Personal Information Protection in Korea

Purpose: Information
Submitted by: Korea
Personal Information Protection in Korea
With Reference to Korea Integrated Criminal Justice System (KICS)

Seong-Jin Choi
Director of KICS/Prosecutor
Contents

Overview of KICS initiative

Legal regime of P.I.P. in Korea

P.I.P. framework of KICS

Guidelines of P.I.P. in KICS
P.I.P. in Korea

Overview of KICS initiatives

1. Backgrounds and Vision

Backgrounds

Request for Effectiveness
- Increasing use of IT but
- there are redundant data entries, difficulties in information sharing within & between government agencies

Request for Fairness
- Demands for fairness and transparency in criminal justice services
- Increase in citizens’ participation through the internet

Paradigm Shift of Public Service
- From government-centered to citizen-centered
- Citizen as client

Vision

Implementation of efficient and fair E-Justice System

Seamless Access
Standardization
Digitization
**Overview of KICS initiatives**

**2. Roadmap**

<table>
<thead>
<tr>
<th>Phase</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Phase</td>
<td>Infrastructure of Integrated Criminal Justice Information System</td>
</tr>
<tr>
<td>2nd Phase</td>
<td>Service Integration</td>
</tr>
<tr>
<td>3rd Phase</td>
<td>Internal ability enhancement</td>
</tr>
</tbody>
</table>

**1st Project**
- Advancement of services
- Criminal Data Warehouse System
- Record Management System
- Execution Supporting System
- Advancement of Trial Support System

**2nd Project**
- Investigation/Judge Support System
- Trial Support System
- Electronic Data Management System
- Seizure/immigration Regulation Support System
- Portal for the public

**Business Process Reengineering**

**Information Strategic Planning**
P.I.P. in Korea

3. Why P.I.P is so important?

- The Public’s Anxiety over Big Brother
  - Centralization of Criminal Justice Information
  - Public belief on digitization of information

- Major incidents about P.I.P in Korea
  - Electronic Personal Identification Card (2005)

- President’s concerns of privacy protection in KICS
  - The most important things while developing the KICS is protecting the infringement of the human rights.
### Legal Regime of P.I.P. in Korea

#### Protection Model

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Rules &amp; Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Sector</strong></td>
<td>• Act on the Protection of Personal Information Maintained by Public Agency</td>
</tr>
<tr>
<td><strong>Private Sector</strong></td>
<td>• The Act on Promotion of Information and Communication Network Utilization and Data Protection</td>
</tr>
</tbody>
</table>
| **Public & Private Sector** | • Protection of Communications Secrets Act  
|                     | • Telecommunication Business Act  
|                     | • Medical Service Act  
|                     | • Use and Protection of Credit Information Act  
|                     | • Framework Act on Electronic Commerce  
|                     | • Digital Signature Act  |
| **Private Sector** | • The Guidelines on the Private Information Protection                                |

“Private information” means the information concerning a living person including the full name and resident registration number, etc., by which the individual concerned can be identified (including information by which the individual concerned cannot be identified but can be identified by simple combination with other information)
P.I.P. in Korea

1. Legal Compliance

- Limitation on collecting information
- Relations to other guidance and regulations
- Obligation of data user
- R&R of head of criminal justice information sharing public agency
- Limitation on using and sharing information etc.
- R&R of personal information controller
- Definitions
- Limitation on collecting information
- Right of the user and personal information subject etc.
- Access Control of DB and data users
- Intrusion Protection System (IPS) and Intrusion Detection System (IDS)

**Exemption:** Recorded private information files on matters pertaining to the investigation of crimes, introduction and maintenance of prosecution, the execution of a sentence, handling of a rectification, handling of public security, or immigration control.
P.I.P. in Korea

2. Concept of the Framework

Managerial Measures

Preventive Actions

Collection
- notify the purpose, scope, etc.
- limitation on collection, using and sharing

Use (Mining)
- give consent to collection, share, etc.
- Request for correction

Retention
- retreat of consent
- request for information

Share

disuse

Implementation

Data User
- education
- awareness campaign

Data Subject
- give consent to collection, share, etc.
- Request for correction

Controller
- education
- awareness campaign
- Take reasonable steps to ensure the information is protected
- Accountable for complying with the measures

Remedies

Administrative Judgment

Technical Measures

Access Control
- Accredited Certificate
- DB access control
- SSO, EAM

Encryption of Personal Information
- Server certificate
- Asymmetric cryptosystem
- XML Standard
P.I.P. in Korea

1. Key Features (draft)

- **Process**
- **Stakeholders**
  - Data User
    - Police
    - Prosecutors’ Office
    - Court
    - Suspect/Victim
    - Defendant/Plaintiff
    - Defense attorney
    - Witnesses
    - References
    - Beistand, etc.
- **Data Subject**
  - Defendant/Plaintiff
  - Defense attorney
  - Suspect/Victim
  - Prison
  - Juvenile Reformatory
  - Detention House, etc.
- **Data classification**
  - Level 1 for the officials in charge
  - Level 2 for official users between the affiliated organizations
  - Level 3 for unofficial users, etc.
- **Data Type Used**
  - Case
  - Charge
  - Conviction
  - Defendant
  - Disposition
  - Filings
  - Hearing
  - Judge
  - Orders
  - Participation
  - Plea
  - Sentence, etc.
Things to be done to institutionalize the guideline

- The guidelines is still rough draft
- Coordination is needed within the 4 agencies
- Which agency is in charge of institutionalizing the guideline
- Which agency will manage(install, maintain) the information assets(the data)

Human Resources(staffing)

- Personal Information Controller
- Personal information protection roles should be integrated to the those of Information Security Manager
- More workload to the practitioner
P.I.P. in Korea

Guideline of P.I.P. in KICS

3. Technical issues

■ Performance vs. level of security

- DRM (Data Right Management) solution is too heavy and it declines computer/network performance (speed)
- Internet issuance of certificate (ex copy of written judgment) can be hacked

■ Protection vs. Convenience

- ID/Password is convenient but weak in security
- Accredited Certificate vice versa