CIPP-E Q&As

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QUESTION 1

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.

Correct Answer: D

Reference: https://www.quora.com/What-is-the-difference-between-the-European-Council- the-Council-of-the- European-Union-and-the-Council-of-Europe

QUESTION 2

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.

Correct Answer: C

QUESTION 3

Which of the following was the first legally binding international instrument in the area of data protection?

A. Convention 108.

B. General Data Protection Regulation.

C. Universal Declaration of Human Rights.

D. EU Directive on Privacy and Electronic Communications.

Correct Answer: A

Reference: https://www.coe.int/en/web/data-protection/convention108/background

QUESTION 4

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.

Which of the University\\'s records does Anna NOT have to include in her record of processing activities?

A. Student records

B. Staff and alumni records

C. Frank\\'s performance database

D. Department for Education records

Correct Answer: C

QUESTION 5

SCENARIO

Please use the following to answer the next question:

Javier is a member of the fitness club EVERFIT. This company has branches in many EU member states, but for the purposes of the GDPR maintains its primary establishment in France. Javier lives in Newry, Northern Ireland (part of the

U.K.), and commutes across the border to work in Dundalk, Ireland. Two years ago while on a business trip, Javier was photographed while working out at a branch of EVERFIT in Frankfurt, Germany. At the time, Javier gave his consent to

being included in the photograph, since he was told that it would be used for promotional purposes only. Since then, the photograph has been used in the club\\'s U.K. brochures, and it features in the landing page of its U.K. website. However,

the fitness club has recently fallen into disrepute due to widespread mistreatment of members at various branches of the club in several EU member states. As a result, Javier no longer feels comfortable with his photograph being publicly

associated with the fitness club.

After numerous failed attempts to book an appointment with the manager of the local branch to discuss this matter, Javier sends a letter to EVETFIT requesting that his image be removed from the website and all promotional materials.

Months pass and Javier, having received no acknowledgment of his request, becomes very anxious about this matter. After repeatedly failing to contact EVETFIT through alternate channels, he decides to take action against the company.

Javier contacts the U.K. Information Commissioner\\'s Office (`ICO\\' ?the U.K.\\'s supervisory authority) to lodge a complaint about this matter. The ICO, pursuant to Article 56 (3) of the GDPR, informs the CNIL (i.e. the supervisory authority of

EVERFIT\\'s main establishment) about this matter. Despite the fact that EVERFIT has an establishment in the U.K., the CNIL decides to handle the case in accordance with Article 60 of the GDPR. The CNIL liaises with the ICO, as relevant

under the cooperation procedure. In light of issues amongst the supervisory authorities to reach a decision, the European Data Protection Board becomes involved and, pursuant to the consistency mechanism, issues a binding decision.

Additionally, Javier sues EVERFIT for the damages caused as a result of its failure to honor his request to have his photograph removed from the brochure and website.

Under the cooperation mechanism, what should the lead authority (the CNIL) do after it has formed its view on the matter?

A. Submit a draft decision to other supervisory authorities for their opinion.

B. Request that the other supervisory authorities provide the lead authority with a draft decision for its consideration.

C. Submit a draft decision directly to the Commission to ensure the effectiveness of the consistency mechanism.

D. Request that members of the seconding supervisory authority and the host supervisory authority co-draft a decision.

Correct Answer: A

QUESTION 6

An online company\\'s privacy practices vary due to the fact that it offers a wide variety of services. How could it best address the concern that explaining them all would make the policies incomprehensible?

A. Use a layered privacy notice on its website and in its email communications.

B. Identify uses of data in a privacy notice mailed to the data subject.

C. Provide only general information about its processing activities and offer a toll-free number for more information.

D. Place a banner on its website stipulating that visitors agree to its privacy policy and terms of use by visiting the site.

Correct Answer: B

Reference: https://www.ftc.gov/sites/default/files/documents/reports/federal-trade- commission-bureau- consumer-protection-preliminary-ftc-staff-report-protecting- consumer/101201privacyreport.pdf

QUESTION 7

Under the GDPR, where personal data is not obtained directly from the data subject, a controller is exempt from directly providing information about processing to the data subject if?

A. The data subject already has information regarding how his data will be used

B. The provision of such information to the data subject would be too problematic

C. Third-party data would be disclosed by providing such information to the data subject

D. The processing of the data subject\\'s data is protected by appropriate technical measures

Correct Answer: A

Reference: https://dataprivacymanager.net/gdpr-exemptions-from-the-obligation-to-provide- information-to-the-individual-data-subject/

QUESTION 8

A U.S. company\\'s website sells widgets. Which of the following factors would NOT in itself subject the company to the GDPR?

A. The widgets are offered in EU and priced in euro.

B. The website is in English and French, and is accessible in France.

C. An affiliate office is located in France but the processing is in the U.S.

D. The website places cookies to monitor the EU website user behavior.

Correct Answer: A

QUESTION 9

Which of the following regulates the use of electronic communications services within the European Union?

A. Regulator (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015.

B. Regulation (EU) 2017/1953 of the European Parliament and of the Council of 25 October 2017.

C. Directive 2002/58\\'EC of the European Parliament and of the Council of 12 July 2002.

D. Directive (EU) 2019.789 of the European Parliament and of the Council of 17 April 2019.

Correct Answer: A

QUESTION 10

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.

Correct Answer: A

Reference: https://www.forbes.com/sites/forbescommunicationscouncil/2018/06/27/what- gdpr-means-for- email-marketing-to-eu-customers/#64020aa8374a

QUESTION 11

You are the new Data Protection Officer for your company and have to determine whether the company has implemented appropriate technical and organizational measures as required by Article 32 of the GDPR. Which of the following would be the most important to consider when trying to determine this?

A. How security measures might evolve in the future

B. Which security measures are endorsed by a majority of experts.

C. How the public perceives what constitutes adequate security measures

D. Which kinds of security measures your company has employed in the past

Correct Answer: C

QUESTION 12

Which of the following would MOST likely trigger the extraterritorial effect of the GDPR, as specified by Article 3?

A. The behavior of suspected terrorists being monitored by EU law enforcement bodies.

B. Personal data of EU citizens being processed by a controller or processor based outside the EU.

C. The behavior of EU citizens outside the EU being monitored by non-EU law enforcement bodies.

D. Personal data of EU residents being processed by a non-EU business that targets EU customers.

Correct Answer: B

Reference: https://hsfnotes.com/data/2019/12/02/edpb-adopts-final-guidelines-on-gdpr- extra-territoriality/

QUESTION 13

Which statement is correct when considering the right to privacy under Article 8 of the European Convention on Human Rights (ECHR)?

A. The right to privacy is an absolute right

B. The right to privacy has to be balanced against other rights under the ECHR

C. The right to freedom of expression under Article 10 of the ECHR will always override the right to privacy

D. The right to privacy protects the right to hold opinions and to receive and impart ideas without interference

Correct Answer: B

Reference: https://www.echr.coe.int/Documents/Guide_Art_8_ENG.pdf (15)

QUESTION 14

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

Correct Answer: C

QUESTION 15

SCENARIO

Please use the following to answer the next question:

Jack worked as a Pharmacovigiliance Operations Specialist in the Irish office of a multinational pharmaceutical company on a clinical trial related to COVID-19. As part of his onboarding process Jack received privacy training He was explicitly informed that while he would need to process confidential patient data in the course of his work, he may under no circumstances use this data for anything other than the performance of work-related (asks This was also specified in the privacy policy, which Jack signed upon conclusion of the training.

After several months of employment, Jack got into an argument with a patient over the phone. Out of anger he later posted the patient\\'s name and hearth information, along with disparaging comments, on a social media website. When this was discovered by his Pharmacovigilance supervisors. Jack was immediately dismissed

Jack\\'s lawyer sent a letter to the company stating that dismissal was a disproportionate sanction, and that if Jack was not reinstated within 14 days his firm would have no alternative but to commence legal proceedings against the company. This letter was accompanied by a data access request from Jack requesting a copy of "all personal data, including internal emails that were sent/received by Jack or where Jack is directly or indirectly identifiable from the contents * In relation to the emails Jack listed six members of the management team whose inboxes he required access.

The company conducted an initial search of its IT systems, which returned a large amount of information They then contacted Jack, requesting that he be more specific regarding what information he required, so that they could carry out a targeted search Jack responded by stating that he would not narrow the scope of the information requester.

What would be the most appropriate response to Jacks data subject access request?

A. The company should not provide any information, as the company is headquartered outside of the EU.

B. The company should decline to provide any information, as the amount of information requested is too excessive to provide in one month.

C. The company should cite the need for an extension, and agree to provide the information requested in Jack\\'s original DSAR within a period of 3 months.

D. The company should provide all requested information except for the emails, as they are excluded from data access request requirements under the GDPR.

Correct Answer: D