



PRIVACY & DATA PROTECTION FOUNDATION

Sample Exam Questions

Introduction

This document contains 5 questions (and answers) that help you familiarise yourself with the structure and topic areas of the SECO-Institute's Privacy & Data Protection Foundation certification exam.

To download our Complete Sample Exam, create a free study account at <https://members.seco-institute.org>

We recommend you to take the Complete Sample Exam before registering for the certification exam.

The results of the Sample Exam do not count towards your examination score.

Certification exam

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To book an exam with the SECO-Institute, go to: <https://www.seco-institute.org/how-to-book-your-exam-schedule-an-exam/>

Passing the certification exam demonstrates your ability to handle personal data in compliance with the EU's General Data Protection Regulation (GDPR).

Exam format

Computer-based with remote proctoring

- 40 multiple choice questions
- Time allowed: 60 minutes
- Closed-book exam
- Pass mark: 60%

Questions



Question 1

Which European Union (EU) legal document forms the basis for all EU privacy and data protection laws?

- A. UN Universal Declaration of Human Rights
- B. Directive 95/46/EC
- C. EU Charter of Fundamental Rights
- D. The ePrivacy Directive

Question 2

In which situation does the GDPR apply?

- A. A deceased person's personal data are used by his family to create a memorial website.
- B. An airline transfers international passengers' booking information to EU Member State authorities for the purpose of crime prevention.
- C. A police officer takes witnesses' statements on a crime scene and writes a report.
- D. A company's HR department performs a background check on a future employee.

Question 3

Who is the data controller in this situation?

A university contracts a market research company to carry out a student satisfaction survey. The university specifies the budget and the deadline, but the market research company determines sample sizes and interview methods. The market research company decides which students to select for the interview, what information will be collected, how the information will be collected, and how the information will be presented to the university.

- A. The university is the controller.
- B. The university and the market research company are joint controllers.
- C. The market research company is the controller.
- D. The interviewed students are all controllers.

Question 4

The GDPR's "purpose limitation" principle states that you can only process the personal data for a new purpose if the new purpose is compatible with the original purpose of the processing. If the new purpose is not compatible with the original purpose, you need to obtain consent for processing for the new purpose, unless you have a clear obligation or function set out in law.

Which activity complies with the purpose limitation principle?

- A. A hospital uses patients' records to promote a health insurance plan.
- B. A hospital uses patients' records to compile statistics on heart disease.
- C. A hospital sells its patient list to a company that sells blood glucose monitors.
- D. A hospital discloses its patient list to a drug manufacturer who sends patients discount coupons on a new medical product.

Question 5

Jane registers a lottery account. When creating the account, she provides her name, e-mail address, postal code and mobile telephone number. She only wants to use her account to play the lottery, but the company is constantly calling her on her mobile phone to inform her about other games she could play. What should Jane do if she wants to stop the phone calls but she wants to keep playing the lottery?

- A. Invoke her right to erasure as set out in GDPR Article 17 and ask the company to delete all her personal data.
- B. Invoke her right to object as set out in GDPR Article 21 and ask the company to stop using her personal data for direct marketing.
- C. Invoke her right to restriction of processing as set out in GDPR Article 18 and ask the company to restrict the use of her personal data.
- D. Invoke her right to rectification as set out in GDPR Article 16. Tell the company her phone number has changed and provide a friend's phone number instead of hers.

Answers



Question 1

The correct answer is C. The EU Charter of Fundamental Rights sets out all the fundamental rights protected in the EU, including the right to privacy and the right to data protection. As the document that sets out fundamental rights to be protected in the EU, the EU Charter of Fundamental Rights is a binding source of primary EU law.

The UN Universal Declaration of Human Rights is not an EU document. Furthermore, it expresses fundamental values, but does not directly create legal obligations for countries.

Directive 95/46/EC (the Data Protection Directive) was an EU legal document, but it is no longer in force. It was repealed by the GDPR.

The ePrivacy Directive (to be replaced by the ePrivacy Regulation) only addresses data protection in the electronic communications sector.

(Course material > Introduction: Historical and Legal Context of the GDPR)

Question 2

The correct answer is D. The GDPR applies to employee background checks.

The GDPR does not apply to the processing of the personal data of deceased persons, the processing of personal data for the prevention of terrorism and serious crime, and the processing of personal data for law enforcement purposes.

The processing of international airline passengers' personal data for counter-terrorism and security purposes is regulated by the PNR directive.

The processing of personal data by the competent authorities for law enforcement purposes (crime prevention, investigation, detection and prosecution) is regulated by Directive 2016/680.

(Course material > The House of Data Protection – Foundation: Terms and Scope – The GDPR's Material Scope)

Question 3

The correct answer is B. The university and the market research company are joint controllers.

The university initiated the data processing and determined its purpose. Therefore, the university assumes the role of data controller. The market research company processes the personal data on behalf of the university, but the market research company determines the “means” of the processing. The market research company determines essential aspects of the processing (what type of data to collect, how to collect the data, and whom to interview). Therefore, the market research company should be regarded as a joint controller. The market research company would be a processor if it simply collected personal data following the university’s instructions on what data to collect, how, and from whom.

(Course material > The House of Data Protection – Foundation: Terms and Scope – Data Protection Roles)

Question 4

The correct answer is B. Using patients’ records to compile statistics is a compatible purpose under the GDPR.

Article 5(1)(b) of the GDPR explicitly states that further processing should be allowed for statistical purposes:

“1. Personal data shall be: (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes.”

Transferring patients’ personal data to third parties for marketing or commercial purposes cannot be considered a purpose compatible with the initial purpose of the processing. The purpose limitation principle establishes that additional purposes must be compatible with the data subjects’ reasonable expectations based on the data subject’s relationship with the controller and the controller’s communication with the data subjects.

(Course material > The House of Data Protection – Pillar 1: Processing Principles)

Question 5

The correct answer is B. Jane should invoke her right to object as set out in GDPR Article 21 and ask the company to stop using her personal data for direct marketing.

Jane wants to keep her account, so that she can continue playing the lottery. What she does not want is being contacted on the phone about other games. If Jane invoked her right to erasure, the controller would delete all her personal data. In that case the phone calls would stop, but Jane would not be able to play the lottery.

If Jane invoked her right to restriction of processing, the controller would still be able to store her data but not use them for any purposes, except

- If they obtain Jane's explicit consent to processing for a specific purpose;
- If they need Jane's data to establish, exercise or defend legal claims;
- If they need Jane's data to protect the rights of another legal or natural person;
- If they need Jane's data for reasons of important public interest.

If Jane wants to keep playing the lottery, the simplest solution is to object to the processing of her personal data for marketing purposes. This way the controller has to stop calling her, but this will have no influence on her ability to use her account and play the lottery.

If Jane disclosed her friend's phone number to the company under the right to "rectify" her "inaccurate" personal data, she would violate another natural person's right to privacy and data protection.

(Course material > The House of Data Protection – Pillar 2: Restrictions – Restrictions Following from the Data Subject's Rights)



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