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**QUESTION 1**

Under Article 21 of the GDPR, a controller must stop profiling when requested by a data subject, unless it can demonstrate compelling legitimate grounds that override the interests of the individual. In the Guidelines on Automated individual decision-making and Profiling, the WP 29 says the controller needs to do all of the following to demonstrate that it has such legitimate grounds EXCEPT?

- A. Carry out an exercise that weighs the interests of the controller and the basis for the data subject's objection.
- B. Consider the impact of the profiling on the data subject's interest, rights and freedoms.
- C. Demonstrate that the profiling is for the purposes of direct marketing.
- D. Consider the importance of the profiling to their particular objective.

Correct Answer: C

Reference: <https://gdpr-info.eu/art-21-gdpr/>

QUESTION 2**SCENARIO**

Please use the following to answer the next question:

ABC Hotel Chain and XYZ Travel Agency are U.S.-based multinational companies. They use an internet-based common platform for collecting and sharing their customer data with each other, in order to integrate their marketing efforts.

Additionally, they agree on the data to be stored, how reservations will be booked and confirmed, and who has access to the stored data.

Mike, an EU resident, has booked travel itineraries in the past through XYZ Travel Agency to stay at ABC Hotel Chain's locations. XYZ Travel Agency offers a rewards program that allows customers to sign up to accumulate points that can

later be redeemed for free travel. Mike has signed the agreement to be a rewards program member.

Now Mike wants to know what personal information the company holds about him. He sends an email requesting access to his data, in order to exercise what he believes are his data subject rights.

What are ABC Hotel Chain and XYZ Travel Agency's roles in this relationship?

- A. ABC Hotel Chain is the controller and XYZ Travel Agency is the processor.
- B. XYZ Travel Agency is the controller and ABC Hotel Chain is the processor.
- C. ABC Hotel Chain and XYZ Travel Agency are independent controllers.
- D. ABC Hotel Chain and XYZ Travel Agency are joint controllers.

Correct Answer: D



QUESTION 3

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.

The company conducted an initial search of its IT systems, which returned a large amount of information. They then contacted Jack, requesting that he be more specific regarding what information he required, so that they could carry out a targeted search. Jack responded by stating that he would not narrow the scope of the information requested.

What would be the most appropriate response to Jack's data subject access request?

- A. The company should not provide any information, as the company is headquartered outside of the EU.
- B. The company should decline to provide any information, as the amount of information requested is too excessive to provide in one month.
- C. The company should cite the need for an extension, and agree to provide the information requested in Jack's original DSAR within a period of 3 months.
- D. The company should provide all requested information except for the emails, as they are excluded from data access request requirements under the GDPR.

Correct Answer: D

QUESTION 4

Which GDPR requirement will present the most significant challenges for organizations with Bring Your Own Device (BYOD) programs?

- A. Data subjects must be sufficiently informed of the purposes for which their personal data is processed.
- B. Processing of special categories of personal data on a large scale requires appointing a DPO.
- C. Personal data of data subjects must always be accurate and kept up to date.



D. Data controllers must be in control of the data they hold at all times.

Correct Answer: D

Reference: <https://blog.rsisecurity.com/why-byod-is-bad-for-gdpr-compliance/>

QUESTION 5

SCENARIO

Please use the following to answer the next question:

Joe is the new privacy manager for Who-R-U, a Canadian business that provides DNA analysis. The company is headquartered in Montreal, and all of its employees are located there. The company offers its services to Canadians only: Its

website is in English and French, it accepts only Canadian currency, and it blocks internet traffic from outside of Canada (although this solution doesn't prevent all non-Canadian traffic). It also declines to process orders that request the DNA

report to be sent outside of Canada, and returns orders that show a non-Canadian return address.

Bob, the President of Who-R-U, thinks there is a lot of interest for the product in the EU, and the company is exploring a number of plans to expand its customer base.

The first plan, collegially called We-Track-U, will use an app to collect information about its current Canadian customer base. The expansion will allow its Canadian customers to use the app while traveling abroad. He

suggests that the company use this app to gather location information. If the plan shows promise, Bob proposes to use push notifications and text messages to encourage existing customers to pre-register for an EU version of the service.

Bob calls this work plan, We-Text-U. Once the company has gathered enough pre-registrations, it will develop EU-specific content and services.

Another plan is called Customer for Life. The idea is to offer additional services through the company's app, like storage and sharing of DNA information with other applications and medical providers. The company's contract says that it can

keep customer DNA indefinitely, and use it to offer new services and market them to customers. It also says that customers agree not to withdraw direct marketing consent. Paul, the marketing director, suggests that the company should fully

exploit these provisions, and that it can work around customers' attempts to withdraw consent because the contract invalidates them.

The final plan is to develop a brand presence in the EU. The company has already begun this process. It is in the process of purchasing the naming rights for a building in Germany, which would come with a few offices that Who-R-U

executives can use while traveling internationally. The office doesn't include any technology or infrastructure; rather, it's simply a room with a desk and some chairs.

On a recent trip concerning the naming-rights deal, Bob's laptop is stolen. The laptop held unencrypted DNA reports on 5,000 Who-R-U customers, all of whom are residents of Canada. The reports include customer name, birthdate, ethnicity,



racial background, names of relatives, gender, and occasionally health information.

If Who-R-U adopts the We-Track-U pilot plan, why is it likely to be subject to the territorial scope of the GDPR?

- A. Its plan would be in the context of the establishment of a controller in the Union.
- B. It would be offering goods or services to data subjects in the Union.
- C. It is engaging in commercial activities conducted in the Union.
- D. It is monitoring the behavior of data subjects in the Union.

Correct Answer: D

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