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IAPP Certified Information Privacy Professional/United States (CIPP/US)

Sample Questions (Q172-Q177):

NEW QUESTION # 172

The concept of data portability refers to what?

- A. The ability of individuals to obtain and reuse their personal data for their own purposes across different services.
- B. The practice of disclosing all the data sources one organization uses to enhance data collection from different social media platforms
- C. The ability of individuals to easily change to another similar service provider if fees are unlawfully being raised
- D. The technical measures organizations use to empower consumers' control in case data is being transferred to service providers

Answer: A

Explanation:

The concept of data portability refers to an individual's right to access and transfer their personal data from one organization to another. It enables individuals to obtain and reuse their personal data for their own purposes across different services. For example, an individual can request their data from one service provider and transfer it to another provider, facilitating competition and giving consumers more control over their data.

This right is commonly associated with General Data Protection Regulation (GDPR) but is becoming more widely discussed in U.S. privacy contexts, such as under the California Consumer Privacy Act (CCPA) and similar state laws. Although the CCPA does not explicitly mention "data portability," the concept aligns with its provision that grants individuals the right to access their data in a portable and usable format.

NEW QUESTION # 173

SCENARIO

Please use the following to answer the next question:

Matt went into his son's bedroom one evening and found him stretched out on his bed typing on his laptop. "Doing your network?"

Matt asked hopefully.

"No," the boy said. "I'm filling out a survey."

Matt looked over his son's shoulder at his computer screen. "What kind of survey?" "It's asking Questions about my opinions."

"Let me see," Matt said, and began reading the list of Questions that his son had already answered. "It's asking your opinions about the government and citizenship. That's a little odd.

You're only ten."

Matt wondered how the web link to the survey had ended up in his son's email inbox. Thinking the message might have been sent to his son by mistake he opened it and read it. It had come from an entity called the Leadership Project, and the content and the graphics indicated that it was intended for children. As Matt read further he learned that kids who took the survey were automatically registered in a contest to win the first book in a series about famous leaders.

To Matt, this clearly seemed like a marketing ploy to solicit goods and services to children. He asked his son if he had been prompted to give information about himself in order to take the survey. His son told him he had been asked to give his name, address, telephone number, and date of birth, and to answer Questions about his favorite games and toys.

Matt was concerned. He doubted if it was legal for the marketer to collect information from his son in the way that it was. Then he noticed several other commercial emails from marketers advertising products for children in his son's inbox, and he decided it was time to report the incident to the proper authorities.

How does Matt come to the decision to report the marketer's activities?

- A. The marketer did not provide evidence that the prize books were appropriate for children
- B. The marketer failed to identify himself and indicate the purpose of the messages
- C. The marketer failed to make an adequate attempt to provide Matt with information
- D. The marketer seems to have distributed his son's information without Matt's permission

Answer: D

Explanation:

Matt's decision to report the marketer's activities is based on his suspicion that the marketer violated the Children's Online Privacy Protection Act (COPPA), which is a federal law that regulates the online collection, use, and disclosure of personal information from children under 13 years of age. According to COPPA, operators of websites or online services that are directed to children or knowingly collect personal information from children must:

Provide notice to parents about their information practices and obtain verifiable parental consent before collecting, using, or disclosing personal information from children. Give parents the choice of consenting to the operator's collection and internal use of a

child's information, but prohibiting the operator from disclosing that information to third parties (unless disclosure is integral to the site or service, in which case, this must be made clear to parents). Provide parents access to their child's personal information to review and/or have the information deleted and give parents the opportunity to prevent further use or online collection of a child's personal information.

Maintain the confidentiality, security, and integrity of information they collect from children, including by taking reasonable steps to release such information only to parties capable of maintaining its confidentiality and security.

Retain personal information collected online from a child for only as long as is necessary to fulfill the purpose for which it was collected and delete the information using reasonable measures to protect against its unauthorized access or use.

Establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

In Matt's case, he did not receive any notice from the marketer about the survey or the contest, nor did he give his consent for the collection or disclosure of his son's personal information. He also did not have any access or control over his son's information or the ability to prevent further use or collection. Moreover, he noticed that his son's information seemed to have been shared with other marketers, as evidenced by the commercial emails in his son's inbox. These actions indicate that the marketer did not comply with COPPA's requirements and may have exposed his son's information to unauthorized or inappropriate parties. Therefore, Matt decided to report the marketer's activities to the proper authorities, such as the Federal Trade Commission (FTC), which enforces COPPA and can impose civil penalties for violations.

NEW QUESTION # 174

Under the Fair Credit Reporting Act (FCRA), what must a person who is denied employment based upon his credit history receive?

- A. Information from several consumer reporting agencies (CRAs).
- B. A list of rights from the Consumer Financial Protection Bureau (CFPB).
- **C. A prompt notification from the employer.**
- D. An opportunity to reapply with the employer.

Answer: C

Explanation:

The FCRA requires that an employer who takes an adverse action against an applicant or employee based on information in a consumer report must provide a notice of the adverse action to the individual. The notice must include the name, address, and phone number of the CRA that supplied the report; a statement that the CRA did not make the decision and cannot explain why the adverse action was taken; a notice of the individual's right to dispute the accuracy or completeness of the information in the report; and a notice of the individual's right to obtain a free copy of the report from the CRA within 60 days¹². References:

* CIPP/US Practice Questions (Sample Questions), Question 141, Answer A, Explanation A.

* IAPP CIPP/US Certified Information Privacy Professional Study Guide, Chapter 4, Section 4.2, p. 101-102.

* Fair Credit Reporting Act (FCRA), Section 615, Subsection (a).

NEW QUESTION # 175

Which of the following is most likely to provide privacy protection to private-sector employees in the United States?

- A. Amendments one, four, and five of the U.S. Constitution
- B. The Federal Trade Commission Act (FTC Act)
- **C. State law, contract law, and tort law**
- D. The U.S. Department of Health and Human Services (HHS)

Answer: C

Explanation:

Unlike many other countries, the United States does not have a comprehensive federal law that regulates the privacy of private-sector employees. Instead, the privacy protection of employees depends largely on state law, contract law, and tort law. State law may provide specific rights and remedies for employees regarding issues such as drug testing, background checks, electronic monitoring, social media access, and genetic information. Contract law may create obligations and expectations for employers and employees based on written or implied agreements, such as employment contracts, employee handbooks, or collective bargaining agreements. Tort law may allow employees to sue their employers for invasion of privacy, such as intrusion upon seclusion, public disclosure of private facts, false light, or appropriation of name or likeness. The other options are less likely to provide privacy protection to private-sector employees in the United States. The FTC Act primarily regulates the privacy practices of businesses that collect and use consumer data, not employee data. The U.S. Constitution only protects individuals from unreasonable searches and

seizures by the government, not by private employers. The HHS only enforces the HIPAA Privacy Rule, which applies to covered entities and business associates that handle protected health information, not to all private-sector employers. References:

* IAPP CIPP/US Study Guide, Chapter 6: Workplace Privacy

* Privacy Rights of Employees Using Workplace Computers in the United States

* Employee Privacy Laws

NEW QUESTION # 176

Privacy Is Hiring Inc., a CA-based company, is an online specialty recruiting firm focusing on placing privacy professionals in roles at major companies. Job candidates create online profiles outlining their experience and credentials, and can pay \$19.99/month via credit card to have their profiles promoted to potential employers. Privacy Is Hiring Inc. keeps all customer data at rest encrypted on its servers.

Under what circumstances would Privacy Is Hiring Inc., need to notify affected individuals in the event of a data breach?

- A. If the job candidates' credit card information and the encryption keys were among the information taken.
- B. If law enforcement has completed its investigation and has authorized Privacy Is Hiring Inc. to provide the notification to clients and applicable regulators.
- C. If the personal information stolen included the individuals' names and credit card pin numbers.
- D. If Privacy Is Hiring Inc., reasonably believes that job candidates will be harmed by the data breach.

Answer: A

Explanation:

California law requires a business or state agency to notify any California resident whose unencrypted personal information, as defined, was acquired, or reasonably believed to have been acquired, by an unauthorized person. (California Civil Code s. 1798.29(a) [agency] and California Civ. Code s. 1798.82(a) [person or business].) <https://oag.ca.gov/privacy/databreach/reporting>

NEW QUESTION # 177

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