

PDPF^{Q&As}

Privacy and Data Protection Foundation

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QUESTION 1

A written contract between a controller and a processor is called a data processing agreement. According to the GDPR, what does not have to be covered in the written contract?

- A. The contractor code of business ethics and conduct that is used.
- B. Which data are covered by the data processing agreement
- C. The information security and personal data breach procedures
- D. The technical and organizational measures implemented

Correct Answer: A

The contractor code of business ethics and conduct that is used. Correct. Although the GDPR endorses the use of codes of conduct and certification, it is not an obligation to have this clause to demonstrate compliance with the GDPR.

(Literature: A, Chapter 8; GDPR Article 28(3))

The information security and personal data breach procedures. Incorrect. This is mandatory because it describes the obligations of the processor regarding the notification of a personal data breach (by the controller) to the supervisory authority.

The technical and organizational measures implemented. Incorrect. This is mandatory because it describes technical and organizational measures the processor must take.

Which data are covered by the data processing agreement. Incorrect. This is mandatory because it describes the personal data, including special category personal data, covered by the contract.

QUESTION 2

In its Article 9 the GDPR categorizes some types of personal data as "sensitive".

Of these below which are considered sensitive?

- A. Date of birth of a person.
- B. A person's home address.
- C. Soccer team that a person supports.
- D. Result of a medical examination.

Correct Answer: D

As stated in the statement, Article 9 concerns the treatment of special categories of personal data, also called sensitive data.

This is a type of question that is often asked by EXIN. Important to remember which types of data are categorized as sensitive.

Article 9: Processing of special categories of personal data

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

Examples of sensitive data: Race, skin color, family tree, political party, political party affiliation, religious beliefs, illness, test results, digital, facial recognition and sexual preference. These are just a few examples.

QUESTION 3

Someone regularly receives offers from a store where he purchased something five years ago. He wants the company to stop sending offers and to wipe his personal data.

Which aspect of the rights of a data subject in the General Data Protection Regulation (GDPR) requires the company to comply?

- A. The right to erasure
- B. The right to rectification
- C. The right to restriction of processing
- D. The right to withdraw consent

Correct Answer: D

Reference: <https://gdpr-info.eu/art-7-gdpr/>

QUESTION 4

In the European Union we have: Directives and Regulations. What is the difference between them?

A. The regulation provides guidance for EU Member States and they can create their own laws to conform to the regulation. A directive has the force of law and all EU Member States must follow it without changing it.

B. The directive provides guidance for EU member states and they can create their own laws to suit the directive. A regulation has the force of law and all EU Member States must follow it without changing it.

Correct Answer: B

When we have a Regulation, such as the GDPR, all EU member states are obliged to follow it and have a fixed date for entry into force. The regulation is a law and Member States cannot create laws that oppose it. Unlike the Directives that set objectives to be achieved, however, each Member State is free to decide how to apply them in its country.

Important

Prior to the GDPR, there was the "95/46 / EC First Data Protection Directive (European DP)". Approved in 1995, it was already aimed to protect personal data. This directive was replaced by the GDPR.

"Article 94: 1. Directive 95/46 / EC is repealed with effect from 25 May 2018."

In the EXIN PDPF exam this is a question that is routinely asked. "What directive has been replaced by GDPR?"

Answer: 95/46 / EC.

QUESTION 5

The General Data Protection Regulation (GDPR) came into effect on May 25, 2018, what is the legal status of this regulation?

- A. The GDPR is a functional law in all EU member states and Member States cannot rectify it.
- B. The GDPR is only a recommendation. Member States should create laws to suit
- C. Some articles in the GDPR provide guidance and allow Member States to draft more specific laws to suit.

Correct Answer: A

When we have a Regulation, such as the GDPR, all EU member states are obliged to follow it. The regulation is a law and Member States cannot create laws that oppose it. Unlike the Directives that set objectives to be achieved, however, each Member State is free to decide how to apply them in its country.

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