Data Protection and IG

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Internet and Personal Data Protection

- Transfer of personal data across the border

- Increase of the collection of personal data

- Complexity of personal data processing by various processors

- Secondary use of personal data beyond initial purpose, such as big data analysis

- Threat to privacy due to security breach

International norms

- OECD Privacy Guidelines (1980)
- UN Guidelines for the Regulation of Computerized Personal Data Files (1990)
- Council of Europe, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981)
- General Data Protection Regulation (GDPR, 2018)

National laws on personal data protection (S.Korea)

- Personal Data Protection Act (PIPA)

- Act on Promotion of Utilization of Information and Communications Network (Network Act)

- Credit Information Use and Protection Act

- Act on the Protection, Use, etc. of Location Information

Basic Principles (OECD Privacy Guideline)

- Collection Limitation Principle

- Data Quality Principle

- Purpose Specification Principle

- Use Limitation Principle

- Security Safeguards Principle

- Openness Principle

- Individual Participation Principle

- Accountability Principle

Definition of Personal Data

- GDPR, Article 4(1)

'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

- PIPA of Korea, Article 2(1)

The term "personal information" means information relating to a living individual that makes it possible to identify the individual by his/her full name, resident registration number, image, etc. (including information which, if not by itself, makes it possible to identify any specific individual if combined with other information);

Big Data and Personal Data Protection

- pseudonymization/anonymization of personal data

- further processing for archive for public interest, scientific research and statistics

- the scope of scientific research

- safeguards for further processing

- derogation of rights of data subjects

Critical Internet Resources and Data Protection

- IP address
    - Is IP address personal data?
- Domain name
- WHOIS Databases
    - For what purpose, what personal data could be collected and disclosed to comply with data protection principles?
    - Transfer of personal data to countries with weak data protection
    - Government's access to WHOIS data