

## PDPF<sup>Q&As</sup>

Privacy and Data Protection Foundation

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**QUESTION 1**

After notifying the supervisory authority, what should be the first action the controller must take when it finds a security breach where unauthorized people have accessed personal data?

- A. Contact the DPO for formal notification to the Supervisory Authority.
- B. Analyze whether sensitive data has been accessed.
- C. Register a Police Report at the cybercrime station.
- D. Notify data subjects that have been subject to a security breach.

Correct Answer: B

It is necessary to check the extent of this personal data breach, what data has been accessed and what is the risk to his or her. Depending on this extension, in addition to notifying the supervisory authority, it will also be mandatory to notify the owners of the breached data.

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**QUESTION 2**

A company located in France wishes to enter into a compulsory contract with a processor located in Portugal. This contract aims to process sensitive French personal data. The Portuguese Supervisory Authority is informed about this contract and the type of processing.

How should Portuguese Supervisory Authority proceed, in accordance with the General Data Protection Regulation (GDPR)?

- A. Supervise the processing of personal data according to the guidelines of the Supervisory Authority of Portugal.
- B. Report the data processing to the French Supervisory Authority, which must take over the supervision.
- C. Verify that adequate compulsory contracts have been established and leave supervision to the French Supervisory Authority.
- D. Supervise the processing of personal data in accordance with the French Supervisory Authority legislation.

Correct Answer: C

When there is a processor and an operator in EEA countries, the competent authority will be the location of the Controller, however the Supervisory authority of the Controller is considered to be a concerned Supervisory Authority (who has interests).

Therefore, the Processor Supervisory Authority evaluates and approves the rules of the contract, in accordance with Article 57 of the GDPR, and must notify the Controller Supervisory Authority.

In its Article 57, the GDPR legislates on the Responsibilities of the Supervisory Authority.

In its first paragraph, items "r" and "s":

- r) Authorise contractual clauses and provisions referred to in Article 46(3);
- s) Approve binding corporate rules pursuant to Article 47.

**QUESTION 3**

The General Data Protection Regulation (GDPR) is based on the principles of proportionality and subsidiarity.

What is the meaning of "proportionality" in this context?

- A. Personal data can be processed according to the use of requirements.
- B. Personal data cannot be reused without explicit and informed consent.
- C. Personal data can only be processed if there are no other means to achieve the purposes.
- D. Personal data must be adequate, relevant and not excessive in relation to the purposes.

Correct Answer: D

Recital 170 mentions "Since the objective of this Regulation, namely to ensure an equivalent level of protection of natural persons and the free flow of personal data throughout the Union, cannot be sufficiently achieved by the Member States and can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective."

Proportionality says that personal data should be collected according to the purpose of processing, that is, proportional, and data that will not be used for the purpose should not be collected.

Subsidiarity is a principle that says that personal data can only be processed if there are no other means to achieve the objective. Therefore, the less personal data used, the less the possibilities of violating privacy.

These two principles Subsidiarity and Proportionality are constantly charged in the EXIN exam.

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**QUESTION 4**

Which of the following options describes the concept of data minimization?

- A. It is the minimization of data storage locations.
- B. It is the decrease in the space allocated for data storage.
- C. It is the limitation of data to the purposes for which it is treated.
- D. It is the use of data for the shortest possible time.

Correct Answer: C

In its Article 5, which deals with the Principles relating to the processing of personal data, paragraph 1, the GDPR describes:

1. Personal data shall be:

adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (?ata minimisation?);

Article 5 mentions all GDPR principles for processing personal data.

The data minimization principle refers to the purpose of the law that only the data that is required for processing should be collected.

This is also favorable to businesses. The less data is collected, the less likely violations are to occur and consequently the impacts also decrease.

Reference: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679>

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## QUESTION 5

A company's director's notebook is accidentally wet, which permanently damages the equipment so that it cannot recover its data.

The lost data concerned the financial reports of the company.

What happened in this case according to GDPR?

- A. A vulnerability
- B. A threat
- C. A security incident
- D. A data violation

Correct Answer: C

The lost reports did not contain personal data, in this case GDPR is not applicable and is a security incident.

Important

A data breach is whenever something that has not been planned with personal data happens, be it improper processing, improper sharing, loss of data, deletion, etc. In other words, personal data must be used for a specific purpose, respecting the life cycle of the same (from collection to exclusion), any situation that escapes this cycle must be reported as a data breach.

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