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How to Protect, or Utilize, Personal Visual Information in Korea

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Psy's "Gangnam Style"



<http://youtu.be/9bZkp7q19fo>

Provisions on Personal Visual Information Protection

- ❖ Article 25 of the new DP Act provides for:
 - Prohibition of installation and operation of CCTVs and Web cameras in the public places except for the purpose of crime prevention, facility management, etc. Para. 1
 - Prohibition of installation and operation of CCTVs at private places like sauna rooms, locker rooms, public baths, toilets, etc. Para. 2
 - When planning to install CCTVs, public hearings and public notice signboard are required. Paras. 3, 4
 - Arbitrary operation of CCTVs for other purpose than initial one, and sound recording are also prohibited. Para. 5
 - Safety measures of CCTVs and appropriate Privacy Policy are required. Outsourcing of such services is allowed. Paras. 6, 7, 8

What if Psy's Music Video was filmed via CCTVs installed at Gangnam Area?

- Children's playground, Han Gang riverside recreation park, Gangnam Boulevard, inside Bus, subway platform: *OK*
- Private stable, underground parking lot: *No Problem*
- Elevator hall, indoor tennis court: *Not sure* because it depends on whether the place is open to the public.
- Sauna room, public bath tub, toilet, etc: *Penalty imposed*

Penalty or Fine in violation of the DP Act

- Breaching the installation·operation standards of CCTVs. Art. 25 (1)
→ Fine for negligence not exceeding 30 mil. Won (=U\$30 thousand)
Art. 75 (2) vii
- Installing CCTVs at toilet, public bath, etc. Art. 25 (2)
→ Fine for negligence not exceeding 50 mil. Won. Art. 75 (1) iii
- Failure to post public notice and other measures. Art. 25 (4)
→ Fine for negligence not exceeding 10 mil. Won. Art. 75 (3) iii
- Arbitrary operation or direction of CCTVs for illegal purposes, or sound recording. Art.25(5)
→ Imprisonment for not exceeding three years or Penalty not exceeding 30 mil. Won. Art.72 i

Characteristics of the new DP Act

- ✓ CCTVs and Web camera are regulated.
 - ✓ CCTVs not only in Public sector but also Private sector
 - ✓ When filming inside, Taxi black boxes or Bus CCTVs shall be regulated.
- As a result, Seoul citizens are under 24/7/365 visual surveillance.
- ❖ What if consolidating all those CCTVs by a single Control Center? Then expecting a **Formidable Big Brother** like the **Person of Interest** shown in the U.S. mini-series.

How is Visual Privacy Protected in Korea?

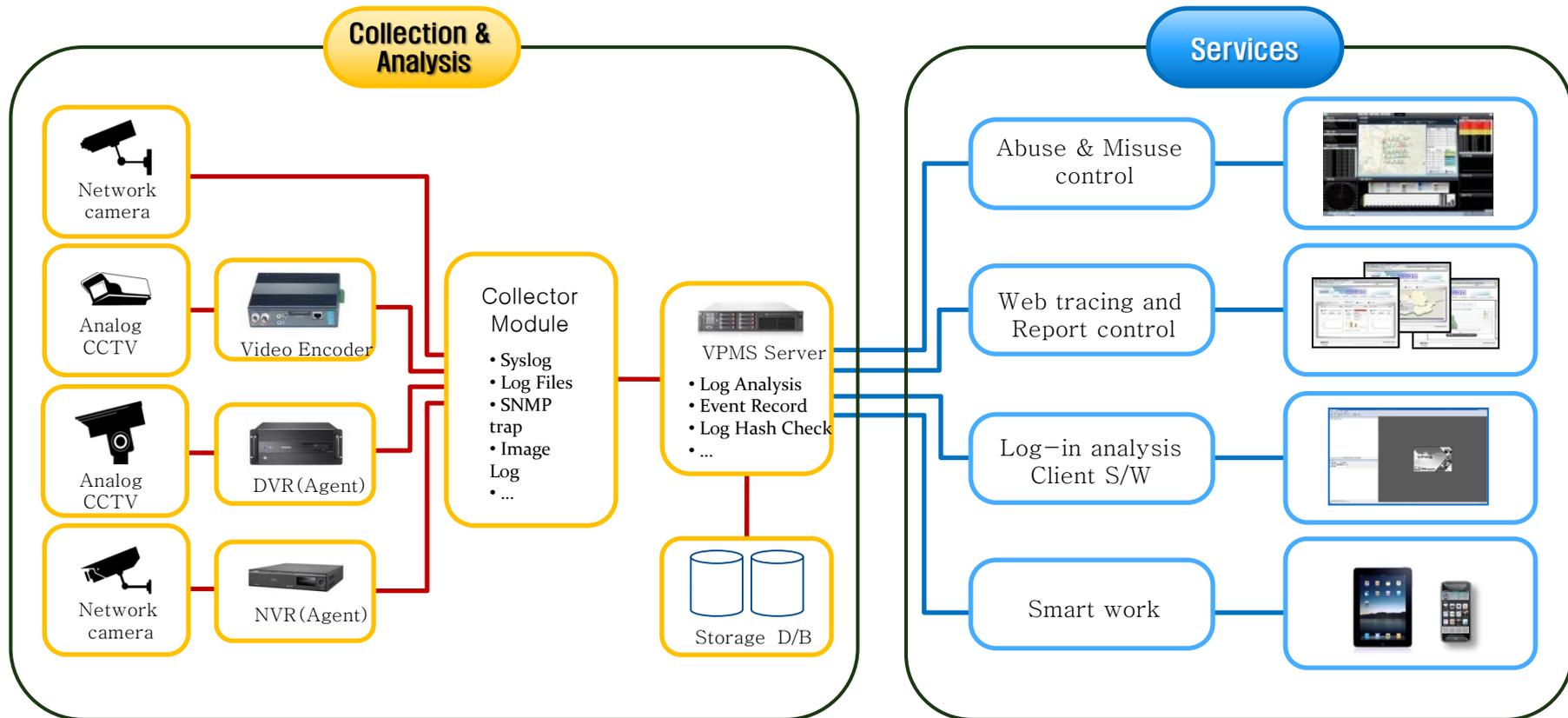
- ✓ Highly effective in investigation and arresting criminals
- ✓ But vulnerable to violation of Privacy
- ✓ Recently a series of data breach incidents are reported
- It is necessary to correct the problems and to make most of merits of CCTVs subject to the DP Act
- It is also advisable to improve value-added use of CCTVs
- ❖ So far in the initial stage of enforcement, the Authorities concerned are not active to enforce the law.

How to Protect Visual Privacy and Prevent Data Breach Incidents

- It is urgent to manage CCTVs in a systematic way and to establish effective Regulations to prevent the leak and abuse and misuse of visual personal information.
- In Korea, a patented solution is being provided.
 - In case of apparent violation it shall directly report to the Supervisor in charge.



Composition of VPM Security System



VPMS Solution would be helpful

As for Public Agency/Corporate Management, it could meet the relevant laws & guidelines, and comply with technical & managerial safety measures.

Compliance

Technical/Managerial Measures

Internal Control System

Optimal M&O made possible

Likely not liable to damages
In case of data breach
according to recent Court
rulings

* VPMS = Video Privacy Management System

Apparent Violations of the Rule

- ✓ Trying to replay the past visual data;
- ✓ Trying to destroy/revise/delete the visual data which shall be preserved for a certain period of time;
- ✓ Trying to make an unauthorized copy of visual data;
- ✓ Trying to transmit the video files to remote place;
- ✓ Transmitting video files far more than the initially set to be transmitted to other places;
- ✓ When the IP address accessed by the Video devices does not belong to the certified IP band for networking;
- ✓ Accessing Video devices during off-hours;
- ✓ Deleting the Access by other devices than the authorized one and Video log-in records; or
- ✓ Accessing the devices with other IP than the usual IP, etc.

What Measures to be Taken

- ✓ Personal visual information collected by public/private sector CCTVs shall be regulated in a proper manner.
- ✓ It is necessary to detect and analyze the Privacy incident pattern.
- ✓ It is to support taking measures by real time monitoring subject to relevant laws
- ❖ **Government Guidelines on Installation & Operation of CCTVs of Public Agencies** effective from March 2012
 1. To make and implement the Plan for the Personal Visual Data Protection
 2. To survey and improve the practices of personal visual data processing
 3. To settle grievance related with personal visual data processing, and redress
 4. To build up internal control system to prevent the abuse and misuse of personal visual information
 5. To establish and implement the relevant education programs
 6. To supervise the protection and destruction of visual data files, and so on.

Value-added Use of Visual Data

- NYPD and Microsoft have jointly developed the Domain Awareness System (DAS) consolidating CCTVs and other related databases.
- It is time to consolidate the separately managed CCTVs and visual devices for the public interest within the scope of relevant laws.
- ✓ Citizen-initiated and participatory “Privacy Protection and Crime Prevention” programs by means of smart phone apps.
- “To monitor or Not to be monitored” should be established first.
- ✓ *Ex.* To make use of visual data as well as location data after blurring individually identifiable facial image and other data for public interest
- ✓ CCTV data to protect cultural buildings may be used for Nature docu.
- ❖ *Another “Gangnam Style” is in the making everyday by means of more than 1400 CCTV cameras deployed at Gangnam area.*

Thank you very much!

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