

COURSEWARE

# Privacy & Data Protection Essentials

Courseware - English

Ruben Zeegers & Theo Wanders



Privacy & Data Protection  
Essentials Courseware – English

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Title: Privacy & Data Protection Essentials Courseware – English

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The certificate EXIN Privacy and Data Protection Essentials (PDPE) is part of the EXIN qualification program Privacy and Data Protection.

## About the Courseware

The Courseware was created by experts from the industry who served as the author(s) for this publication. The input for the material was based on existing publications and the experience and expertise of the author(s). The material has been revised by trainers who also have experience working with the material. Close attention was also paid to the key learning points to ensure what needs to be mastered.

The objective of the courseware is to provide maximum support to the trainer and to the student, during his or her training. The material has a modular structure and according to the author(s) has the highest success rate should the student opt for examination. For this reason, the Courseware has also been accredited, wherever applicable.

In order to satisfy the requirements for accreditation the material must meet certain quality standards. The structure, the use of certain terms, diagrams and references are all part of this accreditation. Additionally, the material must be made available to each student in order to obtain full accreditation. To optimally support the trainer and the participant of the training assignments, practice exams and results have been provided with the material.

Direct reference to advised literature is also regularly covered in the sheets so that students can easily find additional information concerning a particular topic. The decision to separate note pages (handouts) from the Courseware was to encourage students to take notes throughout the material.

Although the courseware is complete, the possibility that the trainer may deviate from the structure of the sheets or chooses to not refer to all the sheets or commands does exist. The student always has the possibility to cover these topics and go through them on their own time. It is strongly recommended to follow the structure of the courseware and publications for maximum exam preparation.

The courseware and the recommended literature are the perfect combination to learn and understand the theory.

- Van Haren Publishing

## Other publications by Van Haren Publishing

Van Haren Publishing (VHP) specializes in titles on Best Practices, methods and standards within four domains:

- IT and IT Management
- Architecture (Enterprise and IT)
- Business Management and
- Project Management

Van Haren Publishing is also publishing on behalf of leading organizations and companies: ASLBiSL Foundation, BRMI, CA, Centre Henri Tudor, Gaming Works, IACCM, IAOP, IFDC, Innovation Value Institute, IPMA-NL, ITSqc, NAF, KNVI, PMI-NL, PON, The Open Group, The SOX Institute.

Topics are (per domain):

### IT and IT Management

ABC of ICT  
ASL®  
CATS CM®  
CMMI®  
COBIT®  
e-CF  
ISO/IEC 20000  
ISO/IEC 27001/27002  
ISPL  
IT4IT®  
IT-CMF™  
IT Service CMM  
ITIL®  
MOF  
MSF  
SABSA  
SAF  
SIAM™  
TRIM  
VeriSM™

### Enterprise Architecture

ArchiMate®  
GEA®  
Novius Architectuur  
Methode  
TOGAF®

### Business Management

*BABOK® Guide*  
BiSL® and BiSL® Next  
BRMBOK™  
BTF  
EFQM  
eSCM  
IACCM  
ISA-95  
ISO 9000/9001  
OPBOK  
SixSigma  
SOX  
SqEME®

### Project Management

A4-Projectmanagement  
DSDM/Atern  
ICB / NCB  
ISO 21500  
MINCE®  
M\_o\_R®  
MSP®  
P3O®  
*PMBOK® Guide*  
Praxis®  
PRINCE2®

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## Self-Reflection of understanding Diagram

*‘What you do not measure, you cannot control.’ – Tom Peters*

Fill in this diagram to self-evaluate your understanding of the material. This is an evaluation of how well you know the material and how well you understand it. In order to pass the exam successfully you should be aiming to reach the higher end of Level 3. If you really want to become a pro, then you should be aiming for Level 4. Your overall level of understanding will naturally follow the learning curve. So, it’s important to keep track of where you are at each point of the training and address any areas of difficulty.

Based on where you are within the Self-Reflection of Understanding diagram you can evaluate the progress of your own training.

<i>Level of Understanding</i>	<i>Before Training (Pre-knowledge)</i>	<i>Training Part 1 (1st Half)</i>	<i>Training Part 2 (2nd Half)</i>	<i>After studying / reading the book</i>	<i>After exercises and the Practice exam</i>
<i>Level 4 I can explain the content and apply it .</i>					
<i>Level 3 I get it! I am right where I am supposed to be.</i>					Ready for the exam!
<i>Level 2 I almost have it but could use more practice.</i>					
<i>Level 1 I am learning but don't quite get it yet.</i>					

(Self-Reflection of Understanding Diagram)



Write down the problem areas that you are still having difficulty with so that you can consolidate them yourself, or with your trainer. After you have had a look at these, then you should evaluate to see if you now have a better understanding of where you actually are on the learning curve.

**Troubleshooting**

*Problem areas:*

*Topic:*

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Part 1

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Part 2

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You have gone through the book and studied.

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You have answered the questions and done the practice exam.

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## Timetable

### Day 1

09:00 – 9:30	Introduction, About this course
09:30 – 12:00	Module 1: Privacy & data protection fundamentals & regulation
12:30 – 12:30	Lunch
12:30 – 14:00	Module 2: Organizing data protection
14:00 – 15:00	Module 3: Practice of data protection
15:00 – 15:30	Practice questions & Evaluate
15:30 – 16:30	Sample Exam questions and review

# Privacy and Data Protection Essentials



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## Introduction

- Let's meet & Goals
- Terms
- Program



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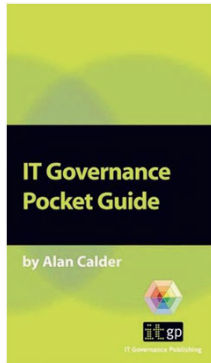


# ABOUT THIS COURSE

## Agenda Privacy and Data Protection Essentials

09:00 – 09:30	Introduction, About this course
09:30 – 12:00	Module 1: Privacy & data protection fundamentals & regulation
12:00 – 12:30	Lunch
12:30 – 14:00	Module 2: Organizing data protection
14:00 – 15:00	Module 3: Practice of data protection
15:00 – 15:30	Practice questions & Evaluate
15:30 – 16:30	Sample Exam questions and review

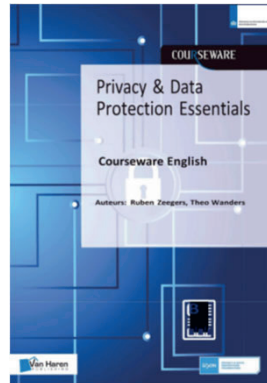
## Literature



Study book



Whitepaper



Courseware



Trainer slides  
(Included in Courseware)

## Certification levels



## Basic Concepts

- The list of Basic Concepts in the student notes below will be considered understood for the exam
- The student is advised to research and understand the concepts

## Value of this certification

- EXIN Privacy and Data Protection Essentials (PDPE) is a certification that validates a professional's knowledge about data privacy and EU rules and regulations regarding data protection.
- Wherever personal data is collected, stored, used, and finally deleted or destroyed, privacy concerns rise. The EU General Data Protection Regulation (GDPR) affects every organization that processes EU personal data. PDPF covers the main subjects related to this regulation on data protection.

## Course objectives and Target audience

After completing this course the participant will

- Be familiar with European legislation, regulations and directives
  - Be familiar with privacy issues that may arise in their own organization
  - Know how to formulate advise to help solve privacy issues
- 
- Everyone that wants or needs to have a basic understanding of data protection and European legal requirements as defined in the GDPR. The Essentials exam is exceptionally suitable for everyone that needs to make informed decisions regarding the privacy and data protection of their own data.

## Exam requirements

Exam requirement	Exam specification	Weight
<b>1. Privacy and data protection fundamentals &amp; regulation</b>		<b>50%</b>
	1.1 Definitions	10%
	1.2 Personal data	15%
	1.3 Legitimate grounds and purpose limitation	10%
	1.4 Further requirements for legitimate processing of personal data	5%
	1.5 Rights of data subjects	5%
	1.6 Data breach and related procedures	5%
<b>2. Organizing data protection</b>		<b>25%</b>
	2.1 Importance of data protection for the organization	10%
	2.2 Supervisory authority <sup>1</sup>	5%
	2.3 Personal data transfer to third countries <sup>2</sup>	--
	2.4 Binding Corporate rules and data protection in contracts	10%
<b>3. Practice of data protection</b>		<b>25%</b>
	3.1 Data protection by design and by default related to information security	5%
	3.2 Data protection impact assessment (DPIA)	5%
	3.3 Practice related applications of the use of data, marketing and social media	15%
	<b>Total</b>	<b>100%</b>

<sup>1</sup> Before the GDPR was introduced the *data protection authority* was the national authority in charge with the enforcement of regulation on data protection. In the GDPR it is now called the *supervisory authority*.

<sup>2</sup> Exam specification 2.3 is only tested in the EXIN Privacy and Data Protection Foundation exam

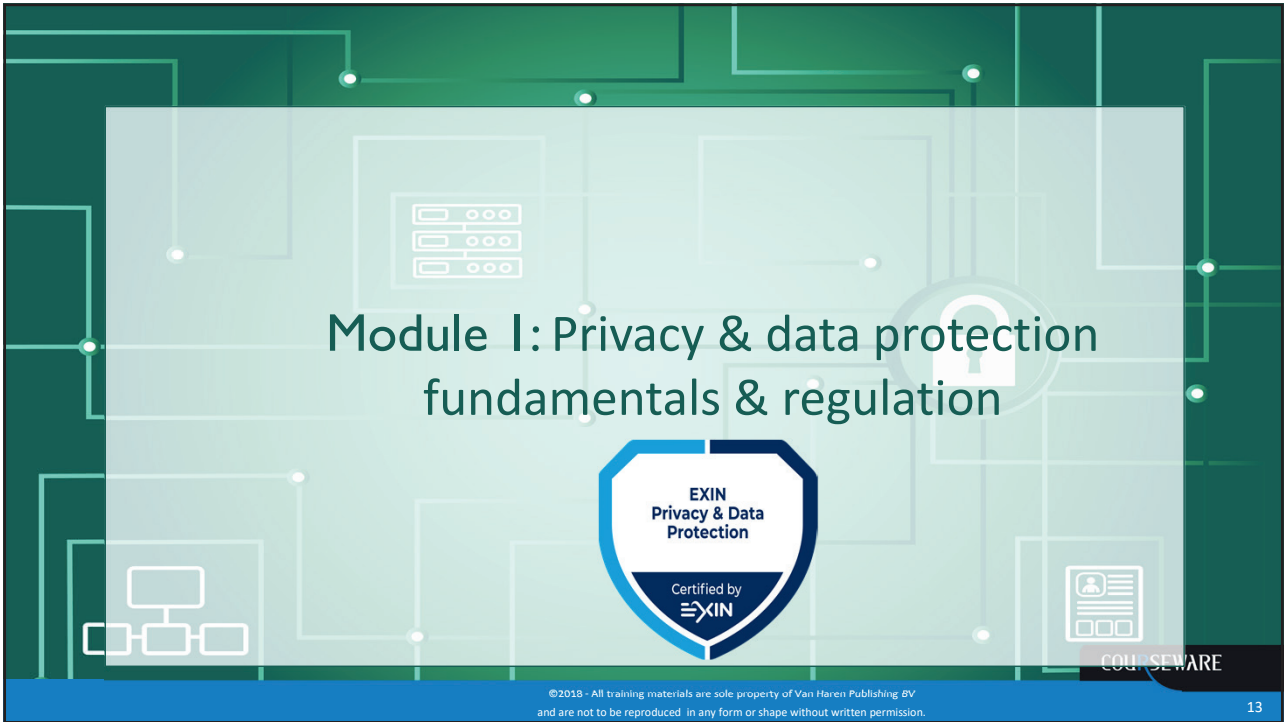
## Exam specifications

- Examination type: Computer-based or paper-based multiple-choice questions
- Number of questions: 20
- Pass mark: 65%
- Open book/notes: No
- Electronic equipment/aides permitted: No
- Time allotted for examination: 30 minutes



- European Commission  
**General Data Protection Regulation (GDPR)** (Regulation (EU) 2016/679)  
Regulation of the European Parliament and the Council of the European Union.  
Brussels, 6 April 2016, available at  
<http://eur-lex.europa.eu>
- PDF:  
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2016:119:FULL&from=EN>
- HTML:  
<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2016:119:FULL&from=EN>





Module I: Privacy & data protection  
fundamentals & regulation

EXIN  
Privacy & Data  
Protection

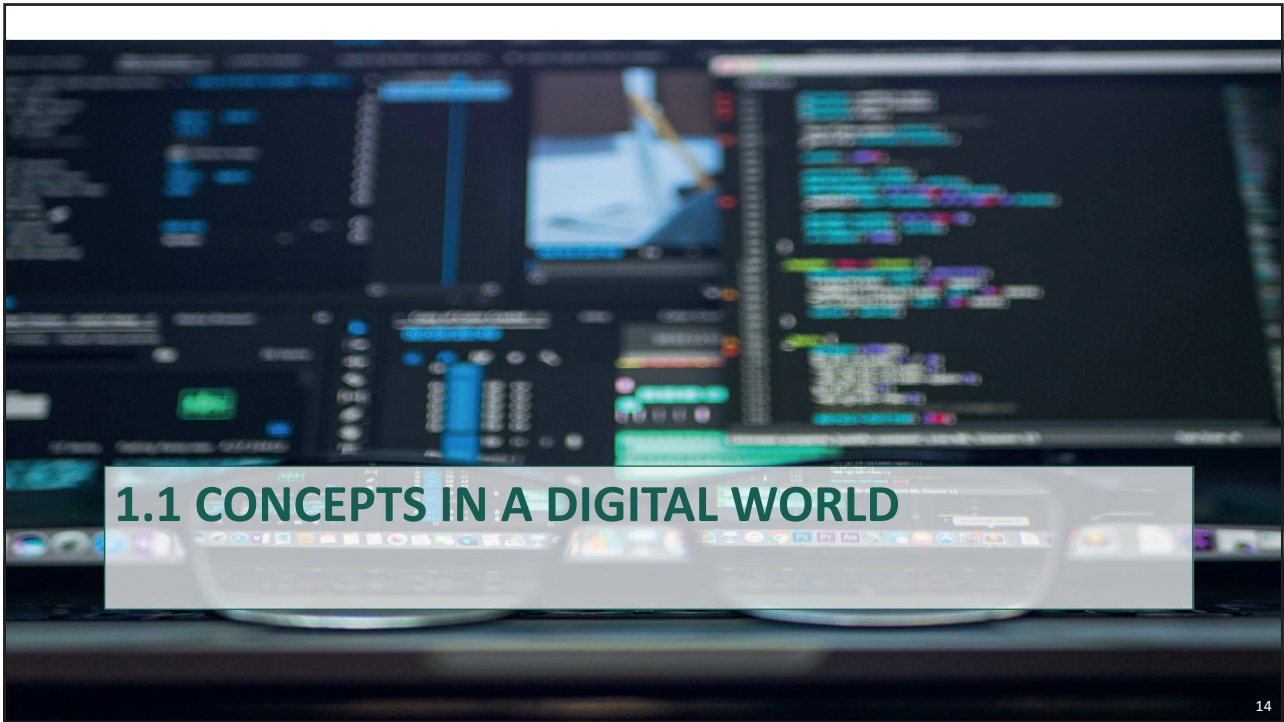
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The slide features a dark green background with a light green circuit-like pattern. In the center, there is a shield-shaped logo for EXIN Privacy & Data Protection, which is certified by EXIN. The text 'Module I: Privacy & data protection fundamentals & regulation' is prominently displayed in the upper half. A 'COURSEWARE' label is in the bottom right, and a copyright notice is at the bottom center. The number '13' is in the bottom right corner.



1.1 CONCEPTS IN A DIGITAL WORLD

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The slide shows a blurred background of a computer monitor displaying code and data. A semi-transparent white box at the bottom contains the text '1.1 CONCEPTS IN A DIGITAL WORLD'. The number '14' is in the bottom right corner.

## Definitions

### Privacy

The right to respect for a person's private and family life, his or her home and correspondence.

### Data Protection

From the former paragraphs, we can conclude that the GDPR is about the protection of personal data, not all data.

## The history of data protection regulations

### Quote:

Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual ... **the right 'to be let alone'** ... Numerous mechanical devices threaten to make good the prediction that 'what is whispered in the closet shall be proclaimed from the house-tops'

Louis D. Brandeis, Harvard Law Review, **1890**

### Quote:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

article 12 of the Universal Declaration of Human Rights (UHDR), **1948**

## Rapid progress in data processing

- The increased possibilities in the use of telecommunications in the 1970s coincided with the development of the European Union, Which increased trans-border trade.
- A need was felt for new standards that would allow individuals to exercise control over their personal information.
- International trade needed free international flow of information.
- The challenge was (and is) to find a balance between concerns for the protection of personal freedoms and the possibility to support free trade throughout Europe.

## European Convention of Human Rights (ECHR)

- One of the first legal protections for personal information was codified in Article 8 of the European Convention on Human Rights (ECHR) in 1953.
- Provides the foundation for modern European privacy laws
- Article 8 reads:
  1. Everyone has the right to respect for his private and family life, his home and his correspondence.
  2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

## EU definitions of privacy

“Everyone has the right to the protection of personal data concerning them.”

- Treaty on the Functioning of Europe (‘Treaty of Rome 1957’)

“Everyone has the right to the protection of personal data concerning him or her.”

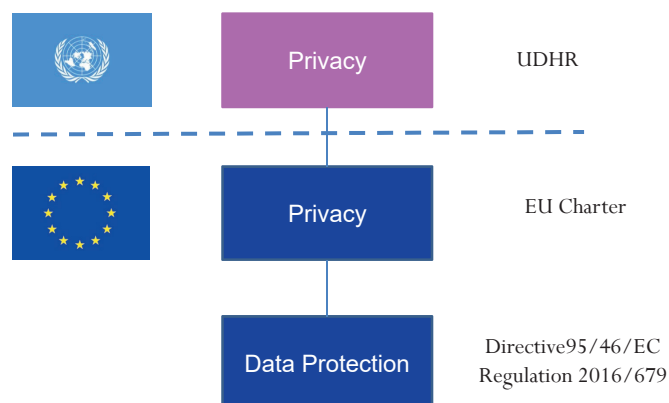
- Charter of Fundamental Rights of the European Union (2000)

First recital of the General Data Protection Regulation (GDPR)

- The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8 of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and
- Article 16 of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

## EU and member state laws

The broader picture



## Directive 95/46/EC & Regulation 2016/679

The **Data Protection Directive** 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data (adopted in 1995). It regulates the processing of personal data within the European Union.

- *Directive 95/46/EC was repealed when the GDPR applied*

The **General Data Protection Regulation** (GDPR) 2016/679 is a regulation by which the European Commission intends to strengthen and unify data protection for individuals within the European Union (EU).

The Data Protection Directive (& GDPR) applies to countries of the **European Economic Area** (EEA).

- *This includes all EU countries and in addition, non-EU countries Iceland, Liechtenstein and Norway. (EEA EFTA)*

## Related EU legislation

Regulation 45/2001 (processing of personal data by the Community institutions and bodies and on the free movement of such data)

Directive 2002/58/EC (on privacy and electronic communications)

Directive 2016/680 (police and judicial cooperation in criminal matters)

Directive 2016/681 (on the use of passenger name record (PNR) data)

Decision 2001/497/EC (On standard contractual clauses for the transfer of personal data to third countries, under Directive 95/46/EC)

Decision No 1247/2002/EC (on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties)

Decision 2004/915/EC (Amending Decision 2001/497/EC...alternative set of standard contractual clauses)

Decision 2008/597/EC (rules concerning the Data Protection Officer)