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CIPP/E

Certified Information Privacy Professional/Europe (CIPP/E)



## Exam A

### QUESTION 1

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

- A. The right to privacy is an absolute right
- B. The right to privacy has to be balanced against other rights under the ECHR
- C. The right to freedom of expression under Article 10 of the ECHR will always override the right to privacy
- D. The right to privacy protects the right to hold opinions and to receive and impart ideas without interference

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://www.echr.coe.int/Documents/Guide\\_Art\\_8\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_8_ENG.pdf) (15)

### QUESTION 2

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

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://ico.org.uk/media/about-the-ico/documents/1042349/review-of-eu-dp-directive.pdf> (99)



### QUESTION 3

A key component of the OECD Guidelines is the “Individual Participation Principle”. What parts of the General Data Protection Regulation (GDPR) provide the closest equivalent to that principle?

- A. The lawful processing criteria stipulated by Articles 6 to 9
- B. The information requirements set out in Articles 13 and 14
- C. The breach notification requirements specified in Articles 33 and 34
- D. The rights granted to data subjects under Articles 12 to 22

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

### QUESTION 4

Which EU institution is vested with the competence to propose new data protection legislation on its own initiative?

- A. The European Council
- B. The European Parliament
- C. The European Commission
- D. The Council of the European Union

**Correct Answer:** D

**Section:** (none)

**Explanation****Explanation/Reference:**

Reference: <https://www.tandfonline.com/doi/full/10.1080/13600834.2019.1573501>

**QUESTION 5**

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.

**Correct Answer:** B

**Section:** (none)

**Explanation****Explanation/Reference:****QUESTION 6****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 relation to Department for Education expectations. He has attended one of Anna's data protection training courses and knows that he should use no more personal data than necessary to accomplish his goal. He creates a program that will only export some student data: previous schools attended, grades originally obtained, grades currently obtained and first time university attended. He wants to keep the records at the individual student level. Mindful of Anna's training, Frank runs the student numbers through an algorithm to transform them into different reference numbers. He uses the same algorithm on each occasion so that he can update each record over time.

One of Anna's tasks is to complete the record of processing activities, as required by the GDPR. After receiving her email reminder, as required by the GDPR. After receiving her email reminder, Frank informs Anna about his performance database.

Ann explains to Frank that, as well as minimizing personal data, the University has to check that this new use of existing data is permissible. She also suspects that, under the GDPR, a risk analysis may have to be carried out before the data processing can take place. Anna arranges to discuss this further with Frank after she has done some additional research.

Frank wants to be able to work on his analysis in his spare time, so he transfers it to his home laptop (which is not encrypted). Unfortunately, when Frank takes the laptop into the University he loses it on the train. Frank has to see Anna that day to discuss compatible processing. He knows that he needs to report security incidents, so he decides to tell Anna about his lost laptop at the same time.

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

- A. Student records
- B. Staff and alumni records
- C. Frank's performance database
- D. Department for Education records

**Correct Answer:** B

**Section:** (none)

**Explanation****Explanation/Reference:****QUESTION 7**

## SCENARIO

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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.

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- 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.

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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.

Before Anna determines whether Frank's performance database is permissible, what additional information does she need?

- A. More information about Frank's data protection training.
- B. More information about the extent of the information loss.
- C. More information about the algorithm Frank used to mask student numbers.
- D. More information about what students have been told and how the research will be used.



**Correct Answer: D**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

## QUESTION 8

### 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.
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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

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 9** 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

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en)

**QUESTION 10** 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

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://rm.coe.int/090000168093b851>

**QUESTION 11**

Which aspect of the GDPR will likely have the most impact on the consistent implementation of data protection laws throughout the European Union?

- A. That it essentially functions as a one-stop shop mechanism
- B. That it takes the form of a Regulation as opposed to a Directive
- C. That it makes notification of large-scale data breaches mandatory
- D. That it makes appointment of a data protection officer mandatory

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://ec.europa.eu/info/law/law-topic/data-protection/data-protection-eu\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-protection-eu_en)

**QUESTION 12**

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

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

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://www.law.kuleuven.be/citip/en/archive/copy\\_of\\_publications/440retention-of-traffic-data-dumortier-goemans2f90.pdf](https://www.law.kuleuven.be/citip/en/archive/copy_of_publications/440retention-of-traffic-data-dumortier-goemans2f90.pdf) (9)

**QUESTION 13** What type of data lies beyond the scope of the General Data Protection Regulation?

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

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.datainspektionen.se/other-lang/in-english/the-general-data-protection-regulation-gdpr/the-purposes-and-scope-of-the-general-data-protection-regulation/>

**QUESTION 14**

Under what circumstances would the GDPR apply to personal data that exists in physical form, such as information contained in notebooks or hard copy files?

- A. Only where the personal data is produced as a physical output of specific automated processing activities, such as printing, labelling, or stamping.
- B. Only where the personal data is to be subjected to specific computerized processing, such as image scanning or optical character recognition.
- C. Only where the personal data is treated by automated means in some way, such as computerized distribution or filing.
- D. Only where the personal data is handled in a sufficiently structured manner so as to form part of a filing system.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.zimmerslaw.com/english-1/data-protection/>

**QUESTION 15**

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.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 16

##### 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.

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What presents the BIGGEST potential privacy issue with the company's practices?

- A. The NFC portal can read any data stored in the action figures
- B. The information about the data processing involved has not been specified
- C. The cloud service provider is in a country that has not been deemed adequate
- D. The RFID tag in the action figures has the potential for misuse because of the toy's evolving capabilities

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:****QUESTION 17**  
**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.

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To ensure GDPR compliance, what should be the company's position on the issue of consent?

- A. The child, as the user of the action figure, can provide consent himself, as long as no information is shared for marketing purposes.
- B. Written authorization attesting to the responsible use of children's data would need to be obtained from the supervisory authority.
- C. Consent for data collection is implied through the parent's purchase of the action figure for the child.
- D. Parental consent for a child's use of the action figures would have to be obtained before any data could be collected.

**Correct Answer: D**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

**QUESTION 18**  
**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.

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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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 19** 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.S. social security number of an American citizen living in France

C. The unlinked aggregated data used for statistical purposes by an Italian company

D. The identification number of a German candidate for a professional examination in Germany

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 20** Which of the following would MOST likely trigger the extraterritorial effect of the GDPR, as specified by Article 3?

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

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

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

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

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

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

**QUESTION 21**

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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://gdpr-info.eu/issues/processing/>

#### QUESTION 22

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

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

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/controllers-and-processors/>

**QUESTION 23** 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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.chino.io/blog/what-is-pseudonymous-data-according-to-the-gdpr/>



#### QUESTION 24

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

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://gdpr-info.eu/art-6-gdpr/>

#### QUESTION 25

According to the E-Commerce Directive 2000/31/EC, where is the place of “establishment” for a company providing services via an Internet website confirmed by the GDPR?

- A. Where the technology supporting the website is located
- B. Where the website is accessed
- C. Where the decisions about processing are made
- D. Where the customer's Internet service provider is located

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.ohiobar.org/member-tools-benefits/publications/Ohio-Lawyer/the-european-general-data-protection-regulation-gdpr/>

**QUESTION 26****SCENARIO**

Please use the following to answer the next question:

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

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

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

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

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

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

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

Jason is disgusted by the way in which he has been treated by ABC, and writes to them insisting that all his information be erased from their computer system.

Which statement accurately summarizes ABC's obligation in regard to Jason's data portability request?

- A. ABC does not have a duty to transfer Jason's data to Xentron if doing so is legitimately not technically feasible.
- B. ABC does not have to transfer Jason's data to Xentron because the right to data portability does not apply where personal data are processed in order to carry out tasks in the public interest.
- C. ABC has failed to comply with the duty to transfer Jason's data to Xentron because the duty applies wherever personal data are processed by automated means and necessary for the performance of a contract with the customer.
- D. ABC has failed to comply with the duty to transfer Jason's data to Xentron because it has an obligation to develop commonly used, machine-readable and interoperable formats so that all customer data can be ported to other insurers on request.

**Correct Answer: B**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

**QUESTION 27****SCENARIO**

Please use the following to answer the next question:

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

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

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

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

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

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

Jason is disgusted by the way in which he has been treated by ABC, and writes to them insisting that all his information be erased from their computer system.

After Jason has exercised his right to restrict the use of his data, under what conditions would Erbium have grounds for refusing to comply?

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

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 28

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.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.eui.eu/Documents/ServicesAdmin/DeanOfStudies/ResearchEthics/Guide-Data-Protection-Research.pdf>

**QUESTION 29** With the issue of consent, the GDPR allows member states some choice regarding what?

- A. The mechanisms through which consent may be communicated
- B. The circumstances in which silence or inactivity may constitute consent
- C. The age at which children must be required to obtain parental consent
- D. The timeframe in which data subjects are allowed to withdraw their consent

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://gdpr-info.eu/issues/consent/>

#### QUESTION 30

Which sentence BEST summarizes the concepts of "fairness," "lawfulness" and "transparency", as expressly required by Article 5 of the GDPR?

- A. Fairness and transparency refer to the communication of key information before collecting data; lawfulness refers to compliance with government regulations.

- B. Fairness refers to limiting the amount of data collected from individuals; lawfulness refers to the approval of company guidelines by the state; transparency solely relates to communication of key information before collecting data.
- C. Fairness refers to the security of personal data; lawfulness and transparency refers to the analysis of ordinances to ensure they are uniformly enforced.
- D. Fairness refers to the collection of data from diverse subjects; lawfulness refers to the need for legal rules to be uniform; transparency refers to giving individuals access to their data.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 31

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

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

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 32** Tanya is the Data Protection Officer for Curtains Inc., a GDPR data controller. She has recommended that the company encrypt all personal data at rest. Which GDPR principle is she following?

- A. Accuracy
- B. Storage Limitation
- C. Integrity and confidentiality
- D. Lawfulness, fairness and transparency

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.icaew.com/technical/technology/data/data-protection/data-protection-articles/do-i-have-to-encrypt-personal-data-to-comply-with-dpa-2018>

#### QUESTION 33

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.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 34**

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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://fpf.org/wp-content/uploads/2018/11/GDPR\\_CCPA\\_Comparison-Guide.pdf](https://fpf.org/wp-content/uploads/2018/11/GDPR_CCPA_Comparison-Guide.pdf)

**QUESTION 35**

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

- A. The data subject already has information regarding how his data will be used
- B. The provision of such information to the data subject would be too problematic
- C. Third-party data would be disclosed by providing such information to the data subject
- D. The processing of the data subject's data is protected by appropriate technical measures

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

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

**QUESTION 36****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.

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

### QUESTION 37

#### 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.

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- Name
- Address
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- National Insurance number
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- Maternity/paternity pay entitlement
- Holiday entitlement
- Pension and benefits contributions
- Trade union contributions



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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.

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The GDPR requires sufficient guarantees of a company's ability to implement adequate technical and organizational measures. What would be the most realistic way that Company B could have fulfilled this requirement?

- A. Hiring companies whose measures are consistent with recommendations of accrediting bodies.
- B. Requesting advice and technical support from Company A's IT team.
- C. Avoiding the use of another company's data to improve their own services.
- D. Vetting companies' measures with the appropriate supervisory authority.

**Correct Answer: A**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: <https://www.knowyourcompliance.com/gdpr-technical-organisational-measures/>

**QUESTION 38**

In 2016's Guidance, the United Kingdom's Information Commissioner's Office (ICO) reaffirmed the importance of using a "layered notice" to provide data subjects with what?

- A. A privacy notice containing brief information whilst offering access to further detail.
- B. A privacy notice explaining the consequences for opting out of the use of cookies on a website.
- C. An explanation of the security measures used when personal data is transferred to a third party.
- D. An efficient means of providing written consent in member states where they are required to do so.

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: <https://www.verifile.co.uk/blog/blogs/2017/november/ico-gdpr-guide>

**QUESTION 39**

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

**Correct Answer: A**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

**QUESTION 40**

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.

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: <https://gdpr-info.eu/art-13-gdpr/>

**QUESTION 41**

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

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



**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

#### QUESTION 42

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

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 43

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



**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 44

Under Article 21 of the GDPR, a controller must stop profiling when requested by a data subject, unless it can demonstrate compelling legitimate grounds that override the interests of the individual. In the Guidelines on Automated individual decision-making and Profiling, the WP 29 says the controller needs to do all of the following to demonstrate that it has such legitimate grounds EXCEPT?

- A. Carry out an exercise that weighs the interests of the controller and the basis for the data subject's objection.
- B. Consider the impact of the profiling on the data subject's interest, rights and freedoms.
- C. Demonstrate that the profiling is for the purposes of direct marketing.
- D. Consider the importance of the profiling to their particular objective.

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://gdpr-info.eu/art-21-gdpr/>

#### QUESTION 45

SCENARIO

Please use the following to answer the next question:

Outliers Inc. is a travel service company which has lost substantial revenue over the last few years. Their new manager, Jonathan, 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 ZenFiTech, hoping that they can design a new, cutting-edge website for Outliers Inc.'s foundering business.

During negotiations, a ZenFiTech representative describes a plan for gathering more customer information through detailed questionnaires, which could be used to tailor their preferences to specific travel destinations. Outliers Inc. can choose any number of data categories – age, income, ethnicity – that would help them best accomplish their goals. Jonathan 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 ZenFiTech 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 Outliers Inc. website, and which pages on the site they visit. All of this information will be compiled in log files, which ZenFiTech will analyze by means of a special program. Outliers Inc. would receive aggregate statistics to help them evaluate the website's effectiveness. Jonathan enthusiastically engages ZenFiTech for these services.

If Outliers 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.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 46

##### SCENARIO

Please use the following to answer the next question:

Outliers Inc. is a travel service company which has lost substantial revenue over the last few years. Their new manager, Jonathan, 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 ZenFiTech, hoping that they can design a new, cutting-edge website for Outliers Inc.'s foundering business.

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

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

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 47

Company X has entrusted the processing of their payroll data to Provider Y. Provider Y stores this encrypted data in 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

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 48**

When hiring a data processor, which action would a data controller NOT be able to depend upon to avoid liability in the event of a security breach?

- A. Documenting due diligence steps taken in the pre-contractual stage.
- B. Conducting a risk assessment to analyze possible outsourcing threats.
- C. Requiring that the processor directly notify the appropriate supervisory authority.
- D. Maintaining evidence that the processor was the best possible market choice available.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 49**

WP29's "Guidelines on Personal data breach notification under Regulation 2016/679" provides examples of ways to communicate data breaches transparently. Which of the following was listed as a method that would NOT be effective for communicating a breach to data subjects?

- A. A postal notification
- B. A direct electronic message
- C. A notice on a corporate blog
- D. A prominent advertisement in print media



**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwih19CSx9LqAhVQe8AKHe-VDQEQFjAAegQIAhAB&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Farticle29%2Fdocument.cfm%3Fdoc\\_id%3D49827&usg=AOvVaw2uhYsKyRzJ6lwhQyiMURJF](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwih19CSx9LqAhVQe8AKHe-VDQEQFjAAegQIAhAB&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Farticle29%2Fdocument.cfm%3Fdoc_id%3D49827&usg=AOvVaw2uhYsKyRzJ6lwhQyiMURJF) (21)

**QUESTION 50** 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.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/>

**QUESTION 51**

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.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.privacy-regulation.eu/en/article-37-designation-of-the-data-protection-officer-GDPR.htm>

#### QUESTION 52

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.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.i-scoop.eu/gdpr/data-controller-data-controller-duties/>

#### QUESTION 53

##### 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.

**Correct Answer:** D

**Section:** (none)

**Explanation**



**Explanation/Reference:****QUESTION 54**  
**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.

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

**QUESTION 55**  
**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.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 56

##### 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.

Which of the following BEST describes the relationship between Liem, EcoMick and JaphSoft?

- A. Liem is a controller and EcoMick is a processor because Liem provides specific instructions regarding how the marketing campaigns should be rolled out.
- B. EcoMick and JaphSoft are is a controller and Liem is a processor because EcoMick is sharing its marketing data with Liem for contacts in Europe.
- C. JaphSoft is the sole processor because it processes personal data on behalf of its clients.
- D. Liem and EcoMick are joint controllers because they carry out joint marketing activities.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 57

##### 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.

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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.

Under the GDPR, Liem and EcoMick's contract with MarketIQ must include all of the following provisions EXCEPT?

- A. Processing the personal data upon documented instructions regarding data transfers outside of the EEA.
- B. Notification regarding third party requests for access to Liem and EcoMick's personal data.
- C. Assistance to Liem and EcoMick in their compliance with data protection impact assessments.
- D. Returning or deleting personal data after the end of the provision of the services.

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 58** When is data sharing agreement MOST likely to be needed?

- A. When anonymized data is being shared.
- B. When personal data is being shared between commercial organizations acting as joint data controllers.
- C. When personal data is being proactively shared by a controller to support a police investigation.
- D. When personal data is being shared with a public authority with powers to require the personal data to be disclosed.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 59**

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

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

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 60**

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

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

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: <https://gdpr-info.eu/art-30-gdpr/>

#### QUESTION 61

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

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwihmsidxtTqAhXvQUEAHXRaAdYQFjABegQIARAB&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Farticle29%2Fdocument.cfm%3Fdoc\\_id%3D49827&usg=AOvVaw2uhYsKyRzJ6lwhQyiMURJF](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwihmsidxtTqAhXvQUEAHXRaAdYQFjABegQIARAB&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Farticle29%2Fdocument.cfm%3Fdoc_id%3D49827&usg=AOvVaw2uhYsKyRzJ6lwhQyiMURJF) (5)

#### QUESTION 62

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.

**Correct Answer: A**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: [https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en)

#### QUESTION 63

##### 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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 64

##### 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 must Zandelay provide to the supervisory authority during the prior consultation?

- A. An evaluation of the complexity of the intended processing.
- B. An explanation of the purposes and means of the intended processing.
- C. Records showing that customers have explicitly consented to the intended profiling activities.
- D. Certificates that prove Martin's professional qualities and expert knowledge of data protection law.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

#### QUESTION 65

A company is located in a country NOT considered by the European Union (EU) to have an adequate level of data protection. Which of the following is an obligation of the company if it imports personal data from another organization in the European Economic Area (EEA) under standard contractual clauses?

- A. Submit the contract to its own government authority.
- B. Ensure that notice is given to and consent is obtained from data subjects.
- C. Supply any information requested by a data protection authority (DPA) within 30 days.
- D. Ensure that local laws do not impede the company from meeting its contractual obligations.



**Correct Answer:** A  
**Section:** (none)  
**Explanation**

**Explanation/Reference:**

**QUESTION 66**

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

**Correct Answer:** D  
**Section:** (none)  
**Explanation**

**Explanation/Reference:**

Reference: [https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en)

**QUESTION 67**

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.

**Correct Answer:** C  
**Section:** (none)  
**Explanation**



**Explanation/Reference:**

**QUESTION 68**

Under the GDPR, which of the following is true in regard to adequacy decisions involving cross-border transfers?

- A. The European Commission can adopt an adequacy decision for individual companies.
- B. The European Commission can adopt, repeal or amend an existing adequacy decision.
- C. EU member states are vested with the power to accept or reject a European Commission adequacy decision.
- D. To be considered as adequate, third countries must implement the EU General Data Protection Regulation into their national legislation.

**Correct Answer:** A  
**Section:** (none)  
**Explanation**

**Explanation/Reference:**

Reference: <https://www.futurelearn.com/courses/general-data-protection-regulation/0/steps/32449>

**QUESTION 69**

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

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



**Correct Answer:** B  
**Section:** (none)  
**Explanation**

**Explanation/Reference:**  
**QUESTION 70**  
SCENARIO

Please use the following to answer the next question:

Ben is a member of the fitness club STAYFIT. This company has branches in many EU member states, but for the purposes of the GDPR maintains its primary establishment in France. Ben 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, Ben was photographed while working out at a branch of STAYFIT in Frankfurt, Germany. At the time, Ben 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, Ben 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, Ben sends a letter to STAYFIT requesting that his image be removed from the website and all promotional materials. Months pass and Ben, having received no acknowledgment of his request, becomes very anxious about this matter. After repeatedly failing to contact STAYFIT through alternate channels, he decides to take action against the company.

Ben contacts the U.K. Information Commissioner's Office ('ICO' – the U.K.'s supervisory authority) to lodge a complaint about this matter.

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

- A. Submit a draft decision to other supervisory authorities for their opinion.
- B. Request that the other supervisory authorities provide the lead authority with a draft decision for its consideration.
- C. Submit a draft decision directly to the Commission to ensure the effectiveness of the consistency mechanism.
- D. Request that members of the seconding supervisory authority and the host supervisory authority co-draft a decision.

**Correct Answer:** B  
**Section:** (none)  
**Explanation**



**Explanation/Reference:**

**QUESTION 71**  
SCENARIO

Please use the following to answer the next question:

Ben is a member of the fitness club STAYFIT. This company has branches in many EU member states, but for the purposes of the GDPR maintains its primary establishment in France. Ben 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, Ben was photographed while working out at a branch of STAYFIT in Frankfurt, Germany. At the time, Ben 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, Ben 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, Ben sends a letter to STAYFIT requesting that his image be removed from the website and all promotional materials. Months pass and Ben, having received no acknowledgment of his request, becomes very anxious about this matter. After repeatedly failing to contact STAYFIT through alternate channels, he decides to take action against the company.

Ben contacts the U.K. Information Commissioner's Office ('ICO' – the U.K.'s supervisory authority) to lodge a complaint about this matter.

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

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

**Correct Answer:** A

**Section: (none)**

**Explanation**

**Explanation/Reference:**

**QUESTION 72**

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.

**Correct Answer: D**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

**QUESTION 73**

What is the MAIN reason GDPR Article 4(22) establishes the concept of the “concerned supervisory authority”?

- A. To encourage the consistency of local data processing activity.
- B. To give corporations a choice about who their supervisory authority will be.
- C. To ensure the GDPR covers controllers that do not have an establishment in the EU but have a representative in a member state.
- D. To ensure that the interests of individuals residing outside the lead authority’s jurisdiction are represented.

**Correct Answer: A**

**Section: (none)**

**Explanation**



**Explanation/Reference:**

**QUESTION 74** 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

**Correct Answer: C**

**Section: (none)**

**Explanation**

**Explanation/Reference:**

Reference: <https://iapp.org/news/a/is-it-possible-to-choose-your-lead-supervisory-authority-under-the-gdpr/>

**QUESTION 75**

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

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

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>

**QUESTION 76** Why is advisable to avoid consent as a legal basis for an employer to process employee data?

- A. Employee data can only be processed if there is an approval from the data protection officer.
- B. Consent may not be valid if the employee feels compelled to provide it.
- C. An employer might have difficulty obtaining consent from every employee.
- D. Data protection laws do not apply to processing of employee data.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 77** What is true if an employee makes an access request to his employer for any personal data held about him?

- A. The employer can automatically decline the request if it contains personal data about a third person.
- B. The employer can decline the request if the information is only held electronically.
- C. The employer must supply all the information held about the employee.
- D. The employer must supply any information held about an employee unless an exemption applies.



**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 78**

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.

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.itproportal.com/features/heading-off-the-spectre-of-gdpr-compliance-with-secure-byod/>

**QUESTION 79**

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

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

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 80****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.

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 81****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.

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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.

What would be the MOST APPROPRIATE way for Building Block to handle the situation with the employee from Italy?

- A. Since the GDPR does not apply to this situation, the company would be entitled to apply any disciplinary measure authorized under Italian labor law.
- B. Since the employee was the cause of a serious risk for the server performance and their data, the company would be entitled to apply disciplinary measures to this employee, including fair dismissal.
- C. Since the employee was not informed that the security measures would be used for other purposes such as monitoring, the company could face difficulties in applying any disciplinary measures to this employee.
- D. Since this was a serious infringement, but the employee was not appropriately informed about the consequences the new security measures, the company would be entitled to apply some disciplinary measures, but not dismissal.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

## QUESTION 82

### 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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

## QUESTION 83

Based on GDPR Article 35, which of the following situations would trigger the need to complete a DPIA?

- A. A company wants to combine location data with other data in order to offer more personalized service for the customer.
- B. A company wants to use location data to infer information on a person's clothes purchasing habits.

- C. A company wants to build a dating app that creates candidate profiles based on location data and data from third-party sources.
- D. A company wants to use location data to track delivery trucks in order to make the routes more efficient.

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <http://webcache.googleusercontent.com/search?q=cache:aQkU17eX9sQJ:https://www.shlegal.com/insights/article-29-data-protection-working-party-gdpr-guidelines-on-data-protection-impact-assessments&client=firefox-be&hl=en&gl=pk&strip=1&vwsrsrc=0>

#### QUESTION 84

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.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.privacytrust.com/guidance/gdpr-vs-eprivacy-regulation.html>

#### QUESTION 85

What permissions are required for a marketer to send an email marketing message to a consumer in the EU?

- A. A prior opt-in consent for consumers unless they are already customers.
- B. A pre-checked box stating that the consumer agrees to receive email marketing.
- C. A notice that the consumer's email address will be used for marketing purposes.
- D. No prior permission required, but an opt-out requirement on all emails sent to consumers.

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

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

**QUESTION 86** Under what circumstances might the “soft opt-in” rule apply in relation to direct marketing?

- A. When an individual has not consented to the marketing.
- B. When an individual's details are obtained from their inquiries about buying a product.
- C. Where an individual's details have been obtained from a bought-in marketing list.
- D. Where an individual is given the ability to unsubscribe from marketing emails sent to him.

**Correct Answer:** D

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://ico.org.uk/for-organisations/guide-to-pecr/electronic-and-telephone-marketing/electronic-mail-marketing/#softoptin>

#### QUESTION 87

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.

**Correct Answer:** C

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 88** How is the GDPR's position on consent MOST likely to affect future app design and implementation?

- A. App developers will expand the amount of data necessary to collect for an app's functionality.
- B. Users will be given granular types of consent for particular types of processing.
- C. App developers' responsibilities as data controllers will increase.
- D. Users will see fewer advertisements when using apps.

**Correct Answer:** B

**Section:** (none)

**Explanation**

**Explanation/Reference:**

**QUESTION 89** A mobile device application that uses cookies will be subject to the consent requirement of which of the following?

- A. The ePrivacy Directive
- B. The E-Commerce Directive
- C. The Data Retention Directive
- D. The EU Cybersecurity Directive

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: <https://www.iubenda.com/en/help/5525-cookies-gdpr-requirements>

**QUESTION 90** What term BEST describes the European model for data protection?

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

**Correct Answer:** A

**Section:** (none)

**Explanation**

**Explanation/Reference:**

Reference: [https://ec.europa.eu/info/sites/info/files/communication-european-strategy-data-19feb2020\\_en.pdf](https://ec.europa.eu/info/sites/info/files/communication-european-strategy-data-19feb2020_en.pdf)