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QUESTION 1

In 2011, the FTC announced a settlement with Google regarding its social networking service Google Buzz. The FTC alleged that in the process of launching the service, the company did all of the following EXCEPT?

- A. Violated its own privacy policies.
- B. Engaged in deceptive trade practices.
- C. Failed to comply with Safe Harbor principles.
- D. Failed to employ sufficient security safeguards.

Correct Answer: D

Reference: <https://www.ftc.gov/news-events/press-releases/2011/03/ftc-charges-deceptive-privacy-practices-googles-rollout-its-buzz>

QUESTION 2

What role does the U.S. Constitution play in the area of workplace privacy?

- A. It provides enforcement resources to large employers, but not to small businesses
- B. It provides legal precedent for physical information security, but not for electronic security
- C. It provides contractual protections to members of labor unions, but not to employees at will
- D. It provides significant protections to federal and state governments, but not to private-sector employment

Correct Answer: D

The U.S. Constitution has significant workplace privacy provisions that apply to the federal and state governments, but they do not affect private-sector employment. Notably, the Fourth Amendment prohibits unreasonable searches and seizures by state actors. Courts have interpreted this amendment to place limits on the ability of government employers to search employees' private spaces, such as lockers and desks.⁴

Some states, including California, have extended their constitutional rights to privacy to private-sector employees.⁵ In general for private-sector actors, however, there is no state action, and no constitutional law governs employment privacy

QUESTION 3

What was unique about the action that the Federal Trade Commission took against B.J.'s Wholesale Club in 2005?

- A. It made third-party audits a penalty for policy violations.
- B. It was based on matters of fairness rather than deception.
- C. It was the first substantial U.S.-EU Safe Harbor enforcement.



D. It made user consent mandatory after any revisions of policy.

Correct Answer: A

Reference: <https://www.ftc.gov/news-events/press-releases/2005/06/bjs-wholesale-club-settles-ftc-charges>

QUESTION 4

SCENARIO

Please use the following to answer the next question:

A US-based startup company is selling a new gaming application. One day, the CEO of the company receives an urgent letter from a prominent EU-based retail partner. Triggered by an unresolved complaint lodged by an EU resident, the

letter describes an ongoing investigation by a supervisory authority into the retailer's data handling practices.

The complainant accuses the retailer of improperly disclosing her personal data, without consent, to parties in the United States. Further, the complainant accuses the EU-based retailer of failing to respond to her withdrawal of consent and request for erasure of her personal data. Your organization, the US-based startup company, was never informed of this request for erasure by the EU-based retail partner. The supervisory authority investigating the complaint has threatened the suspension of data flows if the parties involved do not cooperate with the investigation. The letter closes with an urgent request: "Please act immediately by identifying all personal data received from our company."

This is an important partnership. Company executives know that its biggest fans come from Western Europe; and this retailer is primarily responsible for the startup's rapid market penetration.

As the Company's data privacy leader, you are sensitive to the criticality of the relationship with the retailer.

At this stage of the investigation, what should the data privacy leader review first?

- A. Available data flow diagrams
- B. The text of the original complaint
- C. The company's data privacy policies
- D. Prevailing regulation on this subject

Correct Answer: D

QUESTION 5

SCENARIO

Please use the following to answer the next question:

Noah is trying to get a new job involving the management of money. He has a poor personal credit rating, but he has made better financial decisions in the past two years.

One potential employer, Arnie's Emporium, recently called to tell Noah he did not get a position. As part of the



application process, Noah signed a consent form allowing the employer to request his credit report from a consumer reporting

agency (CRA). Noah thinks that the report hurt his chances, but believes that he may not ever know whether it was his credit that cost him the job. However, Noah is somewhat relieved that he was not offered this particular position. He

noticed that the store where he interviewed was extremely disorganized. He imagines that his credit report could still be sitting in the office, unsecured.

Two days ago, Noah got another interview for a position at Sam's Market. The interviewer told Noah that his credit report would be a factor in the hiring decision. Noah was surprised because he had not seen anything on paper about this

when he applied.

Regardless, the effect of Noah's credit on his employability troubles him, especially since he has tried so hard to improve it. Noah made his worst financial decisions fifteen years ago, and they led to bankruptcy. These were decisions he

made as a young man, and most of his debt at the time consisted of student loans, credit card debt, and a few unpaid bills ?all of which Noah is still working to pay off. He often laments that decisions he made fifteen years ago are still

affecting him today.

In addition, Noah feels that an experience investing with a large bank may have contributed to his financial troubles. In 2007, in an effort to earn money to help pay off his debt, Noah talked to a customer service representative at a large

investment company who urged him to purchase stocks. Without understanding the risks, Noah agreed. Unfortunately, Noah lost a great deal of money.

After losing the money, Noah was a customer of another financial institution that suffered a large security breach. Noah was one of millions of customers whose personal information was compromised. He wonders if he may have been a

victim of identity theft and whether this may have negatively affected his credit.

Noah hopes that he will soon be able to put these challenges behind him, build excellent credit, and find the perfect job.

Based on the scenario, which legislation should ease Noah's worry about his credit report as a result of applying at Arnie's Emporium?

- A. The Privacy Rule under the Gramm-Leach-Bliley Act (GLBA).
- B. The Safeguards Rule under the Gramm-Leach-Bliley Act (GLBA).
- C. The Disposal Rule under the Fair and Accurate Credit Transactions Act (FACTA).
- D. The Red Flags Rule under the Fair and Accurate Credit Transactions Act (FACTA).

Correct Answer: B