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QUESTION 1

SCENARIO

Please use the following to answer the next question:

Liem, an online retailer known for its environmentally friendly shoes, has recently expanded its presence in Europe. Anxious to achieve market dominance, Liem teamed up with another eco friendly company, EcoMick, which sells accessories

like belts and bags. Together the companies drew up a series of marketing campaigns designed to highlight the environmental and economic benefits of their products. After months of planning, Liem and EcoMick entered into a data sharing

agreement to use the same marketing database, MarketIQ, to send the campaigns to their respective contacts.

Liem and EcoMick also entered into a data processing agreement with MarketIQ, the terms of which included processing personal data only upon Liem and EcoMick's instructions, and making available to them all information necessary to

demonstrate compliance with GDPR obligations.

Liem and EcoMick then procured the services of a company called JaphSoft, a marketing optimization firm that uses machine learning to help companies run successful campaigns. Clients provide JaphSoft with the personal data of

individuals they would like to be targeted in each campaign. To ensure protection of its clients' data, JaphSoft implements the technical and organizational measures it deems appropriate. JaphSoft works to continually improve its machine

learning models by analyzing the data it receives from its clients to determine the most successful components of a successful campaign. JaphSoft then uses such models in providing services to its client-base. Since the models improve only

over a period of time as more information is collected, JaphSoft does not have a deletion process for the data it receives from clients. However, to ensure compliance with data privacy rules, JaphSoft pseudonymizes the personal data by

removing identifying information from the contact information. JaphSoft's engineers, however, maintain all contact information in the same database as the identifying information.

Under its agreement with Liem and EcoMick, JaphSoft received access to MarketIQ, which included contact information as well as prior purchase history for such contacts, to create campaigns that would result in the most views of the two

companies' websites. A prior Liem customer, Ms. Iman, received a marketing campaign from JaphSoft regarding Liem's as well as EcoMick's latest products. While Ms. Iman recalls checking a box to receive information in the future regarding

Liem's products, she has never shopped EcoMick, nor provided her personal data to that company.

Which of the following BEST describes the relationship between Liem, EcoMick and JaphSoft?

A. Liem is a controller and EcoMick is a processor because Liem provides specific instructions regarding how the marketing campaigns should be rolled out.

B. EcoMick and JaphSoft are is a controller and Liem is a processor because EcoMick is sharing its marketing data with Liem for contacts in Europe.

- C. JaphSoft is the sole processor because it processes personal data on behalf of its clients.
- D. Liem and EcoMick are joint controllers because they carry out joint marketing activities.

Correct Answer: B

QUESTION 2

A grade school is planning to use facial recognition to track student attendance. Which of the following may provide a lawful basis for this processing?

- A. The school places a notice near each camera.
- B. The school gets explicit consent from the students.
- C. Processing is necessary for the legitimate interests pursued by the school.
- D. A state law requires facial recognition to verify attendance.

Correct Answer: B

Reference: <https://www.jdsupra.com/legalnews/let-s-face-it-facial-recognition-1134180/>

QUESTION 3

The GDPR forbids the practice of "forum shopping", which occurs when companies do what?

- A. Choose the data protection officer that is most sympathetic to their business concerns.
- B. Designate their main establishment in member state with the most flexible practices.
- C. File appeals of infringement judgments with more than one EU institution simultaneously.
- D. Select third-party processors on the basis of cost rather than quality of privacy protection.

Correct Answer: B

QUESTION 4

Article 58 of the GDPR describes the power of supervisory authorities. Which of the following is NOT among those granted?

- A. Legislative powers.
- B. Corrective powers.
- C. Investigatory powers.
- D. Authorization and advisory powers.

Correct Answer: A

Reference: <https://www.privacy-regulation.eu/en/article-58-powers-GDPR.htm>

QUESTION 5

Which of the following was the first to implement national law for data protection in 1973?

- A. France
- B. Sweden
- C. Germany
- D. United Kingdom

Correct Answer: B

Reference: <https://scandinavianlaw.se/pdf/47-18.pdf>

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