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Question 1

Question Type: MultipleChoice

All of the following are exempt from Section 43A of India's IT Rules 2011 EXCEPT?

Options:

- A- Charitable groups.
- B- Sole proprietorships.
- C- Government agencies.
- D- Religious organizations.

Answer:

C

Question 2

Question Type: MultipleChoice

Section 43A of India's IT Rules 2011 requires which of the following for a privacy policy?

Options:

- A-** It should be available and produced on request.
- B-** It should be published on the website of the body corporate.
- C-** It should be emailed or faxed to data providers by the body corporate.
- D-** It should be shown to the data provider at the time of data collection.

Answer:

A

Explanation:

rules-2011-

Question 3

Question Type: MultipleChoice

In India, the obligation to appoint a Grievance Officer applies ONLY to companies that?

Options:

- A- Deal with sensitive personal data.
- B- Conduct cross-border data transfers.
- C- Are considered part of the public sector.
- D- Lack alternate enforcement mechanisms.

Answer:

A

Explanation:

<https://taxguru.in/corporate-law/compliance-relation-appointment-grievance-officer-provisions-information-technology-act-2000.html>

Question 4

Question Type: MultipleChoice

Which of the following entities do NOT fall under India's Right to Information Act of 2005?

Options:

- A- High courts.
- B- State legislatures.
- C- Law enforcement agencies.
- D- National Security Guard.

Answer:

D

Explanation:

<https://cic.gov.in/sites/default/files/Section%2024%20of%20the%20RTI%20Act%20-%20Ankur%20Mishra.pdf> (9)

Question 5

Question Type: MultipleChoice

How was the Supreme Court's ruling in the Maneka Gandhi v Union of India case significant to Indian law?

Options:

- A-** It expanded the interpretation of right to life under Article 21 of the Constitution.
- B-** It established that privacy is a fundamental right granted by the Constitution under Article 21.
- C-** It upheld that the impounding of passports for 'public interest' is allowable under Section 10(3)(c) of the Passports Act.
- D-** It ruled that under Article 32 of the Constitution individuals may file writ petitions when they feel their rights were violated.

Answer:

D

Question 6

Question Type: MultipleChoice

In Hong Kong's revised Breach Guidance Note of 2015, what course of action did the Commissioner recommend that companies take immediately after experiencing a breach?

Options:

- A- Proceed under the assumption that the breach is a threat to personal safety.
- B- Enlist the aid of law enforcement to determine the cause of the breach.
- C- Quickly issue a notification to the data subjects affected by the breach.
- D- Immediately gather essential information in relation to the breach.

Answer:

B

Explanation:

https://www.pcpd.org.hk/english/resources_centre/publications/files/DataBreachHandling2015_e.pdf

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Question 7

Question Type: MultipleChoice

SCENARIO -- Please use the following to answer the next QUESTION:

Fitness For Everyone ("FFE") is a gym on Hong Kong Island that is affiliated with a network of gyms throughout Southeast Asi

a. When prospective members of the gym stop in, call in or submit an inquiry online, they are invited for a free trial session. At first, the gym asks prospective clients only for basic information: a full name, contact number, age and their Hong Kong ID number, so that FFE's senior trainer Kelvin can reach them to arrange their first appointment.

One day, a potential customer named Stephen took a tour of the gym with Kelvin and then decided to join FFE for six months. Kelvin pulled out a registration form and explained FFE's policies, placing a circle next to the part that read "FEE and affiliated third parties" may market new products and services using the contact information provided on the form to Stephen "for the duration of his membership." Stephen asked if he could opt-out of the marketing communications. Kelvin shrugged and said that it was a standard part of the contract and that most gyms have it, but that even so Kelvin's manager wanted the item circled on all forms. Stephen agreed, signed the registration form at the bottom of the page, and provided his credit card details for a monthly gym fee. He also exchanged instant messenger/cell details with Kelvin so that they could communicate about personal training sessions scheduled to start the following week.

After attending the gym consistently for six months, Stephen's employer transferred him to another part of the Island, so he did not renew his FFE membership.

One year later, Stephen started to receive numerous text messages each day from unknown numbers, most marketing gym or weight loss products.

Suspecting that FFE shared his information widely, he contacted his old FFE branch and asked reception if they still had his information on file. They did, but offered to delete it if he wished. He was told FFE's process to purge his information from all the affiliated systems might take 8 to 12 weeks. FFE also informed him that Kelvin was no longer employed by FFE and had recently started working for a competitor. FFE believed that Kelvin may have shared the mobile contact details of his clients with the new gym, and apologized for this

inconvenience.

Which of the following types of text messages are permissible, regardless of Stephen's withdrawal of consent?

Options:

- A-** From the FFE retention department, offering a special discount for reactivating membership.
- B-** From health care services provided by Hong Kong's Hospital Authority or Department of Health.
- C-** From an FFE affiliate that provides a mechanism to opt out of further communications by reply-texting 'OO.'
- D-** From an FFE affiliate in the region Stephen was transferred to, offering services similar to those he purchased previously.

Answer:

C

Question 8

Question Type: MultipleChoice

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Which of the following practices would likely violate Hong Kong's Data Protection Principle 1 regarding data collection?

Options:

- A- FFE's collection of full name from prospective clients.
- B- FFE affiliates' receipt of Stephen's contact information.
- C- FFE's collection of age and HKID from prospective clients.
- D- FFE's collection of Stephen's messenger cell details through Kelvin.

Answer:

D

Question 9

Question Type: MultipleChoice

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Which of the following FFE data retention policies would be permitted under Section 26 of the Personal Data (Privacy) Ordinance and Hong Kong Data Protection Principle 2 regarding accuracy and retention?

Options:

- A-** Retain the data of members who have been suspended for non-payment, in the event that the data is needed to seek compensation in a court of law.
- B-** Retain all member data and documents in original form for two years after account termination, to better inform marketing efforts focused on re-activating accounts of former customers.
- C-** Retain an anonymous data set after account termination indicating dates of membership, age, and other statistical data, to be included in aggregate reports about gym membership trends.
- D-** Retain copies of files of customers who utilized personal trainer services for six months after account termination, to allow trainers to respond to inquiries from personal physicians about training-related injuries.

Answer:

C

Question 10

Question Type: MultipleChoice

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Assuming that Kelvin received a commission for sharing his former client list with the new employer, and the new employer used Stephen's data to engage in direct marketing to Stephen, which of the following penalties could Kelvin face under Part VI A of the Ordinance?

Options:

- A-** No penalty, as FFE and the new employer are the responsible parties.
- B-** Violation of the terms of his employment agreement.
- C-** A maximum \$500,000 HKD fine.
- D-** Up to five years imprisonment.

Answer:

B

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