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BCS

PDP9

**BCS Practitioner Certificate
in Data Protection Exam**

QUESTION: 1

Who is entitled to a private life by law in the UK?

- A. All individuals.
- B. All individuals save for Members of Parliament
- C. Private individuals who do not conduct their business on public platforms (such as professional sports people and actors)
- D. Nobody

Answer(s): A

Explanation:

The right to a private life is a fundamental human right that is protected by law in the UK. Article 8 of the European Convention on Human Rights (ECHR), which is incorporated into UK law by the Human Rights Act 1998, states that "Everyone has the right to respect for his private and family life, his home and his correspondence". This right applies to all individuals, regardless of their status, profession, or public exposure. The right to a private life covers aspects such as personal identity, personal relationships, physical and mental well-being, personal data, and correspondence. However, this right is not absolute and can be limited or interfered with by the state or other parties in certain circumstances, such as for the protection of national security, public safety, health, morals, or the rights and freedoms of others.

Reference:

Article 8 of the ECHR
Human Rights Act 1998
ICO Guide to Data Protection

QUESTION: 2

When were data protection rights first introduced into UK law'?

- A. 2000 (Data Protection Act 1998)
- B. 1992 (Data Protection Act 1992).
- C. 1984 (Data Protection Act 1984).
- D. 2018 (Data Protection Act 2018)

Answer(s): C

Explanation:

Data protection rights were first introduced into UK law by the Data Protection Act 1984, which was enacted to implement the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981. The Data Protection Act 1984 established a set of principles for the processing of personal data by data users, such as obtaining consent, ensuring accuracy, and limiting retention. It also created a system of registration for data users and a Data Protection Registrar (later renamed as the Information Commissioner) to oversee and enforce the law. The Data Protection Act 1984 was replaced by the Data Protection Act 1998, which transposed the EU Data Protection Directive 1995 into UK law and extended the scope of data protection to cover manual as well as automated processing of personal data. The Data Protection Act 1998 was further amended by the Data Protection Act 2018, which incorporated the EU General Data Protection Regulation (GDPR)

and the Law Enforcement Directive into UK law and made provisions for specific processing situations, such as national security, immigration, and journalism.

Reference:

Data Protection Act 1984
Council of Europe Convention 108
Data Protection Act 1998
Data Protection Act 2018

QUESTION: 3

A company has twenty retail outlets in France and thirty retail outlets in Belgium. The payroll department and the Data Protection Officer are based in Poland. The Company Board and administrative functions are based in Germany. Determine where the company's 'main establishment' would be

- A. Belgium
- B. France
- C. Germany
- D. Poland

Answer(s): C

Explanation:

The main establishment of a controller or a processor in the EU is the place where the decisions on the purposes and means of the processing of personal data are taken and implemented. According to Recital 36 of the GDPR, the main establishment of a controller with establishments in more than one Member State should be the place of its central administration in the EU, unless the decisions on the processing are taken in another establishment of the controller in the EU and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions should be considered to be the main establishment. Similarly, the main establishment of a processor with establishments in more than one Member State should be the place of its central administration in the EU, or, if the processor has no central administration in the EU, the establishment of the processor in the EU where the main processing activities take place to the extent that the processor is subject to specific obligations under the GDPR. The main establishment is relevant for determining the lead supervisory authority, the applicable law, and the jurisdiction of the courts for cross-border processing of personal data. In this case, the company's main establishment would be Germany, as it is the place where the company board and administrative functions are based and where the decisions on the processing of personal data are likely to be taken and implemented.

Reference:

Recital 36 of the GDPR
Article 4(16) of the GDPR
Article 56 of the GDPR

QUESTION: 4

Under which circumstances can the 'domestic purposes' exemption be used to justify non-compliance with the Data Protection Act 2018?