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Privacy and Data Protection Foundation

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QUESTION 1

The General Data Protection Regulation (GDPR) formalizes the data subject's right to data portability.

What is the objective of data portability?

- A. The controller has the right to move the data subject's personal data from one organization to another.
- B. The data subject has the right to move personal data concerning him or her.
- C. The data subject has the right to move his/her personal data when moving to another country.
- D. The Supervisory Authority authorizes the movement of personal data.

Correct Answer: B

QUESTION 2

What is the main difference between Directive 95/46 / EC and the General Data Protection Regulation (GDPR)?

- A. The GDPR offers guidance for EU Member States and can create their own laws to comply with the regulation. Directive 95/46 / EC has the force of law and all EU Member States must follow it without changing.
- B. Directive 95/46 / EC offers guidance for EU Member States and can create their own laws to suit the directive. The GDPR has the force of law and all EU Member States must follow it without changing it.

Correct Answer: B

When we have a Regulation, such as the GDPR, all EU Member States are obliged to follow it and have a fixed date to entry into force. The regulation is a law and Member States cannot create laws that oppose it. Unlike the Directives that set objectives to be achieved, however, each Member State is free to decide how to apply them in their countries.

Important

Prior to the GDPR, there was a Directive "95/46 / EC First Data Protection Directive. Approved in 1995, it was already aimed at protecting personal data. This directive was replaced by GDPR.

"Article 94: 1. Directive 95/46 / EC is repealed with effect from 25 May 2018."

In the EXIN PDPF exam this is an issue that is routinely asked. "Which directive has been replaced by GDPR?" Answer: 95/46 / EC.

QUESTION 3

Article 33 of the GDPR deals with "Notification of a personal data breach to the supervisory authority".

Paragraph 3 sets out the minimum information that must be included in this notification.

Which of the below is one of these?

- A. The contact of the data protection officer or another point of contact where more information could be obtained.

- B. Contact information for all data subjects.
- C. A copy of the breached personal data to be analyzed.

Correct Answer: A

These are the minimum information that a notification of personal data breach to the supervisory authority must contain:

3. The notification referred to in paragraph 1 shall at least:

- a) Describe the nature of the personal data breach including where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;
 - b) Communicate the name and contact details of the data protection officer or other contact point where more information can be obtained;
 - c) Describe the likely consequences of the personal data breach;
 - d) Describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.
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QUESTION 4

Personal data can be transferred outside of the EEA. According to the GDPR, which transfers outside the EEA are always lawful?

- A. Transfers based on the laws of the non-EEA country concerns
- B. Transfers falling under World Trade Organization rules
- C. Transfers governed by approved binding corporate rules (BCR)
- D. Transfers within a global corporation or organization

Correct Answer: C

Transfers based on the laws of the non-EEA country concerned. Incorrect. This would also require an adequacy decision confirming that those laws are sufficient.

Transfers falling under World Trade Organization rules. Incorrect. WTO only covers free trade of goods and services.

Transfers governed by approved binding corporate rules (BCR). Correct. Binding corporate rules approved by a supervisory authority involved make the transfer lawful. (Literature: A, Chapter 7; GDPR Article 47)

Transfers within a global corporation or organization. Incorrect. This would also require that they adopt official binding corporate rules.

Reference: https://edps.europa.eu/data-protection/data-protection/reference-library/internationaltransfers_en

QUESTION 5

A gentleman has a loan denied by the bank's system that he has been a customer for many years. He is disgusted, because the loan would make it possible to hold the wedding of his only granddaughter.

He contacts the bank and asks for explanations. He wants to know exactly why his loan was denied and based on what information.

What right is required by the data subject according to the GDPR?

- A. Right to limitation of treatment
- B. Right to rectification
- C. Data subject's right of access
- D. Right to object and automated individual decision-making

Correct Answer: D

Article 22 provides for this type of damage to the data subject and legislates on "Automated individual decisions, including profiling":

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

QUESTION 6

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. Which data processing principle is described here?

- A. Purpose limitation
- B. Data minimization
- C. Accuracy
- D. Fairness and transparency

Correct Answer: B

Accuracy. Incorrect. Accuracy is the principle that personal data shall be accurate and kept up to date.

Data minimization. Correct. Data minimization means that personal data shall be adequate, relevant and limited to what is necessary. (Literature: A, Chapter 2; GDPR Article 5(1))

Fairness and transparency. Incorrect. Fairness and transparency mean that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

Purpose limitation. Incorrect. Purpose limitation means that personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with GDPR Article 89(1), not be considered to be incompatible with the initial purposes.

QUESTION 7

Someone regularly receives offers from a store where he purchased something five years ago. He wants the company to stop sending offers and to wipe his personal data.

Which aspect of the rights of a data subject in the General Data Protection Regulation (GDPR) requires the company to

comply?

- A. The right to erasure
- B. The right to rectification
- C. The right to restriction of processing
- D. The right to withdraw consent

Correct Answer: D

Reference: <https://gdpr-info.eu/art-7-gdpr/>

QUESTION 8

Personal data as defined in the GDPR can be divided into several types. One of these types is described: Data that directly or indirectly reveal someone's racial or ethnic background, political, philosophical, religious views, union affiliation and data related to health or sex life and sexual orientation. What type of personal data is this?

- A. Direct personal data
- B. Indirect personal data
- C. Pseudonymized data
- D. Special category personal data

Correct Answer: D

Direct personal data. Incorrect. Both direct and indirect data are described.

Indirect personal data. Incorrect. Both direct and indirect data are described.

Pseudonymized data. Incorrect. Pseudonymized data cannot directly reveal information.

Special category personal data. Correct. This is a definition of special category personal data. (Literature:

A, Chapter 1; GDPR Article 4)

QUESTION 9

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.

QUESTION 10

What is the main reason for performing data protection by design (from conception)?

- A. Develop technical measures for the protection of personal data.
- B. Enable better marketing campaigns targeted at customers.
- C. Collect as much data as possible for data processing.
- D. Reduce the risk of not meeting legal obligations.

Correct Answer: D

When we talk about protection by design, we are considering data protection throughout the data lifecycle, from collection, processing, sharing, storage and deletion.

When we focus on protecting data at all of these stages, the risk of not meeting any legal obligations is significantly reduced.

QUESTION 11

The General Data Protection Regulation (GDPR) allows processing of personal data only for purposes explicitly permitted by law. A tax advisor wants to file income tax returns for a neighbor.

Which of the legitimate grounds in the GDPR applies?

- A. Processing of the personal data is permitted in this case with explicit consent of the data subject.
- B. Processing of the personal data is permitted because this is necessary for compliance with a legal obligation to which the controller is subject.
- C. Processing of personal data is permitted in the course of a purely personal or household activity.

Correct Answer: A

QUESTION 12

The Control Authority may impose fines on organizations that are not meeting the mandatory requirements of the General Data Protection Regulation (GDPR).

- A. False
- B. True

Correct Answer: B

Article 83 of GDPR

5. Infringements of the following provisions shall, in accordance with paragraph 2, be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year, whichever is higher...

Article 51 of GDPR

2. Each supervisory authority shall contribute to the consistent application of this Regulation throughout the Union.

QUESTION 13

According to the GDPR, what is the main reason to consider data protection in the initial design phase?

- A. It ensures efficiency in project phases
- B. It ensures privacy by default
- C. It reduces the risk of fraud
- D. It reduces the risk of liability

Correct Answer: B

QUESTION 14

We know that when browsing the internet there is a lot of personal data that is collected. One mechanism for collecting this data is cookies.

How do marketers use this collected personal data?

- A. Collecting logs from web servers and running campaigns promoting products on social media.
- B. Collecting the logs from the web servers, they analyze which products are most visited and sold, promoting marketing campaigns for these products.
- C. They create behavioral profiles, applying tags to web page visitors. These profiles can be marketed and used in targeted marketing campaigns.

Correct Answer: C

There are some types of cookies, each with its own purpose.

Cookies are considered personal data, as they can identify a person.

In the case of the issue we are talking about the Tracking Cookies. These monitor our browsing activities and bombard us with advertisements and advertisements.

You may have already encountered the situation of searching for a particular product on the internet and then seeing ads for that product or similar on various websites.

QUESTION 15

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 is the right required by the data subject?

- A. Right to erasure
- B. Data subject's right of access
- C. Right to limitation of treatment
- D. Right to rectification

Correct Answer: A

Article 17

The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay.

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