SOUTH KOREA CHEAT SHEET

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PERSONAL INFORMATION PROTECTION ACT 2011 (PIPA)

APPLICABILITY & SCOPE OF THE LAW

- **Personal Scope:** Applicable to a data handler, which is a person, whether a public agency, juridical person, organization, or individual, that, by itself or through a third party, handles personal data to make use of, or carries out, any operation on a personal data file in the course of, or in relation to, its business activities.
- **Material Scope:** Applicable to the 'handling of personal data.'

DEFINITIONS

DATA HANDLER

A public institution, corporate body, organization, or individual, who, by itself or through a third party, processes, or otherwise handles personal data to administer personal data files for official or business purposes.

DATA PROCESSOR

Data handlers may outsource the processing of personal data to third parties, i.e., data processors.

PERSONAL DATA

Any data relating to a living natural person that identifies a particular individual by their full name, resident registration number ('RRN'), image, or the like or; may be easily combined with other information to identify a particular individual or; anonymized or pseudonymized data is restored to its original state and can be used to identify a living natural person.

SENSITIVE DATA

Any personal data regarding an individual's ideology, faith, trade union or political party membership, political views, health, information on sexual activities, and other personal data that may cause a material breach of privacy, and further includes genetic information, criminal records, information on an individual's physical, physiological, and behavioral characteristics generated through certain technical means for the purpose of identifying a specific individual.

DATA SUBJECT

An individual who is a subject of the handled data by which that individual can be identifiable.

DATA HANDLING

'Handling' of personal data is defined to mean the 'collection, generation, recording, storage, retention, processing, editing, search, outputting, rectification, restoration, use, provision, disclosure or destruction of personal data or any other action like any of the foregoing.

RIGHTS

- Right to **BE INFORMED**
- Right to **ACCESS**
- Right to **RECTIFICATION**
- Right to **ERASURE**
- Right to **OBJECT**
- Right to **OPT-OUT**

PENALTIES

- Penalty up to *KRW 500 MILLION* for violation (relating to the handling of resident registration number) under the Personal Information Protection Act.
- Administrative fine of up to *KRW 50 MILLION* for violation of the Personal Information Protection Act or the Information and Communications Network Act.
- Imprisonment for up to five years or a fine up to *KRW 50 MILLION* for transfer of personal information to a third party without consent or processing of sensitive information without separate consent.
- Imprisonment for up to three years or a fine of up to *KRW 30 MILLION* for obtainment of personal information or obtainment of consent by unlawful means.
- Imprisonment for up to two years or a fine of up to *KRW 20 MILLION* for a personal data security breach due to failure to implement protective measures.

PRINCIPLES

PURPOSE LIMITATION

Process personal data in an appropriate manner necessary for the purposes for which the personal data is processed and shall not use it beyond such purposes.

DATA MINIMIZATION

Collect personal data lawfully and fairly to the minimum extent necessary for such purposes.

ACCURACY

Ensure personal data is accurate, complete, and up to date to the extent necessary.

DATA SECURITY

Manage personal data safely according to the processing methods, types, etc. of personal data, considering the possibility of infringement on the data subject's rights and the severity of the relevant risks.

TRANSPARENCY

Disclose privacy policy and other matters related to personal data processing and shall guarantee the data subject's rights.

INTEGRITY

Process personal data in a manner to minimizes the possibility of infringing the privacy of a data subject;

CONFIDENTIALITY

Fulfill handling of personal data by processing anonymized or pseudonymized personal data.

ACCOUNTABILITY

Shall try to obtain data subject trust by observing and performing such duties and responsibilities as provided for in the PIPA and other related statutes.

DATA SECURITY & PRIVACY MEASURES

- DATA ENCRYPTION
- TRANSPARENCY & PRIVACY NOTICE
- DATA BREACH NOTIFICATION
- POLICY & CONSENT FRAMEWORK
- DATA SUBJECT REQUESTS