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Privacy and Data Protection Foundation

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QUESTION 1

When a data breach occurs in a company that has branches in several countries of the European Union, which supervisory authority is competent to take the appropriate measures?

- A. The Supervisory Authority of the country where the company's main establishment is located.
- B. The Supervisory Authority of the country where the subsidiary with the largest number of affected holders is located.
- C. The Supervisory Authority of the country that had the most affected holders.
- D. The Supervisory Authority of the country where the company's largest subsidiary is located.

Correct Answer: A

Recital 124 tells us:

“Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union and the controller or processor is established in more than one Member State, or where processing taking place in the context of the activities of a single establishment of a controller or processor in the Union substantially affects or is likely to substantially affect data subjects in more than one Member State, the supervisory authority for the main establishment of the controller or processor or for the single establishment of the controller or processor should act as lead authority...”

But what is Main Establishment?

Article 4, paragraph 16, gives us the definitions:

16) «Main establishment»:

a) as regards a controller with establishments in more than one Member State, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions is to be considered to be the main establishment; b) as regards a processor with establishments in more than one Member State, the place of its central administration in the Union, or, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under this Regulation.

QUESTION 2

Under what EU legislation is data transfer between the EEA and the U.S.A. allowed?

- A. An adequacy decision based on the Privacy Shield program
- B. An adequacy decision by reason of US domestic legislation
- C. The Transatlantic Trade and Investment Partnership (TTIP)
- D. The U.S.A.'s commitment to join the European Economic Area

Correct Answer: A



Reference: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu_en

QUESTION 3

Which organizations need to comply with the General Data Protection Regulation (GDPR)?

- A. Only organizations that have employees in the European Union (EU).
- B. Only organizations that have their headquarters in the European Union (EU).
- C. All organizations anywhere in the world.
- D. All organizations located in the European Union and also organizations outside the European Union that offer goods or services to data subjects in the EU.

Correct Answer: D

This is a question that has the most doubts: "Who needs to adapt?". For example: 1 - If you have a company in Brazil and sell products or services and process personal data from residents in the EU, in this case your company must conform to the GDPR. 2- If you have a company located in the EU and handle personal data.

Transcribing here part of Article 3 of the GDPR:

1.

This Regulation applies to the processing of personal data carried out in the context of the activities of an establishment of a controller or a subcontractor located in the territory of the Union, regardless of whether the processing takes place inside or outside the Union.

2.

This Regulation applies to the processing of personal data of holders residing in the territory of the Union, carried out by a controller or processor not established in the Union, when the processing activities are related to:

- a) The provision of goods or services to such data subjects in the Union, regardless of the requirement for data subjects to make a payment;
 - b) Control of their behavior, provided that such behavior takes place in the Union.
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QUESTION 4

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 5

What should be done by the EU member states and is not a responsibility of the supervisory authorities?

- A. Impose administrative fines to controllers
- B. Make rules for penalizing other GDPR infringements
- C. Order the controller to notify the data subject about a breach
- D. Receive and process data breach notifications from controllers

Correct Answer: B

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