

Exam Questions CIPP-E

Certified Information Privacy Professional/Europe (CIPP/E)

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NEW QUESTION 1

Article 29 Working Party has emphasized that the GDPR forbids “forum shopping”, which occurs when companies do what?

- A. Choose the data protection officer that is most sympathetic to their business concerns.
- B. Designate their main establishment in member state with the most flexible practices.
- C. File appeals of infringement judgments with more than one EU institution simultaneously.
- D. Select third-party processors on the basis of cost rather than quality of privacy protection.

Answer: B

NEW QUESTION 2

If a French controller has a car-sharing app available only in Morocco, Algeria and Tunisia, but the data processing activities are carried out by the appointed processor in Spain, the GDPR will apply to the processing of the personal data so long as?

- A. The individuals are European citizens or residents.
- B. The data processing activities are in Spain.
- C. The data controller is in France.
- D. The EU individuals are targeted.

Answer: D

NEW QUESTION 3

Which sentence best describes proper compliance for an international organization using Binding Corporate Rules (BCRs) as a controller or processor?

- A. Employees must sign an ad hoc contractual agreement each time personal data is exported.
- B. All employees are subject to the rules in their entirety, regardless of where the work is taking place.
- C. All employees must follow the privacy regulations of the jurisdictions where the current scope of their work is established.
- D. Employees who control personal data must complete a rigorous certification procedure, as they are exempt from legal enforcement.

Answer: C

NEW QUESTION 4

SCENARIO

Please use the following to answer the next question:

Louis, a long-time customer of Bedrock Insurance, was involved in a minor car accident a few months ago. Although no one was hurt, Louis has been plagued by texts and calls from a company called Accidentable offering to help him recover compensation for personal injury. Louis has heard about insurance companies selling customers' data to third parties, and he's convinced that Accidentable must have gotten his information from Bedrock Insurance.

Louis has also been receiving an increased amount of marketing information from Bedrock, trying to sell him their full range of their insurance policies.

Perturbed by this, Louis has started looking at price comparison sites on the internet and has been shocked to find that other insurers offer much cheaper rates than Bedrock, even though he has been a loyal customer for many years. When his Bedrock policy comes up for renewal, he decides to switch to Zantrum Insurance.

In order to activate his new insurance policy, Louis needs to supply Zantrum with information about his No Claims bonus, his vehicle and his driving history. After researching his rights under the GDPR, he writes to ask Bedrock to transfer his information directly to Zantrum. He also takes this opportunity to ask Bedrock to stop using his personal data for marketing purposes.

Bedrock supplies Louis with a PDF and XML (Extensible Markup Language) versions of his No Claims Certificate, but tells Louis it cannot transfer his data directly to Zantrum as this is not technically feasible. Bedrock also explains that Louis's contract included a provision whereby Louis agreed that his data could be used for marketing purposes; according to Bedrock, it is too late for Louis to change his mind about this. It angers Louis when he recalls the wording of the contract, which was filled with legal jargon and very confusing.

In the meantime, Louis is still receiving unwanted calls from Accidentable Insurance. He writes to Accidentable to ask for the name of the organization that supplied his details to them. He warns Accidentable that he plans to complain to the data protection authority, because he thinks their company has been using his data unlawfully. His letter states that he does not want his data being used by them in any way.

Accidentable's response letter confirms Louis's suspicions. Accidentable is Bedrock Insurance's wholly owned subsidiary, and they received information about Louis's accident from Bedrock shortly after Louis submitted his accident claim. Accidentable assures Louis that there has been no breach of the GDPR, as Louis's contract included, a provision in which he agreed to share his information with Bedrock's affiliates for business purposes.

Louis is disgusted by the way in which he has been treated by Bedrock, and writes to them insisting that all his information be erased from their computer system. After Louis has exercised his right to restrict the use of his data, under what conditions would Accidentable have grounds for refusing to comply?

- A. If Accidentable is entitled to use of the data as an affiliate of Bedrock.
- B. If Accidentable also uses the data to conduct public health research.
- C. If the data becomes necessary to defend Accidentable's legal rights.
- D. If the accuracy of the data is not an aspect that Louis is disputing.

Answer: A

NEW QUESTION 5

Which of the following entities would most likely be exempt from complying with the GDPR?

- A. A South American company that regularly collects European customers' personal data.
- B. A company that stores all customer data in Australia and is headquartered in a European Union (EU) member state.
- C. A Chinese company that has opened a satellite office in a European Union (EU) member state to service European customers.
- D. A North American company servicing customers in South Africa that uses a cloud storage system made by a European company.

Answer: C

NEW QUESTION 6

Which of the following does NOT have to be included in the records most processors must maintain in relation to their data processing activities?

- A. Name and contact details of each controller on behalf of which the processor is acting.
- B. Categories of processing carried out on behalf of each controller for which the processor is acting.
- C. Details of transfers of personal data to a third country carried out on behalf of each controller for which the processor is acting.
- D. Details of any data protection impact assessment conducted in relation to any processing activities carried out by the processor on behalf of each controller for which the processor is acting.

Answer: C

NEW QUESTION 7

What is the consequence if a processor makes an independent decision regarding the purposes and means of processing it carries out on behalf of a controller?

- A. The controller will be liable to pay an administrative fine
- B. The processor will be liable to pay compensation to affected data subjects
- C. The processor will be considered to be a controller in respect of the processing concerned
- D. The controller will be required to demonstrate that the unauthorized processing negatively affected one or more of the parties involved

Answer: B

NEW QUESTION 8

When does the GDPR provide more latitude for a company to process data beyond its original collection purpose?

- A. When the data has been pseudonymized.
- B. When the data is protected by technological safeguards.
- C. When the data serves legitimate interest of third parties.
- D. When the data subject has failed to use a provided opt-out mechanism.

Answer: C

NEW QUESTION 9

To provide evidence of GDPR compliance, a company performs an internal audit. As a result, it finds a data base, password-protected, listing all the social network followers of the client.

Regarding the domain of the controller-processor relationships, how is this situation considered?

- A. Compliant with the security principle, because the data base is password-protected.
- B. Non-compliant, because the storage of the data exceeds the tasks contractually authorized by the controller.
- C. Not applicable, because the data base is password protected, and therefore is not at risk of identifying any data subject.
- D. Compliant with the storage limitation principle, so long as the internal auditor permanently deletes the data base.

Answer: B

NEW QUESTION 10

SCENARIO

Please use the following to answer the next question:

Building Block Inc. is a multinational company, headquartered in Chicago with offices throughout the United States, Asia, and Europe (including Germany, Italy, France and Portugal). Last year the company was the victim of a phishing attack that resulted in a significant data breach. The executive board, in coordination with the general manager, their Privacy Office and the Information Security team, resolved to adopt additional security measures. These included training awareness programs, a cybersecurity audit, and use of a new software tool called SecurityScan, which scans employees' computers to see if they have software that is no longer being supported by a vendor and therefore not getting security updates. However, this software also provides other features, including the monitoring of employees' computers.

Since these measures would potentially impact employees, Building Block's Privacy Office decided to issue a general notice to all employees indicating that the company will implement a series of initiatives to enhance information security and prevent future data breaches.

After the implementation of these measures, server performance decreased. The general manager instructed the Security team on how to use SecurityScan to monitor employees' computers activity and their location. During these activities, the Information Security team discovered that one employee from Italy was daily connecting to a video library of movies, and another one from Germany worked remotely without authorization. The Security team reported these incidents to the Privacy Office and the general manager. In their report, the team concluded that the employee from Italy was the reason why the server performance decreased. Due to the seriousness of these infringements, the company decided to apply disciplinary measures to both employees, since the security and privacy policy of the company prohibited employees from installing software on the company's computers, and from working remotely without authorization.

To comply with the GDPR, what should Building Block have done as a first step before implementing the SecurityScan measure?

- A. Assessed potential privacy risks by conducting a data protection impact assessment.
- B. Consulted with the relevant data protection authority about potential privacy violations.
- C. Distributed a more comprehensive notice to employees and received their express consent.
- D. Consulted with the Information Security team to weigh security measures against possible server impacts.

Answer: C

NEW QUESTION 10

What type of data lies beyond the scope of the General Data Protection Regulation?

- A. Pseudonymized
- B. Anonymized
- C. Encrypted
- D. Masked

Answer: B

NEW QUESTION 13

In which of the following situations would an individual most likely to be able to withdraw her consent for processing?

- A. When she is leaving her bank and moving to another bank.
- B. When she has recently changed jobs and no longer works for the same company.
- C. When she disagrees with a diagnosis her doctor has recorded on her records.
- D. When she no longer wishes to be sent marketing materials from an organization.

Answer: D

NEW QUESTION 16

Article 5(1)(b) of the GDPR states that personal data must be “collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes.” Based on Article 5(1)(b), what is the impact of a member state’s interpretation of the word “incompatible”?

- A. It dictates the level of security a processor must follow when using and storing personal data for two different purposes.
- B. It guides the courts on the severity of the consequences for those who are convicted of the intentional misuse of personal data.
- C. It sets the standard for the level of detail a controller must record when documenting the purpose for collecting personal data.
- D. It indicates the degree of flexibility a controller has in using personal data in ways that may vary from its original intended purpose.

Answer: A

NEW QUESTION 19

An employee of company ABCD has just noticed a memory stick containing records of client data, including their names, addresses and full contact details has disappeared. The data on the stick is unencrypted and in clear text. It is uncertain what has happened to the stick at this stage, but it likely was lost during the travel of an employee. What should the company do?

- A. Notify as soon as possible the data protection supervisory authority that a data breach may have taken place.
- B. Launch an investigation and if nothing is found within one month, notify the data protection supervisory authority.
- C. Invoke the “disproportionate effort” exception under Article 33 to postpone notifying data subjects until more information can be gathered.
- D. Immediately notify all the customers of the company that their information has been accessed by an unauthorized person.

Answer: A

NEW QUESTION 24

Select the answer below that accurately completes the following: “The right to compensation and liability under the GDPR...

- A. ...provides for an exemption from liability if the data controller (or data processor) proves that it is not in any way responsible for the event giving rise to the damage.”
- B. ...precludes any subsequent recourse proceedings against other controllers or processors involved in the same processing.”
- C. ...can only be exercised against the data controller, even if a data processor was involved in the same processing.”
- D. ...is limited to a maximum amount of EUR 20 million per event of damage or loss.”

Answer: B

NEW QUESTION 29

SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA. Today, it is a multi-billion-dollar candy company operating in every continent. All of the company’s IT servers are located in Vermont. This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father’s company, but is also secretly working on launching a new global online dating website company called Ben Knows Best.

Ben is aware that the Gummy Bear Company has millions of customers and believes that many of them might also be interested in finding their perfect match. For Project Big, Ben redesigns the company’s online web portal and requires customers in the European Union and elsewhere to provide additional personal information in order to remain a customer. Project Ben begins collecting data about customers’ philosophical beliefs, political opinions and marital status.

If a customer identifies as single, Ben then copies all of that customer’s personal data onto a separate database for Ben Knows Best. Ben believes that he is not doing anything wrong, because he explicitly asks each customer to give their consent by requiring them to check a box before accepting their information. As Project Big is an important project, the company also hires a first year college student named Sam, who is studying computer science to help Ben out.

Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend’s daughter, Alice, who just graduated from law school in the U.S., to be the company’s new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company’s operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company’s IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone’s information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

In preparing the company for its impending lawsuit, Alice’s instruction to the company’s IT Department violated Article 5 of the GDPR because the company failed to first do what?

- A. Send out consent forms to all of its employees.
- B. Minimize the amount of data collected for the lawsuit.
- C. Inform all of its employees about the lawsuit.
- D. Encrypt the data from all of its employees.

Answer: B

NEW QUESTION 33

The GDPR requires controllers to supply data subjects with detailed information about the processing of their data. Where a controller obtains data directly from data subjects, which of the following items of information does NOT legally have to be supplied?

- A. The recipients or categories of recipients.
- B. The categories of personal data concerned.
- C. The rights of access, erasure, restriction, and portability.
- D. The right to lodge a complaint with a supervisory authority.

Answer: B

NEW QUESTION 34

SCENARIO

Please use the following to answer the next question:

Sandy recently joined Market4U, an advertising technology company founded in 2016, as their VP of Privacy and Data Governance. Through her first initiative in conducting a data inventory, Sandy learned that Market4U maintains a list of 19 million global contacts that were collected throughout the course of Market4U's existence. Knowing the risk of having such a large amount of data, Sandy wanted to purge all contacts that were entered into Market4U's systems prior to May 2018, unless such contacts had a more recent interaction with Market4U content. However, Dan, the VP of Sales, informed Sandy that all of the contacts provide useful information regarding successful marketing campaigns and trends in industry verticals for Market4U's clients.

Dan also informed Sandy that he had wanted to focus on gaining more customers within the sports and entertainment industry. To assist with this behavior, Market4U's marketing team decided to add several new fields to Market4U's website forms, including forms for downloading white papers, creating accounts to participate in Market4U's forum, and attending events. Such fields include birth date and salary.

What is the best way that Sandy can gain the insights that Dan seeks while still minimizing risks for Market4U?

- A. Conduct analysis only on anonymized personal data.
- B. Conduct analysis only on pseudonymized personal data.
- C. Delete all data collected prior to May 2018 after conducting the trend analysis.
- D. Procure a third party to conduct the analysis and delete the data from Market4U's systems.

Answer: A

NEW QUESTION 35

A multinational company is appointing a mandatory data protection officer. In addition to considering the rules set out in Article 37 (1) of the GDPR, which of the following actions must the company also undertake to ensure compliance in all EU jurisdictions in which it operates?

- A. Consult national derogations to evaluate if there are additional cases to be considered in relation to the matter.
- B. Conduct a Data Protection Privacy Assessment on the processing operations of the company in all the countries it operates.
- C. Assess whether the company has more than 250 employees in each of the EU member-states in which it is established.
- D. Revise the data processing activities of the company that affect more than one jurisdiction to evaluate whether they comply with the principles of privacy by design and by default.

Answer: B

NEW QUESTION 40

A U.S.-based online shop uses sophisticated software to track the browsing behavior of its European customers and predict future purchases. It also shares this information with third parties. Under the GDPR, what is the online shop's PRIMARY obligation while engaging in this kind of profiling?

- A. It must solicit informed consent through a notice on its website
- B. It must seek authorization from the European supervisory authorities
- C. It must be able to demonstrate a prior business relationship with the customers
- D. It must prove that it uses sufficient security safeguards to protect customer data

Answer: A

NEW QUESTION 42

With respect to international transfers of personal data, the European Data Protection Board (EDPB) confirmed that derogations may be relied upon under what condition?

- A. If the data controller has received preapproval from a Data Protection Authority (DPA), after submitting the appropriate documents.
- B. When it has been determined that adequate protection can be performed.
- C. Only if the Data Protection Impact Assessment (DPIA) shows low risk.
- D. Only as a last resort and when interpreted restrictively.

Answer: B

NEW QUESTION 45

SCENARIO

Please use the following to answer the next question:

T-Craze, a German-headquartered specialty t-shirt company, was successfully selling to large German metropolitan cities. However, after a recent merger with another German-based company that was selling to a broader European market, T-Craze revamped its marketing efforts to sell to a wider audience. These efforts included a complete redesign of its logo to reflect the recent merger, and improvements to its website meant to capture more information about visitors through the use of cookies.

T-Craze also opened various office locations throughout Europe to help expand its business. While Germany continued to host T-Craze's headquarters and main product-design office, its French affiliate became responsible for all marketing and sales activities. The French affiliate recently procured the services of Right Target, a renowned marketing firm based in the Philippines, to run its latest marketing campaign. After thorough research, Right Target determined that T-Craze is most successful with customers between the ages of 18 and 22. Thus, its first campaign targeted university students in several European capitals, which yielded nearly 40% new customers for T-Craze in one quarter. Right Target also ran subsequent campaigns for T-Craze, though with much less success.

The last two campaigns included a wider demographic group and resulted in countless unsubscribe requests, including a large number in Spain. In fact, the

Spanish data protection authority received a complaint from Sofia, a mid-career investment banker. Sofia was upset after receiving a marketing communication even after unsubscribing from such communications from the Right Target on behalf of T-Craze. Which of the following is T-Craze's lead supervisory authority?

- A. Germany, because that is where T-Craze is headquartered.
- B. France, because that is where T-Craze conducts processing of personal information.
- C. Spain, because that is T-Craze's primary market based on its marketing campaigns.
- D. T-Craze may choose its lead supervisory authority where any of its affiliates are based, because it has presence in several European countries.

Answer: C

NEW QUESTION 47

If a multi-national company wanted to conduct background checks on all current and potential employees, including those based in Europe, what key provision would the company have to follow?

- A. Background checks on employees could be performed only under prior notice to all employees.
- B. Background checks are only authorized with prior notice and express consent from all employees including those based in Europe.
- C. Background checks on European employees will stem from data protection and employment law, which can vary between member states.
- D. Background checks may not be allowed on European employees, but the company can create lists based on its legitimate interests, identifying individuals who are ineligible for employment.

Answer: C

NEW QUESTION 50

Assuming that the "without undue delay" provision is followed, what is the time limit for complying with a data access request?

- A. Within 40 days of receipt
- B. Within 40 days of receipt, which may be extended by up to 40 additional days
- C. Within one month of receipt, which may be extended by up to an additional month
- D. Within one month of receipt, which may be extended by an additional two months

Answer: C

NEW QUESTION 53

Under Article 58 of the GDPR, which of the following describes a power of supervisory authorities in European Union (EU) member states?

- A. The ability to enact new laws by executive order.
- B. The right to access data for investigative purposes.
- C. The discretion to carry out goals of elected officials within the member state.
- D. The authority to select penalties when a controller is found guilty in a court of law.

Answer: B

NEW QUESTION 56

SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA. Today, it is a multi-billion-dollar candy company operating in every continent. All of the company's IT servers are located in Vermont. This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father's company, but is also secretly working on launching a new global online dating website company called Ben Knows Best.

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Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend's daughter, Alice, who just graduated from law school in the U.S., to be the company's new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company's operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company's IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone's information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

As a result of Sam's actions, the Gummy Bear Company potentially violated Articles 33 and 34 of the GDPR and will be required to do what?

- A. Notify its Data Protection Authority about the data breach.
- B. Analyze and evaluate the liability for customers in Ireland.
- C. Analyze and evaluate all of its breach notification obligations.
- D. Notify all of its customers that reside in the European Union.

Answer: A

NEW QUESTION 58

SCENARIO

Please use the following to answer the next question:

WonderkKids provides an online booking service for childcare. Wonderkids is based in France, but hosts its website through a company in Switzerland. As part of their service, WonderKids will pass all personal data provided to them to the childcare provider booked through their system. The type of personal data collected on the website includes the name of the person booking the childcare, address and contact details, as well as information about the children to be cared for including name, age, gender and health information. The privacy statement on Wonderkids' website states the following:

"WonderkKids provides the information you disclose to us through this website to your childcare provider for scheduling and health and safety reasons. We may also use your and your child's personal information for our own legitimate business purposes and we employ a third-party website hosting company located in Switzerland to store the data. Any data stored on equipment located in Switzerland meets the European Commission provisions for guaranteeing adequate safeguards for you and your child's personal information.

We will only share you and your child's personal information with businesses that we see as adding real value to you. By providing us with any personal data, you consent to its transfer to affiliated businesses and to send you promotional offers."

"We may retain you and your child's personal information for no more than 28 days, at which point the data will be depersonalized, unless your personal information is being used for a legitimate business purpose beyond 28 days where it may be retained for up to 2 years."

"We are processing you and your child's personal information with your consent. If you choose not to provide certain information to us, you may not be able to use our services. You have the right to: request access to you and your child's personal information; rectify or erase you or your child's personal information; the right to correction or erasure of you and/or your child's personal information; object to any processing of you and your child's personal information. You also have the right to complain to the supervisory authority about our data processing activities."

What must the contract between WonderKids and the hosting service provider contain?

- A. The requirement to implement technical and organizational measures to protect the data.
- B. Controller-to-controller model contract clauses.
- C. Audit rights for the data subjects.
- D. A non-disclosure agreement.

Answer: A

NEW QUESTION 60

A company in France suffers a robbery over the weekend owing to a faulty alarm system. When it is determined that the break-in involves the loss of a substantial amount of data, the company decides on a CCTV system to monitor for future incidents. Company technicians install cameras in the entrance of the building, hallways and offices. Footage is recorded continuously, and is monitored by the home office in the United States. What is the most realistic step the company could take to address their security concerns and comply with the personal data processing principles set out in Article 5 of the GDPR?

- A. Seek informed consent from company employees.
- B. Have cameras recording during work hours only.
- C. Retain captured footage for no more than 30 days.
- D. Restrict camera placement to building entrances only.

Answer: A

NEW QUESTION 64

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

Answer: A

NEW QUESTION 67

Which of the following would require designating a data protection officer?

- A. Processing is carried out by an organization employing 250 persons or more.
- B. Processing is carried out for the purpose of providing for-profit goods or services to individuals in the EU.
- C. The core activities of the controller or processor consist of processing operations of financial information or information relating to children.
- D. The core activities of the controller or processor consist of processing operations that require systematic monitoring of data subjects on a large scale.

Answer: D

NEW QUESTION 68

Which GDPR principle would a Spanish employer most likely depend upon to annually send the personal data of its employees to the national tax authority?

- A. The consent of the employees.
- B. The legal obligation of the employer.
- C. The legitimate interest of the public administration.
- D. The protection of the vital interest of the employees.

Answer: B

NEW QUESTION 70

What is the most frequently used mechanism for legitimizing cross-border data transfer?

- A. Standard Contractual Clauses.
- B. Approved Code of Conduct.
- C. Binding Corporate Rules.
- D. Derogations.

Answer: A

NEW QUESTION 74

A worker in a European Union (EU) member state has ceased his employment with a company. What should the employer most likely do in regard to the worker's personal data?

- A. Destroy sensitive information and store the rest per applicable data protection rules.
- B. Store all of the data in case the departing worker makes a subject access request.
- C. Securely store the data that is required to be kept under local law.
- D. Provide the employee the reasons for retaining the data.

Answer: A

NEW QUESTION 79

In which situation would a data controller most likely be able to justify the processing of the data of a child without parental consent?

- A. When the data is to be processed for market research.
- B. When providing preventive or counselling services to the child.
- C. When providing the child with materials purely for educational use.
- D. When a legitimate business interest makes obtaining consent impractical.

Answer: B

NEW QUESTION 82

Pursuant to Article 4(5) of the GDPR, data is considered "pseudonymized" if?

- A. It cannot be attributed to a data subject without the use of additional information.
- B. It cannot be attributed to a person under any circumstances.
- C. It can only be attributed to a person by the controller.
- D. It can only be attributed to a person by a third party.

Answer: A

NEW QUESTION 87

What term BEST describes the European model for data protection?

- A. Sectoral
- B. Self-regulatory
- C. Market-based
- D. Comprehensive

Answer: A

NEW QUESTION 91

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.

Answer: A

NEW QUESTION 92

How is the retention of communications traffic data for law enforcement purposes addressed by European data protection law?

- A. The ePrivacy Directive allows individual EU member states to engage in such data retention.
- B. The ePrivacy Directive harmonizes EU member states' rules concerning such data retention.
- C. The Data Retention Directive's annulment makes such data retention now permissible.
- D. The GDPR allows the retention of such data for the prevention, investigation, detection or prosecution of criminal offences only.

Answer: D

NEW QUESTION 97

A data controller appoints a data protection officer. Which of the following conditions would NOT result in an infringement of Articles 37 to 39 of the GDPR?

- A. If the data protection officer lacks ISO 27001 auditor certification.
- B. If the data protection officer is provided by the data processor.
- C. If the data protection officer also manages the marketing budget.
- D. If the data protection officer receives instructions from the data controller.

Answer: D

NEW QUESTION 98

A company plans to transfer employee health information between two of its entities in France. To maintain the security of the processing, what would be the most important security measure to apply to the health data transmission?

- A. Inform the data subject of the security measures in place.
- B. Ensure that the receiving entity has signed a data processing agreement.
- C. Encrypt the transferred data in transit and at rest.
- D. Conduct a data protection impact assessment.

Answer: A

NEW QUESTION 102

Which of the following describes a mandatory requirement for a group of undertakings that wants to appoint a single data protection officer?

- A. The group of undertakings must obtain approval from a supervisory authority.
- B. The group of undertakings must be comprised of organizations of similar sizes and functions.
- C. The data protection officer must be located in the country where the data controller has its main establishment.
- D. The data protection officer must be easily accessible from each establishment where the undertakings are located.

Answer: D

NEW QUESTION 106

SCENARIO

Please use the following to answer the next question:

TripBliss Inc. is a travel service company which has lost substantial revenue over the last few years. Their new manager, Oliver, suspects that this is partly due to the company's outdated website. After doing some research, he meets with a sales representative from the up-and-coming IT company Techiva, hoping that they can design a new, cutting-edge website for TripBliss Inc.'s foundering business.

During negotiations, a Techiva representative describes a plan for gathering more customer information through detailed Questionnaires, which could be used to tailor their preferences to specific travel destinations. TripBliss Inc. can choose any number of data categories – age, income, ethnicity – that would help them best accomplish their goals. Oliver loves this idea, but would also like to have some way of gauging how successful this approach is, especially since the Questionnaires will require customers to provide explicit consent to having their data collected. The Techiva representative suggests that they also run a program to analyze the new website's traffic, in order to get a better understanding of how customers are using it. He explains his plan to place a number of cookies on customer devices. The cookies will allow the company to collect IP addresses and other information, such as the sites from which the customers came, how much time they spend on the TripBliss Inc. website, and which pages on the site they visit. All of this information will be compiled in log files, which Techiva will analyze by means of a special program. TripBliss Inc. would receive aggregate statistics to help them evaluate the website's effectiveness. Oliver enthusiastically engages Techiva for these services.

Techiva assigns the analytics portion of the project to longtime account manager Leon Santos. As is standard practice, Leon is given administrator rights to TripBliss Inc.'s website, and can authorize access to the log files gathered from it. Unfortunately for TripBliss Inc., however, Leon is taking on this new project at a time when his dissatisfaction with Techiva is at a high point. In order to take revenge for what he feels has been unfair treatment at the hands of the company, Leon asks his friend Fred, a hobby hacker, for help. Together they come up with the following plan: Fred will hack into Techiva's system and copy their log files onto a USB stick. Despite his initial intention to send the USB to the press and to the data protection authority in order to denounce Techiva, Leon experiences a crisis of conscience and ends up reconsidering his plan. He decides instead to securely wipe all the data from the USB stick and inform his manager that the company's system of access control must be reconsidered.

With regard to TripBliss Inc.'s use of website cookies, which of the following statements is correct?

- A. Because not all of the cookies are strictly necessary to enable the use of a service requested from TripBliss Inc., consent requirements apply to their use of cookies.
- B. Because of the categories of data involved, explicit consent for the use of cookies must be obtained separately from customers.
- C. Because Techiva will receive only aggregate statistics of data collected from the cookies, no additional consent is necessary.
- D. Because the use of cookies involves the potential for location tracking, explicit consent must be obtained from customers.

Answer: B

NEW QUESTION 107

Which of the following Convention 108+ principles, as amended in 2018, is NOT consistent with a principle found in the GDPR?

- A. The obligation of companies to declare data breaches.
- B. The requirement to demonstrate compliance to a supervisory authority.
- C. The necessity of the bulk collection of personal data by the government.

Answer: B

NEW QUESTION 108

Which of the following is one of the supervisory authority's investigative powers?

- A. To notify the controller or the processor of an alleged infringement of the GDPR.
- B. To require that controllers or processors adopt approved data protection certification mechanisms.
- C. To determine whether a controller or processor has the right to a judicial remedy concerning a compensation decision made against them.
- D. To require data controllers to provide them with written notification of all new processing activities.

Answer: A

NEW QUESTION 110

Which of the following was the first to implement national law for data protection in 1973?

- A. France
- B. Sweden
- C. Germany
- D. United Kingdom

Answer: B

NEW QUESTION 115

SCENARIO

Please use the following to answer the next question:

Joe started the Gummy Bear Company in 2000 from his home in Vermont, USA. Today, it is a multi-billion-dollar candy company operating in every continent. All of the company's IT servers are located in Vermont. This year Joe hires his son Ben to join the company and head up Project Big, which is a major marketing strategy to triple gross revenue in just 5 years. Ben graduated with a PhD in computer software from a top university. Ben decided to join his father's company, but is also secretly working on launching a new global online dating website company called Ben Knows Best.

Ben is aware that the Gummy Bear Company has millions of customers and believes that many of them might also be interested in finding their perfect match. For Project Big, Ben redesigns the company's online web portal and requires customers in the European Union and elsewhere to provide additional personal information in order to remain a customer. Project Ben begins collecting data about customers' philosophical beliefs, political opinions and marital status.

If a customer identifies as single, Ben then copies all of that customer's personal data onto a separate database for Ben Knows Best. Ben believes that he is not doing anything wrong, because he explicitly asks each customer to give their consent by requiring them to check a box before accepting their information. As Project Big is an important project, the company also hires a first year college student named Sam, who is studying computer science to help Ben out.

Ben calls out and Sam comes across the Ben Knows Best database. Sam is planning on going to Ireland over Spring Break with 10 of his friends, so he copies all of the customer information of people that reside in Ireland so that he and his friends can contact people when they are in Ireland.

Joe also hires his best friend's daughter, Alice, who just graduated from law school in the U.S., to be the company's new General Counsel. Alice has heard about the GDPR, so she does some research on it. Alice approaches Joe and informs him that she has drafted up Binding Corporate Rules for everyone in the company to follow, as it is important for the company to have in place a legal mechanism to transfer data internally from the company's operations in the European Union to the U.S.

Joe believes that Alice is doing a great job, and informs her that she will also be in-charge of handling a major lawsuit that has been brought against the company in federal court in the U.S. To prepare for the lawsuit, Alice instructs the company's IT department to make copies of the computer hard drives from the entire global sales team, including the European Union, and send everything to her so that she can review everyone's information. Alice believes that Joe will be happy that she did the first level review, as it will save the company a lot of money that would otherwise be paid to its outside law firm.

Ben's collection of additional data from customers created several potential issues for the company, which would most likely require what?

- A. New corporate governance and code of conduct.
- B. A data protection impact assessment.
- C. A comprehensive data inventory.
- D. Hiring a data protection officer.

Answer: A

NEW QUESTION 118

In addition to the European Commission, who can adopt standard contractual clauses, assuming that all required conditions are met?

- A. Approved data controllers.
- B. The Council of the European Union.
- C. National data protection authorities.
- D. The European Data Protection Supervisor.

Answer: A

NEW QUESTION 122

SCENARIO

Please use the following to answer the next question:

Due to rapidly expanding workforce, Company A has decided to outsource its payroll function to Company B.

Company B is an established payroll service provider with a sizable client base and a solid reputation in the industry.

Company B's payroll solution for Company A relies on the collection of time and attendance data obtained via a biometric entry system installed in each of Company A's factories. Company B won't hold any biometric data itself, but the related data will be uploaded to Company B's UK servers and used to provide the payroll service. Company B's live systems will contain the following information for each of Company A's employees:

Name
Address
Date of Birth
Payroll number
National Insurance number
Sick pay entitlement
Maternity/paternity pay entitlement
Holiday entitlement
Pension and benefits contributions
Trade union contributions

Jenny is the compliance officer at Company A. She first considers whether Company A needs to carry out a data protection impact assessment in relation to the new time and attendance system, but isn't sure whether or not this is required.

Jenny does know, however, that under the GDPR there must be a formal written agreement requiring Company B to use the time and attendance data only for the purpose of providing the payroll service, and to apply appropriate technical and organizational security measures for safeguarding the data. Jenny suggests that Company B obtain advice from its data protection officer. The company doesn't have a DPO but agrees, in the interest of finalizing the contract, to sign up for the provisions in full. Company A enters into the contract.

Weeks later, while still under contract with Company A, Company B embarks upon a separate project meant to enhance the functionality of its payroll service, and engages Company C to help. Company C agrees to extract all personal data from Company B's live systems in order to create a new database for Company B. This database will be stored in a test environment hosted on Company C's U.S. server. The two companies agree not to include any data processing provisions in their services agreement, as data is only being used for IT testing purposes.

Unfortunately, Company C's U.S. server is only protected by an outdated IT security system, and suffers a cyber security incident soon after Company C begins work on the project. As a result, data relating to

Company A's employees is visible to anyone visiting Company C's website. Company A is unaware of this until Jenny receives a letter from the supervisory authority in connection with the investigation that ensues. As soon as Jenny is made aware of the breach, she notifies all affected employees.

Under the GDPR, which of Company B's actions would NOT be likely to trigger a potential enforcement action?

- A. Their omission of data protection provisions in their contract with Company C.

- B. Their failure to provide sufficient security safeguards to Company A's data.
- C. Their engagement of Company C to improve their payroll service.
- D. Their decision to operate without a data protection officer.

Answer: C

NEW QUESTION 123

If a company is planning to use closed-circuit television (CCTV) on its premises and is concerned with GDPR compliance, it should first do all of the following EXCEPT?

- A. Notify the appropriate data protection authority.
- B. Perform a data protection impact assessment (DPIA).
- C. Create an information retention policy for those who operate the system.
- D. Ensure that safeguards are in place to prevent unauthorized access to the footage.

Answer: C

NEW QUESTION 127

An organization conducts body temperature checks as a part of COVID-19 monitoring. Body temperature is measured manually and is not followed by registration, documentation or other processing of an individual's personal data.

Which of the following best explain why this practice would NOT be subject to the GDPR?

- A. Body temperature is not considered personal data.
- B. The practice does not involve completion by automated means.
- C. Body temperature is considered pseudonymous data.
- D. The practice is for the purpose of alleviating extreme risks to public health.

Answer: B

NEW QUESTION 132

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