



# PDPF<sup>Q&As</sup>

Privacy and Data Protection Foundation

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### QUESTION 1

A controller asks a processor to produce a report containing customers who have purchased a particular product more than once in the past 6 months.

The processor provides services to several companies (which in this case are the controllers).

When generating the requested report, it uses customer data collected by another controller, that is, for a different purpose.

Fortunately, the error is noticed in time, the report is not sent, and nobody has had access to this data.

In this case, how does the processor need to proceed and what action should the controller take?

- A. The processor notifies the Supervisory Authority that a violation has occurred. The controller will be notified and must perform a Data Protection Impact Assessment (DPIA).
- B. The processor needs to notify the controller. And the controller can assess whether there were risks to the data subjects.
- C. The processor needs to notify the controller so that the controller notifies the Supervisory Authority of the personal data breach.
- D. As the error was noticed in time and the report was not sent, there is no need for the processor to inform the controller. The processor must delete the wrong report and generate a new one, this time with the correct data.

Correct Answer: B

In the example of this question, there is likely to be no risk to the data subjects or if it exists it will be very low, but this does not exempt the processor from notifying the Controller. However, at least the Controller should assess whether there is a need to notify the Supervisory Authority.

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### QUESTION 2

What year did the General Data Protection Regulation (GDPR) come into force?

- A. 2016
- B. 2018
- C. 2017
- D. 2019

Correct Answer: B

The deadline for companies to adapt and comply with GDPR was May 25, 2018. This is an important date and should be memorized. It is common to have this question in this exam.

Article 99 of GDPR

1.



This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

2.

It shall apply from 25 May 2018.

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### QUESTION 3

The illegal collection, storage, modification, disclosure or dissemination of personal data is an offense under European law.

What kind of offense is this?

- A. An offense related to content
- B. An offense to intellectual property
- C. An economic offense
- D. An offense to privacy

Correct Answer: D

An offense to privacy, as any illegal processing of personal data is considered an offense.

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### 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.

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#### QUESTION 5

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."

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#### QUESTION 6

Organizations are obliged to keep a number of records to demonstrate compliance with the GDPR. Which record is not obligatory according to the GDPR?

- A. A record of notifications sent to the supervisory authority regarding processing of personal data
- B. A record of all intended processing together with the processing purpose(s) and legal justifications
- C. A record of processors including personal data provided and the period this data can be retained
- D. A record of data breaches with all relevant characteristics, including notifications

Correct Answer: A

A record of all intended processing together with the processing purpose(s) and legal justifications.

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Incorrect. A record of all intended processing with the purpose(s) and legal justifications must be kept.

A record of data breaches with all relevant characteristics, including notifications. Incorrect. A record of data breaches must be kept.

A record of notifications sent to the supervisory authority regarding processing of personal data. Correct.

Prior consultation of high-risk processing is obligatory, but there is no need for a separate record of notifications sent.

(Literature: A, Chapter 6;GDPR Article 36(1))

A record of processors including personal data provided and the period this data can be retained.

Incorrect. A record of processors and data provided must be kept.

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### QUESTION 7

A gentleman has a loan denied by the bank's system that he has been a customer for many years. He is disgusted, because the loan would make it possible to hold the wedding of his only granddaughter.

He contacts the bank and asks for explanations. He wants to know exactly why his loan was denied and based on what information.

What right is required by the data subject according to the GDPR?

- A. Right to limitation of treatment
- B. Right to rectification
- C. Data subject's right of access
- D. Right to object and automated individual decision-making

Correct Answer: D

Article 22 provides for this type of damage to the data subject and legislates on "Automated individual decisions, including profiling":

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

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### QUESTION 8

Which of the parts below can implement data protection by design (from conception)?

- A. The data subject.
- B. The Data Protection Officer (DPO).
- C. The processor.
- D. The supervisory authority.



Correct Answer: C

It is the duty of the processor to guarantee security in the treatment of the data entrusted to it by the controller.

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#### QUESTION 9

According to the principle of purpose limitation, data should not be processed beyond the legitimate purpose defined. However, further processing is allowed in a few specific cases, provided that appropriate safeguards for the rights and freedoms of the data subjects are taken. For which purpose is further processing not allowed?

- A. For archiving purposes in the public interest
- B. For generalized statistical purposes
- C. For scientific or historical research purposes
- D. For direct marketing and commercial purposes

Correct Answer: D

For archiving purposes in the public interest. Incorrect. With the safeguards in place, further processing is allowed for archiving purposes in the public interest.

For direct marketing and commercial purposes. Correct. This is not a purpose that is allowed, if it is not the original legitimate purpose of the processing. (Literature: A, Chapter 2)

For generalized statistical purposes. Incorrect. With the safeguards in place, further processing is allowed for generalized statistical purposes.

For scientific or historical research purposes. Incorrect. With the safeguards in place, further processing is allowed for research purposes.

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#### QUESTION 10

A breach of security that leads to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed. What is the exact term that is associated with this definition in the GDPR?

- A. Security breach
- B. Personal data breach
- C. Confidentiality violation
- D. Security incident

Correct Answer: B

Confidentiality violation. Incorrect. GDPR uses the term personal data breach. Not every data breach is a confidentiality violation.

Personal data breach. Correct. This is the definition of a personal data breach. (Literature: A, Chapter 5; GDPR Article 4(12))

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Security breach. Incorrect. GDPR uses the term personal data breach. Not every security breach is a data breach. Not every data breach is a personal data breach.

Security incident. Incorrect. GDPR uses the term personal data breach. Not every security incident is a data breach.

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### QUESTION 11

According to the GDPR, what is a description of binding corporate rules (BCR)?

- A. A decision on the safety of transferring personal data to a non-EEA country
- B. A set of approved rules on personal data protection used by a group of enterprises
- C. A measure to compensate for the lack of personal data protection in a third country
- D. A set of agreements covering personal data transfers between non-EEA countries

Correct Answer: B

A decision on the safety of transferring personal data to a non-EEA country. Incorrect. This refers to adequacy decisions.

A measure to compensate for the lack of personal data protection in a third country. Incorrect. This refers to appropriate safeguards.

A set of agreements covering personal data transfers between non-EEA countries. Incorrect. The GDPR does not cover agreements between non-EEA countries.

A set of approved rules on personal data protection used by a group of enterprises. Correct. BCR are a set of rules approved by the supervisory authorities. (Literature: A, Chapter 3; GDPR Article 47)

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### QUESTION 12

We know that when a personal data breach occurs, the data controller (Controller) must notify the Supervisory Authority within 72 hours, without justified delay. However, should the Controller do if it is unable to communicate within this time?

- A. Send the notification with the date of the violation changed, to remain within 72 hours.
- B. After 72 hours there is no longer any need to send notification of personal data breach.
- C. Do not notify and seek ways to hide the violation so that the Supervisory Authority or the titleholders are made aware
- D. Send the notification, even after 72 hours, accompanied by the reasons for the delay

Correct Answer: D

Article 33 which deals with "Notification of a personal data breach to the supervisory authority" in its paragraph 1 legislates:

1. In the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of



natural persons. Where the notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay.

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### QUESTION 13

What is the purpose of a data protection audit by the supervisory authority?

- A. To monitor and enforce the application of the GDPR by assessing that processing is performed in compliance with the GDPR.
- B. To fulfill the obligation in the GDPR to implement appropriate technical and organizational measures for data protection.
- C. To advise the controller on the mitigation of privacy risks to protect the controller from liability claims for non-compliance.

Correct Answer: A

To advise the controller on the mitigation of privacy risks to protect the controller from liability claims for non-compliance. Incorrect. The supervisory authority has the task to monitor compliance and to advise on enhancements, but its purpose is not to protect the controller.

To fulfill the obligation in the GDPR to implement appropriate technical and organizational measures for data protection. Incorrect. The audit is not the implementation of the measures, but an assessment of the effectiveness of them.

To monitor and enforce the application of the GDPR by assessing that processing is performed in compliance with the GDPR. Correct. According to the GDPR this is an important task of a supervisory authority. (Literature: A, Chapter 7; GDPR Article 57 (1)(a))

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### QUESTION 14

Subcontracting treatment is regulated by contract or other regulatory act under Union or Member State law, which links the processor to the controller.

What this contract or other regulatory act stipulates?

- A. A process for testing, assessing and regularly evaluating the effectiveness of technical and organizational measures to ensure safe treatment.
- B. The processor assists the driver through technical and organizational measures to enable it to fulfill its obligation to respond to requests from data subjects.
- C. The description of categories of data subjects and categories of personal data
- D. The purpose of data processing

Correct Answer: B

Article 28 of the GDPR in its paragraph 3 mentions:

This contract or other normative act stipulates, inter alia, that the subcontractor:

- a) processes the personal data only on documented instructions from the controller, including with regard to transfers of





personal data to a third country or an international organisation, unless required to do so by Union or Member State law to which the processor is subject; in such a case, the processor shall inform the controller of that legal requirement before processing, unless that law prohibits such information on important grounds of public interest;

b) ensures that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;

c) takes all measures required pursuant to Article 32;

d) respects the conditions referred to in paragraphs 2 and 4 for engaging another processor;

e) taking into account the nature of the processing, assists the controller by appropriate technical and organisational measures, insofar as this is possible, for the fulfilment of the controller's obligation to respond to requests for exercising the data subject's rights laid down in Chapter III;

f) assists the controller in ensuring compliance with the obligations pursuant to Articles 32 to 36 taking into account the nature of processing and the information available to the processor;

g) at the choice of the controller, deletes or returns all the personal data to the controller after the end of the provision of services relating to processing, and deletes existing copies unless Union or Member State law requires storage of the personal data;

h) makes available to the controller all information necessary to demonstrate compliance with the obligations laid down in this Article and allow for and contribute to audits, including inspections, conducted by the controller or another auditor mandated by the controller.

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## QUESTION 15

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.



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