



PDPF^{Q&As}

Privacy and Data Protection Foundation

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QUESTION 1

Which of the options below is classified as a personal data breach under the GDPR?

- A. Personal data processed without the consent of the controller.
- B. A server is attacked and exploited by a hacker.
- C. Data accessed by employees without permission.
- D. Strategic company data is mistakenly shared.

Correct Answer: A

One of the options says: "Data accessed by employees without permission", in this case the question does not specify whether the data is personal or not. It is very common for EXIN to ask such a question.

Another option says: "A server is attacked and exploited by a hacker", however, here it does not provide information if that server contained personal data.

The other wrong option is: "Strategic company data is mistakenly shared". Strategic data is not personal data.

For these reasons, the correct option is "Personal data processed without the consent of the controller". Note: even if the processor has a contract that authorizes the processing of personal data on behalf of the controller, it cannot perform any treatment to which it was not previously authorized, nor can it sub-process without the knowledge and consent of the controller.

QUESTION 2

After appearing in a photo posted by a friend on a social network, a person felt embarrassed and decided that he wants the photo to be deleted.

According to the General Data Protection Regulation (GDPR), does that person have the right to delete this photo?

- A. False
- B. True

Correct Answer: B

GDPR does not apply to the use of personal data for domestic purposes, however in this example the controller is the Social Network, as it performs the processing of the photos. Therefore, the owner has the right to delete this photo.

For domestic purposes, data collection is not intended for professional or commercial purposes. Examples are the get-togethers of friends and family where we can collect names, phone numbers, e-mails to facilitate the organization, as well as taking pictures to record the moment. Now if you have a blog where you can record several moments with your friends and you monetize it in some way ?watch out! ?you are under the scope of GDPR.

Whereas Recital 18: "This Regulation does not apply to the processing of personal data by a natural person in the course of a purely personal or household activity and thus with no connection to a professional or commercial activity. Personal or household activities could include correspondence and the holding of addresses, or social networking and online activity undertaken within the context of such activities. However, this Regulation applies to controllers or processors which provide the means for processing personal data for such personal or household activities."



QUESTION 3

What is the purpose of Data Lifecycle Management (DLM)?

- A. Ensure data integrity and its periodic update
- B. Ensure data confidentiality and availability throughout its useful life.
- C. Ensure that the processing of personal data, throughout its useful life complies with the GDPR
- D. Ensure data confidentiality throughout its useful life, from collection to deletion.

Correct Answer: C

It aims to manage the flow of data throughout the life cycle, from collection, processing, sharing, storage and deletion.

Having the knowledge where the data travels, who is responsible, who has access, helps and a lot to implement security measures.

QUESTION 4

A written contract between a controller and a processor is called a data processing agreement. According to the GDPR, what does not have to be covered in the written contract?

- A. The contractor code of business ethics and conduct that is used.
- B. Which data are covered by the data processing agreement
- C. The information security and personal data breach procedures
- D. The technical and organizational measures implemented

Correct Answer: A

The contractor code of business ethics and conduct that is used. Correct. Although the GDPR endorses the use of codes of conduct and certification, it is not an obligation to have this clause to demonstrate compliance with the GDPR.

(Literature: A, Chapter 8; GDPR Article 28(3))

The information security and personal data breach procedures. Incorrect. This is mandatory because it describes the obligations of the processor regarding the notification of a personal data breach (by the controller) to the supervisory authority.

The technical and organizational measures implemented. Incorrect. This is mandatory because it describes technical and organizational measures the processor must take.

Which data are covered by the data processing agreement. Incorrect. This is mandatory because it



describes the personal data, including special category personal data, covered by the contract.

QUESTION 5

While performing a backup, a data server disk crashed. Both the data and the backup are lost. The disk contained personal data, but no special category personal data. The processor states that this is a personal data breach. Is the statement of the processor true?

- A. Yes, because there were no special category personal data stored on the disk.
- B. No, because no personal data on the disk were processed, only destroyed
- C. Yes, because the personal data on the disk were unlawfully processed.
- D. No, because this is only a security incident and not a data breach

Correct Answer: C

Yes, because the personal data on the disk were unlawfully processed. Correct. Personal data irretrievably lost is regarded as a breach of security leading to unlawful destruction of personal data, which also makes it a personal data breach. (Literature: A, Chapter 5; GDPR Article 4(12))

Yes, because there were no special category personal data stored on the disk. Incorrect. Accidental loss of data is a security incident (data is no longer available). According to the GDPR it is also unlawful processing of personal data, hence a personal data breach. Data do not have to belong to the category of special personal data to fall under the category personal data breach.

No, because no personal data on the disk were processed, only destroyed. Incorrect. A technical malfunction causing data to be no longer available is a security incident. The GDPR sees accidental loss of personal data as unlawful processing (not on instruction of the controller or processor) hence as a personal data breach.

No, because this is only a security incident and not a data breach. Incorrect. Personal data that are irretrievably lost, is regarded as unauthorized processing by the GDPR, hence a personal data breach. The fact that data was accidentally destroyed also makes the event a security incident.

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