



# CIPP-E<sup>Q&As</sup>

Certified Information Privacy Professional/Europe (CIPP/E)

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## QUESTION 1

### SCENARIO

Please use the following to answer the next question:

Jack worked as a Pharmacovigilance Operations Specialist in the Irish office of a multinational pharmaceutical company on a clinical trial related to COVID-19. As part of his onboarding process Jack received privacy training. He was explicitly informed that while he would need to process confidential patient data in the course of his work, he may under no circumstances use this data for anything other than the performance of work-related tasks. This was also specified in the privacy policy, which Jack signed upon conclusion of the training.

After several months of employment, Jack got into an argument with a patient over the phone. Out of anger he later posted the patient's name and health information, along with disparaging comments, on a social media website. When this was discovered by his Pharmacovigilance supervisors, Jack was immediately dismissed.

Jack's lawyer sent a letter to the company stating that dismissal was a disproportionate sanction, and that if Jack was not reinstated within 14 days his firm would have no alternative but to commence legal proceedings against the company. This letter was accompanied by a data access request from Jack requesting a copy of "all personal data, including internal emails that were sent/received by Jack or where Jack is directly or indirectly identifiable from the contents. In relation to the emails Jack listed six members of the management team whose inboxes he required access.

How should the company respond to Jack's request to be forgotten?

- A. The company should not erase the data at this time as it may be required to defend a legal claim of unfair dismissal.
- B. The company should erase all data relating to Jack without undue delay as the right to be forgotten is an absolute right.
- C. The company should claim that the right to be forgotten is not applicable to them, as only a fraction of their global workforce resides in the European Union.
- D. The company should ensure that the information is stored outside of the European Union so that the right to be forgotten under the GDPR does not apply.

Correct Answer: C

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## QUESTION 2

Which of the following is an example of direct marketing that would be subject to European data protection laws?

- A. An updated privacy notice sent to an individual's personal email address.
- B. A charity fundraising event notice sent to an individual at her business address.
- C. A service outage notification provided to an individual by recorded telephone message.
- D. A revision of contract terms conveyed to an individual by SMS from a marketing organization.

Correct Answer: B

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### QUESTION 3

#### SCENARIO

Please use the following to answer the next question:

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

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

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

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

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

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

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

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

Correct Answer: C

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### QUESTION 4

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

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#### QUESTION 5

Which statement provides an accurate description of a directive?

- A. A directive specifies certain results that must be achieved, but each member state is free to decide how to turn it into a national law
- B. A directive has binding legal force throughout every member state and enters into force on a set date in all the member states.
- C. A directive is a legal act relating to specific cases and directed towards member states, companies and private individuals.
- D. A directive is a legal act that applies automatically and uniformly to all EU countries as soon as it enters into force.

Correct Answer: B

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#### QUESTION 6

The GDPR forbids the practice of "forum shopping", which occurs when companies do what?

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

Correct Answer: B

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#### QUESTION 7

What term BEST describes the European model for data protection?

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



D. Comprehensive

Correct Answer: D

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)

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### QUESTION 8

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

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/>

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### QUESTION 9

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

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)

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### QUESTION 10

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

A. The right to privacy is an absolute right

B. The right to privacy has to be balanced against other rights under the ECHR

C. The right to freedom of expression under Article 10 of the ECHR will always override the right to privacy



D. The right to privacy protects the right to hold opinions and to receive and impart ideas without interference

Correct Answer: B

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

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### QUESTION 11

Jerry the Chief Marketing Officer for a sports apparel and trophy company, sells products to schools and athletic clubs globally. Recently the company has decided to invest in a new line of customized sports equipment. Jerry plans to email his current customer base to offer them a discount on their first purchase of such equipment.

Jerry tells Kate, the Director of Privacy, about his plan. What is the best guidance Kate can provide to Jerry?

- A. Permit Jerry to carry out his plan on the basis of marketing similar products to existing customers.
- B. Require Jerry to send all current customers a second notice to allow them to opt-in to marketing emails.
- C. Permit Jerry to carry out his marketing plan on the basis of legitimate interest.
- D. Require Jerry to include an option to opt out of marketing emails in the future.

Correct Answer: B

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### QUESTION 12

#### SCENARIO

Please use the following to answer the next question:

ProStorage is a multinational cloud storage provider headquartered in the Netherlands. Its CEO, Ruth Brown, has developed a two-pronged strategy for growth: 1) expand ProStorage's global customer base and 2) increase ProStorage's sales force by efficiently onboarding effective teams. Enacting this strategy has recently been complicated by Ruth's health condition, which has limited her working hours, as well as her ability to travel to meet potential customers. ProStorage's Human Resources department and Ruth's Chief of Staff now work together to manage her schedule and ensure that she is able to make all her medical appointments. The latter has become especially crucial after Ruth's last trip to India, where she suffered a medical emergency and was hospitalized in New Delhi. Unable to reach Ruth's family, the hospital reached out to ProStorage and was able to connect with her Chief of Staff, who in coordination with Mary, the head of HR, provided information to the doctors based on accommodate on requests Ruth made when she started at ProStorage.

Why is the additional measure recommended by Jackie sufficient for using UpFinance?

- A. UpFinance is an established 7-year-old business.
- B. UpFinance is in a highly regulated financial industry.
- C. UpFinance is based in a country without surveillance laws.
- D. UpFinance implements sufficient data protection measures.

Correct Answer: C

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### QUESTION 13

What are the obligations of a processor that engages a sub-processor?

- A. The processor must give the controller prior written notice and perform a preliminary audit of the sub-processor.
- B. The processor must obtain the controller's specific written authorization and provide annual reports on the sub-processor's performance.
- C. The processor must receive a written agreement that the sub-processor will be fully liable to the controller for the performance of its obligations in relation to the personal data concerned.
- D. The processor must obtain the consent of the controller and ensure the sub-processor complies with data processing obligations that are equivalent to those that apply to the processor.

Correct Answer: C

Reference: <https://inplp.com/latest-news/article/gdpr-rights-and-obligations-of-sub-processors/>

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### QUESTION 14

#### SCENARIO

Please use the following to answer the next question:

The fitness company Vigotron has recently developed a new app called M-Health, which it wants to market on its website as a free download. Vigotron's marketing manager asks his assistant Emily to create a webpage that describes the app

and specifies the terms of use. Emily, who is new at Vigotron, is excited about this task. At her previous job she took a data protection class, and though the details are a little hazy, she recognizes that Vigotron is going to need to obtain user

consent for use of the app in some cases. Emily sketches out the following draft, trying to cover as much as possible before sending it to Vigotron's legal department.

#### Registration Form

Vigotron's new M-Health app makes it easy for you to monitor a variety of health-related activities, including diet, exercise, and sleep patterns. M-Health relies on your smartphone settings (along with other third-party apps you may already

have) to collect data about all of these important lifestyle elements, and provide the information necessary for you to enrich your quality of life. (Please click here to read a full description of the services that M-Health provides.)

Vigotron values your privacy. The M-Health app allows you to decide which information is stored in it, and which apps can access your data. When your device is locked with a passcode, all of your health and fitness data is encrypted with

your passcode. You can back up data stored in the Health app to Vigotron's cloud provider, Stratculous. (Read more about Stratculous here.)

Vigotron will never trade, rent or sell personal information gathered from the M-Health app. Furthermore, we will not provide a customer's name, email address or any other information gathered from the app to any third-party without a



customer's consent, unless ordered by a court, directed by a subpoena, or to enforce the manufacturer's legal rights or protect its business or property.

We are happy to offer the M-Health app free of charge. If you want to download and use it, we ask that you

first complete this registration form. (Please note that use of the M-Health app is restricted to adults aged 16 or older, unless parental consent has been given to minors intending to use it.)

First name:

Surname:

Year of birth:

Email:

Physical Address (optional\*):

Health status:

\*If you are interested in receiving newsletters about our products and services that we think may be of interest to you, please include your physical address. If you decide later that you do not wish to receive these newsletters, you can

unsubscribe by sending an email to [unsubscribe@vigotron.com](mailto:unsubscribe@vigotron.com) or send a letter with your request to the address listed at the bottom of this page.

#### Terms and Conditions

1. Jurisdiction. [...]
2. Applicable law. [...]
3. Limitation of liability. [...]

#### Consent

By completing this registration form, you attest that you are at least 16 years of age, and that you consent to the processing of your personal data by Vigotron for the purpose of using the M-Health app. Although you are entitled to opt out of

any advertising or marketing, you agree that Vigotron may contact you or provide you with any required notices, agreements, or other information concerning the services by email or other electronic means. You also agree that the Company

may send automated emails with alerts regarding any problems with the M-Health app that may affect your well being.

What is one potential problem Vigotron's age policy might encounter under the GDPR?

- A. Age restrictions are more stringent when health data is involved.
- B. Users are only required to be aged 13 or over to be considered adults.
- C. Organizations must make reasonable efforts to verify parental consent.
- D. Organizations that tie a service to marketing must seek consent for each purpose.

Correct Answer: A





### QUESTION 15

After detecting an intrusion involving the theft of unencrypted personal data, who shall the breached company notify first under GDPR requirements?

- A. Any parents of children whose personal data was compromised.
- B. Any affected customers whose data was compromised.
- C. A competent supervisory authority.
- D. A local law enforcement agency

Correct Answer: B

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