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Privacy and Data Protection Foundation

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QUESTION 1

According to the GDPR, for which situations should a Data Protection Impact Assessment (DPIA) be conducted?

- A. For all projects that include technologies or processes that require data protection
- B. For all sets of similar processing operations with comparable risks
- C. For any situation where technologies and processes will be subject to a risk assessment
- D. For technologies and processes that are likely to result in a high risk to the rights of data subjects

Correct Answer: A

Reference: <https://eugdprcompliant.com/dpia-guidelines/>

QUESTION 2

What does the GDPR concept of 'binding corporate rules' (BCR) imply?

- A. A commission decision on the safety of data transfer to a third country
- B. A set of rules used by a group of enterprises concerning personal data protection in international transfers
- C. Measures to compensate for the lack of data protection in a third country
- D. Rules covering data transfers between third countries

Correct Answer: B

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.

**QUESTION 4**

The GDPR states that records of processing activities must be kept by the controller. To whom must the controller make these records available, if requested?

- A. The data processor
- B. The Data Protection Officer
- C. The European Commission
- D. The supervisory authority

Correct Answer: D

Reference: <https://www.whitecase.com/publications/article/chapter-10-obligations-controllers-unlocking-eu-general-data-protection>

QUESTION 5

In what way are online activities of people most effectively used by modern marketers?

- A. By analyzing the logs of the web server it can be seen which products are top sellers, allowing them to optimize their marketing campaigns for those products.
- B. By tagging users of social media, profiles of their online behavior can be created. These profiles are used to ask them to promote a product.
- C. By tagging visitors of web pages, profiles of their online behavior can be created. These profiles are sold and used in targeted advertisement campaigns.

Correct Answer: A

QUESTION 6

A controller discovers that a data subject, who had given consent for the processing of his data, has passed away. What this implies for data processing according to the General Data Protection Regulation (GDPR)?

- A. With the death of the data owner, the controller can continue processing the data, as they are no longer under the GDPR.
- B. The data can only be processed by the controller respecting the consent provided by the holder.
- C. The controller must delete the data of the holder, since with the death of the holder the consent is automatically revoked.
- D. The controller can process the data of a deceased person as long as it anonymizes the data.

Correct Answer: A

With the death of the data subject, the controller can process the data in any way he wishes, since personal data of deceased persons is not within the scope of the GDPR. Recital 27 says: This Regulation does not apply to the personal data of deceased persons. Member States may provide for rules regarding the processing of personal data of deceased



persons.

QUESTION 7

The word privacy is never mentioned in the General Data Protection Regulation (GDPR) text.

Despite this, what would be the best definition of the privacy according to the Regulation?

- A. The right not to have your life monitored by technologies.
- B. Have freedom of expression.
- C. The right to respect for private and family life, for home and communications.
- D. The right to have your personal data protected.

Correct Answer: C

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

Data protection and privacy complement each other, but they are not the same.

A well-known phrase is: "You can have security without privacy, but you cannot have privacy without security".

Recital 4 of the GDPR says:

The processing of personal data should be designed to serve individuals. The right to protection of personal data is not absolute; it must be considered in relation to its role in society and balanced with other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the freedom and principles recognized in the Charter, enshrined in the Treaties, namely respect for private and family life, home and communications, the protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom of business, the right to action and an impartial tribunal, and cultural, religious and linguistic diversity.

QUESTION 8

To comply with the General Data Protection Regulation (GDPR) it is necessary to create a procedure for reporting data breaches to the Supervisory Authority.

As the controller is a public administration agency, which option is a requirement for this procedure?

- A. It must contain a step to perform a Data Protection Impact Analysis (DPIA).
- B. It must include an audit step.
- C. It should include a step to consult the Data Protection Officer (DPO) in order to determine whether notification to the Supervisory Authority is necessary.
- D. It must contain a step to notify the data subject.

Correct Answer: C



It is not necessary to inform the Supervisory Authority of any violation that occurs. But every violation must be analyzed with caution and attention. It is not necessary to notify the Supervisory Authority only if it does not present risks to the data subjects.

The DPO must always be involved to guide the best strategy and action for each violation that occurs.

Article 38 legislates on the position of the data protection officer:

1. The controller and the processor shall ensure that the data protection officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data.

It is clear that the DPO ?Data Protection Officer, must be involved in the entire data processing life cycle. From its collection to its exclusion.

QUESTION 9

The General Data Protection Regulation (GDPR) came into effect on May 25, 2018, what is the legal status of this regulation?

- A. The GDPR is a functional law in all EU member states and Member States cannot rectify it.
- B. The GDPR is only a recommendation. Member States should create laws to suit
- C. Some articles in the GDPR provide guidance and allow Member States to draft more specific laws to suit.

Correct Answer: A

When we have a Regulation, such as the GDPR, all EU member states are obliged to follow it. The regulation is a law and Member States cannot create laws that oppose it. Unlike the Directives that set objectives to be achieved, however, each Member State is free to decide how to apply them in its country.

QUESTION 10

Regarding the Portability Law for data subjects, which option is correct?

- A. The data subject has the right to object at any time, for reasons related to their particular situation, so that the data is not shared between controllers.
- B. The data subject has the right to ask the controller to rectify, erase or limit the processing of personal data with respect to the data subject if he has shared his data.
- C. The data owner has the right to transmit his data to another controller without the controller that already has the personal data provided being able to prevent it.
- D. The data subject has the right to obtain from the controller the limitation of processing so that the data is shared.

Correct Answer: C

Article 20 Right to data portability:

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided.

**QUESTION 11**

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 12

According to the General Data Protection Regulation (GDPR), which category of personal data is considered to be sensitive data?

- A. Labor union association
- B. Passport number
- C. Credit card details
- D. Social security number



Correct Answer: A

Article 9: Processing of special categories of personal data:

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

QUESTION 13

Which of the following options describes the concept of data minimization?

- A. It is the minimization of data storage locations.
- B. It is the decrease in the space allocated for data storage.
- C. It is the limitation of data to the purposes for which it is treated.
- D. It is the use of data for the shortest possible time.

Correct Answer: C

In its Article 5, which deals with the Principles relating to the processing of personal data, paragraph 1, the GDPR describes:

1. Personal data shall be:

adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimisation?);

Article 5 mentions all GDPR principles for processing personal data.

The data minimization principle refers to the purpose of the law that only the data that is required for processing should be collected.

This is also favorable to businesses. The less data is collected, the less likely violations are to occur and consequently the impacts also decrease.

Reference: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679>

QUESTION 14

When personal data are processed, who is ultimately responsible for demonstrating compliance with the GDPR?

- A. Data protection officer (DPO)
- B. Supervisory authority
- C. Processor
- D. Controller



Correct Answer: D

Controller. Correct. The controller is responsible for adequate data security measures and must be able to demonstrate compliance with the GDPR. (Literature:A, Chapter 2)

Data protection officer (DPO). Incorrect. The DPO has expert knowledge and assists the controller or processor to monitor internal compliance.

Processor. Incorrect. The processor is the one who processes personal data according to the instructions of the controller. The controller remains ultimately responsible though.

Supervisory authority. Incorrect. The controller needs to demonstrate compliance with the GDPR if requested by the supervisory authority.

QUESTION 15

Which EU legislation allows data to be transferred between the European Economic Area (EEA) and the United States (USA)?

- A. A suitability decision based on the Privacy Shield program
- B. A transfer made on the basis of World Trade Organization legislation.
- C. European Union Directive 95/46 / EC.
- D. A transfer made under UN law.

Correct Answer: A

In July 2016, Implementing Decision 2016/1250 came into force, which legislates that the United States must ensure an adequate level of protection for personal data transferred from the Union to United States organizations under the EU-US Privacy Protection Shield (Privacy Shield).

This is because the United States does not have a single law on the protection of personal data, since because of its internal policy, each state can create its own laws. Privacy Shield aims to standardize this, so that companies in the European Union and the United States can offer their services.

Article 1 of the Implementing Decision 2016/1250:

1. For the purposes of Article 25(2) of Directive 95/46 / EC, the United States ensures an adequate level of protection for personal data transferred from the Union to organisations in the United States under the EU

U.S. Privacy Shield.

2.

The EU-U.S. Privacy Shield is constituted by the Principles issued by the U.S. Department of Commerce on 7 July 2016 as set out in Annex II and the official representations and commitments contained in the documents listed in Annexes I, III to VI.

3.

For the purpose of paragraph 1, personal data are transferred under the EU-U.S. Privacy Shield where they are transferred from the Union to organisations in the United States that are included in the 'Privacy Shield List', maintained and made publicly available by the U.S. Department of Commerce, in accordance with Sections I and III of



the Principles set out in Annex II.

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