

# IAPP

## Exam Questions CIPP-E

Certified Information Privacy Professional/Europe (CIPP/E)



#### 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

To which of the following parties does the territorial scope of the GDPR NOT apply?

- A. All member countries of the European Economic Area.
- B. All member countries party to the Treaty of Lisbon.
- C. All member countries party to the Paris Agreement.
- D. All member countries of the European Union.

**Answer: A**

#### NEW QUESTION 4

A German data subject was the victim of an embarrassing prank 20 years ago. A newspaper website published an article about the prank at the time, and the article is still available on the newspaper’s website. Unfortunately, the prank is the top search result when a user searches on the victim’s name. The data subject requests that SearchCo delist this result. SearchCo agrees, and instructs its technology team to avoid scanning or indexing the article. What else must SearchCo do?

- A. Notify the newspaper that its article it is delisting the article.
- B. Fully erase the URL to the content, as opposed to delist which is mainly based on data subject’s name.
- C. Identify other controllers who are processing the same information and inform them of the delisting request.
- D. Prevent the article from being listed in search results no matter what search terms are entered into the search engine.

**Answer: A**

#### NEW QUESTION 5

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 6

According to the European Data Protection Board, which of the following concepts or practices does NOT follow from the principles relating to the processing of personal data under EU data protection law?

- A. Data ownership allocation.
- B. Access control management.
- C. Frequent pseudonymization key rotation.
- D. Error propagation avoidance along the processing chain.

**Answer: C**

#### NEW QUESTION 7

According to Article 84 of the GDPR, the rules on penalties applicable to infringements shall be laid down by?

- A. The local Data Protection Supervisory Authorities.
- B. The European Data Protection Board.
- C. The EU Commission.
- D. The Member States.

**Answer: D**

### NEW QUESTION 8

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 direct marketing information can WonderKids send by email without prior consent of the person booking the childcare?

- A. No marketing information at all.
- B. Any marketing information at all.
- C. Marketing information related to other business operations of WonderKids.
- D. Marketing information for products or services similar to those purchased from WonderKids.

**Answer: C**

### NEW QUESTION 9

Which area of privacy is a lead supervisory authority's (LSA) MAIN concern?

- A. Data subject rights
- B. Data access disputes
- C. Cross-border processing
- D. Special categories of data

**Answer: C**

### NEW QUESTION 10

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

**Answer: B**

### NEW QUESTION 10

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 14

Which type of personal data does the GDPR define as a "special category" of personal data?

- A. Educational history.
- B. Trade-union membership.
- C. Closed Circuit Television (CCTV) footage.
- D. Financial information.

**Answer: B**

### NEW QUESTION 16

What is one major goal that the OECD Guidelines, Convention 108 and the Data Protection Directive (Directive 95/46/EC) all had in common but largely failed to achieve in Europe?

- A. The establishment of a list of legitimate data processing criteria
- B. The creation of legally binding data protection principles
- C. The synchronization of approaches to data protection
- D. The restriction of cross-border data flow

**Answer: D**

### NEW QUESTION 21

Which of the following is the weakest lawful basis for processing employee personal data?

- A. Processing based on fulfilling an employment contract.
- B. Processing based on employee consent.
- C. Processing based on legitimate interests.
- D. Processing based on legal obligation.

**Answer: B**

### NEW QUESTION 25

To receive a preliminary interpretation on provisions of the GDPR, a national court will refer its case to which of the following?

- A. The Court of Justice of the European Union.
- B. The European Data Protection Supervisor.
- C. The European Court of Human Rights.
- D. The European Data Protection Board.

**Answer: A**

### NEW QUESTION 26

#### SCENARIO

Please use the following to answer the next question:

The fitness company Vigotron has recently developed a new app called M-Health, which it wants to market on its website as a free download. Vigotron's marketing manager asks his assistant Emily to create a webpage that describes the app and specifies the terms of use. Emily, who is new at Vigotron, is excited about this task. At her previous job she took a data protection class, and though the details are a little hazy, she recognizes that Vigotron is going to need to obtain user consent for use of the app in some cases. Emily sketches out the following draft, trying to cover as much as possible before sending it to Vigotron's legal department.

#### Registration Form

Vigotron's new M-Health app makes it easy for you to monitor a variety of health-related activities, including diet, exercise, and sleep patterns. M-Health relies on your smartphone settings (along with other third-party apps you may already have) to collect data about all of these important lifestyle elements, and provide the information necessary for you to enrich your quality of life. (Please click here to read a full description of the services that M-Health provides.)

Vigotron values your privacy. The M-Health app allows you to decide which information is stored in it, and which apps can access your data. When your device is locked with a passcode, all of your health and fitness data is encrypted with your passcode. You can back up data stored in the Health app to Vigotron's cloud provider, Stratculous. (Read more about Stratculous here.)

Vigotron will never trade, rent or sell personal information gathered from the M-Health app. Furthermore, we will not provide a customer's name, email address or any other information gathered from the app to any third-party without a customer's consent, unless ordered by a court, directed by a subpoena, or to enforce the manufacturer's legal rights or protect its business or property.

We are happy to offer the M-Health app free of charge. If you want to download and use it, we ask that you first complete this registration form. (Please note that use of the M-Health app is restricted to adults aged 16 or older, unless parental consent has been given to minors intending to use it.)

First name:

Surname:

Year of birth:

Email:

Physical Address (optional\*):

Health status:

\*If you are interested in receiving newsletters about our products and services that we think may be of interest to you, please include your physical address. If you decide later that you do not wish to receive these newsletters, you can unsubscribe by sending an email to [unsubscribe@vigotron.com](mailto:unsubscribe@vigotron.com) or send a letter with your request to the address listed at the bottom of this page.

Terms and Conditions 1.Jurisdiction. [...] 2.Applicable law. [...] 3.Limitation of liability. [...] Consent

By completing this registration form, you attest that you are at least 16 years of age, and that you consent to the processing of your personal data by Vigotron for the purpose of using the M-Health app. Although you are entitled to opt out of any advertising or marketing, you agree that Vigotron may contact you or provide you with any required notices, agreements, or other information concerning the services by email or other electronic means. You also agree that the Company may send automated emails with alerts regarding any problems with the M-Health app that may affect your well being.

If a user of the M-Health app were to decide to withdraw his consent, Vigotron would first be required to do what?

- A. Provide the user with logs of data collected through use of the app.
- B. Erase any data collected from the time the app was first used.
- C. Inform any third parties of the user's withdrawal of consent.
- D. Cease processing any data collected through use of the app.

**Answer: D**

### NEW QUESTION 28

#### 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 33

What obligation does a data controller or processor have after appointing a data protection officer?

- A. To ensure that the data protection officer receives sufficient instructions regarding the exercise of his or her defined tasks.
- B. To provide resources necessary to carry out the defined tasks of the data protection officer and to maintain his or her expert knowledge.
- C. To ensure that the data protection officer acts as the sole point of contact for individuals' Questions: about their personal data.
- D. To submit for approval to the data protection officer a code of conduct to govern organizational practices and demonstrate compliance with data protection principles.

**Answer: D**

### NEW QUESTION 36

What is a reason the European Court of Justice declared the Data Retention Directive invalid in 2014?

- A. The requirements affected individuals without exception.
- B. The requirements were financially burdensome to EU businesses.
- C. The requirements specified that data must be held within the EU.
- D. The requirements had limitations on how national authorities could use data.

**Answer: D**

### NEW QUESTION 40

A company is hesitating between Binding Corporate Rules and Standard Contractual Clauses as a global data transfer solution. Which of the following statements would help the company make an effective decision?

- A. Binding Corporate Rules are especially recommended for small and medium companies.
- B. The data exporter does not need to be located in the EU for the standard Contractual Clauses.
- C. Binding Corporate Rules provide a global solution for all the entities of a company that are bound by the intra-group agreement.
- D. The company will need the prior authorization of all EU data protection authorities for concluding Standard Contractual Clauses.

**Answer: C**

### NEW QUESTION 43

#### SCENARIO

Please use the following to answer the next question:

Liem, an online retailer known for its environmentally friendly shoes, has recently expanded its presence in Europe. Anxious to achieve market dominance, Liem teamed up with another eco friendly company, EcoMick, which sells accessories like belts and bags. Together the companies drew up a series of marketing campaigns designed to highlight the environmental and economic benefits of their products. After months of planning, Liem and EcoMick entered into a data sharing agreement to use the same marketing database, MarketIQ, to send the campaigns to their respective contacts.

Liem and EcoMick also entered into a data processing agreement with MarketIQ, the terms of which included processing personal data only upon Liem and EcoMick's instructions, and making available to them all information necessary to demonstrate compliance with GDPR obligations.

Liem and EcoMick then procured the services of a company called JaphSoft, a marketing optimization firm that uses machine learning to help companies run successful campaigns. Clients provide JaphSoft with the personal data of individuals they would like to be targeted in each campaign. To ensure protection of its clients' data, JaphSoft implements the technical and organizational measures it deems appropriate. JaphSoft works to continually improve its machine learning models by analyzing the data it receives from its clients to determine the most successful components of a successful campaign. JaphSoft then uses such models in providing services to its client-base. Since the models improve only over a period of time as more information is collected, JaphSoft does not have a deletion process for the data it receives from clients. However, to ensure compliance with data privacy rules, JaphSoft pseudonymizes the personal data by removing identifying information from the contact information. JaphSoft's engineers, however, maintain all contact information in the same database as the identifying information.

Under its agreement with Liem and EcoMick, JaphSoft received access to MarketIQ, which included contact information as well as prior purchase history for such contacts, to create campaigns that would result in the most views of the two companies' websites. A prior Liem customer, Ms. Iman, received a marketing campaign from JaphSoft regarding Liem's as well as EcoMick's latest products. While Ms. Iman recalls checking a box to receive information in the future regarding Liem's products, she has never shopped EcoMick, nor provided her personal data to that company.

For what reason would JaphSoft be considered a controller under the GDPR?

- A. It determines how long to retain the personal data collected.
- B. It has been provided access to personal data in the MarketIQ database.
- C. It uses personal data to improve its products and services for its client-base through machine learning.
- D. It makes decisions regarding the technical and organizational measures necessary to protect the personal data.

**Answer: D**

### NEW QUESTION 45

A well-known video production company, based in Spain but specializing in documentaries filmed worldwide, has just finished recording several hours of footage featuring senior citizens in the streets of Madrid. Under what condition would the company NOT be required to obtain the consent of everyone whose image they use for their documentary?

- A. If obtaining consent is deemed to involve disproportionate effort.

- B. If obtaining consent is deemed voluntary by local legislation.
- C. If the company limits the footage to data subjects solely of legal age.
- D. If the company's status as a documentary provider allows it to claim legitimate interest.

**Answer: B**

#### **NEW QUESTION 47**

Article 58 of the GDPR describes the power of supervisory authorities. Which of the following is NOT among those granted?

- A. Legislative powers.
- B. Corrective powers.
- C. Investigatory powers.
- D. Authorization and advisory powers.

**Answer: D**

#### **NEW QUESTION 51**

According to Article 14 of the GDPR, how long does a controller have to provide a data subject with necessary privacy information, if that subject's personal data has been obtained from other sources?

- A. As soon as possible after obtaining the personal data.
- B. As soon as possible after the first communication with the data subject.
- C. Within a reasonable period after obtaining the personal data, but no later than one month.
- D. Within a reasonable period after obtaining the personal data, but no later than eight weeks.

**Answer: A**

#### **NEW QUESTION 53**

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 56**

Under which of the following conditions does the General Data Protection Regulation NOT apply to the processing of personal data?

- A. When the personal data is processed only in non-electronic form
- B. When the personal data is collected and then pseudonymised by the controller
- C. When the personal data is held by the controller but not processed for further purposes
- D. When the personal data is processed by an individual only for their household activities

**Answer: B**

#### **NEW QUESTION 61**

Read the following steps:

- Discover which employees are accessing cloud services and from which devices and apps
- Lock down the data in those apps and devices
- Monitor and analyze the apps and devices for compliance
- Manage application life cycles
- Monitor data sharing

An organization should perform these steps to do which of the following?

- A. Pursue a GDPR-compliant Privacy by Design process.
- B. Institute a GDPR-compliant employee monitoring process.
- C. Maintain a secure Bring Your Own Device (BYOD) program.
- D. Ensure cloud vendors are complying with internal data use policies.

**Answer: C**

#### **NEW QUESTION 66**

How does the GDPR now define "processing"?

- A. Any act involving the collecting and recording of personal data.
- B. Any operation or set of operations performed on personal data or on sets of personal data.
- C. Any use or disclosure of personal data compatible with the purpose for which the data was collected.
- D. Any operation or set of operations performed by automated means on personal data or on sets of personal data.

**Answer: A**

#### **NEW QUESTION 71**

Under the GDPR, which essential pieces of information must be provided to data subjects before collecting their personal data?

- A. The authority by which the controller is collecting the data and the third parties to whom the data will be sent.
- B. The name/s of relevant government agencies involved and the steps needed for revising the data.
- C. The identity and contact details of the controller and the reasons the data is being collected.
- D. The contact information of the controller and a description of the retention policy.

**Answer: C**

#### **NEW QUESTION 76**

Under the GDPR, who would be LEAST likely to be allowed to engage in the collection, use, and disclosure of a data subject's sensitive medical information without the data subject's knowledge or consent?

- A. A member of the judiciary involved in adjudicating a legal dispute involving the data subject and concerning the health of the data subject.
- B. A public authority responsible for public health, where the sharing of such information is considered necessary for the protection of the general populace.
- C. A health professional involved in the medical care for the data subject, where the data subject's life hinges on the timely dissemination of such information.
- D. A journalist writing an article relating to the medical condition in QUESTION, who believes that the publication of such information is in the public interest.

**Answer: B**

#### **NEW QUESTION 77**

##### **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 81**

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 84**

##### **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 89

Which of the following is NOT considered a fair processing practice in relation to the transparency principle?

- A. Providing a multi-layered privacy notice, in a website environment.
- B. Providing a QR code linking to more detailed privacy notice, in a CCTV sign.
- C. Providing a hyperlink to the organization's home page, in a hard copy application form.
- D. Providing a "just-in-time" contextual pop-up privacy notice, in an online application from field.

**Answer:** A

#### NEW QUESTION 93

##### SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

If Who-R-U decides to track locations using its app, what must it do to comply with the GDPR?

- A. Get consent from the app users.
- B. Provide a transparent notice to users.
- C. Anonymize the data and add latency so it avoids disclosing real time locations.
- D. Obtain a court order because location data is a special category of personal data.

**Answer:** A

#### NEW QUESTION 94

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 99

In which of the following cases would an organization MOST LIKELY be required to follow both ePrivacy and data protection rules?

- A. When creating an untargeted pop-up ad on a website.
- B. When calling a potential customer to notify her of an upcoming product sale.
- C. When emailing a customer to announce that his recent order should arrive earlier than expected.
- D. When paying a search engine company to give prominence to certain products and services within specific search results.

**Answer:** A

#### NEW QUESTION 103

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 104

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 107

When does the European Data Protection Board (EDPB) recommend reevaluating whether a transfer tool is effectively providing a level of personal data protection that is in compliance with the European Union (EU) level?

- A. After a personal data breach.
- B. Every three (3) years.
- C. On an ongoing basis.
- D. Every year.

**Answer: C**

#### NEW QUESTION 111

Which institution has the power to adopt findings that confirm the adequacy of the data protection level in a non-EU country?

- A. The European Parliament
- B. The European Commission
- C. The Article 29 Working Party
- D. The European Council

**Answer: B**

#### NEW QUESTION 116

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.

**Answer: A**

#### NEW QUESTION 119

##### SCENARIO

Please use the following to answer the next question:

You have just been hired by a toy manufacturer based in Hong Kong. The company sells a broad range of dolls, action figures and plush toys that can be found internationally in a wide variety of retail stores. Although the manufacturer has no offices outside Hong Kong and in fact does not employ any staff outside Hong Kong, it has entered into a number of local distribution contracts. The toys produced by the company can be found in all popular toy stores throughout Europe, the United States and Asia. A large portion of the company's revenue is due to international sales.

The company now wishes to launch a new range of connected toys, ones that can talk and interact with children. The CEO of the company is touting these toys as the next big thing, due to the increased possibilities offered: The figures can answer children's Questions: on various subjects, such as mathematical calculations or the weather. Each figure is equipped with a microphone and speaker and can connect to any smartphone or tablet via Bluetooth. Any mobile device within a 10-meter radius can connect to the toys via Bluetooth as well. The figures can also be associated with other figures (from the same manufacturer) and interact with each other for an enhanced play experience.

When a child asks the toy a QUESTION, the request is sent to the cloud for analysis, and the answer is generated on cloud servers and sent back to the figure.

The answer is given through the figure's integrated

speakers, making it appear as though that the toy is actually responding to the child's QUESTION. The packaging of the toy does not provide technical details on how this works, nor does it mention that this feature requires an internet connection. The necessary data processing for this has been outsourced to a data center located in South Africa. However, your company has not yet revised its consumer-facing privacy policy to indicate this.

In parallel, the company is planning to introduce a new range of game systems through which consumers can play the characters they acquire in the course of playing the game. The system will come bundled with a portal that includes a Near-Field Communications (NFC) reader. This device will read an RFID tag in the action figure, making the figure come to life onscreen. Each character has its own stock features and abilities, but it is also possible to earn additional ones by accomplishing game goals. The only information stored in the tag relates to the figures' abilities. It is easy to switch characters during the game, and it is possible to bring the figure to locations outside of the home and have the character's abilities remain intact.

In light of the requirements of Article 32 of the GDPR (related to the Security of Processing), which practice should the company institute?

- A. Encrypt the data in transit over the wireless Bluetooth connection.
- B. Include dual-factor authentication before each use by a child in order to ensure a minimum amount of security.
- C. Include three-factor authentication before each use by a child in order to ensure the best level of security possible.
- D. Insert contractual clauses into the contract between the toy manufacturer and the cloud service provider, since South Africa is outside the European Union.

**Answer: A**

#### NEW QUESTION 124

##### 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 126

#### 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.

If TripBliss Inc. decides not to report the incident to the supervisory authority, what would be their BEST defense?

- A. The resulting obligation to notify data subjects would involve disproportionate effort.
- B. The incident resulted from the actions of a third-party that were beyond their control.
- C. The destruction of the stolen data makes any risk to the affected data subjects unlikely.
- D. The sensitivity of the categories of data involved in the incident was not substantial enough.

**Answer: B**

### NEW QUESTION 129

#### SCENARIO

Please use the following to answer the next question:

Liem, an online retailer known for its environmentally friendly shoes, has recently expanded its presence in Europe. Anxious to achieve market dominance, Liem teamed up with another eco friendly company, EcoMick, which sells accessories like belts and bags. Together the companies drew up a series of marketing campaigns designed to highlight the environmental and economic benefits of their products. After months of planning, Liem and EcoMick entered into a data sharing agreement to use the same marketing database, MarketIQ, to send the campaigns to their respective contacts.

Liem and EcoMick also entered into a data processing agreement with MarketIQ, the terms of which included processing personal data only upon Liem and EcoMick's instructions, and making available to them all information necessary to demonstrate compliance with GDPR obligations.

Liem and EcoMick then procured the services of a company called JaphSoft, a marketing optimization firm that uses machine learning to help companies run successful campaigns. Clients provide JaphSoft with the personal data of individuals they would like to be targeted in each campaign. To ensure protection of its clients' data, JaphSoft implements the technical and organizational measures it deems appropriate. JaphSoft works to continually improve its machine learning models by analyzing the data it receives from its clients to determine the most successful components of a successful campaign. JaphSoft then uses such models in providing services to its client-base. Since the models improve only over a period of time as more information is collected, JaphSoft does not have a deletion process for the data it receives from clients. However, to ensure compliance with data privacy rules, JaphSoft pseudonymizes the personal data by removing identifying information from the contact information. JaphSoft's engineers, however, maintain all contact information in the same database as the identifying information.

Under its agreement with Liem and EcoMick, JaphSoft received access to MarketIQ, which included contact information as well as prior purchase history for such contacts, to create campaigns that would result in the most views of the two companies' websites. A prior Liem customer, Ms. Iman, received a marketing campaign from JaphSoft regarding Liem's as well as EcoMick's latest products. While Ms. Iman recalls checking a box to receive information in the future regarding Liem's products, she has never shopped EcoMick, nor provided her personal data to that company.

Why would the consent provided by Ms. Iman NOT be considered valid in regard to JaphSoft?

- A. She was not told which controller would be processing her personal data.
- B. She only viewed the visual representations of the privacy notice Liem provided.
- C. She did not read the privacy notice stating that her personal data would be shared.
- D. She has never made any purchases from JaphSoft and has no relationship with the company.

**Answer: C**

### NEW QUESTION 130

#### 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.

Anna will find that a risk analysis is NOT necessary in this situation as long as?

- A. The data subjects are no longer current students of Frank's
- B. The processing will not negatively affect the rights of the data subjects
- C. The algorithms that Frank uses for the processing are technologically sound
- D. The data subjects gave their unambiguous consent for the original processing

**Answer: D**

### NEW QUESTION 132

In which of the following cases, cited as an example by a WP29 guidance, would conducting a single data protection impact assessment to address multiple processing operations be allowed?

- A. A medical organization that wants to begin genetic testing to support earlier research for which they have performed a DPIA.
- B. A data controller who plans to use a new technology product that has already undergone a DPIA by the product's provider.
- C. A marketing team that wants to collect mailing addresses of customers for whom they already have email addresses.
- D. A railway operator who plans to evaluate the same video surveillance in all the train stations of his company.

**Answer: D**

### NEW QUESTION 137

#### SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the

DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

Who-R-U is NOT required to notify the local German DPA about the laptop theft because?

- A. The company isn't a controller established in the Union.
- B. The laptop belonged to a company located in Canada.
- C. The data isn't considered personally identifiable financial information.
- D. There is no evidence that the thieves have accessed the data on the laptop.

**Answer: A**

#### **NEW QUESTION 138**

What is true of both the General Data Protection Regulation (GDPR) and the Council of Europe Convention 108?

- A. Both govern international transfers of personal data
- B. Both govern the manual processing of personal data
- C. Both only apply to European Union countries
- D. Both require notification of processing activities to a supervisory authority

**Answer: D**

#### **NEW QUESTION 142**

According to the GDPR, what is the main task of a Data Protection Officer (DPO)?

- A. To create and maintain records of processing activities.
- B. To conduct Privacy Impact Assessments on behalf of the controller or processor.
- C. To monitor compliance with other local or European data protection provisions.
- D. To create procedures for notification of personal data breaches to competent supervisory authorities.

**Answer: B**

#### **NEW QUESTION 144**

##### **SCENARIO**

Please use the following to answer the next question:

You have just been hired by a toy manufacturer based in Hong Kong. The company sells a broad range of dolls, action figures and plush toys that can be found internationally in a wide variety of retail stores. Although the manufacturer has no offices outside Hong Kong and in fact does not employ any staff outside Hong Kong, it has entered into a number of local distribution contracts. The toys produced by the company can be found in all popular toy stores throughout Europe, the United States and Asia. A large portion of the company's revenue is due to international sales.

The company now wishes to launch a new range of connected toys, ones that can talk and interact with children. The CEO of the company is touting these toys as the next big thing, due to the increased possibilities offered: The figures can answer children's Questions: on various subjects, such as mathematical calculations or the weather. Each figure is equipped with a microphone and speaker and can connect to any smartphone or tablet via Bluetooth. Any mobile device within a 10-meter radius can connect to the toys via Bluetooth as well. The figures can also be associated with other figures (from the same manufacturer) and interact with each other for an enhanced play experience.

When a child asks the toy a question, the request is sent to the cloud for analysis, and the answer is generated on cloud servers and sent back to the figure. The answer is given through the figure's integrated

speakers, making it appear as though that the toy is actually responding to the child's question. The packaging of the toy does not provide technical details on how this works, nor does it mention that this feature requires an internet connection. The necessary data processing for this has been outsourced to a data center located in South Africa. However, your company has not yet revised its consumer-facing privacy policy to indicate this.

In parallel, the company is planning to introduce a new range of game systems through which consumers can play the characters they acquire in the course of playing the game. The system will come bundled with a portal that includes a Near-Field Communications (NFC) reader. This device will read an RFID tag in the action figure, making the figure come to life onscreen. Each character has its own stock features and abilities, but it is also possible to earn additional ones by accomplishing game goals. The only information stored in the tag relates to the figures' abilities. It is easy to switch characters during the game, and it is possible to bring the figure to locations outside of the home and have the character's abilities remain intact.

Why is this company obligated to comply with the GDPR?

- A. The company has offices in the EU.
- B. The company employs staff in the EU.
- C. The company's data center is located in a country outside the EU.
- D. The company's products are marketed directly to EU customers.

**Answer: D**

#### **NEW QUESTION 145**

Bioface is a company based in the United States. It has no servers, personnel or assets in the European Union. By collecting photographs from social media and

other web-based services, such as newspapers and blogs, it uses machine learning to develop a facial recognition algorithm. The algorithm identifies individuals in photographs who are not in its data set based the algorithm and its existing data. The service collects photographs of data subjects in the European Union and will identify them if presented with their photographs. Bioface offers its service to government agencies and companies in the United States and Canada, but not to those in the European Union. Bioface does not offer the service to individuals.

Why is Bioface subject to the territorial scope of the General Data Protection Regulation?

- A. It collects data from European Union websites, which constitutes an establishment in the European Union.
- B. It offers services in the European Union by identifying data subjects in the European Union.
- C. It collects data from subjects and uses it for automated processing.
- D. It monitors the behavior of data subjects in the European Union.

**Answer: A**

#### **NEW QUESTION 149**

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.

**Answer: B**

#### **NEW QUESTION 151**

When collecting personal data in a European Union (EU) member state, what must a company do if it collects personal data from a source other than the data subjects themselves?

- A. Inform the subjects about the collection
- B. Provide a public notice regarding the data
- C. Upgrade security to match that of the source
- D. Update the data within a reasonable timeframe

**Answer: A**

#### **NEW QUESTION 156**

##### **SCENARIO**

Please use the following to answer the next question:

Liem, an online retailer known for its environmentally friendly shoes, has recently expanded its presence in Europe. Anxious to achieve market dominance, Liem teamed up with another eco friendly company, EcoMick, which sells accessories like belts and bags. Together the companies drew up a series of marketing campaigns designed to highlight the environmental and economic benefits of their products. After months of planning, Liem and EcoMick entered into a data sharing agreement to use the same marketing database, MarketIQ, to send the campaigns to their respective contacts.

Liem and EcoMick also entered into a data processing agreement with MarketIQ, the terms of which included processing personal data only upon Liem and EcoMick's instructions, and making available to them all information necessary to demonstrate compliance with GDPR obligations.

Liem and EcoMick then procured the services of a company called JaphSoft, a marketing optimization firm that uses machine learning to help companies run successful campaigns. Clients provide JaphSoft with the personal data of individuals they would like to be targeted in each campaign. To ensure protection of its clients' data, JaphSoft implements the technical and organizational measures it deems appropriate. JaphSoft works to continually improve its machine learning models by analyzing the data it receives from its clients to determine the most successful components of a successful campaign. JaphSoft then uses such models in providing services to its client-base. Since the models improve only over a period of time as more information is collected, JaphSoft does not have a deletion process for the data it receives from clients. However, to ensure compliance with data privacy rules, JaphSoft pseudonymizes the personal data by removing identifying information from the contact information. JaphSoft's engineers, however, maintain all contact information in the same database as the identifying information.

Under its agreement with Liem and EcoMick, JaphSoft received access to MarketIQ, which included contact information as well as prior purchase history for such contacts, to create campaigns that would result in the most views of the two companies' websites. A prior Liem customer, Ms. Iman, received a marketing campaign from JaphSoft regarding Liem's as well as EcoMick's latest products. While Ms. Iman recalls checking a box to receive information in the future regarding Liem's products, she has never shopped EcoMick, nor provided her personal data to that company.

JaphSoft's use of pseudonymization is NOT in compliance with the CDPR because?

- A. JaphSoft failed to first anonymize the personal data.
- B. JaphSoft pseudonymized all the data instead of deleting what it no longer needed.
- C. JaphSoft was in possession of information that could be used to identify data subjects.
- D. JaphSoft failed to keep personally identifiable information in a separate database.

**Answer: B**

#### **NEW QUESTION 160**

What should a controller do after a data subject opts out of a direct marketing activity?

- A. Without exception, securely delete all personal data relating to the data subject.
- B. Without undue delay, provide information to the data subject on the action that will be taken.
- C. Refrain from processing personal data relating to the data subject for the relevant type of communication.
- D. Take reasonable steps to inform third-party recipients that the data subject's personal data should be deleted and no longer processed.

**Answer: C**

#### **NEW QUESTION 165**

When may browser settings be relied upon for the lawful application of cookies?

- A. When a user rejects cookies that are strictly necessary.

- B. When users are aware of the ability to adjust their settings.
- C. When users are provided with information about which cookies have been set.
- D. When it is impossible to bypass the choices made by users in their browser settings.

**Answer:** B

#### NEW QUESTION 166

What must a data controller do in order to make personal data pseudonymous?

- A. Separately hold any information that would allow linking the data to the data subject.
- B. Encrypt the data in order to prevent any unauthorized access or modification.
- C. Remove all indirect data identifiers and dispose of them securely.
- D. Use the data only in aggregated form for research purposes.

**Answer:** A

#### NEW QUESTION 168

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 173

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 177

##### SCENARIO

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third-party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated.

Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Based on current trends in European privacy practices, which aspect of Brady Box' Online Behavioral Advertising (OBA) is most likely to be insufficient if the company becomes established in Europe?

- A. The lack of the option to opt in.
- B. The level of security within the website.
- C. The contract with the third-party advertising network.
- D. The need to have the contents of the advertising approved.

**Answer:** A

#### NEW QUESTION 181

##### 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.

Assuming that multiple EVETFIT branches across several EU countries are acting as separate data controllers, and that each of those branches were responsible for mishandling Javier's request, how may Javier proceed in order to seek compensation?

- A. He will have to sue the EVETFIT's head office in France, where EVETFIT has its main establishment.
- B. He will be able to sue any one of the relevant EVETFIT branches, as each one may be held liable for the entire damage.
- C. He will have to sue each EVETFIT branch so that each branch provides proportionate compensation commensurate with its contribution to the damage or distress suffered by Javier.
- D. He will be able to apply to the European Data Protection Board in order to determine which particular EVETFIT branch is liable for damages, based on the decision that was made by the board.

**Answer:** A

#### NEW QUESTION 184

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 187

##### SCENARIO

Please use the following to answer the next question:

Zandelay Fashion ('Zandelay') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Martin is their recently appointed data protection officer, who oversees the company's compliance with the General Data Protection Regulation (GDPR) and other privacy legislation.

The company offers both male and female clothing lines across all age demographics, including children. In doing so, the company processes large amounts of information about such customers, including preferences and sensitive financial information such as credit card and bank account numbers.

In an aggressive bid to build revenue growth, Jerry, the CEO, tells Martin that the company is launching a new mobile app and loyalty scheme that puts significant emphasis on profiling the company's customers by analyzing their purchases. Martin tells the CEO that: (a) the potential risks of such activities means that Zandelay needs to carry out a data protection impact assessment to assess this new venture and its privacy implications; and (b) where the results of this assessment indicate a high risk in the absence of appropriate protection measures, Zandelay may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

Jerry tells Martin that he is not happy about the prospect of having to directly engage with a supervisory authority and having to disclose details of Zandelay's business plan and associated processing activities.

What would MOST effectively assist Zandelay in conducting their data protection impact assessment?

- A. Information about DPIAs found in Articles 38 through 40 of the GDPR.
- B. Data breach documentation that data controllers are required to maintain.
- C. Existing DPIA guides published by local supervisory authorities.
- D. Records of processing activities that data controllers are required to maintain.

**Answer:** A

#### NEW QUESTION 191

Which of the following countries will continue to enjoy adequacy status under the GDPR, pending any future European Commission decision to the contrary?

- A. Greece
- B. Norway
- C. Australia
- D. Switzerland

**Answer:** D

#### NEW QUESTION 192

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 195

Which GDPR requirement will present the most significant challenges for organizations with Bring Your Own Device (BYOD) programs?

- A. Data subjects must be sufficiently informed of the purposes for which their personal data is processed.
- B. Processing of special categories of personal data on a large scale requires appointing a DPO.
- C. Personal data of data subjects must always be accurate and kept up to date.
- D. Data controllers must be in control of the data they hold at all times.

**Answer: D**

#### NEW QUESTION 197

Which of the following is NOT recognized as being a common characteristic of cloud-computing services?

- A. The service's infrastructure is shared among the supplier's customers and can be located in a number of countries.
- B. The supplier determines the location, security measures, and service standards applicable to the processing.
- C. The supplier allows customer data to be transferred around the infrastructure according to capacity.
- D. The supplier assumes the vendor's business risk associated with data processed by the supplier.

**Answer: D**

#### NEW QUESTION 200

The GDPR forbids the practice of "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 201

Which of the following is NOT a role of works councils?

- A. Determining the monetary fines to be levied against employers for data breach violations of employee data.
- B. Determining whether to approve or reject certain decisions of the employer that affect employees.
- C. Determining whether employees' personal data can be processed or not.
- D. Determining what changes will affect employee working conditions.

**Answer: C**

#### NEW QUESTION 205

What was the aim of the European Data Protection Directive 95/46/EC?

- A. To harmonize the implementation of the European Convention of Human Rights across all member states.
- B. To implement the OECD Guidelines on the Protection of Privacy and trans-border flows of Personal Data.
- C. To completely prevent the transfer of personal data out of the European Union.
- D. To further reconcile the protection of the fundamental rights of individuals with the free flow of data from one member state to another.

**Answer: B**

#### NEW QUESTION 209

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 212

Which of the following is NOT an explicit right granted to data subjects under the GDPR?

- A. The right to request access to the personal data a controller holds about them.
- B. The right to request the deletion of data a controller holds about them.
- C. The right to opt-out of the sale of their personal data to third parties.
- D. The right to request restriction of processing of personal data, under certain scenarios.

**Answer: A**

#### NEW QUESTION 215

Company X has entrusted the processing of their payroll data to Provider Y. Provider Y stores this encrypted data on its server. The IT department of Provider Y finds out that someone managed to hack into the system and take a copy of the data from its server. In this scenario, whom does Provider Y have the obligation to notify?

- A. The public
- B. Company X
- C. Law enforcement
- D. The supervisory authority

**Answer: C**

#### NEW QUESTION 220

##### SCENARIO

Please use the following to answer the next question:

BHealthy, a company based in Italy, is ready to launch a new line of natural products, with a focus on sunscreen. The last step prior to product launch is for BHealthy to conduct research to decide how extensively to market its new line of sunscreens across Europe. To do so, BHealthy teamed up with Natural Insight, a company specializing in determining pricing for natural products. BHealthy decided to share its existing customer information – name, location, and prior purchase history – with Natural Insight. Natural Insight intends to use this information to train its algorithm to help determine the price point at which BHealthy can sell its new sunscreens.

Prior to sharing its customer list, BHealthy conducted a review of Natural Insight's security practices and concluded that the company has sufficient security measures to protect the contact information. Additionally, BHealthy's data processing contractual terms with Natural Insight require continued implementation of technical and organization measures. Also indicated in the contract are restrictions on use of the data provided by BHealthy for any purpose beyond provision of the services, which include use of the data for continued improvement of Natural Insight's machine learning algorithms.

Under the GDPR, what are Natural Insight's security obligations with respect to the customer information it received from BHealthy?

- A. Appropriate security that takes into account the industry practices for protecting customer contact information and purchase history.
- B. Only the security measures assessed by BHealthy prior to entering into the data processing contract.
- C. Absolute security since BHealthy is sharing personal data, including purchase history, with Natural Insight.
- D. The level of security that a reasonable data subject whose data is processed would expect in relation to the data subject's purchase history.

**Answer: A**

#### NEW QUESTION 221

For which of the following operations would an employer most likely be justified in requesting the data subject's consent?

- A. Posting an employee's bicycle race photo on the company's social media.
- B. Processing an employee's health certificate in order to provide sick leave.
- C. Operating a CCTV system on company premises.
- D. Assessing a potential employee's job application.

**Answer: A**

#### NEW QUESTION 223

A Spanish electricity customer calls her local supplier with Questions: about the company's upcoming merger. Specifically, the customer wants to know the recipients to whom her personal data will be disclosed once the merger is final. According to Article 13 of the GDPR, what must the company do before providing the customer with the requested information?

- A. Verify that the request is applicable to the data collected before the GDPR entered into force.
- B. Verify that the purpose of the request from the customer is in line with the GDPR.
- C. Verify that the personal data has not already been sent to the customer.
- D. Verify that the identity of the customer can be proven by other means.

**Answer: A**

#### NEW QUESTION 225

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 226

Which of the following would most likely NOT be covered by the definition of "personal data" under the GDPR?

- A. The payment card number of a Dutch citizen
- B. The U.
- C. social security number of an American citizen living in France
- D. The unlinked aggregated data used for statistical purposes by an Italian company
- E. The identification number of a German candidate for a professional examination in Germany

**Answer: D**

#### NEW QUESTION 230

An unforeseen power outage results in company Z's lack of access to customer data for six hours. According to article 32 of the GDPR, this is considered a breach. Based on the WP 29's February, 2018 guidance, company Z should do which of the following?

- A. Notify affected individuals that their data was unavailable for a period of time.
- B. Document the loss of availability to demonstrate accountability

- C. Notify the supervisory authority about the loss of availability
- D. Conduct a thorough audit of all security systems

**Answer: C**

#### **NEW QUESTION 234**

The GDPR specifies fines that may be levied against data controllers for certain infringements. Which of the following infringements would be subject to the less severe administrative fine of up to 10 million euros (or in the case of an undertaking, up to 2% of the total worldwide annual turnover of the preceding financial year)?

- A. Failure to demonstrate that consent was given by the data subject to the processing of their personal data where it is used as the basis for processing.
- B. Failure to implement technical and organizational measures to ensure data protection is enshrined by design and default.
- C. Failure to process personal information in a manner compatible with its original purpose.
- D. Failure to provide the means for a data subject to rectify inaccuracies in personal data.

**Answer: D**

#### **NEW QUESTION 239**

Under Article 30 of the GDPR, controllers are required to keep records of all of the following EXCEPT?

- A. Incidents of personal data breaches, whether disclosed or not.
- B. Data inventory or data mapping exercises that have been conducted.
- C. Categories of recipients to whom the personal data have been disclosed.
- D. Retention periods for erasure and deletion of categories of personal data.

**Answer: D**

#### **NEW QUESTION 243**

According to the GDPR, how is pseudonymous personal data defined?

- A. Data that can no longer be attributed to a specific data subject without the use of additional information kept separately.
- B. Data that can no longer be attributed to a specific data subject, with no possibility of re-identifying the data.
- C. Data that has been rendered anonymous in such a manner that the data subject is no longer identifiable.
- D. Data that has been encrypted or is subject to other technical safeguards.

**Answer: A**

#### **NEW QUESTION 246**

##### **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.

In addition to notifying employees about the purpose of the monitoring, the potential uses of their data and their privacy rights, what information should Building Block have provided them before implementing the security measures?

- A. Information about what is specified in the employment contract.
- B. Information about who employees should contact with any queries.
- C. Information about how providing consent could affect them as employees.
- D. Information about how the measures are in the best interests of the company.

**Answer: A**

#### **NEW QUESTION 247**

##### **SCENARIO**

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service. Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other

applications and medical providers. The company's contract says that it can keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity, racial background, names of relatives, gender, and occasionally health information.

The Customer for Life plan may conflict with which GDPR provision?

- A. Article 6, which requires processing to be lawful.
- B. Article 7, which requires consent to be as easy to withdraw as it is to give.
- C. Article 16, which provides data subjects with a rights to rectification.
- D. Article 20, which gives data subjects a right to data portability.

**Answer: B**

#### **NEW QUESTION 251**

##### **SCENARIO**

Please use the following to answer the next question:

ABC Hotel Chain and XYZ Travel Agency are U.S.-based multinational companies. They use an internet-based common platform for collecting and sharing their customer data with each other, in order to integrate their marketing efforts. Additionally, they agree on the data to be stored, how reservations will be booked and confirmed, and who has access to the stored data.

Mike, an EU resident, has booked travel itineraries in the past through XYZ Travel Agency to stay at ABC Hotel Chain's locations. XYZ Travel Agency offers a rewards program that allows customers to sign up to accumulate points that can later be redeemed for free travel. Mike has signed the agreement to be a rewards program member.

Now Mike wants to know what personal information the company holds about him. He sends an email requesting access to his data, in order to exercise what he believes are his data subject rights.

What is the time period in which Mike should receive a response to his request?

- A. Not more than one month of receipt of Mike's request.
- B. Not more than two months after verifying Mike's identity.
- C. When all the information about Mike has been collected.
- D. Not more than thirty days after submission of Mike's request.

**Answer: D**

#### **NEW QUESTION 252**

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

**Answer: D**

#### **NEW QUESTION 254**

Which of the following would NOT be relevant when determining if a processing activity would be considered profiling?

- A. If the processing is to be performed by a third-party vendor
- B. If the processing involves data that is considered personal data
- C. If the processing of the data is done through automated means
- D. If the processing is used to predict the behavior of data subjects

**Answer: D**

#### **NEW QUESTION 257**

##### **SCENARIO**

Please use the following to answer the next question:

The fitness company Vigotron has recently developed a new app called M-Health, which it wants to market on its website as a free download. Vigotron's marketing manager asks his assistant Emily to create a webpage that describes the app and specifies the terms of use. Emily, who is new at Vigotron, is excited about this task. At her previous job she took a data protection class, and though the details are a little hazy, she recognizes that Vigotron is going to need to obtain user consent for use of the app in some cases. Emily sketches out the following draft, trying to cover as much as possible before sending it to Vigotron's legal department.

##### **Registration Form**

Vigotron's new M-Health app makes it easy for you to monitor a variety of health-related activities, including diet, exercise, and sleep patterns. M-Health relies on your smartphone settings (along with other third-party apps you may already have) to collect data about all of these important lifestyle elements, and provide the information necessary for you to enrich your quality of life. (Please click here to read a full description of the services that M-Health provides.)

Vigotron values your privacy. The M-Health app allows you to decide which information is stored in it, and which apps can access your data. When your device is locked with a passcode, all of your health and fitness data is encrypted with your passcode. You can back up data stored in the Health app to Vigotron's cloud provider, Stratculous. (Read more about Stratculous here.)

Vigotron will never trade, rent or sell personal information gathered from the M-Health app. Furthermore, we will not provide a customer's name, email address or any other information gathered from the app to any third-party without a customer's consent, unless ordered by a court, directed by a subpoena, or to enforce the manufacturer's legal rights or protect its business or property.

We are happy to offer the M-Health app free of charge. If you want to download and use it, we ask that you first complete this registration form. (Please note that use of the M-Health app is restricted to adults aged 16 or older, unless parental consent has been given to minors intending to use it.)

First name:  
Surname:  
Year of birth:  
Email:  
Physical Address (optional\*):  
Health status:

\*If you are interested in receiving newsletters about our products and services that we think may be of interest to you, please include your physical address. If you decide later that you do not wish to receive these newsletters, you can unsubscribe by sending an email to [unsubscribe@vigotron.com](mailto:unsubscribe@vigotron.com) or send a letter with your request to the address listed at the bottom of this page.

Terms and Conditions 1.Jurisdiction. [...] 2.Applicable law. [...] 3.Limitation of liability. [...] Consent

By completing this registration form, you attest that you are at least 16 years of age, and that you consent to the processing of your personal data by Vigotron for the purpose of using the M-Health app. Although you are entitled to opt out of any advertising or marketing, you agree that Vigotron may contact you or provide you with any required notices, agreements, or other information concerning the services by email or other electronic means. You also agree that the Company may send automated emails with alerts regarding any problems with the M-Health app that may affect your well being.

Emily sends the draft to Sam for review. Which of the following is Sam most likely to point out as the biggest problem with Emily's consent provision?

- A. It is not legal to include fields requiring information regarding health status without consent.
- B. Processing health data requires explicit consent, but the form does not ask for explicit consent.
- C. Direct marketing requires explicit consent, whereas the registration form only provides for a right to object
- D. The provision of the fitness app should be made conditional on the consent to the data processing for direct marketing.

**Answer: C**

#### NEW QUESTION 260

Which mechanism, new to the GDPR, now allows for the possibility of personal data transfers to third countries under Article 42?

- A. Approved certifications.
- B. Binding corporate rules.
- C. Law enforcement requests.
- D. Standard contractual clauses.

**Answer: A**

#### NEW QUESTION 264

Which of the following demonstrates compliance with the accountability principle found in Article 5, Section 2 of the GDPR?

- A. Anonymizing special categories of data.
- B. Conducting regular audits of the data protection program.
- C. Getting consent from the data subject for a cross border data transfer.
- D. Encrypting data in transit and at rest using strong encryption algorithms.

**Answer: B**

#### NEW QUESTION 265

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.

**Answer: D**

#### **NEW QUESTION 267**

##### **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.

After Leon has informed his manager, what is Techiva's legal responsibility as a processor?

- A. They must report it to TripBliss Inc.
- B. They must conduct a full systems audit.
- C. They must report it to the supervisory authority.
- D. They must inform customers who have used the website.

**Answer: B**

#### **NEW QUESTION 268**

There are three domains of security covered by Article 32 of the GDPR that apply to both the controller and the processor. These include all of the following EXCEPT?

- A. Consent management and withdrawal.
- B. Incident detection and response.
- C. Preventative security.
- D. Remedial security.

**Answer: A**

#### **NEW QUESTION 269**

According to the GDPR, when should the processing of photographs be considered processing of special categories of personal data?

- A. When processed with the intent to publish information regarding a natural person on publicly accessible media.
- B. When processed with the intent to proceed to scientific or historical research projects.
- C. When processed with the intent to uniquely identify or authenticate a natural person.
- D. When processed with the intent to comply with a law.

**Answer: C**

#### **NEW QUESTION 272**

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 274**

##### **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 277**

##### **SCENARIO**

Please use the following to answer the next question:

Brady is a computer programmer based in New Zealand who has been running his own business for two years. Brady's business provides a low-cost suite of services to customers throughout the European Economic Area (EEA). The services are targeted towards new and aspiring small business owners. Brady's company, called Brady Box, provides web page design services, a Social Networking Service (SNS) and consulting services that help people manage their own online stores.

Unfortunately, Brady has been receiving some complaints. A customer named Anna recently uploaded her plans for a new product onto Brady Box's chat area, which is open to public viewing. Although she realized her mistake two weeks later and removed the document, Anna is holding Brady Box responsible for not noticing the error through regular monitoring of the website. Brady believes he should not be held liable.

Another customer, Felipe, was alarmed to discover that his personal information was transferred to a third-party contractor called Hermes Designs and worries that sensitive information regarding his business plans may be misused. Brady does not believe he violated European privacy rules. He provides a privacy notice to all of his customers explicitly stating that personal data may be transferred to specific third parties in fulfillment of a requested service. Felipe says he read the privacy notice but that it was long and complicated.

Brady continues to insist that Felipe has no need to be concerned, as he can personally vouch for the integrity of Hermes Designs. In fact, Hermes Designs has taken the initiative to create sample customized banner advertisements for customers like Felipe. Brady is happy to provide a link to the example banner ads, now

posted on the Hermes Designs webpage. Hermes Designs plans on following up with direct marketing to these customers.

Brady was surprised when another customer, Serge, expressed his dismay that a quotation by him is being used within a graphic collage on Brady Box's home webpage. The quotation is attributed to Serge by first and last name. Brady, however, was not worried about any sort of litigation. He wrote back to Serge to let him know that he found the quotation within Brady Box's Social Networking Service (SNS), as Serge himself had posted the quotation. In his response, Brady did offer to remove the quotation as a courtesy.

Despite some customer complaints, Brady's business is flourishing. He even supplements his income through online behavioral advertising (OBA) via a third-party ad network with whom he has set clearly defined roles. Brady is pleased that, although some customers are not explicitly aware of the OBA, the advertisements contain useful products and services.

Based on the scenario, what is the main reason that Brady should be concerned with Hermes Designs' handling of customer personal data?

- A. The data is sensitive.
- B. The data is uncategorized.
- C. The data is being used for a new purpose.
- D. The data is being processed via a new means.

**Answer: D**

#### **NEW QUESTION 282**

##### **SCENARIO**

Please use the following to answer the next question:

Dynaroux Fashion ('Dynaroux') is a successful international online clothing retailer that employs approximately 650 people at its headquarters based in Dublin, Ireland. Ronan is their recently appointed data protection officer, who oversees the company's compliance with the General Data Protection Regulation (GDPR) and other privacy legislation.

The company offers both male and female clothing lines across all age demographics, including children. In doing so, the company processes large amounts of information about such customers, including preferences and sensitive financial information such as credit card and bank account numbers.

In an aggressive bid to build revenue growth, Jonas, the CEO, tells Ronan that the company is launching a new mobile app and loyalty scheme that puts significant emphasis on profiling the company's customers by analyzing their purchases. Ronan tells the CEO that: (a) the potential risks of such activities means that

Dynaroux needs to carry out a data protection impact assessment to assess this new venture and its privacy implications; and (b) where the results of this assessment indicate a high risk in the absence of appropriate protection measures, Dynaroux may have to undertake a prior consultation with the Irish Data Protection Commissioner before implementing the app and loyalty scheme.

Jonas tells Ronan that he is not happy about the prospect of having to directly engage with a supervisory authority and having to disclose details of Dynaroux's business plan and associated processing activities.

Which of the following facts about Dynaroux would trigger a data protection impact assessment under the GDPR?

- A. The company will be undertaking processing activities involving sensitive data categories such as financial and children's data.
- B. The company employs approximately 650 people and will therefore be carrying out extensive processing activities.
- C. The company plans to undertake profiling of its customers through analysis of their purchasing patterns.
- D. The company intends to shift their business model to rely more heavily on online shopping.

**Answer: C**

#### **NEW QUESTION 285**

What is an important difference between the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) in relation to their roles and functions?

- A. ECHR can rule on issues concerning privacy as a fundamental right, while the CJEU cannot.
- B. CJEU can force national governments to implement and honor EU law, while the ECHR cannot.
- C. CJEU can hear appeals on human rights decisions made by national courts, while the ECHR cannot.
- D. ECHR can enforce human rights laws against governments that fail to implement them, while the CJEU cannot.

**Answer: B**

#### **NEW QUESTION 286**

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 290**

.....

## Thank You for Trying Our Product

### We offer two products:

1st - We have Practice Tests Software with Actual Exam Questions

2nd - Questions and Answers in PDF Format

### CIPP-E Practice Exam Features:

- \* CIPP-E Questions and Answers Updated Frequently
- \* CIPP-E Practice Questions Verified by Expert Senior Certified Staff
- \* CIPP-E Most Realistic Questions that Guarantee you a Pass on Your FirstTry
- \* CIPP-E Practice Test Questions in Multiple Choice Formats and Updatesfor 1 Year

**100% Actual & Verified — Instant Download, Please Click**  
[Order The CIPP-E Practice Test Here](#)