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Privacy and Data Protection Foundation

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QUESTION 1

Which organizations need to comply with the General Data Protection Regulation (GDPR)?

- A. Only organizations that have employees in the European Union (EU).
- B. Only organizations that have their headquarters in the European Union (EU).
- C. All organizations anywhere in the world.
- D. All organizations located in the European Union and also organizations outside the European Union that offer goods or services to data subjects in the EU.

Correct Answer: D

This is a question that has the most doubts: "Who needs to adapt?". For example: 1 - If you have a company in Brazil and sell products or services and process personal data from residents in the EU, in this case your company must conform to the GDPR. 2- If you have a company located in the EU and handle personal data.

Transcribing here part of Article 3 of the GDPR:

1.

This Regulation applies to the processing of personal data carried out in the context of the activities of an establishment of a controller or a subcontractor located in the territory of the Union, regardless of whether the processing takes place inside or outside the Union.

2.

This Regulation applies to the processing of personal data of holders residing in the territory of the Union, carried out by a controller or processor not established in the Union, when the processing activities are related to:

- a) The provision of goods or services to such data subjects in the Union, regardless of the requirement for data subjects to make a payment;
- b) Control of their behavior, provided that such behavior takes place in the Union.

QUESTION 2

The Traffic Department of a city wants to know how many cars travel daily in order to plan the number of spaces needed to implement a rotating parking system.

To do this, cameras were installed at strategic points. Through image recognition software it is possible to capture the license plate and know how many cars traveled in the city. A monthly report is issued with the average number of cars present each day.

Signs and posters were spread around the city informing drivers and citizens what is the purpose of processing and that the data will be stored for up to five years, for future comparison.

What basic principle of legitimate processing of personal data is being violated in this case?

- A. Personal data must be kept in a way that allows the identification of data subjects for a period not longer than necessary.

- B. Personal data must be processed transparently in relation to the data subject.
- C. Personal data must be processed in a way that guarantees the appropriate security of personal data.
- D. Personal data must be collected for specific, explicit and legitimate purposes and must not be further processed for incompatible purposes.

Correct Answer: A

Here we have a very common catch in EXIN exams.

As stated "monthly a report is issued". Therefore, the report issued and with the average number of cars for each day is known, there is no longer a need to keep the license plate records. The information on the average number of cars per day is already sufficient for the planning of rotating parking as well as sufficient for a future comparison. So, there is no need to keep personal data stored for 5 years.

You may be wondering if a license plate is personal data. The answer is yes. Any information that makes it possible to identify a person is considered personal data.

A real and interesting example was a wife who identified her husband's car at a friend's house through Google Maps. The license plates on Google Maps are erased for security, but the car had a specific sticker. See that the wife gathered two pieces of information: car model and sticker, to identify her husband. In isolation neither of these two is a personal data, but together they become, because it was possible to identify it.

Luckily for his wife, who discovered his affair with her friend.

QUESTION 3

A person buys a product at a store located in the European Economic Area (EEA). At the time of purchase, you are asked to fill out a registration form and he informs his personal email.

As is usual in many stores, in the next few days this person will start receiving several marketing emails. He considers the frequency of these emails to be very high. Demanding his rights, he asks the store to delete all his personal data.

What the store must do according to the General Data Protection Regulation (GDPR)?

- A. The owner does not have this right, since he bought a product in the store, he has the right to send emails with new promotions.
- B. The store has 30 days from the date of receipt of the customer's request to delete all data at no cost to the customer.
- C. The store must delete customer data from its advertising list. Purchase data cannot be deleted, as financial data has to be kept longer.

Correct Answer: C

Companies have tax obligations to be fulfilled, so financial data cannot be deleted.

The data subject has several rights under the GDPR, however there are limitations. These rights cannot run counter to other specific legislation. In this case, the holder can exercise the right of Opposition instead of Exclusion. In the Right of Opposition, he requests the Controller to cease the processing of his data for non-consented purposes. An example of Opposition: in Brazil there was the website naomeperturbe.com.br, where millions of Brazilians could oppose the inconvenient calls made by the telecommunication service providers.

QUESTION 4

We know that when a personal data breach occurs, the data controller (Controller) must notify the Supervisory Authority within 72 hours, without justified delay. However, should the Controller do if it is unable to communicate within this time?

- A. Send the notification with the date of the violation changed, to remain within 72 hours.
- B. After 72 hours there is no longer any need to send notification of personal data breach.
- C. Do not notify and seek ways to hide the violation so that the Supervisory Authority or the titleholders are made aware
- D. Send the notification, even after 72 hours, accompanied by the reasons for the delay

Correct Answer: D

Article 33 which deals with "Notification of a personal data breach to the supervisory authority" in its paragraph 1 legislates:

1. In the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay.
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QUESTION 5

What is the essence of the principle 'Full Lifecycle Protection'?

- A. Delivering the maximum degree of data protection by default, ensuring that personal data are automatically protected in any given IT system or business practice.
- B. Ensuring that whatever business practice or technology is involved, processing is done according to the stated objectives, subject to independent verification.
- C. Embedding security measures to protect the data from the moment it is collected, throughout processing until it is destroyed at the end of the process.
- D. Prioritizing the protection of the interests of the individual by offering for example strong privacy defaults, appropriate notice or empowering user-friendly options.

Correct Answer: C

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