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IAPP Certified Information Privacy Professional/Europe (CIPP/E) Sample Questions (Q83-Q88):

NEW QUESTION #83

What is the MAIN reason GDPR Article 4(22) establishes the concept of the "concerned supervisory authority"?

- A. To ensure that the interests of individuals residing outside the lead authority's jurisdiction are represented.
- B. To encourage the consistency of local data processing activity.
- C. To ensure the GDPR covers controllers that do not have an establishment in the EU but have a representative in a member state.
- D. To give corporations a choice about who their supervisory authority will be.

Answer: A

Explanation:

According to GDPR Article 4(22), a supervisory authority is concerned by the processing of personal data if the data subjects residing in its member state are substantially affected or likely to be substantially affected by the processing, or if a complaint has been lodged with it. This concept is mainly introduced to ensure that the rights and interests of data subjects are protected by the supervisory authorities that are closest to them, regardless of where the controller or processor is established or where the lead supervisory authority is located. The concerned supervisory authorities have the right to participate in the one-stop-shop and consistency mechanisms, and to express their views and objections on the draft decisions of the lead supervisory authority. They also have the duty to cooperate and assist each other in the performance of their tasks. References: GDPR Article 4(22), GDPR Article 60, GDPR Article 63, The role of the 'supervisory authority concerned' (Chapter 3.1 ...

NEW OUESTION #84

In which scenario is a Controller most likely required to undertake a Data Protection Impact Assessment?

- A. When the controller is required to have a Data Protection Officer.
- B. When personal data is being collected and combined with other personal data to profile the creditworthiness of individuals.
- C. When personal data is being transferred outside of the EEA.
- D. When the controller is collecting email addresses from individuals via an online registration form for marketing purposes.

Answer: B

Explanation:

According to the GDPR, a data protection impact assessment (DPIA) is a process to help identify and minimize the data protection risks of a project. A DPIA is required when the processing is likely to result in a high risk to the rights and freedoms of natural persons, taking into account the nature, scope, context and purposes of the processing. The GDPR provides a list of examples of processing operations that require a DPIA, such as:

- * Systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions are based that produce legal effects concerning the natural person or similarly significantly affect the natural person.
- * Processing on a large scale of special categories of data or of personal data relating to criminal convictions and offences.
- * Systematic monitoring of a publicly accessible area on a large scale.

Therefore, an example of a scenario where a controller is most likely required to undertake a DPIA is when personal data is being collected and combined with other personal data to profile the creditworthiness of individuals, as this involves a systematic and extensive evaluation of personal aspects based on automated processing and profiling, and may have significant effects on the individuals. The other scenarios are not necessarily indicative of a high risk to the rights and freedoms of natural persons, and do not fall under the examples of processing operations that require a DPIA provided by the GDPR. References: Free CIPP/E Study Guide, page 37; CIPP/E Certification, page 18; GDPR, Article 35, Recital 91.

NEW QUESTION #85

To which of the following parties does the territorial scope of the GDPR NOT apply?

- A. All member countries of the European Union.
- B. All member countries party to the Treaty of Lisbon.
- C. All member countries party to the Paris Agreement.
- D. All member countries of the European Economic Area.

Answer: C

Explanation:

The territorial scope of the GDPR is determined by Article 3 of the Regulation, which sets out two main criteria for applying the GDPR to the processing of personal data: the establishment criterion and the targeting criterion. The establishment criterion applies to the 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 not. The targeting criterion 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 such data subjects in the EU or the monitoring of their behaviour as far as their behaviour takes place within the EU. In addition, the GDPR applies to the processing of personal data by a controller not established in the EU, but in a place where Member State law applies by virtue of public international law.

Therefore, the territorial scope of the GDPR does not depend on the membership of a country to a particular international agreement or organisation, but on the location and activities of the controller or processor and the data subjects involved in the processing. The Paris Agreement is an international treaty on climate change that aims to limit global warming and reduce greenhouse gas emissions. It does not have any direct or indirect relevance to the GDPR or the protection of personal data. Hence, being a party to the Paris Agreement does not affect the applicability of the GDPR to a country or a controller or processor established in that country. The other options are incorrect because they are either directly or indirectly related to the GDPR or the protection of personal data. The European Economic Area (EEA) consists of all EU member states plus Iceland, Liechtenstein and Norway. The EEA Agreement allows these three countries to participate in the EU's internal market and to adopt most of the EU legislation, including the GDPR. Therefore, the GDPR applies to all EEA countries as if they were EU member states. The Treaty of Lisbon is an international agreement that amends the two treaties which form the constitutional basis of the EU. The Treaty of Lisbon introduces several changes to the EU's institutional structure, decision-making process, and policy areas, including the recognition of the Charter of Fundamental Rights of the EU as legally binding. The Charter of Fundamental Rights of the EU includes the right to the protection of personal data as a fundamental right, and provides the legal basis for the GDPR. Therefore, the GDPR applies to all EU member states that are parties to the Treaty of Lisbon. The European Union (EU) is a political and economic union of 27 member states that are located primarily in Europe. The EU has developed an internal single market through a standardised system of laws that apply in all member states, including the GDPR. Therefore, the GDPR applies to all EU member states by virtue of their membership to the EU. References: Art. 3 GDPR - Territorial scope, Guidelines 3/2018 on the territorial scope of the GDPR (Article 3) - version adopted after public consultation, Paris Agreement - Wikipedia, European Economic Area - Wikipedia, Treaty of Lisbon -Wikipedia, European Union - Wikipedia Reference: https://www.complianceweek.com/understanding-the-territorial-scope-of-thegdpr/24693.article

NEW QUESTION #86

What term BEST describes the European model for data protection?

- · A. Market-based
- B. Sectoral
- C. Comprehensive
- D. Self-regulatory

Answer: C

Explanation:

The European model for data protection is best described as comprehensive, because it covers all sectors and types of data processing, and applies to any organization that targets or collects data related to people in the EU. The GDPR is the main legal instrument of this model, and it establishes a set of principles, rights, and obligations for data protection, as well as a harmonized framework for enforcement and cooperation among EU member states and data protection authorities. The GDPR also aims to ensure consistency with other EU laws and policies, such as the ePrivacy Directive, the Charter of Fundamental Rights, and the European Data Strategy. The European model for data protection is based on the recognition of data protection as a fundamental right and a public interest, and it reflects the EU's values and objectives of promoting human dignity, democracy, and the rule of law. Reference:

Data protection in the EU, section "Legislation"

What is GDPR, the EU's new data protection law?, section "What is the GDPR?" European Data Protection, Third Edition, page 1, section "Introduction" European Data Protection: Law and Practice, page 1, section "Introduction"

NEW QUESTION #87

Under Article 21 of the GDPR, a controller must stop profiling when requested by a data subject, unless it can demonstrate compelling legitimate grounds that override the interests of the individual. In the Guidelines on Automated individual decision-making

and Profiling, the WP 29 says the controller needs to do all of the following to demonstrate that it has such legitimate grounds EXCEPT?

- A. Consider the importance of the profiling to their particular objective.
- B. Consider the impact of the profiling on the data subject's interest, rights and freedoms.
- C. Carry out an exercise that weighs the interests of the controller and the basis for the data subject's objection.
- D. Demonstrate that the profiling is for the purposes of direct marketing.

Answer: D

Explanation:

Explanation/Reference: https://gdpr-info.eu/art-21-gdpr/

NEW QUESTION #88

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