



PDPF^{Q&As}

Privacy and Data Protection Foundation

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QUESTION 1

What is the most important difference between the 95/46/EC and the GDPR?

- A. 95/46/EC applies as law in all EEA member states while the GDPR is a guidance.
- B. 95/46/EC applies to processing of data on EEA residents worldwide and the GDPR does not.
- C. The GDPR applies as law in all EEA member states while 95/46/EC is a guidance.
- D. The GDPR applies to persons and organizations which process personal data within EEA member states. The scope of 95/46/EC is more restricted in this aspect.

Correct Answer: D

QUESTION 2

According to the General Data Protection Regulation (GDPR) which covers the concept "Compulsory Corporate Rules"?

- A. Decision made by a corporation to transfer data to another country.
- B. Contractual clauses to transfer data to a country that does not have a data protection law.
- C. A set of rules used by a group of companies regarding the protection of personal data in international transfers
- D. Rules covering data transfers between several countries.

Correct Answer: C

Compulsory Corporate Rules are rules used internally by multinational companies to transfer personal data. Thus, it is possible to transfer data between them, even if the destination company is in a country that does not have an adequate level of data protection. These rules are like an internal corporate code of conduct and do not cover transfers of personal data outside the corporate group.

Do not confuse "Compulsory Corporate Rules" with "Standard Contractual Clauses". The last are clauses in contracts for international data transfer between companies (customer and supplier relationship) where the destination country does not have an adequate level of data protection, and depends on authorization from the Supervisory Authority.

Article 58 of GDPR

3. supervisory authority shall have all of the following authorisation and advisory powers:

- a) to advise the controller in accordance with the prior consultation procedure referred to in Article 36.
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QUESTION 3

A Belgian company has their headquarters in France for tax purposes. They enter into a legally binding contract with a processor in the Netherlands for the processing of personal data of data subjects with various nationalities. A personal data breach occurs. The supervisory authorities start an investigation. Why is the French supervisory authority seen as the lead supervisory authority?



- A. Because the company has their headquarters in France
- B. Because France is located in the middle of Europe
- C. Because France is the largest of the three EEA countries

Correct Answer: A

Because France is located in the middle of Europe. Incorrect. The geographical position of the countries is irrelevant.

Because France is the largest of the three EEA countries. Incorrect. The size of the countries is irrelevant. Because the company has their headquarters in France. Correct. The country of the main establishment determines the lead supervisory authority. The `main establishment` is the place of the central administration of that organization, or in other words: headquarters. (Literature: A, Chapter 7)

QUESTION 4

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

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

Correct Answer: B

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

Important

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

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

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

QUESTION 5

Which of the following has a data breach under the General Data Protection Regulation (GDPR)?

- A. A processor, after terminating its contract with the controller, deletes personal data.
- B. A collaborator goes away without locking his workstation.
- C. A backup is restored by the controller to a corrupted personal data server.
- D. A notebook with financial reports from a multinational is stolen.



Correct Answer: B

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