PDPF Q&As

Privacy and Data Protection Foundation

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QUESTION 1

Which of these options is an example of a data breach?

A. Transfer of personal data outside the EU

B. Loss of personal data

C. A security incident related to corporate data.

Correct Answer: B

Here is a catch between the options "Loss of personal data" and "Transfer of personal data outside the EU".

A data breach is whenever something happens that has not been planned with the personal data, be it improper processing, improper sharing, loss of data, deletion, etc. That is, personal data must be used for a specific purpose, respecting the life cycle (from collection to exclusion), any situation that escapes this cycle must be reported as a data breach.

The transfer of personal data outside the EU can also be considered a violation if there is no authorization from the data subject and if the destination country does not offer legislation like the GDPR. Although there is no specific legislation, the Supervisory Authority can authorize the transfer of data provided that the company in the destination country accepts standard contractual clauses for the processing of this data.

Article 46 of GDPR

1. In the absence of a decision pursuant to Article 45(3), a controller or processor may transfer personal data to a third country or an international organisation only if the controller or processor has provided appropriate safeguards, and on condition that enforceable data subject rights and effective legal remedies for data subjects are available.

Article 58 of GDPR

3. Each supervisory authority shall have all of the following authorisation and advisory powers: to authorise contractual clauses referred to in point (a) of Article 46(3).

QUESTION 2

A secretary at a pediatric cardiology clinic instead of sending the doctor the list of patients scheduled for the day, sends it to all those responsible registered for the children with scheduled appointments.

According to the GDPR, does the Supervisory Authority need to be notified? And those responsible for the data holders?

A. The Supervisory Authority must be notified, but there is no need to notify those responsible for the data subjects, as whoever had access to the data is also someone in the same situation.

B. The Supervisory Authority must be notified and also those responsible for the holders who had their data exposed.

C. There is no need to notify the Supervisory Authority, however those responsible for the holders who had their data exposed must be notified.

D. There is no need to notify the Supervisory Authority or those responsible for the data subjects, as whoever had access to the data is also someone in the same situation.

Correct Answer: B

This is an issue that addresses two very important points ?sensitive data and data from minors.

As these are, it is necessary to inform the Supervisory Authority and those responsible for the data subjects.

Article 34 mentions:

1. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.

Recital 38 says:

Children merit specific protection regarding their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data.

Such specific protection should, in particular, apply to the use of personal data of children for the purposes of marketing or creating personality or user profiles and the collection of personal data with regard to children when using services offered directly to a child. The consent of the holder of parental responsibility should not be necessary in the context of preventive or counselling services offered directly to a child.

QUESTION 3

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.

QUESTION 4

The General Data Protection Regulation (GDPR) is often known as the "European privacy law". What is the relationship between `privacy\\' and `data protection\\'?

A. Privacy is a part of data protection that aims to keep personal data confidential.

B. Data protection is a part of privacy that aims to keep personal data confidential.

C. The two terms have the same meaning. They are synonyms.

D. Data protection is the necessary measures to protect an individual\\'s privacy.

Correct Answer: D

Data protection and privacy are complementary, but not the same thing.

A very repeated phrase is: "It is possible to have security without privacy, but it is not possible to have privacy without security".

Privacy is a right that must be protected, and Data Protection are the measures that will be used to achieve this protection.

QUESTION 5

Which of the alternatives describes one of the Supervisory Authority\\'s responsibilities?

A. Supervise the processing of data of holders residing in a country belonging to the European Economic Area (EEA).

B. Consider the nature of the treatment, and as far as possible, assist the controller in order to enable the controller to fulfill his obligation.

C. Provide the controller with all necessary information to demonstrate compliance with obligations.

D. Apply technical and organizational measures to ensure that only personal data that are necessary for each specific purpose of processing are processed.

Correct Answer: A

The correct option is the responsibility of the Supervisory Authority, the others are the responsibility of the processor.

GDPR Article 3 decrees:

This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:

a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or;

b) the monitoring of their behaviour as far as their behaviour takes place within the Union.

QUESTION 6

The GDPR describes the principle of data minimization. How can organizations comply with this principle?

A. By applying the concept of least privilege to the personal data collected, stored or otherwise processed.

B. By limiting access rights to staff who need the personal data for the intended processing operations

C. By limiting the personal data to what is adequate, relevant and necessary for the processing purposes

D. By limiting file sizes, through saving all personal data that is processed in the smallest possible format

Correct Answer: C

By applying the concept of least privilege to the personal data collected, stored or otherwise processed. Incorrect. Data minimization does not address least privilege.

By limiting access rights to staff who need the personal data for the intended processing operations. Incorrect. This describes the concept of limiting authorization for instance to comply with the principle of integrity and confidentiality.

By limiting file sizes, through saving all personal data that is processed in the smallest possible format. Incorrect. Data minimization according to the GDPR is not about storage size, but about minimalizing the use of personal data.

By limiting the personal data to what is adequate, relevant and necessary for the processing purposes. Correct. This is the essence of the description in the GDPR. (Literature: A, Chapter 2; GDPR Article 5(1) (c))

QUESTION 7

Article 33 of the GDPR deals with "Notification of a personal data breach to the supervisory authority".

Paragraph 3 sets out the minimum information that must be included in this notification.

Which of the below is one of these?

A. The contact of the data protection officer or another point of contact where more information could be obtained.

B. Contact information for all data subjects.

C. A copy of the breached personal data to be analyzed.

Correct Answer: A

These are the minimum information that a notification of personal data breach to the supervisory authority must contain:

3. The notification referred to in paragraph 1 shall at least:

a) Describe the nature of the personal data breach including where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;

b) Communicate the name and contact details of the data protection officer or other contact point where more information can be obtained;

c) Describe the likely consequences of the personal data breach;

d) Describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

QUESTION 8

Your credit card has been cloned. A card contains various personal information. What category of data breach is this incident?

A. Material

B. Digital

C. Verbal

Correct Answer: B

Data breach categories:

Material: Loss of equipment or material with data, lost file folders, lost smartphones, etc.

Verbal: Indiscretion, shoulder surfing, intentional leakage of sensitive information, etc.

Digital (not material): Backdoors, incorrect coding, maladministration (e.g., patch management),

insufficient security measures, card cloning etc.

QUESTION 9

What is the main purpose of cookies?

A. Identify user preferences, identify the user and it can also save login to a website.

B. Save the browser history, making it easier for the user to access the page again in the future.

C. Display advertisements directed to the user, using information collected from the browser.

D. Infect computers so that unsolicited advertisements are displayed in the browser.

Correct Answer: A

There are some types of cookies, each with its own purpose.

Cookies are considered personal data, as they can identify a person.

They are stored on our computers.

You may have come across the situation of searching for a particular product on the internet and then

seeing ads for that product or similar on various websites.

Cookies are used to provide this information.

QUESTION 10

What is the term used in the General Data Protection Regulation (GDPR) for the disclosure of, or unauthorized access to, personal data?

A. Security incident

B. Incident

C. Breach of confidentiality

D. Data breach

Correct Answer: D

GDPR uses the term data breach.

Article 4 paragraph 12

`personal data breach\\' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

QUESTION 11

A company CEO travels to a meeting in another city. He takes a notebook with information about the company\\'s new projects and acquisitions, which will be the subject of discussion at this meeting. These are the only data stored on the notebook.

The notebook accidentally falls into the hotel\\'s pool and all data is lost.

What happened, considering the General Data Protection Regulation (GDPR)?

A. A security incident

B. A vulnerability

C. A data breach

D. A security risk

Correct Answer: A

The purpose of GDPR is to protect personal data. In the case of this issue there was no loss of personal data, so it is

not a data breach.

Important

A data breach is whenever something happens that has not been planned with the personal data, be it improper processing, improper sharing, loss of data, deletion, etc. That is, personal data must be used for a specific purpose, respecting the life cycle (from collection to exclusion), any situation that escapes this cycle must be reported as a data breach.

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.

QUESTION 13

A German company wants to enter into a binding contract with a processor in the Netherlands for the processing of sensitive personal data of German data subjects. The Dutch Supervisory Authority is informed of the type of data and the aims of the processing, including the contract describing what data will be processed and what data protection procedures and practices will be in place.

According to the GDPR, what should the Dutch Supervisory Authority do in this scenario?

A. Report the data processing to the German Supervisory Authority and leave the supervising to them.

B. Supervise the processing of personal data in accordance with Dutch Law.

C. Supervise the processing of personal data in accordance with German Law.

D. The Dutch Supervisory Authority should check that adequate binding contracts are in place. The German Supervisory Authority should supervise.

Correct Answer: D

QUESTION 14

The GDPR does not define privacy as a term but uses the concept implicitly throughout the text. What is a correct definition of privacy as implicitly used throughout the GDPR?

A. The right to respect for one\\'s private and family life, home and personal correspondence

B. The right not to be disturbed by uninvited people, nor being followed, spied on or monitored

C. The fundamental right to protection of personal data, regardless of how it was obtained

D. The right to freedom of opinion and expression and to seeking, receiving and imparting information

Correct Answer: A

The fundamental right to protection of personal data, regardless of how it was obtained. Incorrect. This is a definition of data protection.

The right not to be disturbed by uninvited people, nor being followed, spied on or monitored. Incorrect. This is a definition of physical privacy. However, the GDPR does not concern itself with physical privacy.

The right to respect for one\\'s private and family life, home and personal correspondence. Correct. This is the definition as implicitly used throughout the GDPR. (Literature: A, Chapter 1)

The right to freedom of opinion and expression and to seeking, receiving and imparting information. Incorrect. This is a short version of Universal Declaration of Human Rights Article 19: freedom of opinion and expression.

QUESTION 15

What is the definition of privacy related to the General Data protection Regulation (GDPR)?

A. A situation in which one is not observed or distributed by the government or uninvited people.

B. The right to respect for a person\\'s private and family life, his home and his correspondence.

C. The fundamental right to respect a person\\'s physical and mental integrity.

D. The right to be protected against unsolicited intrusion into a computer or network and the processing of personal data by third parties.

Correct Answer: B