

# PDPF<sup>Q&As</sup>

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.

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## QUESTION 2

In the contract between the controller and processor for the processing of personal data, which of the options below represents the sole responsibility of the Controller?

- A. Erase all personal data after the completion of treatment-related services, deleting existing copies.
- B. Treat personal data only through documented instructions, including with regard to data transfers to third countries or international organizations.
- C. Ensure that the persons authorized to process personal data have made a commitment to confidentiality.
- 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: D

The correct option is exclusively for the Controller, the others are for the Processor in accordance with Articles 25 and 28 of the GDPR.

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### QUESTION 3

What is a description of data protection by design and by default?

- A. Not holding more data than is strictly required for processing
- B. An indication of timeframes if processing relates to erasure
- C. Data may only be collected for explicit and legitimate purposes
- D. An approach that implements data protection from the start (Correct)

Correct Answer: D

An approach that implements data protection from the start. Correct. This is a correct description. (Literature: A, Chapter 8; GDPR Article 25(1))

An indication of timeframes if processing relates to erasure. Incorrect. This is a description of a data protection impact assessment (DPIA).

Data may only be collected for explicit and legitimate purposes. Incorrect. This is a description of measures taken to comply with the principle of purpose limitation.

Not holding more data than is strictly required for processing. Incorrect. This is a description of procedures to comply with the principle of data minimization.

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### QUESTION 4

Which of the following has a data breach under the General Data Protection Regulation (GDPR)?

- A. A processor, after terminating its contract with the controller, deletes personal data.
- B. A collaborator goes away without locking his workstation.
- C. A backup is restored by the controller to a corrupted personal data server.
- D. A notebook with financial reports from a multinational is stolen.

Correct Answer: B

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### QUESTION 5

On July 12, 2016 the European Commission implemented a ruling regarding the transfer of personal data between the EEA and the US. The ruling is based on the data protection measures described in the EUUS Privacy Shield. What kind of a ruling is this?

- A. Derogation
- B. Legally binding contract
- C. Treaty superseding the GDPR
- D. Adequacy decision

Correct Answer: D

Adequacy decision. Correct. The ruling is an adequacy decision regarding processing in third countries. (Literature: A, Chapter 7; GDPR Article 45 and Recitals (104) and (106))

Derogation. Incorrect. A derogation is for specific situations where a transfer is necessary, but there is no ruling permitting it. (Literature: GDPR Article 49(1)(q))

Legally binding contract. Incorrect. The ruling is an adequacy decision. A legally binding contract is between a processor and a controller.

Treaty superseding the GDPR. Incorrect. The ruling is an adequacy decision. It does not supersede the GDPR.

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