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QUESTION 1

SCENARIO

Please use the following to answer the next question:

Miraculous Healthcare is a large medical practice with multiple locations in California and Nevada. Miraculous normally treats patients in person, but has recently decided to start offering telehealth appointments, where patients can have virtual appointments with on-site doctors via a phone app.

For this new initiative, Miraculous is considering a product built by MedApps, a company that makes quality telehealth apps for healthcare practices and licenses them to be used with the practices' branding. MedApps provides technical

support for the app, which it hosts in the cloud. MedApps also offers an optional benchmarking service for providers who wish to compare their practice to others using the service.

Riya is the Privacy Officer at Miraculous, responsible for the practice's compliance with HIPAA and other applicable laws, and she works with the Miraculous procurement team to get vendor agreements in place. She occasionally assists

procurement in vetting vendors and inquiring about their own compliance practices, as well as negotiating the terms of vendor agreements. Riya is currently reviewing the suitability of the MedApps app from a privacy perspective.

Riya has also been asked by the Miraculous Healthcare business operations team to review the MedApps' optional benchmarking service. Of particular concern is the requirement that Miraculous Healthcare upload information about the

appointments to a portal hosted by MedApps.

What HIPAA compliance issue would Miraculous have to consider before using the telehealth app?

- A. HIPAA does not permit healthcare providers to use cloud hosting services.
- B. HIPAA does not permit in-person appointment data to be hosted in the cloud.
- C. HIPAA would require Miraculous and MedApps to enter into a Business Associate Agreement.
- D. HIPAA would require Miraculous to obtain patient consent before in-person appointment data can be shared with third parties.

Correct Answer: D

Reference: <https://www.hhs.gov/hipaa/for-professionals/faq/264/what-is-the-difference-between-consent-and-authorization/index.html>

QUESTION 2

The "Consumer Privacy Bill of Rights" presented in a 2012 Obama administration report is generally based on?

- A. The 1974 Privacy Act
- B. Common law principles

C. European Union Directive

D. Traditional fair information practices

Correct Answer: C

Reference: <https://obamawhitehouse.archives.gov/sites/default/files/privacy-final.pdf>

QUESTION 3

Which federal law or regulation preempts state law?

A. Health Insurance Portability and Accountability Act

B. Controlling the Assault of Non-Solicited Pornography and Marketing Act

C. Telemarketing Sales Rule

D. Electronic Communications Privacy Act of 1986

Correct Answer: B

QUESTION 4

SCENARIO

Please use the following to answer the next question:

Larry has become increasingly dissatisfied with his telemarketing position at SunriseLynx, and particularly with his supervisor, Evan. Just last week, he overheard Evan mocking the state's Do Not Call list, as well as the people on it. "If they

were really serious about not being bothered," Evan said, "They'd be on the national DNC list. That's the only one we're required to follow. At SunriseLynx, we call until they ask us not to."

Bizarrely, Evan requires telemarketers to keep records of recipients who ask them to call "another time." This, to Larry, is a clear indication that they don't want to be called at all. Evan doesn't see it that way.

Larry believes that Evan's arrogance also affects the way he treats employees. The U.S. Constitution protects American workers, and Larry believes that the rights of those at SunriseLynx are violated regularly. At first Evan seemed friendly,

even connecting with employees on social media. However, following Evan's political posts, it became clear to Larry that employees with similar affiliations were the only ones offered promotions.

Further, Larry occasionally has packages containing personal-use items mailed to work. Several times, these have come to him already opened, even though this name was clearly marked. Larry thinks the opening of personal mail is common

at SunriseLynx, and that Fourth Amendment rights are being trampled under Evan's leadership.

Larry has also been dismayed to overhear discussions about his coworker, Sadie. Telemarketing calls are regularly recorded for quality assurance, and although Sadie is always professional during business, her personal conversations

sometimes contain sexual comments. This too is something Larry has heard Evan laughing about. When he mentioned this to a coworker, his concern was met with a shrug. It was the coworker's belief that employees agreed to be monitored

when they signed on. Although personal devices are left alone, phone calls, emails and browsing histories are all subject to surveillance. In fact, Larry knows of one case in which an employee was fired after an undercover investigation by an

outside firm turned up evidence of misconduct. Although the employee may have stolen from the company, Evan could have simply contacted the authorities when he first suspected something amiss.

Larry wants to take action, but is uncertain how to proceed.

In what area does Larry have a misconception about private-sector employee rights?

- A. The applicability of federal law
- B. The enforceability of local law
- C. The strict nature of state law
- D. The definition of tort law

Correct Answer: A

QUESTION 5

U.S.

federal laws protect individuals from employment discrimination based on all of the following EXCEPT?

- A.
- Age.
- B.
- Pregnancy.
- C.
- Marital status.
- D.
- Genetic information.

Correct Answer: B

QUESTION 6

In a data sharing arrangement, which of the following organizations would determine the rules that apply to the processing of the data being shared?

- A. The business associate.
- B. The hosting provider.
- C. The data processor.
- D. The data controller.

Correct Answer: D

QUESTION 7

Which of the following is commonly required for an entity to be subject to breach notification requirements under most state laws?

- A. The entity must conduct business in the state
- B. The entity must have employees in the state
- C. The entity must be registered in the state
- D. The entity must be an information broker

Correct Answer: A

QUESTION 8

Which of the following best describes private-sector workplace monitoring in the United States?

- A. Employers have broad authority to monitor their employees
- B. U.S. federal law restricts monitoring only to industries for which it is necessary
- C. Judgments in private lawsuits have severely limited the monitoring of employees
- D. Most employees are protected from workplace monitoring by the U.S. Constitution

Correct Answer: A

Reference: <https://www.worktime.com/what-are-the-u-s-employee-monitoring-laws-get-updated-in-2020>

QUESTION 9

What type of material is exempt from an individual's right to disclosure under the Privacy Act?

- A. Material required by statute to be maintained and used solely for research purposes.

- B. Material reporting investigative efforts to prevent unlawful persecution of an individual.
- C. Material used to determine potential collaboration with foreign governments in negotiation of trade deals.
- D. Material reporting investigative efforts pertaining to the enforcement of criminal law.

Correct Answer: C

QUESTION 10

Which of the following best describes an employer's privacy-related responsibilities to an employee who has left the workplace?

- A. An employer has a responsibility to maintain a former employee's access to computer systems and company data needed to support claims against the company such as discrimination.
- B. An employer has a responsibility to permanently delete or expunge all sensitive employment records to minimize privacy risks to both the employer and former employee.
- C. An employer may consider any privacy-related responsibilities terminated, as the relationship between employer and employee is considered primarily contractual.
- D. An employer has a responsibility to maintain the security and privacy of any sensitive employment records retained for a legitimate business purpose.

Correct Answer: B

QUESTION 11

Which of the following types of information would an organization generally NOT be required to disclose to law enforcement?

- A. Information about medication errors under the Food, Drug and Cosmetic Act
- B. Money laundering information under the Bank Secrecy Act of 1970
- C. Information about workplace injuries under OSHA requirements
- D. Personal health information under the HIPAA Privacy Rule

Correct Answer: D

QUESTION 12

What consumer protection did the Fair and Accurate Credit Transactions Act (FACTA) require?

- A. The ability for the consumer to correct inaccurate credit report information
- B. The truncation of account numbers on credit card receipts
- C. The right to request removal from e-mail lists

D. Consumer notice when third-party data is used to make an adverse decision

Correct Answer: A

Reference: <https://www.investopedia.com/terms/f/facta.asp>

QUESTION 13

SCENARIO

Please use the following to answer the next question:

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Riya has also been asked by the Miraculous Healthcare business operations team to review the MedApps' optional benchmarking service. Of particular concern is the requirement that Miraculous Healthcare upload information about the

appointments to a portal hosted by MedApps.

If MedApps receives an access request under CCPA from a California-based app user, how should it handle the request?

- A. MedApps should decline the request because Protected Health Information is not subject to CCPA.
- B. MedApps should promptly verify the user's identity and provide the requested information.
- C. MedApps should promptly forward the request to Miraculous for instructions on handling.
- D. MedApps should decline the request because MedApps is not based in California.

Correct Answer: C

Reference: <https://oag.ca.gov/privacy/ccpa>

QUESTION 14

When developing a company privacy program, which of the following relationships will most help a privacy professional develop useful guidance for the organization?

- A. Relationships with individuals within the privacy professional community who are able to share expertise and leading practices for different industries.
- B. Relationships with clients, vendors, and customers whose data will be primarily collected and used throughout the organizational program.
- C. Relationships with company leaders responsible for approving, implementing, and periodically reviewing the corporate privacy program.
- D. Relationships with individuals across company departments and at different levels in the organization's hierarchy.

Correct Answer: C

QUESTION 15

One of the most significant elements of Senate Bill No. 260 relating to Internet privacy is the introduction of what term into Nevada law?

- A. Data Ethics.
- B. Data Brokers.
- C. Artificial Intelligence.
- D. Transfer Mechanism.

Correct Answer: B

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