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QUESTION 1

In a case of civil litigation, what might a defendant who is being sued for distributing an employee's private information face?

- A. Probation.
- B. Criminal fines.
- C. An injunction.
- D. A jail sentence.

Correct Answer: C

QUESTION 2

SCENARIO

Please use the following to answer the next question:

You are the chief privacy officer at HealthCo, a major hospital in a large U.S. city in state A. HealthCo is a HIPAA-covered entity that provides healthcare services to more than 100,000 patients. A third-party cloud computing service provider,

CloudHealth, stores and manages the electronic protected health information (ePHI) of these individuals on behalf of HealthCo. CloudHealth stores the data in state B. As part of HealthCo's business associate agreement (BAA) with

CloudHealth, HealthCo requires CloudHealth to implement security measures, including industry standard encryption practices, to adequately protect the data. However, HealthCo did not perform due diligence on CloudHealth before entering

the contract, and has not conducted audits of CloudHealth's security measures.

A CloudHealth employee has recently become the victim of a phishing attack. When the employee unintentionally clicked on a link from a suspicious email, the PHI of more than 10,000 HealthCo patients was compromised. It has since been

published online. The HealthCo cybersecurity team quickly identifies the perpetrator as a known hacker who has launched similar attacks on other hospitals ?ones that exposed the PHI of public figures including celebrities and politicians.

During the course of its investigation, HealthCo discovers that CloudHealth has not encrypted the PHI in accordance with the terms of its contract. In addition, CloudHealth has not provided privacy or security training to its employees. Law

enforcement has requested that HealthCo provide its investigative report of the breach and a copy of the PHI of the individuals affected.

A patient affected by the breach then sues HealthCo, claiming that the company did not adequately protect the individual's ePHI, and that he has suffered substantial harm as a result of the exposed data. The patient's attorney has submitted



a discovery request for the ePHI exposed in the breach.

What is the most significant reason that the U.S. Department of Health and Human Services (HHS) might impose a penalty on HealthCo?

- A. Because HealthCo did not require CloudHealth to implement appropriate physical and administrative measures to safeguard the ePHI
- B. Because HealthCo did not conduct due diligence to verify or monitor CloudHealth's security measures
- C. Because HIPAA requires the imposition of a fine if a data breach of this magnitude has occurred
- D. Because CloudHealth violated its contract with HealthCo by not encrypting the ePHI

Correct Answer: B

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

Under what conditions will personal data processing be subject to the Virginia Consumer Data Protection Act (VCDPA) requirements for a documented data protection assessment?

- A. If the data subject is younger than 13 years of age and the data is processed after January 1, 2023.
- B. If the data processor processes personal data beyond the controller's instructions.
- C. If the personal data is stored by a California-based third-party service provider.
- D. If the personal data is processed for purposes of targeted advertising.

Correct Answer: D

Reference: <https://www.jdsupra.com/legalnews/virginia-is-for-data-privacy-lovers-2548062/#:~:text=The%20VCDPA%20also%20provides%20consumers,significant%20effects%20concerning%20the%20consumer>

**QUESTION 5**

Acme Student Loan Company has developed an artificial intelligence algorithm that determines whether an individual is likely to pay their bill or default. A person who is determined by the algorithm to be more likely to default will receive frequent payment reminder calls, while those who are less likely to default will not receive payment reminders.

Which of the following most accurately reflects the privacy concerns with Acme Student Loan Company using artificial intelligence in this manner?

- A. If the algorithm uses risk factors that impact the automatic decision engine. Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output.
- B. If the algorithm makes automated decisions based on risk factors and public information, Acme need not determine if the algorithm has a disparate impact on protected classes.
- C. If the algorithm's methodology is disclosed to consumers, then it is acceptable for Acme to have a disparate impact on protected classes.
- D. If the algorithm uses information about protected classes to make automated decisions, Acme must ensure that the algorithm does not have a disparate impact on protected classes in the output.

Correct Answer: B

Reference: <https://www.ftc.gov/news-events/blogs/business-blog/2020/04/using-artificial-intelligence-algorithms>

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