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QUESTION 1

What is the purpose of a data protection audit by the supervisory authority?

- A. To monitor and enforce the application of the GDPR by assessing that processing is performed in compliance with the GDPR.
- B. To fulfill the obligation in the GDPR to implement appropriate technical and organizational measures for data protection.
- C. To advise the controller on the mitigation of privacy risks to protect the controller from liability claims for non-compliance.

Correct Answer: A

To advise the controller on the mitigation of privacy risks to protect the controller from liability claims for non-compliance. Incorrect. The supervisory authority has the task to monitor compliance and to advise on enhancements, but its purpose is not to protect the controller.

To fulfill the obligation in the GDPR to implement appropriate technical and organizational measures for data protection. Incorrect. The audit is not the implementation of the measures, but an assessment of the effectiveness of them.

To monitor and enforce the application of the GDPR by assessing that processing is performed in compliance with the GDPR. Correct. According to the GDPR this is an important task of a supervisory authority. (Literature: A, Chapter 7; GDPR Article 57 (1)(a))

QUESTION 2

Regarding the Portability Law for data subjects, which option is correct?

- A. The data subject has the right to object at any time, for reasons related to their particular situation, so that the data is not shared between controllers.
- B. The data subject has the right to ask the controller to rectify, erase or limit the processing of personal data with respect to the data subject if he has shared his data.
- C. The data owner has the right to transmit his data to another controller without the controller that already has the personal data provided being able to prevent it.
- D. The data subject has the right to obtain from the controller the limitation of processing so that the data is shared.

Correct Answer: C

Article 20 Right to data portability:

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided.

QUESTION 3



Which of the alternatives describes one of the Supervisory Authority's responsibilities?

- A. Supervise the processing of data of holders residing in a country belonging to the European Economic Area (EEA).
- B. Consider the nature of the treatment, and as far as possible, assist the controller in order to enable the controller to fulfill his obligation.
- C. Provide the controller with all necessary information to demonstrate compliance with obligations.
- D. Apply technical and organizational measures to ensure that only personal data that are necessary for each specific purpose of processing are processed.

Correct Answer: A

The correct option is the responsibility of the Supervisory Authority, the others are the responsibility of the processor.

GDPR Article 3 decrees:

This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:

- a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or;
 - b) the monitoring of their behaviour as far as their behaviour takes place within the Union.
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QUESTION 4

According to Article.33 of the GDPR the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority.

What is the maximum penalty for non-compliance with this notification obligation?

- A. 10.000.000 or 2% of the annual global turnover, whichever is higher
- B. 20.000.000 or 4% of the annual global turnover, whichever is higher
- C. Up to 500.000 with a minimum of 120.000
- D. Up to 820.000 with a minimum of 350.000

Correct Answer: A

10.000.000 or 2% of the annual global turnover, whichever is higher. Correct. This is the maximum according to the GDPR for infringement of the personal data breach notification obligation. (Literature: A, Chapter 7; GDPR Article 33)

20.000.000 or 4% of the annual global turnover, whichever is higher. Incorrect. This fine is given for noncompliance or non-conformity to the basic principles for processing, including conditions for consent. Up to

500.000 with a minimum of 120.000. Incorrect. This is an outdated number based on the Dutch Penal code. GDPR rules specify higher fines.

Up to 820.000 with a minimum of 350.000. Incorrect. This is an outdated number based on the Dutch Penal code. GDPR rules specify higher fines.

**QUESTION 5**

The General Data Protection Regulation (GDPR) is based on the principles of proportionality and subsidiarity.

What is the meaning of "proportionality" in this context?

- A. Personal data can be processed according to the use of requirements.
- B. Personal data cannot be reused without explicit and informed consent.
- C. Personal data can only be processed if there are no other means to achieve the purposes.
- D. Personal data must be adequate, relevant and not excessive in relation to the purposes.

Correct Answer: D

Recital 170 mentions "Since the objective of this Regulation, namely to ensure an equivalent level of protection of natural persons and the free flow of personal data throughout the Union, cannot be sufficiently achieved by the Member States and can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective."

Proportionality says that personal data should be collected according to the purpose of processing, that is, proportional, and data that will not be used for the purpose should not be collected.

Subsidiarity is a principle that says that personal data can only be processed if there are no other means to achieve the objective. Therefore, the less personal data used, the less the possibilities of violating privacy.

These two principles Subsidiarity and Proportionality are constantly charged in the EXIN exam.

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