

CIPP-E Dumps

Certified Information Privacy Professional/Europe (CIPP/E)

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NEW QUESTION 1

In the event of a data breach, which type of information are data controllers NOT required to provide to either the supervisory authorities or the data subjects?

- A. The predicted consequences of the breach.
- B. The measures being taken to address the breach.
- C. The type of security safeguards used to protect the data.
- D. The contact details of the appropriate data protection officer.

Answer: D

NEW QUESTION 2

What must be included in a written agreement between the controller and processor in relation to processing conducted on the controller's behalf?

- A. An obligation on the processor to report any personal data breach to the controller within 72 hours.
- B. An obligation on both parties to report any serious personal data breach to the supervisory authority.
- C. An obligation on both parties to agree to a termination of the agreement if the other party is responsible for a personal data breach.
- D. An obligation on the processor to assist the controller in complying with the controller's obligations to notify the supervisory authority about personal data breaches.

Answer: B

NEW QUESTION 3

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

Answer: B

NEW QUESTION 4

If a company chooses to ground an international data transfer on the contractual route, which of the following is NOT a valid set of standard contractual clauses?

- A. Decision 2001/497/EC (EU controller to non-EU or EEA controller).
- B. Decision 2004/915/EC (EU controller to non-EU or EEA controller).
- C. Decision 2007/72/EC (EU processor to non-EU or EEA controller).
- D. Decision 2010/87/EU (Non-EU or EEA processor from EU controller).

Answer: B

NEW QUESTION 5

Which change was introduced by the 2009 amendments to the e-Privacy Directive 2002/58/EC?

- A. A voluntary notification for personal data breaches applicable to all data controllers.
- B. A voluntary notification for personal data breaches applicable to electronic communication providers.
- C. A mandatory notification for personal data breaches applicable to all data controllers.
- D. A mandatory notification for personal data breaches applicable to electronic communication providers.

Answer: D

NEW QUESTION 6

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

Answer: D

NEW QUESTION 7

Which of the following is the weakest lawful basis for processing employee personal data?

- A. Processing based on fulfilling an employment contract.
- B. Processing based on employee consent.
- C. Processing based on legitimate interests.
- D. Processing based on legal obligation.

Answer: B

NEW QUESTION 8

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.

Answer: A

NEW QUESTION 9

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 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.

If a user of the M-Health app were to decide to withdraw his consent, Vigotron would first be required to do what?

- A. Provide the user with logs of data collected through use of the app.
- B. Erase any data collected from the time the app was first used.
- C. Inform any third parties of the user's withdrawal of consent.
- D. Cease processing any data collected through use of the app.

Answer: D

NEW QUESTION 10

What is a reason the European Court of Justice declared the Data Retention Directive invalid in 2014?

- A. The requirements affected individuals without exception.
- B. The requirements were financially burdensome to EU businesses.
- C. The requirements specified that data must be held within the EU.
- D. The requirements had limitations on how national authorities could use data.

Answer: D

NEW QUESTION 10

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.

Answer: A

NEW QUESTION 15

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

Answer: B

NEW QUESTION 17

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.

Answer: A

NEW QUESTION 21

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.

Answer: A

NEW QUESTION 26

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.

Answer: B

NEW QUESTION 31

In which scenario is a Controller most likely required to undertake a Data Protection Impact Assessment?

- A. When the controller is collecting email addresses from individuals via an online registration form for marketing purposes.
- B. When personal data is being collected and combined with other personal data to profile the creditworthiness of individuals.
- C. When the controller is required to have a Data Protection Officer.
- D. When personal data is being transferred outside of the EEA.

Answer: C

NEW QUESTION 35

As per the GDPR, which legal basis would be the most appropriate for an online shop that wishes to process personal data for the purpose of fraud prevention?

- A. Protection of the interests of the data subjects.
- B. Performance of a contract
- C. Legitimate interest
- D. Consent

Answer: D

NEW QUESTION 37

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

Answer: B

NEW QUESTION 41

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.

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.

Answer: A

NEW QUESTION 46

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.

Answer: B

NEW QUESTION 51

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

Answer: D

NEW QUESTION 56

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.

Answer: B

NEW QUESTION 58

According to the GDPR, what is the main task of a Data Protection Officer (DPO)?

- A. To create and maintain records of processing activities.
- B. To conduct Privacy Impact Assessments on behalf of the controller or processor.
- C. To monitor compliance with other local or European data protection provisions.
- D. To create procedures for notification of personal data breaches to competent supervisory authorities.

Answer: B

NEW QUESTION 62

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.

Answer: B

NEW QUESTION 66

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.

Answer: C

NEW QUESTION 71

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.

Answer: C

NEW QUESTION 76

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.

Answer: A

NEW QUESTION 78

What is the most frequently used mechanism for legitimizing cross-border data transfer?

- A. Standard Contractual Clauses.
- B. Approved Code of Conduct.
- C. Binding Corporate Rules.
- D. Derogations.

Answer: A

NEW QUESTION 79

When assessing the level of risk created by a data breach, which of the following would NOT have to be taken into consideration?

- A. The ease of identification of individuals.
- B. The size of any data processor involved.
- C. The special characteristics of the data controller.
- D. The nature, sensitivity and volume of personal data.

Answer: B

NEW QUESTION 81

When would a data subject NOT be able to exercise the right to portability?

- A. When the processing is necessary to perform a task in the exercise of authority vested in the controller.
- B. When the processing is carried out pursuant to a contract with the data subject.
- C. When the data was supplied to the controller by the data subject.
- D. When the processing is based on consent.

Answer: A

NEW QUESTION 84

SCENARIO

Please use the following to answer the next question:

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

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

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

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

Bedrock supplies Louis with a PDF and XML (Extensible Markup Language) versions of his No Claims Certificate, but tells Louis it cannot transfer his data directly

to Zantrum as this is not technically feasible. Bedrock also explains that Louis's contract included a provision whereby Louis agreed that his data could be used for marketing purposes; according to Bedrock, it is too late for Louis to change his mind about this. It angers Louis when he recalls the wording of the contract, which was filled with legal jargon and very confusing.

In the meantime, Louis is still receiving unwanted calls from Accidentable Insurance. He writes to Accidentable to ask for the name of the organization that supplied his details to them. He warns Accidentable 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.

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

Louis is disgusted by the way in which he has been treated by Bedrock, and writes to them insisting that all his information be erased from their computer system. Which statement accurately summarizes Bedrock's obligation in regard to Louis's data portability request?

- A. Bedrock does not have a duty to transfer Louis's data to Zantrum if doing so is legitimately not technically feasible.
- B. Bedrock does not have to transfer Louis's data to Zantrum 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. Bedrock has failed to comply with the duty to transfer Louis's data to Zantrum because the duty applies wherever personal data are processed by automated means and necessary for the performance of a contract with the customer.
- D. Bedrock has failed to comply with the duty to transfer Louis's data to Zantrum 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.

Answer: B

NEW QUESTION 85

The Planet 49 CJEU Judgement applies to?

- A. Cookies used only by third parties.
- B. Cookies that are deemed technically necessary.
- C. Cookies regardless of whether the data accessed is personal or not.
- D. Cookies where the data accessed is considered as personal data only.

Answer: C

NEW QUESTION 87

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

Answer: C

NEW QUESTION 92

For which of the following operations would an employer most likely be justified in requesting the data subject's consent?

- A. Posting an employee's bicycle race photo on the company's social media.
- B. Processing an employee's health certificate in order to provide sick leave.
- C. Operating a CCTV system on company premises.
- D. Assessing a potential employee's job application.

Answer: A

NEW QUESTION 95

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.
- C. social security number of an American citizen living in France
- D. The unlinked aggregated data used for statistical purposes by an Italian company
- E. The identification number of a German candidate for a professional examination in Germany

Answer: D

NEW QUESTION 100

Which of the following is one of the supervisory authority's investigative powers?

- A. To notify the controller or the processor of an alleged infringement of the GDPR.
- B. To require that controllers or processors adopt approved data protection certification mechanisms.
- C. To determine whether a controller or processor has the right to a judicial remedy concerning a compensation decision made against them.
- D. To require data controllers to provide them with written notification of all new processing activities.

Answer: A

NEW QUESTION 103

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 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.

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

Answer: C

NEW QUESTION 108

Under Article 9 of the GDPR, which of the following categories of data is NOT expressly prohibited from data processing?

- A. Personal data revealing ethnic origin.
- B. Personal data revealing genetic data.
- C. Personal data revealing financial data.
- D. Personal data revealing trade union membership.

Answer: C

NEW QUESTION 112

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.

Answer: A

NEW QUESTION 115

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 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.

Emily sends the draft to Sam for review. Which of the following is Sam most likely to point out as the biggest problem with Emily's consent provision?

- A. It is not legal to include fields requiring information regarding health status without consent.
- B. Processing health data requires explicit consent, but the form does not ask for explicit consent.
- C. Direct marketing requires explicit consent, whereas the registration form only provides for a right to object
- D. The provision of the fitness app should be made conditional on the consent to the data processing for direct marketing.

Answer: C

NEW QUESTION 118

Which mechanism, new to the GDPR, now allows for the possibility of personal data transfers to third countries under Article 42?

- A. Approved certifications.
- B. Binding corporate rules.
- C. Law enforcement requests.
- D. Standard contractual clauses.

Answer: A

NEW QUESTION 121

Which of the following demonstrates compliance with the accountability principle found in Article 5, Section 2 of the GDPR?

- A. Anonymizing special categories of data.
- B. Conducting regular audits of the data protection program.
- C. Getting consent from the data subject for a cross border data transfer.
- D. Encrypting data in transit and at rest using strong encryption algorithms.

Answer: B

NEW QUESTION 125

There are three domains of security covered by Article 32 of the GDPR that apply to both the controller and the processor. These include all of the following EXCEPT?

- A. Consent management and withdrawal.
- B. Incident detection and response.
- C. Preventative security.
- D. Remedial security.

Answer: A

NEW QUESTION 129

According to the GDPR, when should the processing of photographs be considered processing of special categories of personal data?

- A. When processed with the intent to publish information regarding a natural person on publicly accessible media.
- B. When processed with the intent to proceed to scientific or historical research projects.
- C. When processed with the intent to uniquely identify or authenticate a natural person.
- D. When processed with the intent to comply with a law.

Answer: C

NEW QUESTION 134

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.

Answer: A

NEW QUESTION 135

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.

Answer: D

NEW QUESTION 140

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