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QUESTION NO: 1

In March 2012, the FTC released a privacy report that outlined three core principles for companies handling consumer data. Which was NOT one of these principles?

- A. Simplifying consumer choice.
- B. Enhancing security measures.
- C. Practicing Privacy by Design.
- D. Providing greater transparency.

ANSWER: B

Explanation:

Reference: <https://www.ftc.gov/news-events/press-releases/2012/03/ftc-issues-final-commission-report-protecting-consumer-privacy>

QUESTION NO: 2

SCENARIO

Please use the following to answer the next QUESTION:

Declan has just started a job as a nursing assistant in a radiology department at Woodland Hospital. He has also started a program to become a registered nurse.

Before taking this career path, Declan was vaguely familiar with the Health Insurance Portability and Accountability Act (HIPAA). He now knows that he must help ensure the security of his patients' Protected Health Information (PHI). Therefore, he is thinking carefully about privacy issues.

On the morning of his first day, Declan noticed that the newly hired receptionist handed each patient a HIPAA privacy notice. He wondered if it was necessary to give these privacy notices to returning patients, and if the radiology department could reduce paper waste through a system of one-time distribution.

He was also curious about the hospital's use of a billing company. He questioned whether the hospital was doing all it could to protect the privacy of its patients if the billing company had details about patients' care.

On his first day Declan became familiar with all areas of the hospital's large radiology department. As he was organizing equipment left in the hallway, he overheard a conversation between two hospital administrators. He was surprised to hear that a portable hard drive containing non-encrypted patient information was missing. The administrators expressed relief that the hospital would be able to avoid liability. Declan was surprised, and wondered whether the hospital had plans to properly report what had happened.

Despite Declan's concern about this issue, he was amazed by the hospital's effort to integrate Electronic Health Records (EHRs) into the everyday care of patients. He thought about the potential for streamlining care even more if they were accessible to all medical facilities nationwide.

Declan had many positive interactions with patients. At the end of his first day, he spoke to one patient, John, whose father had just been diagnosed with a degenerative muscular disease. John was about to get blood work done, and he feared that the blood work could reveal a genetic predisposition to the disease that could affect his ability to obtain insurance coverage. Declan told John that he did not think that was possible, but the patient was wheeled away before he could explain why. John plans to ask a colleague about this.

In one month, Declan has a paper due for one his classes on a health topic of his choice. By then, he will have had many interactions with patients he can use as examples. He will be pleased to give credit to John by name for inspiring him to think more carefully about genetic testing.

Although Declan's day ended with many Questions, he was pleased about his new position.

How can the radiology department address Declan's concern about paper waste and still comply with the Health Insurance Portability and Accountability Act (HIPAA)?

- A. State the privacy policy to the patient verbally
- B. Post the privacy notice in a prominent location instead
- C. Direct patients to the correct area of the hospital website
- D. Confirm that patients are given the privacy notice on their first visit

ANSWER: C

Explanation:

Explanation

QUESTION NO: 3

The U.S. Supreme Court has recognized an individual's right to privacy over personal issues, such as contraception, by acknowledging which of the following?

- A. Federal preemption of state constitutions that expressly recognize an individual right to privacy.
- B. A "penumbra" of unenumerated constitutional rights as well as more general protections of due process of law.
- C. An interpretation of the U.S. Constitution's explicit definition of privacy that extends to personal issues.
- D. The doctrine of stare decisis, which allows the U.S. Supreme Court to follow the precedent of previously decided case law.

ANSWER: B

Explanation:

Reference: <https://academic.oup.com/idpl/article/2/4/255/676934>

QUESTION NO: 4

A covered entity suffers a ransomware attack that affects the personal health information (PHI) of more than 500 individuals. According to Federal law under HIPAA, which of the following would the covered entity NOT have to report the breach to?

- A. Department of Health and Human Services
- B. The affected individuals
- C. The local media
- D. Medical providers

ANSWER: D

Explanation:

Reference: <https://www.hhs.gov/sites/default/files/RansomwareFactSheet.pdf> (page 6)

QUESTION NO: 5

What is a legal document approved by a judge that formalizes an agreement between a governmental agency and an adverse party called?

- A. A consent decree
- B. Stare decisis decree
- C. A judgment rider
- D. Common law judgment

ANSWER: A

QUESTION NO: 6

What do the Civil Rights Act, Pregnancy Discrimination Act, Americans with Disabilities Act, Age Discrimination Act, and Equal Pay Act all have in common?

- A. They require employers not to discriminate against certain classes when employees use personal information
- B. They require that employers provide reasonable accommodations to certain classes of employees
- C. They afford certain classes of employees' privacy protection by limiting inquiries concerning their personal information
- D. They permit employers to use or disclose personal information specifically about employees who are members of certain classes

ANSWER: A

QUESTION NO: 7

Which federal law or regulation preempts state law?

- A. Health Insurance Portability and Accountability Act
- B. Controlling the Assault of Non-Solicited Pornography and Marketing Act
- C. Telemarketing Sales Rule
- D. Electronic Communications Privacy Act of 1986

ANSWER: A

QUESTION NO: 8

Which statement is FALSE regarding the provisions of the Employee Polygraph Protection Act of 1988 (EPPA)?

- A. The EPPA requires that employers post essential information about the Act in a conspicuous location.
- B. The EPPA includes an exception that allows polygraph tests in professions in which employee honesty is necessary for public safety.
- C. Employers are prohibited from administering psychological testing based on personality traits such as honesty, preferences or habits.
- D. Employers involved in the manufacture of controlled substances may terminate employees based on polygraph results if other evidence exists.

ANSWER: C

Explanation:

Explanation

Reference: <https://hawleytroxell.com/2019/01/psychological-exams-and-personality-tests-in-employment-a-fine-line/>

QUESTION NO: 9

Which of the following is most likely to provide privacy protection to private-sector employees in the United States?

- A. State law, contract law, and tort law
- B. The Federal Trade Commission Act (FTC Act)
- C. Amendments one, four, and five of the U.S. Constitution
- D. The U.S. Department of Health and Human Services (HHS)

ANSWER: A

Explanation:

Reference: <https://corporate.findlaw.com/law-library/right-to-privacy-in-the-workplace-in-the-information-age.html>

QUESTION NO: 10

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.

Under the General Data Protection Regulation (GDPR), how would the U.S.-based startup company most likely be classified?

- A. As a data supervisor
- B. As a data processor
- C. As a data controller
- D. As a data manager

ANSWER: A

Explanation:

Reference: <https://www.i-scoop.eu/gdpr/data-processor-gdpr/>