

CIPP-E Dumps

Certified Information Privacy Professional/Europe (CIPP/E)

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NEW QUESTION 1

Article 29 Working Party has emphasized that the GDPR forbids “forum shopping”, which occurs when companies do what?

- A. Choose the data protection officer that is most sympathetic to their business concerns.
- B. Designate their main establishment in member state with the most flexible practices.
- C. File appeals of infringement judgments with more than one EU institution simultaneously.
- D. Select third-party processors on the basis of cost rather than quality of privacy protection.

Answer: B

NEW QUESTION 2

If a French controller has a car-sharing app available only in Morocco, Algeria and Tunisia, but the data processing activities are carried out by the appointed processor in Spain, the GDPR will apply to the processing of the personal data so long as?

- A. The individuals are European citizens or residents.
- B. The data processing activities are in Spain.
- C. The data controller is in France.
- D. The EU individuals are targeted.

Answer: D

NEW QUESTION 3

A German data subject was the victim of an embarrassing prank 20 years ago. A newspaper website published an article about the prank at the time, and the article is still available on the newspaper's website. Unfortunately, the prank is the top search result when a user searches on the victim's name. The data subject requests that SearchCo delist this result. SearchCo agrees, and instructs its technology team to avoid scanning or indexing the article. What else must SearchCo do?

- A. Notify the newspaper that its article it is delisting the article.
- B. Fully erase the URL to the content, as opposed to delist which is mainly based on data subject's name.
- C. Identify other controllers who are processing the same information and inform them of the delisting request.
- D. Prevent the article from being listed in search results no matter what search terms are entered into the search engine.

Answer: A

NEW QUESTION 4

According to Article 84 of the GDPR, the rules on penalties applicable to infringements shall be laid down by?

- A. The local Data Protection Supervisory Authorities.
- B. The European Data Protection Board.
- C. The EU Commission.
- D. The Member States.

Answer: D

NEW QUESTION 5**SCENARIO**

Please use the following to answer the next question:

Louis, a long-time customer of Bedrock Insurance, was involved in a minor car accident a few months ago. Although no one was hurt, Louis has been plagued by texts and calls from a company called Accidentable offering to help him recover compensation for personal injury. Louis has heard about insurance companies selling customers' data to third parties, and he's convinced that Accidentable must have gotten his information from Bedrock Insurance.

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

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

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

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

In the meantime, Louis is still receiving unwanted calls from Accidentable Insurance. He writes to Accidentable to ask for the name of the organization that supplied his details to them. He warns Accidentable 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.

Accidentable's response letter confirms Louis's suspicions. Accidentable is Bedrock Insurance's wholly

owned subsidiary, and they received information about Louis's accident from Bedrock shortly after Louis submitted his accident claim. Accidentable assures Louis that there has been no breach of the GDPR, as Louis's contract included, a provision in which he agreed to share his information with Bedrock's affiliates for business purposes.

Louis is disgusted by the way in which he has been treated by Bedrock, and writes to them insisting that all his information be erased from their computer system. After Louis has exercised his right to restrict the use of his data, under what conditions would Accidentable have grounds for refusing to comply?

- A. If Accidentable is entitled to use of the data as an affiliate of Bedrock.
- B. If Accidentable also uses the data to conduct public health research.
- C. If the data becomes necessary to defend Accidentable's legal rights.
- D. If the accuracy of the data is not an aspect that Louis is disputing.

Answer: A

NEW QUESTION 6**SCENARIO**

Please use the following to answer the next question:

WonderkKids provides an online booking service for childcare. Wonderkids is based in France, but hosts its website through a company in Switzerland. As part of their service, WonderKids will pass all personal data provided to them to the childcare provider booked through their system. The type of personal data collected on the website includes the name of the person booking the childcare, address and contact details, as well as information about the children to be cared for including name, age, gender and health information. The privacy statement on Wonderkids' website states the following:

"WonderkKids provides the information you disclose to us through this website to your childcare provider for scheduling and health and safety reasons. We may also use your and your child's personal information for our own legitimate business purposes and we employ a third-party website hosting company located in Switzerland to store the data. Any data stored on equipment located in Switzerland meets the European Commission provisions for guaranteeing adequate safeguards for you and your child's personal information. We will only share you and your child's personal information with businesses that we see as adding real value to you. By providing us with any personal data, you consent to its transfer to affiliated businesses and to send you promotional offers."

"We may retain you and your child's personal information for no more than 28 days, at which point the data will be depersonalized, unless your personal information is being used for a legitimate business purpose beyond 28 days where it may be retained for up to 2 years."

"We are processing you and your child's personal information with your consent. If you choose not to provide certain information to us, you may not be able to use our services. You have the right to: request access to you and your child's personal information; rectify or erase you or your child's personal information; the right to correction or erasure of you and/or your child's personal information; object to any processing of you and your child's personal information. You also have the right to complain to the supervisory authority about our data processing activities."

What additional information must Wonderkids provide in their Privacy Statement?

- A. How often promotional emails will be sent.
- B. Contact information of the hosting company.
- C. Technical and organizational measures to protect data.
- D. The categories of recipients with whom data will be shared.

Answer: B

NEW QUESTION 7**SCENARIO**

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Louis is disgusted by the way in which he has been treated by Bedrock, and writes to them insisting that all his information be erased from their computer system. Based on the GDPR's position on the use of personal data for direct marketing purposes, which of the following is true about Louis's rights as a data subject?

- A. Louis does not have the right to object to the use of his data because he previously consented to it.
- B. Louis has the right to object at any time to the use of his data and Bedrock must honor his request to cease use.
- C. Louis has the right to object to the use of his data, unless his data is required by Bedrock for the purpose of exercising a legal claim.
- D. Louis does not have the right to object to the use of his data if Bedrock can demonstrate compelling legitimate grounds for the processing.

Answer: B

NEW QUESTION 8

What is the consequence if a processor makes an independent decision regarding the purposes and means of processing it carries out on behalf of a controller?

- A. The controller will be liable to pay an administrative fine
- B. The processor will be liable to pay compensation to affected data subjects
- C. The processor will be considered to be a controller in respect of the processing concerned
- D. The controller will be required to demonstrate that the unauthorized processing negatively affected one or more of the parties involved

Answer: B

NEW QUESTION 9

Data retention in the EU was underpinned by a legal framework established by the Data Retention Directive (2006/24/EC). Why is the Directive no longer part of EU law?

- A. The Directive was superseded by the EU Directive on Privacy and Electronic Communications.
- B. The Directive was superseded by the General Data Protection Regulation.
- C. The Directive was annulled by the Court of Justice of the European Union.
- D. The Directive was annulled by the European Court of Human Rights.

Answer: C

NEW QUESTION 10

To provide evidence of GDPR compliance, a company performs an internal audit. As a result, it finds a data base, password-protected, listing all the social network followers of the client.

Regarding the domain of the controller-processor relationships, how is this situation considered?

- A. Compliant with the security principle, because the data base is password-protected.
- B. Non-compliant, because the storage of the data exceeds the tasks contractually authorized by the controller.
- C. Not applicable, because the data base is password protected, and therefore is not at risk of identifying any data subject.
- D. Compliant with the storage limitation principle, so long as the internal auditor permanently deletes the data base.

Answer: B

NEW QUESTION 10

If a company chooses to ground an international data transfer on the contractual route, which of the following is NOT a valid set of standard contractual clauses?

- A. Decision 2001/497/EC (EU controller to non-EU or EEA controller).
- B. Decision 2004/915/EC (EU controller to non-EU or EEA controller).
- C. Decision 2007/72/EC (EU processor to non-EU or EEA controller).
- D. Decision 2010/87/EU (Non-EU or EEA processor from EU controller).

Answer: B

NEW QUESTION 15

What is one major goal that the OECD Guidelines, Convention 108 and the Data Protection Directive (Directive 95/46/EC) all had in common but largely failed to achieve in Europe?

- A. The establishment of a list of legitimate data processing criteria
- B. The creation of legally binding data protection principles
- C. The synchronization of approaches to data protection
- D. The restriction of cross-border data flow

Answer: D

NEW QUESTION 17

SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

If Who-R-U adopts the We-Track-U pilot plan, why is it likely to be subject to the territorial scope of the GDPR?

- A. Its plan would be in the context of the establishment of a controller in the Union.
- B. It would be offering goods or services to data subjects in the Union.
- C. It is engaging in commercial activities conducted in the Union.
- D. It is monitoring the behavior of data subjects in the Union.

Answer: D

NEW QUESTION 19

Under the GDPR, which of the following is true in regard to adequacy decisions involving cross-border transfers?

- A. The European Commission can adopt an adequacy decision for individual companies.
- B. The European Commission can adopt, repeal or amend an existing adequacy decision.
- C. EU member states are vested with the power to accept or reject a European Commission adequacy decision.
- D. To be considered as adequate, third countries must implement the EU General Data Protection Regulation into their national legislation.

Answer: A

NEW QUESTION 23**SCENARIO**

Please use the following to answer the next question:

The fitness company Vigotron has recently developed a new app called M-Health, which it wants to market on its website as a free download. Vigotron's marketing manager asks his assistant Emily to create a webpage that describes the app and specifies the terms of use. Emily, who is new at Vigotron, is excited about this task. At her previous job she took a data protection class, and though the details are a little hazy, she recognizes that Vigotron is going to need to obtain user consent for use of the app in some cases. Emily sketches out the following draft, trying to cover as much as possible before sending it to Vigotron's legal department.

Registration Form

Vigotron's new M-Health app makes it easy for you to monitor a variety of health-related activities, including diet, exercise, and sleep patterns. M-Health relies on your smartphone settings (along with other third-party apps you may already have) to collect data about all of these important lifestyle elements, and provide the information necessary for you to enrich your quality of life. (Please click here to read a full description of the services that M-Health provides.)

Vigotron values your privacy. The M-Health app allows you to decide which information is stored in it, and which apps can access your data. When your device is locked with a passcode, all of your health and fitness data is encrypted with your passcode. You can back up data stored in the Health app to Vigotron's cloud provider, Stratculous. (Read more about Stratculous here.)

Vigotron will never trade, rent or sell personal information gathered from the M-Health app. Furthermore, we will not provide a customer's name, email address or any other information gathered from the app to any third-party without a customer's consent, unless ordered by a court, directed by a subpoena, or to enforce the manufacturer's legal rights or protect its business or property.

We are happy to offer the M-Health app free of charge. If you want to download and use it, we ask that you first complete this registration form. (Please note that use of the M-Health app is restricted to adults aged 16 or older, unless parental consent has been given to minors intending to use it.)

- First name:
- Surname:
- Year of birth:
- Email:
- Physical Address (optional*):
- Health status:

*If you are interested in receiving newsletters about our products and services that we think may be of interest to you, please include your physical address. If you decide later that you do not wish to receive these newsletters, you can unsubscribe by sending an email to unsubscribe@vigotron.com or send a letter with your request to the address listed at the bottom of this page.

Terms and Conditions 1.Jurisdiction. [...] 2.Applicable law. [...] 3.Limitation of liability. [...] Consent

By completing this registration form, you attest that you are at least 16 years of age, and that you consent to the processing of your personal data by Vigotron for the purpose of using the M-Health app. Although you are entitled to opt out of any advertising or marketing, you agree that Vigotron may contact you or provide you with any required notices, agreements, or other information concerning the services by email or other electronic means. You also agree that the Company may send automated emails with alerts regarding any problems with the M-Health app that may affect your well being.

If a user of the M-Health app were to decide to withdraw his consent, Vigotron would first be required to do what?

- A. Provide the user with logs of data collected through use of the app.
- B. Erase any data collected from the time the app was first used.
- C. Inform any third parties of the user's withdrawal of consent.
- D. Cease processing any data collected through use of the app.

Answer: D

NEW QUESTION 26**SCENARIO**

Please use the following to answer the next question:

Building Block Inc. is a multinational company, headquartered in Chicago with offices throughout the United States, Asia, and Europe (including Germany, Italy, France and Portugal). Last year the company was the victim of a phishing attack that resulted in a significant data breach. The executive board, in coordination with the general manager, their Privacy Office and the Information Security team, resolved to adopt additional security measures. These included training awareness programs, a cybersecurity audit, and use of a new software tool called SecurityScan, which scans employees' computers to see if they have software that is no longer being supported by a vendor and therefore not getting security updates. However, this software also provides other features, including the monitoring of employees' computers.

Since these measures would potentially impact employees, Building Block's Privacy Office decided to issue a general notice to all employees indicating that the company will implement a series of initiatives to enhance information security and prevent future data breaches.

After the implementation of these measures, server performance decreased. The general manager instructed the Security team on how to use SecurityScan to monitor employees' computers activity and their location. During these activities, the Information Security team discovered that one employee from Italy was daily connecting to a video library of movies, and another one from Germany worked remotely without authorization. The Security team reported these incidents to the Privacy Office and the general manager. In their report, the team concluded that the employee from Italy was the reason why the server performance decreased. Due to the seriousness of these infringements, the company decided to apply disciplinary measures to both employees, since the security and privacy policy of the company prohibited employees from installing software on the company's computers, and from working remotely without authorization.

To comply with the GDPR, what should Building Block have done as a first step before implementing the SecurityScan measure?

- A. Assessed potential privacy risks by conducting a data protection impact assessment.
- B. Consulted with the relevant data protection authority about potential privacy violations.
- C. Distributed a more comprehensive notice to employees and received their express consent.
- D. Consulted with the Information Security team to weigh security measures against possible server impacts.

Answer: C

NEW QUESTION 30

What obligation does a data controller or processor have after appointing a data protection officer?

- A. To ensure that the data protection officer receives sufficient instructions regarding the exercise of his or her defined tasks.
- B. To provide resources necessary to carry out the defined tasks of the data protection officer and to maintain his or her expert knowledge.
- C. To ensure that the data protection officer acts as the sole point of contact for individuals' Questions: about their personal data.
- D. To submit for approval to the data protection officer a code of conduct to govern organizational practices and demonstrate compliance with data protection principles.

Answer: D

NEW QUESTION 34

What type of data lies beyond the scope of the General Data Protection Regulation?

- A. Pseudonymized
- B. Anonymized
- C. Encrypted
- D. Masked

Answer: B

NEW QUESTION 38

A company is hesitating between Binding Corporate Rules and Standard Contractual Clauses as a global data transfer solution. Which of the following statements would help the company make an effective decision?

- A. Binding Corporate Rules are especially recommended for small and medium companies.
- B. The data exporter does not need to be located in the EU for the standard Contractual Clauses.
- C. Binding Corporate Rules provide a global solution for all the entities of a company that are bound by the intra-group agreement.
- D. The company will need the prior authorization of all EU data protection authorities for concluding Standard Contractual Clauses.

Answer: C

NEW QUESTION 40

A well-known video production company, based in Spain but specializing in documentaries filmed worldwide, has just finished recording several hours of footage featuring senior citizens in the streets of Madrid. Under what condition would the company NOT be required to obtain the consent of everyone whose image they use for their documentary?

- A. If obtaining consent is deemed to involve disproportionate effort.
- B. If obtaining consent is deemed voluntary by local legislation.
- C. If the company limits the footage to data subjects solely of legal age.
- D. If the company's status as a documentary provider allows it to claim legitimate interest.

Answer: B

NEW QUESTION 45

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

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

Answer: D

NEW QUESTION 50

In which of the following situations would an individual most likely to be able to withdraw her consent for processing?

- A. When she is leaving her bank and moving to another bank.
- B. When she has recently changed jobs and no longer works for the same company.
- C. When she disagrees with a diagnosis her doctor has recorded on her records.
- D. When she no longer wishes to be sent marketing materials from an organization.

Answer: D

NEW QUESTION 52

Under the GDPR, who would be LEAST likely to be allowed to engage in the collection, use, and disclosure of a data subject's sensitive medical information without the data subject's knowledge or consent?

- A. A member of the judiciary involved in adjudicating a legal dispute involving the data subject and concerning the health of the data subject.
- B. A public authority responsible for public health, where the sharing of such information is considered necessary for the protection of the general populace.
- C. A health professional involved in the medical care for the data subject, where the data subject's life hinges on the timely dissemination of such information.
- D. A journalist writing an article relating to the medical condition in QUESTION, who believes that the publication of such information is in the public interest.

Answer: B

NEW QUESTION 53

The GDPR requires controllers to supply data subjects with detailed information about the processing of their data. Where a controller obtains data directly from data subjects, which of the following items of information does NOT legally have to be supplied?

- A. The recipients or categories of recipients.
- B. The categories of personal data concerned.
- C. The rights of access, erasure, restriction, and portability.
- D. The right to lodge a complaint with a supervisory authority.

Answer: B

NEW QUESTION 56

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

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

Answer: C

NEW QUESTION 61

A U.S.-based online shop uses sophisticated software to track the browsing behavior of its European customers and predict future purchases. It also shares this information with third parties. Under the GDPR, what is the online shop's PRIMARY obligation while engaging in this kind of profiling?

- A. It must solicit informed consent through a notice on its website
- B. It must seek authorization from the European supervisory authorities
- C. It must be able to demonstrate a prior business relationship with the customers
- D. It must prove that it uses sufficient security safeguards to protect customer data

Answer: A

NEW QUESTION 62

Which institution has the power to adopt findings that confirm the adequacy of the data protection level in a non-EU country?

- A. The European Parliament
- B. The European Commission
- C. The Article 29 Working Party
- D. The European Council

Answer: B

NEW QUESTION 63**SCENARIO**

Please use the following to answer the next question:

You have just been hired by a toy manufacturer based in Hong Kong. The company sells a broad range of dolls, action figures and plush toys that can be found internationally in a wide variety of retail stores. Although the manufacturer has no offices outside Hong Kong and in fact does not employ any staff outside Hong Kong, it has entered into a number of local distribution contracts. The toys produced by the company can be found in all popular toy stores throughout Europe, the United States and Asia. A large portion of the company's revenue is due to international sales.

The company now wishes to launch a new range of connected toys, ones that can talk and interact with children. The CEO of the company is touting these toys as the next big thing, due to the increased possibilities offered: The figures can answer children's Questions: on various subjects, such as mathematical calculations or the weather. Each figure is equipped with a microphone and speaker and can connect to any smartphone or tablet via Bluetooth. Any mobile device within a 10-meter radius can connect to the toys via Bluetooth as well. The figures can also be associated with other figures (from the same manufacturer) and interact with each other for an enhanced play experience.

When a child asks the toy a QUESTION, the request is sent to the cloud for analysis, and the answer is generated on cloud servers and sent back to the figure.

The answer is given through the figure's integrated

speakers, making it appear as though that the toy is actually responding to the child's QUESTION. The packaging of the toy does not provide technical details on how this works, nor does it mention that this feature requires an internet connection. The necessary data processing for this has been outsourced to a data center located in South Africa. However, your company has not yet revised its consumer-facing privacy policy to indicate this.

In parallel, the company is planning to introduce a new range of game systems through which consumers can play the characters they acquire in the course of playing the game. The system will come bundled with a portal that includes a Near-Field Communications (NFC) reader. This device will read an RFID tag in the action figure, making the figure come to life onscreen. Each character has its own stock features and abilities, but it is also possible to earn additional ones by accomplishing game goals. The only information stored in the tag relates to the figures' abilities. It is easy to switch characters during the game, and it is possible to bring the figure to locations outside of the home and have the character's abilities remain intact.

In light of the requirements of Article 32 of the GDPR (related to the Security of Processing), which practice should the company institute?

- A. Encrypt the data in transit over the wireless Bluetooth connection.
- B. Include dual-factor authentication before each use by a child in order to ensure a minimum amount of security.
- C. Include three-factor authentication before each use by a child in order to ensure the best level of security possible.
- D. Insert contractual clauses into the contract between the toy manufacturer and the cloud service provider, since South Africa is outside the European Union.

Answer: A

NEW QUESTION 68**SCENARIO**

Please use the following to answer the next question:

Zandelay Fashion ('Zandelay') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Martin is their recently appointed data protection officer, who oversees the company's compliance with the General Data Protection Regulation (GDPR) and other privacy legislation.

The company offers both male and female clothing lines across all age demographics, including children. In doing so, the company processes large amounts of information about such customers, including preferences and sensitive financial information such as credit card and bank account numbers.

In an aggressive bid to build revenue growth, Jerry, the CEO, tells Martin that the company is launching a new mobile app and loyalty scheme that puts significant emphasis on profiling the company's customers by analyzing their purchases. Martin tells the CEO that: (a) the potential risks of such activities means that Zandelay needs to carry out a data protection impact assessment to assess this new venture and its privacy implications; and (b) where the results of this assessment indicate a high risk in the absence of appropriate protection measures. Zandelay may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

Jerry tells Martin that he is not happy about the prospect of having to directly engage with a supervisory authority and having to disclose details of Zandelay's business plan and associated processing activities.

What must Zandelay provide to the supervisory authority during the prior consultation?

- A. An evaluation of the complexity of the intended processing.
- B. An explanation of the purposes and means of the intended processing.
- C. Records showing that customers have explicitly consented to the intended profiling activities.
- D. Certificates that prove Martin's professional qualities and expert knowledge of data protection law.

Answer: B

NEW QUESTION 73

SCENARIO

Please use the following to answer the next question:

Anna and Frank both work at Granchester University. Anna is a lawyer responsible for data protection, while Frank is a lecturer in the engineering department. The University maintains a number of types of records:

- Student records, including names, student numbers, home addresses, pre-university information, university attendance and performance records, details of special educational needs and financial information.
- Staff records, including autobiographical materials (such as curricula, professional contact files, student evaluations and other relevant teaching files).
- Alumni records, including birthplaces, years of birth, dates of matriculation and conferrals of degrees.

These records are available to former students after registering through Granchester's Alumni portal. Department for Education records, showing how certain demographic groups (such as first-generation students) could be expected, on average, to progress. These records do not contain names or identification numbers.

➤ Under their security policy, the University encrypts all of its personal data records in transit and at rest. In order to improve his teaching, Frank wants to investigate how his engineering students perform in relational to Department for Education expectations. He has attended one of Anna's data protection training courses and knows that he should use no more personal data than necessary to accomplish his goal. He creates a program that will only export some student data: previous schools attended, grades originally obtained, grades currently obtained and first time university attended. He wants to keep the records at the individual student level. Mindful of Anna's training, Frank runs the student numbers through an algorithm to transform them into different reference numbers. He uses the same algorithm on each occasion so that he can update each record over time.

One of Anna's tasks is to complete the record of processing activities, as required by the GDPR. After receiving her email reminder, as required by the GDPR. After receiving her email reminder, Frank informs Anna about his performance database.

Ann explains to Frank that, as well as minimizing personal data, the University has to check that this new use of existing data is permissible. She also suspects that, under the GDPR, a risk analysis may have to be carried out before the data processing can take place. Anna arranges to discuss this further with Frank after she has done some additional research.

Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted). Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

Anna will find that a risk analysis is NOT necessary in this situation as long as?

- A. The data subjects are no longer current students of Frank's
- B. The processing will not negatively affect the rights of the data subjects
- C. The algorithms that Frank uses for the processing are technologically sound
- D. The data subjects gave their unambiguous consent for the original processing

Answer: D

NEW QUESTION 76

SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

Who-R-U is NOT required to notify the local German DPA about the laptop theft because?

- A. The company isn't a controller established in the Union.
- B. The laptop belonged to a company located in Canada.
- C. The data isn't considered personally identifiable financial information.
- D. There is no evidence that the thieves have accessed the data on the laptop.

Answer: A

NEW QUESTION 78

According to the GDPR, what is the main task of a Data Protection Officer (DPO)?

- A. To create and maintain records of processing activities.

- B. To conduct Privacy Impact Assessments on behalf of the controller or processor.
- C. To monitor compliance with other local or European data protection provisions.
- D. To create procedures for notification of personal data breaches to competent supervisory authorities.

Answer: B

NEW QUESTION 83

Bioface is a company based in the United States. It has no servers, personnel or assets in the European Union. By collecting photographs from social media and other web-based services, such as newspapers and blogs, it uses machine learning to develop a facial recognition algorithm. The algorithm identifies individuals in photographs who are not in its data set based the algorithm and its existing data. The service collects photographs of data subjects in the European Union and will identify them if presented with their photographs. Bioface offers its service to government agencies and companies in the United States and Canada, but not to those in the European Union. Bioface does not offer the service to individuals.

Why is Bioface subject to the territorial scope of the General Data Protection Regulation?

- A. It collects data from European Union websites, which constitutes an establishment in the European Union.
- B. It offers services in the European Union by identifying data subjects in the European Union.
- C. It collects data from subjects and uses it for automated processing.
- D. It monitors the behavior of data subjects in the European Union.

Answer: A

NEW QUESTION 88

SCENARIO

Please use the following to answer the next question:

Liem, an online retailer known for its environmentally friendly shoes, has recently expanded its presence in Europe. Anxious to achieve market dominance, Liem teamed up with another eco friendly company, EcoMick, which sells accessories like belts and bags. Together the companies drew up a series of marketing campaigns designed to highlight the environmental and economic benefits of their products. After months of planning, Liem and EcoMick entered into a data sharing agreement to use the same marketing database, MarketIQ, to send the campaigns to their respective contacts.

Liem and EcoMick also entered into a data processing agreement with MarketIQ, the terms of which included processing personal data only upon Liem and EcoMick's instructions, and making available to them all information necessary to demonstrate compliance with GDPR obligations.

Liem and EcoMick then procured the services of a company called JaphSoft, a marketing optimization firm that uses machine learning to help companies run successful campaigns. Clients provide JaphSoft with the personal data of individuals they would like to be targeted in each campaign. To ensure protection of its clients' data, JaphSoft implements the technical and organizational measures it deems appropriate. JaphSoft works to continually improve its machine learning models by analyzing the data it receives from its clients to determine the most successful components of a successful campaign. JaphSoft then uses such models in providing services to its client-base. Since the models improve only over a period of time as more information is collected, JaphSoft does not have a deletion process for the data it receives from clients. However, to ensure compliance with data privacy rules, JaphSoft pseudonymizes the personal data by removing identifying information from the contact information. JaphSoft's engineers, however, maintain all contact information in the same database as the identifying information.

Under its agreement with Liem and EcoMick, JaphSoft received access to MarketIQ, which included contact information as well as prior purchase history for such contacts, to create campaigns that would result in the most views of the two companies' websites. A prior Liem customer, Ms. Iman, received a marketing campaign from JaphSoft regarding Liem's as well as EcoMick's latest products. While Ms. Iman recalls checking a box to receive information in the future regarding Liem's products, she has never shopped EcoMick, nor provided her personal data to that company.

Which of the following BEST describes the relationship between Liem, EcoMick and JaphSoft?

- A. Liem is a controller and EcoMick is a processor because Liem provides specific instructions regarding how the marketing campaigns should be rolled out.
- B. EcoMick and JaphSoft are is a controller and Liem is a processor because EcoMick is sharing its marketing data with Liem for contacts in Europe.
- C. JaphSoft is the sole processor because it processes personal data on behalf of its clients.
- D. Liem and EcoMick are joint controllers because they carry out joint marketing activities.

Answer: B

NEW QUESTION 91

What are the obligations of a processor that engages a sub-processor?

- A. The processor must give the controller prior written notice and perform a preliminary audit of the sub- processor.
- B. The processor must obtain the controller's specific written authorization and provide annual reports on the sub-processor's performance.
- C. The processor must receive a written agreement that the sub-processor will be fully liable to the controller for the performance of its obligations in relation to the personal data concerned.
- D. The processor must obtain the consent of the controller and ensure the sub-processor complies with data processing obligations that are equivalent to those that apply to the processor.

Answer: C

NEW QUESTION 96

SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third- party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated

Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now

posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Under the General Data Protection Regulation (GDPR), what is the most likely reason Serge may have grounds to object to the use of his quotation?

- A. Because of the misrepresentation of personal data as an endorsement.
- B. Because of the juxtaposition of the quotation with others' quotations.
- C. Because of the use of personal data outside of the social networking service (SNS).
- D. Because of the misapplication of the household exception in relation to a social networking service (SNS).

Answer: D

NEW QUESTION 100

SCENARIO

Please use the following to answer the next question:

ABC Hotel Chain and XYZ Travel Agency are U.S.-based multinational companies. They use an internet-based common platform for collecting and sharing their customer data with each other, in order to integrate their marketing efforts. Additionally, they agree on the data to be stored, how reservations will be booked and confirmed, and who has access to the stored data.

Mike, an EU resident, has booked travel itineraries in the past through XYZ Travel Agency to stay at ABC Hotel Chain's locations. XYZ Travel Agency offers a rewards program that allows customers to sign up to accumulate points that can later be redeemed for free travel. Mike has signed the agreement to be a rewards program member.

Now Mike wants to know what personal information the company holds about him. He sends an email requesting access to his data, in order to exercise what he believes are his data subject rights.

In which of the following situations would ABC Hotel Chain and XYZ Travel Agency NOT have to honor Mike's data access request?

- A. The request is to obtain access and correct inaccurate personal data in his profile.
- B. The request is to obtain access and information about the purpose of processing his personal data.
- C. The request is to obtain access and erasure of his personal data while keeping his rewards membership.
- D. The request is to obtain access and the categories of recipients who have received his personal data to process his rewards membership.

Answer: C

NEW QUESTION 101

A company in France suffers a robbery over the weekend owing to a faulty alarm system. When it is determined that the break-in involves the loss of a substantial amount of data, the company decides on a CCTV system to monitor for future incidents. Company technicians install cameras in the entrance of the building, hallways and offices. Footage is recorded continuously, and is monitored by the home office in the United States. What is the most realistic step the company could take to address their security concerns and comply with the personal data processing principles set out in Article 5 of the GDPR?

- A. Seek informed consent from company employees.
- B. Have cameras recording during work hours only.
- C. Retain captured footage for no more than 30 days.
- D. Restrict camera placement to building entrances only.

Answer: A

NEW QUESTION 103

What must a data controller do in order to make personal data pseudonymous?

- A. Separately hold any information that would allow linking the data to the data subject.
- B. Encrypt the data in order to prevent any unauthorized access or modification.
- C. Remove all indirect data identifiers and dispose of them securely.
- D. Use the data only in aggregated form for research purposes.

Answer: A

NEW QUESTION 108

Which of the following would require designating a data protection officer?

- A. Processing is carried out by an organization employing 250 persons or more.
- B. Processing is carried out for the purpose of providing for-profit goods or services to individuals in the EU.
- C. The core activities of the controller or processor consist of processing operations of financial information or information relating to children.
- D. The core activities of the controller or processor consist of processing operations that require systematic monitoring of data subjects on a large scale.

Answer: D

NEW QUESTION 110

SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area,

which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable. Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third-party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated. Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers. Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy. Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services. Based on current trends in European privacy practices, which aspect of Brady Box' Online Behavioral Advertising (OBA) is most likely to be insufficient if the company becomes established in Europe?

- A. The lack of the option to opt in.
- B. The level of security within the website.
- C. The contract with the third-party advertising network.
- D. The need to have the contents of the advertising approved.

Answer: A

NEW QUESTION 114

An organization receives a request multiple times from a data subject seeking to exercise his rights with respect to his own personal data. Under what condition can the organization charge the data subject a fee for processing the request?

- A. Only where the organization can show that it is reasonable to do so because more than one request was made.
- B. Only to the extent this is allowed under the restrictions on data subjects' rights introduced under Art 23 of GDPR.
- C. Only where the administrative costs of taking the action requested exceeds a certain threshold.
- D. Only if the organization can demonstrate that the request is clearly excessive or misguided.

Answer: B

NEW QUESTION 116

Which of the following is an example of direct marketing that would be subject to European data protection laws?

- A. An updated privacy notice sent to an individual's personal email address.
- B. A charity fundraising event notice sent to an individual at her business address.
- C. A service outage notification provided to an individual by recorded telephone message.
- D. A revision of contract terms conveyed to an individual by SMS from a marketing organization.

Answer: B

NEW QUESTION 118

What is the most frequently used mechanism for legitimizing cross-border data transfer?

- A. Standard Contractual Clauses.
- B. Approved Code of Conduct.
- C. Binding Corporate Rules.
- D. Derogations.

Answer: A

NEW QUESTION 123

Which GDPR requirement will present the most significant challenges for organizations with Bring Your Own Device (BYOD) programs?

- A. Data subjects must be sufficiently informed of the purposes for which their personal data is processed.
- B. Processing of special categories of personal data on a large scale requires appointing a DPO.
- C. Personal data of data subjects must always be accurate and kept up to date.
- D. Data controllers must be in control of the data they hold at all times.

Answer: D

NEW QUESTION 126

Which of the following is NOT recognized as being a common characteristic of cloud-computing services?

- A. The service's infrastructure is shared among the supplier's customers and can be located in a number of countries.
- B. The supplier determines the location, security measures, and service standards applicable to the processing.
- C. The supplier allows customer data to be transferred around the infrastructure according to capacity.
- D. The supplier assumes the vendor's business risk associated with data processed by the supplier.

Answer: D

NEW QUESTION 131

In which situation would a data controller most likely be able to justify the processing of the data of a child without parental consent?

- A. When the data is to be processed for market research.
- B. When providing preventive or counselling services to the child.
- C. When providing the child with materials purely for educational use.
- D. When a legitimate business interest makes obtaining consent impractical.

Answer: B

NEW QUESTION 135

When assessing the level of risk created by a data breach, which of the following would NOT have to be taken into consideration?

- A. The ease of identification of individuals.
- B. The size of any data processor involved.
- C. The special characteristics of the data controller.
- D. The nature, sensitivity and volume of personal data.

Answer: B

NEW QUESTION 136

When would a data subject NOT be able to exercise the right to portability?

- A. When the processing is necessary to perform a task in the exercise of authority vested in the controller.
- B. When the processing is carried out pursuant to a contract with the data subject.
- C. When the data was supplied to the controller by the data subject.
- D. When the processing is based on consent.

Answer: A

NEW QUESTION 141

Pursuant to Article 4(5) of the GDPR, data is considered “pseudonymized” if?

- A. It cannot be attributed to a data subject without the use of additional information.
- B. It cannot be attributed to a person under any circumstances.
- C. It can only be attributed to a person by the controller.
- D. It can only be attributed to a person by a third party.

Answer: A

NEW QUESTION 144

What term BEST describes the European model for data protection?

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

Answer: A

NEW QUESTION 145

The GDPR forbids the practice of “forum shopping”, which occurs when companies do what?

- A. Choose the data protection officer that is most sympathetic to their business concerns.
- B. Designate their main establishment in member state with the most flexible practices.
- C. File appeals of infringement judgments with more than one EU institution simultaneously.
- D. Select third-party processors on the basis of cost rather than quality of privacy protection.

Answer: B

NEW QUESTION 146

What was the aim of the European Data Protection Directive 95/46/EC?

- A. To harmonize the implementation of the European Convention of Human Rights across all member states.
- B. To implement the OECD Guidelines on the Protection of Privacy and trans-border flows of Personal Data.
- C. To completely prevent the transfer of personal data out of the European Union.
- D. To further reconcile the protection of the fundamental rights of individuals with the free flow of data from one member state to another.

Answer: B

NEW QUESTION 147

What permissions are required for a marketer to send an email marketing message to a consumer in the EU?

- A. A prior opt-in consent for consumers unless they are already customers.
- B. A pre-checked box stating that the consumer agrees to receive email marketing.

- C. A notice that the consumer's email address will be used for marketing purposes.
- D. No prior permission required, but an opt-out requirement on all emails sent to consumers.

Answer: A

NEW QUESTION 151

The Planet 49 CJEU Judgement applies to?

- A. Cookies used only by third parties.
- B. Cookies that are deemed technically necessary.
- C. Cookies regardless of whether the data accessed is personal or not.
- D. Cookies where the data accessed is considered as personal data only.

Answer: C

NEW QUESTION 156

SCENARIO

Please use the following to answer the next question:

BHealthy, a company based in Italy, is ready to launch a new line of natural products, with a focus on sunscreen. The last step prior to product launch is for BHealthy to conduct research to decide how extensively to market its new line of sunscreens across Europe. To do so, BHealthy teamed up with Natural Insight, a company specializing in determining pricing for natural products. BHealthy decided to share its existing customer information – name, location, and prior purchase history – with Natural Insight. Natural Insight intends to use this information to train its algorithm to help determine the price point at which BHealthy can sell its new sunscreens.

Prior to sharing its customer list, BHealthy conducted a review of Natural Insight's security practices and concluded that the company has sufficient security measures to protect the contact information. Additionally, BHealthy's data processing contractual terms with Natural Insight require continued implementation of technical and organization measures. Also indicated in the contract are restrictions on use of the data provided by BHealthy for any purpose beyond provision of the services, which include use of the data for continued improvement of Natural Insight's machine learning algorithms.

Under the GDPR, what are Natural Insight's security obligations with respect to the customer information it received from BHealthy?

- A. Appropriate security that takes into account the industry practices for protecting customer contact information and purchase history.
- B. Only the security measures assessed by BHealthy prior to entering into the data processing contract.
- C. Absolute security since BHealthy is sharing personal data, including purchase history, with Natural Insight.
- D. The level of security that a reasonable data subject whose data is processed would expect in relation to the data subject's purchase history.

Answer: A

NEW QUESTION 157

Under what circumstances would the GDPR apply to personal data that exists in physical form, such as information contained in notebooks or hard copy files?

- A. Only where the personal data is produced as a physical output of specific automated processing activities, such as printing, labelling, or stamping.
- B. Only where the personal data is to be subjected to specific computerized processing, such as image scanning or optical character recognition.
- C. Only where the personal data is treated by automated means in some way, such as computerized distribution or filing.
- D. Only where the personal data is handled in a sufficiently structured manner so as to form part of a filing system.

Answer: D

NEW QUESTION 161

A key component of the OECD Guidelines is the "Individual Participation Principle". What parts of the General Data Protection Regulation (GDPR) provide the closest equivalent to that principle?

- A. The lawful processing criteria stipulated by Articles 6 to 9
- B. The information requirements set out in Articles 13 and 14
- C. The breach notification requirements specified in Articles 33 and 34
- D. The rights granted to data subjects under Articles 12 to 22

Answer: D

NEW QUESTION 163

A company plans to transfer employee health information between two of its entities in France. To maintain the security of the processing, what would be the most important security measure to apply to the health data transmission?

- A. Inform the data subject of the security measures in place.
- B. Ensure that the receiving entity has signed a data processing agreement.
- C. Encrypt the transferred data in transit and at rest.
- D. Conduct a data protection impact assessment.

Answer: A

NEW QUESTION 164

SCENARIO

Please use the following to answer the next question:

BHealthy, a company based in Italy, is ready to launch a new line of natural products, with a focus on sunscreen. The last step prior to product launch is for BHealthy to conduct research to decide how extensively to market its new line of sunscreens across Europe. To do so, BHealthy teamed up with Natural Insight, a company specializing in determining pricing for natural products. BHealthy decided to share its existing customer information – name, location, and prior purchase history – with Natural Insight. Natural Insight intends to use this information to train its algorithm to help determine the price point at which BHealthy can sell its new sunscreens.

Prior to sharing its customer list, BHealthy conducted a review of Natural Insight's security practices and concluded that the company has sufficient security

measures to protect the contact information. Additionally, BHealthy's data processing contractual terms with Natural Insight require continued implementation of technical and organization measures. Also indicated in the contract are restrictions on use of the data provided by BHealthy for any purpose beyond provision of the services, which include use of the data for continued improvement of Natural Insight's machine learning algorithms.

In which case would Natural Insight's use of BHealthy's data for improvement of its algorithms be considered data processor activity?

- A. If Natural Insight uses BHealthy's data for improving price point predictions only for BHealthy.
- B. If Natural Insight receives express contractual instructions from BHealthy to use its data for improving its algorithms.
- C. If Natural Insight agrees to be fully liable for its use of BHealthy's customer information in its product improvement activities.
- D. If Natural Insight satisfies the transparency requirement by notifying BHealthy's customers of its plans to use their information for its product improvement activities.

Answer: A

NEW QUESTION 166

SCENARIO

Please use the following to answer the next question:

Sandy recently joined Market4U, an advertising technology company founded in 2016, as their VP of Privacy and Data Governance. Through her first initiative in conducting a data inventory, Sandy learned that Market4U maintains a list of 19 million global contacts that were collected throughout the course of Market4U's existence. Knowing the risk of having such a large amount of data, Sandy wanted to purge all contacts that were entered into Market4U's systems prior to May 2018, unless such contacts had a more recent interaction with Market4U content. However, Dan, the VP of Sales, informed Sandy that all of the contacts provide useful information regarding successful marketing campaigns and trends in industry verticals for Market4U's clients.

Dan also informed Sandy that he had wanted to focus on gaining more customers within the sports and entertainment industry. To assist with this behavior, Market4U's marketing team decided to add several new fields to Market4U's website forms, including forms for downloading white papers, creating accounts to participate in Market4U's forum, and attending events. Such fields include birth date and salary.

What should Sandy give as feedback to Dan and the marketing team regarding the new fields Dan wants to add to Market4U's forms?

- A. Make all the fields optional.
- B. Only request the information in brackets (i.e., age group and salary range).
- C. Eliminate the fields, as they are not proportional to the services being offered.
- D. Eliminate the fields as they are not necessary for the purposes of providing white papers or registration for events.

Answer: D

NEW QUESTION 167

Which of the following Convention 108+ principles, as amended in 2018, is NOT consistent with a principle found in the GDPR?

- A. The obligation of companies to declare data breaches.
- B. The requirement to demonstrate compliance to a supervisory authority.
- C. The necessity of the bulk collection of personal data by the government.

Answer: B

NEW QUESTION 172

A grade school is planning to use facial recognition to track student attendance. Which of the following may provide a lawful basis for this processing?

- A. The school places a notice near each camera.
- B. The school gets explicit consent from the students.
- C. Processing is necessary for the legitimate interests pursued by the school.
- D. A state law requires facial recognition to verify attendance.

Answer: A

NEW QUESTION 177

Under Article 30 of the GDPR, controllers are required to keep records of all of the following EXCEPT?

- A. Incidents of personal data breaches, whether disclosed or not.
- B. Data inventory or data mapping exercises that have been conducted.
- C. Categories of recipients to whom the personal data have been disclosed.
- D. Retention periods for erasure and deletion of categories of personal data.

Answer: D

NEW QUESTION 180

Under the Data Protection Law Enforcement Directive of the EU, a government can carry out covert investigations involving personal data, as long it is set forth by law and constitutes a measure that is both necessary and what?

- A. Prudent.
- B. Important.
- C. Proportionate.
- D. DPA-approved.

Answer: C

NEW QUESTION 183

When is data sharing agreement MOST likely to be needed?

- A. When anonymized data is being shared.

- B. When personal data is being shared between commercial organizations acting as joint data controllers.
- C. When personal data is being proactively shared by a controller to support a police investigation.
- D. When personal data is being shared with a public authority with powers to require the personal data to be disclosed.

Answer: B

NEW QUESTION 188

SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

The Customer for Life plan may conflict with which GDPR provision?

- A. Article 6, which requires processing to be lawful.
- B. Article 7, which requires consent to be as easy to withdraw as it is to give.
- C. Article 16, which provides data subjects with a rights to rectification.
- D. Article 20, which gives data subjects a right to data portability.

Answer: B

NEW QUESTION 191

SCENARIO

Please use the following to answer the next question:

ABC Hotel Chain and XYZ Travel Agency are U.S.-based multinational companies. They use an internet-based common platform for collecting and sharing their customer data with each other, in order to integrate their marketing efforts. Additionally, they agree on the data to be stored, how reservations will be booked and confirmed, and who has access to the stored data.

Mike, an EU resident, has booked travel itineraries in the past through XYZ Travel Agency to stay at ABC Hotel Chain's locations. XYZ Travel Agency offers a rewards program that allows customers to sign up to accumulate points that can later be redeemed for free travel. Mike has signed the agreement to be a rewards program member.

Now Mike wants to know what personal information the company holds about him. He sends an email requesting access to his data, in order to exercise what he believes are his data subject rights.

What is the time period in which Mike should receive a response to his request?

- A. Not more than one month of receipt of Mike's request.
- B. Not more than two months after verifying Mike's identity.
- C. When all the information about Mike has been collected.
- D. Not more than thirty days after submission of Mike's request.

Answer: D

NEW QUESTION 193

According to the E-Commerce Directive 2000/31/EC, where is the place of "establishment" for a company providing services via an Internet website confirmed by the GDPR?

- A. Where the technology supporting the website is located
- B. Where the website is accessed
- C. Where the decisions about processing are made
- D. Where the customer's Internet service provider is located

Answer: D

NEW QUESTION 194

Which sentence BEST summarizes the concepts of "fairness," "lawfulness" and "transparency", as expressly required by Article 5 of the GDPR?

- A. Fairness and transparency refer to the communication of key information before collecting data; lawfulness refers to compliance with government regulations.
- B. Fairness refers to limiting the amount of data collected from individuals; lawfulness refers to the approval of company guidelines by the state; transparency solely relates to communication of key information before collecting data.
- C. Fairness refers to the security of personal data; lawfulness and transparency refers to the analysis of ordinances to ensure they are uniformly enforced.
- D. Fairness refers to the collection of data from diverse subjects; lawfulness refers to the need for legal rules to be uniform; transparency refers to giving individuals access to their data.

Answer: A

NEW QUESTION 199

Which of the following would NOT be relevant when determining if a processing activity would be considered profiling?

- A. If the processing is to be performed by a third-party vendor
- B. If the processing involves data that is considered personal data
- C. If the processing of the data is done through automated means
- D. If the processing is used to predict the behavior of data subjects

Answer: D

NEW QUESTION 202

Which mechanism, new to the GDPR, now allows for the possibility of personal data transfers to third countries under Article 42?

- A. Approved certifications.
- B. Binding corporate rules.
- C. Law enforcement requests.
- D. Standard contractual clauses.

Answer: A

NEW QUESTION 205

What is the key difference between the European Council and the Council of the European Union?

- A. The Council of the European Union is helmed by a president.
- B. The Council of the European Union has a degree of legislative power.
- C. The European Council focuses primarily on issues involving human rights.
- D. The European Council is comprised of the heads of each EU member state.

Answer: D

NEW QUESTION 210

A company is located in a country NOT considered by the European Union (EU) to have an adequate level of data protection. Which of the following is an obligation of the company if it imports personal data from another organization in the European Economic Area (EEA) under standard contractual clauses?

- A. Submit the contract to its own government authority.
- B. Ensure that notice is given to and consent is obtained from data subjects.
- C. Supply any information requested by a data protection authority (DPA) within 30 days.
- D. Ensure that local laws do not impede the company from meeting its contractual obligations.

Answer: A

NEW QUESTION 215

Based on GDPR Article 35, which of the following situations would trigger the need to complete a DPIA?

- A. A company wants to combine location data with other data in order to offer more personalized service for the customer.
- B. A company wants to use location data to infer information on a person's clothes purchasing habits.
- C. A company wants to build a dating app that creates candidate profiles based on location data and data from third-party sources.
- D. A company wants to use location data to track delivery trucks in order to make the routes more efficient.

Answer: C

NEW QUESTION 219

According to the GDPR, when should the processing of photographs be considered processing of special categories of personal data?

- A. When processed with the intent to publish information regarding a natural person on publicly accessible media.
- B. When processed with the intent to proceed to scientific or historical research projects.
- C. When processed with the intent to uniquely identify or authenticate a natural person.
- D. When processed with the intent to comply with a law.

Answer: C

NEW QUESTION 223

What is an important difference between the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) in relation to their roles and functions?

- A. ECHR can rule on issues concerning privacy as a fundamental right, while the CJEU cannot.
- B. CJEU can force national governments to implement and honor EU law, while the ECHR cannot.
- C. CJEU can hear appeals on human rights decisions made by national courts, while the ECHR cannot.
- D. ECHR can enforce human rights laws against governments that fail to implement them, while the CJEU cannot.

Answer: B

NEW QUESTION 227

An organization conducts body temperature checks as a part of COVID-19 monitoring. Body temperature is measured manually and is not followed by registration, documentation or other processing of an individual's personal data.

Which of the following best explain why this practice would NOT be subject to the GDPR?

- A. Body temperature is not considered personal data.
- B. The practice does not involve completion by automated means.
- C. Body temperature is considered pseudonymous data.
- D. The practice is for the purpose of alleviating extreme risks to public health.

Answer: B

NEW QUESTION 229

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