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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:

Otto is preparing a report to his Board of Directors at Filtration Station, where he is responsible for the privacy program. Filtration Station is a U.S. company that sells filters and tubing products to pharmaceutical companies for research use.

The company is based in Seattle, Washington, with offices throughout the U.S. and Asia. It sells to business customers across both the U.S. and the Asia-Pacific region. Filtration Station participates in the Cross-Border Privacy Rules system

of the APEC Privacy Framework.

Unfortunately, Filtration Station suffered a data breach in the previous quarter. An unknown third party was able to gain access to Filtration Station's network and was able to steal data relating to employees in the company's Human

Resources database, which is hosted by a third-party cloud provider based in the U.S. The HR data is encrypted. Filtration Station also uses the third-party cloud provider to host its business marketing contact database. The marketing

database was not affected by the data breach. It appears that the data breach was caused when a system administrator at the cloud provider stored the encryption keys with the data itself.

The Board has asked Otto to provide information about the data breach and how updates on new developments in privacy laws and regulations apply to Filtration Station. They are particularly concerned about staying up to date on the

various U.S. state laws and regulations that have been in the news, especially the California Consumer Privacy Act (CCPA) and breach notification requirements.

The Board has asked Otto whether the company will need to comply with the new California Consumer Privacy Law (CCPA). What should Otto tell the Board?

- A. That CCPA will apply to the company only after the California Attorney General determines that it will enforce the statute.
- B. That the company is governed by CCPA, but does not need to take any additional steps because it follows CPBR.



- C. That business contact information could be considered personal information governed by CCPA.
- D. That CCPA only applies to companies based in California, which exempts the company from compliance.

Correct Answer: A

QUESTION 3

John, a California resident, receives notification that a major corporation with \$500 million in annual revenue has experienced a data breach. John's personal information in their possession has been stolen, including his full name and social security numb. John also learns that the corporation did not have reasonable cybersecurity measures in place to safeguard his personal information.

Which of the following answers most accurately reflects John's ability to pursue a legal claim against the corporation under the California Consumer Privacy Act (CCPA)?

- A. John has no right to sue the corporation because the CCPA does not address any data breach rights.
- B. John cannot sue the corporation for the data breach because only the state's Attorney General has authority to file suit under the CCPA.
- C. John can sue the corporation for the data breach but only to recover monetary damages he actually suffered as a result of the data breach.
- D. John can sue the corporation for the data breach to recover monetary damages suffered as a result of the data breach, and in some circumstances seek statutory damages irrespective of whether he suffered any financial harm.

Correct Answer: C

QUESTION 4

SCENARIO

Please use the following to answer the next question:

Miraculous Healthcare is a large medical practice with multiple locations in California and Nevada. Miraculous normally treats patients in person, but has recently decided to start offering telehealth appointments, where patients can have virtual appointments with on-site doctors via a phone app.

For this new initiative, Miraculous is considering a product built by MedApps, a company that makes quality telehealth apps for healthcare practices and licenses them to be used with the practices' branding. MedApps provides technical

support for the app, which it hosts in the cloud. MedApps also offers an optional benchmarking service for providers who wish to compare their practice to others using the service.

Riya is the Privacy Officer at Miraculous, responsible for the practice's compliance with HIPAA and other applicable laws, and she works with the Miraculous procurement team to get vendor agreements in place. She occasionally assists

procurement in vetting vendors and inquiring about their own compliance practices, as well as negotiating the terms of vendor agreements. Riya is currently reviewing the suitability of the MedApps app from a privacy perspective.



Riya has also been asked by the Miraculous Healthcare business operations team to review the MedApps' optional benchmarking service. Of particular concern is the requirement that Miraculous Healthcare upload information about the

appointments to a portal hosted by MedApps.

What HIPAA compliance issue would Miraculous have to consider before using the telehealth app?

- A. HIPAA does not permit healthcare providers to use cloud hosting services.
- B. HIPAA does not permit in-person appointment data to be hosted in the cloud.
- C. HIPAA would require Miraculous and MedApps to enter into a Business Associate Agreement.
- D. HIPAA would require Miraculous to obtain patient consent before in-person appointment data can be shared with third parties.

Correct Answer: D

Reference: <https://www.hhs.gov/hipaa/for-professionals/faq/264/what-is-the-difference-between-consent-and-authorization/index.html>

QUESTION 5

Under the Fair Credit Reporting Act (FCRA), what must a person who is denied employment based upon his credit history receive?

- A. A prompt notification from the employer.
- B. An opportunity to reapply with the employer.
- C. Information from several consumer reporting agencies (CRAs).
- D. A list of rights from the Consumer Financial Protection Bureau (CFPB).

Correct Answer: A

Reference: <https://www.experian.com/blogs/ask-experian/credit-education/report-basics/fair-credit-reporting-act-fcra/>

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