the digital economy and society. The DSA, the DGA and the DMA explicitly state that they apply without prejudice to the GDPR and that they respect and uphold the fundamental rights and freedoms of individuals, including the right to the protection of personal data. The DSA is a proposal for a regulation that seeks to harmonise the rules and responsibilities of online intermediaries, such as platforms, hosting services, cloud providers and online marketplaces, in order to ensure a safe and trustworthy online environment for users and businesses. The DSA introduces a set of obligations for online intermediaries, such as transparency, accountability, due diligence, cooperation and reporting, depending on their size, role and impact. The DSA also establishes a new governance and cooperation system among the national authorities and the European Commission, as well as a mechanism for out-of-court dispute resolution.

The DGA is a proposal for a regulation that aims to foster the availability of data for use by increasing trust in data intermediaries and by strengthening data-sharing mechanisms across the EU. The DGA introduces a new legal framework for data sharing services, such as data brokers, data marketplaces, data trusts and data cooperatives, that facilitate data exchange between data holders and data users. The DGA also sets out rules and requirements for data altruism, which is the voluntary consent of individuals or organisations to share data for the common good. The DGA also establishes a new governance model for data sharing in the EU, involving the European Data Innovation Board, the national competent authorities and the European Commission.

The DMA is a proposal for a regulation that intends to limit the power of large online platforms that act as gatekeepers in the digital market, by imposing a set of obligations and prohibitions to prevent unfair practices and ensure fair and open competition. The DMA defines the criteria and the procedure for identifying the gatekeepers, such as search engines, social networks, online marketplaces, app stores and cloud services, that have a significant impact and influence in the digital economy. The DMA also provides for the supervision and enforcement of the rules by the European Commission, as well as the possibility of imposing fines and sanctions for non-compliance.

Reference:

GDPR, Articles 1, 2, 3, 4, 5, 6, 7, 8, and 9.

DSA, Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

DGA, Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

DMA, Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

#### NEW QUESTION # 97

Article 58 of the GDPR describes the power of supervisory authorities. Which of the following is NOT among those granted?

- A. Authorization and advisory powers.
- B. Corrective powers.
- **C. Legislative powers.**
- D. Investigatory powers.

**Answer: C**

Explanation:

Reference <https://www.privacy-regulation.eu/en/article-58-powers-GDPR.htm>

#### NEW QUESTION # 98

After leaving the EU under the terms of Brexit, the United Kingdom will seek an adequacy determination. What is the reason for this?

- A. Adequacy determinations automatically lapse when a Member State leaves the EU.
- **B. The UK is now a third country because it's no longer subject to the GDPR.**

- C. The Insurance Commissioner determined that an adequacy determination is required by the Data Protection Act.
- D. The UK is less trustworthy now that its not part of the Union.

**Answer: B**

#### NEW QUESTION # 99

The origin of privacy as a fundamental human right can be found in which document?

- A. European Convention of Human Rights 1953.
- B. OECD Guidelines on the Protection of Privacy 1980.
- C. Charter of Fundamental Rights of the European Union 2000.
- **D. Universal Declaration of Human Rights 1948.**

**Answer: D**

Explanation:

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in 1948 as a response to the atrocities of World War II. It is considered the first global expression of human rights and fundamental freedoms. Article 12 of the UDHR states that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

Everyone has the right to the protection of the law against such interference or attacks." This article is the origin of privacy as a fundamental human right that has influenced many subsequent international and regional instruments, such as the European Convention of Human Rights (ECHR), the OECD Guidelines on the Protection of Privacy, and the Charter of Fundamental Rights of the European Union (CFREU). References:

\* IAPP CIPP/E Study Guide, page 7

\* [Universal Declaration of Human Rights]

\* [Article 12 of the UDHR]

#### NEW QUESTION # 100

##### SCENARIO

Please use the following to answer the next question:

Jason, a long-time customer of ABC insurance, was involved in a minor car accident a few months ago.

Although no one was hurt, Jason has been plagued by texts and calls from a company called Erbium Insurance offering to help him recover compensation for personal injury. Jason has heard about insurance companies selling customers' data to third parties, and he's convinced that Erbium must have gotten his information from ABC.

Jason has also been receiving an increased amount of marketing information from ABC, trying to sell him their full range of their insurance policies.

Perturbed by this, Jason has started looking at price comparison sites on the Internet and has been shocked to find that other insurers offer much cheaper rates than ABC, even though he has been a loyal customer for many years. When his ABC policy comes up for renewal, he decides to switch to Xentron Insurance.

In order to activate his new insurance policy, Jason needs to supply Xentron with information about his No Claims bonus, his vehicle and his driving history. After researching his rights under the GDPR, he writes to ask ABC to transfer his information directly to Xentron. He also takes this opportunity to ask ABC to stop using his personal data for marketing purposes.

ABC supplies Jason with a PDF and XML (Extensible Markup Language) versions of his No Claims Certificate, but tells Jason it cannot transfer his data directly to Xentron as this is not technically feasible. ABC also explains that Jason's contract included a provision whereby Jason agreed that his data could be used for marketing purposes; according to ABC, it is too late for Jason to change his mind about this. It angers Jason when he recalls the wording of the contract, which was filled with legal jargon and very confusing.

In the meantime, Jason is still receiving unwanted calls from Erbium Insurance. He writes to Erbium to ask for the name of the organization that supplied his details to them. He warns Erbium that he plans to complain to the data protection authority because he thinks their company has been using his data unlawfully. His letter states that he does not want his data being used by them in any way.

Erbium's response letter confirms Jason's suspicions. Erbium is ABC's wholly owned subsidiary, and they received information about Jason's accident from ABC shortly after Jason submitted his accident claim.

Erbium assures Jason that there has been no breach of the GDPR, as Jason's contract included a provision in which he agreed to share his information with ABC's affiliates for business purposes.

Jason is disgusted by the way in which he has been treated by ABC, and writes to them insisting that all his information be erased from their computer system.

Which statement accurately summarizes ABC's obligation in regard to Jason's data portability request?

- A. ABC does not have to transfer Jason's data to Xentron because the right to data portability does not apply where personal data are processed in order to carry out tasks in the public interest.
- B. ABC does not have a duty to transfer Jason's data to Xentron if doing so is legitimately not technically feasible.
- C. ABC has failed to comply with the duty to transfer Jason's data to Xentron because the duty applies wherever personal data are processed by automated means and necessary for the performance of a contract with the customer.
- D. ABC has failed to comply with the duty to transfer Jason's data to Xentron because it has an obligation to develop commonly used, machine-readable and interoperable formats so that all customer data can be ported to other insurers on request.

**Answer: A**

## NEW QUESTION # 101

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