



Data Protection in Korea



Korea Communications
Commission

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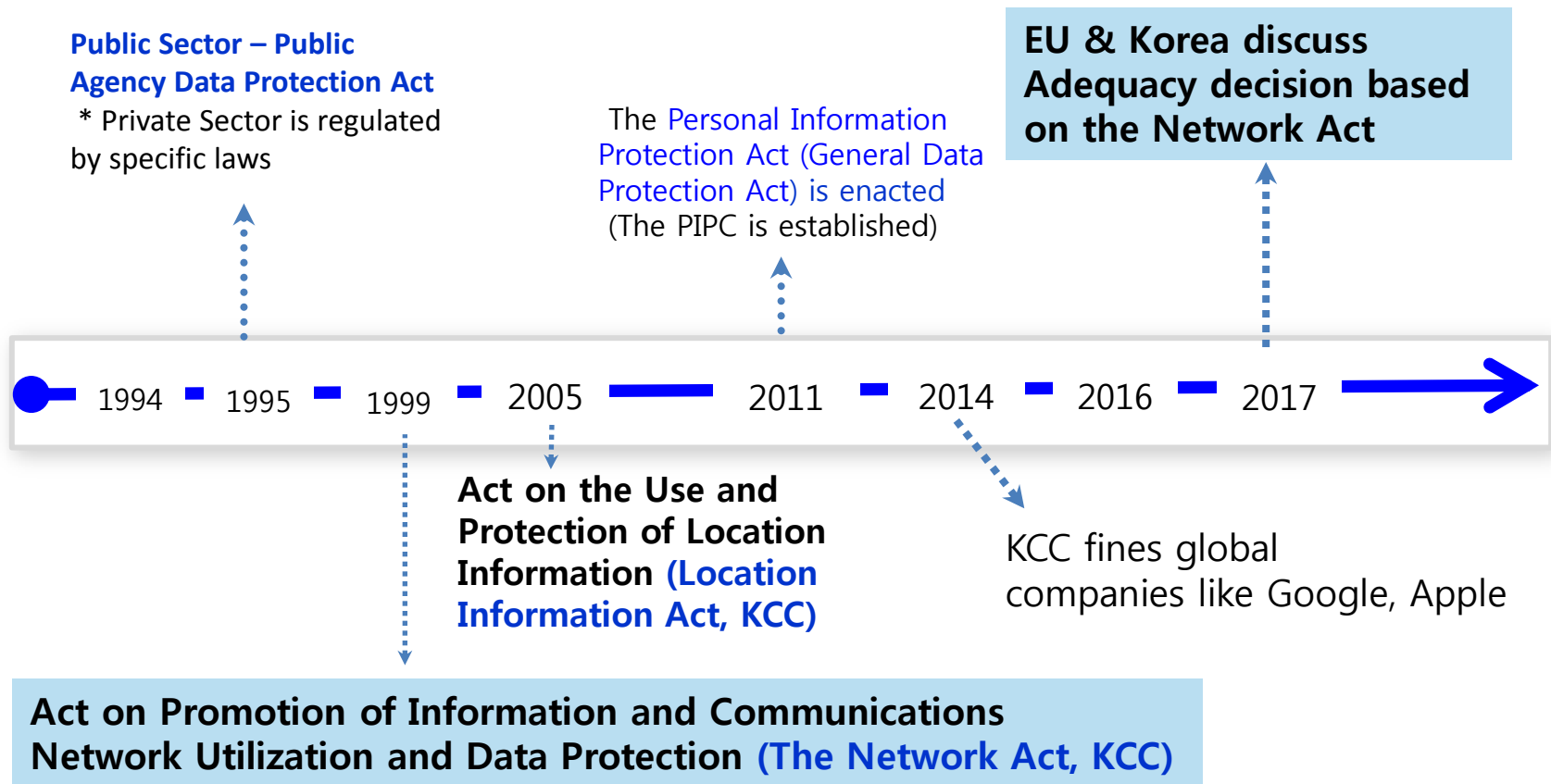
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I

Data Protection Framework in Korea

1. The Change of Data Protection in Korea



2. Data Protection Authorities

PIPC
Personal Information Protection Commission

ICT

- Act on Promotion of Information and Communications Network Utilization and Data Protection
- Act on the Use and Protection of Location Information

KCC
Korea Communications Commission

Finance

Credit Information Use Protection Act

FSC
Financial Services Commission

Enforcement Power

- Power to conduct investigation
- Power to order remedial actions
- Power to recommend punishment of persons in charge of PI
- Imposition of fine

Public/Non-Profit

Personal Data Protection Act

MOIS
Ministry of Interior and Safety

MOE
Ministry of Education

MOFA
Ministry of Foreign Affairs

MOU
Ministry of Unification

MCST
Ministry of Culture, Sports, and Tourism

MAFRA
Ministry of Agriculture, Food, and Rural Affairs

MTIE
Ministry of Trade, Industry, and Energy

MOE
Ministry of Environment

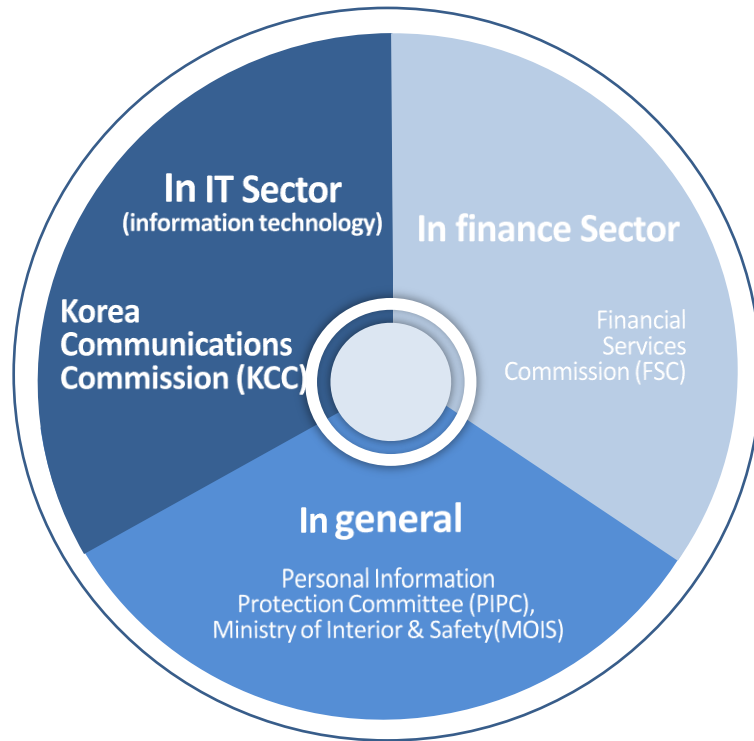


II

Data Protection by the KCC

1. What does KCC do?

Major roles of KCC (Korea Communications Commission)



- Independent Authority stated by the law
- Regulating “Act on Promotion of Information and Communications Network Utilization and Data Protection (The Network Act)” since 1999
- Notification/reports of breach of personal information
- Order correctional measures to the business operators who violates the relevant laws
- Imposition of a penalty surcharge and fines
- Power to request the submission of materials - concerning violations and their examination and for the assurance of an order for remedial action

2. Main Principles of the Network Act

Network Act

Collection Use Disclosure

Minimum Collection separate consent is required for collection of sensitive PI

Restriction of Use of Personal Data other than for the Consented Purpose

Explicit, Prior Consent for Collection, Use, Disclosure

Notify purpose, PI items, period of retention prior to consent, Restriction of Use of ID Numbers

Manage- ment & Destruction

Privacy Policy Notification accessible at any time, with a specified title, in a noticeable way

Designation of Privacy Officer duties of correction violation & report to the CEO

Technical, Administrative Measures

establish Presidential Decree for specified measures, Minimize persons to process PI

Destruction destroy when purpose has been attained, period of retention has expired, etc.

Breach Notification notify user & report KCC/KISA within 24 hour upon awareness

User's Right

Right of Access, Correction & Withdrawal of Consent Legal Representative's Right

Damages Claim for compensation up to 3million KRW or up to 3times of the amount of damages

Notification of Use Statement notify details on use, disclosure of PI at least yearly

3. Implement & Enforcements

Network Act : enforcement & redress cases by KCC

	Number of Institutions inspected	Order for Correctional Measures	A penalty surcharge		Administrative fine	
			Number of institutions	Amount (KRW 1million, appx.1,000USD)	Number of institutions	Amount (KRW 1million, appx.1,000USD)
2014	285	110	3	388	89	610
2015	303	59	5	562	51	551
2016	267	80	5	4,722	59	680
2017	317	747	2	345	69	892

3. Implement & Enforcements

A Strong Enforcement of the Network Act on both overseas and domestic companies

Apple Inc. (2011.8) – Collection of data without consent

Administrative fine **KRW 3 million(\$US2,660)** with correctional measures

Google Inc. (2014.1) – Collection of data without consent

Fine and Penalty Surcharge **KRW 212.3million(US\$188,292)** with correctional measures

Amendment of the Network Act in May 2014

– administrative fine maximum amount up to 3% of the ISP's annual turnover

PPOMPU Communication (Online Community, 2015.9)

- ▶ Data leakage out of failure of technical and managerial measures of the data controller
- ▶ Administrative Penalty **KRW 102million (US\$94,200)**

INTERPARK (E-commerce Website, 2016.5)

- ▶ Data leakage out of failure of technical and managerial measures of the data controller
- ▶ Administrative Penalty **KRW 4.8billion (US\$4.4million)**

4. International Cooperation





Thank you



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Commission