

**NEWS RELEASE**

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**KCC RELEASES COMMENTARY ON AMENDED LOCATION INFORMATION ACT**

* *Releases guide for personal location information and usage reflecting Location Information Act amendments -*

The Korea Communications Commission (KCC, Chairman Han Sang-hyuk) and the Korea Internet & Security Agency (KISA, President Lee Won Tae) have published a revised commentary with explanations by subject on the amended ‘Act on the Protection and Use of Location Information’ (hereinafter “Location Information Act”) which went into effect on April 20, 2022.

The commentary comprehensively reflects the views of various related sectors. Following the first draft in April, opinions were collected from industry, relevant institutions and the legal community, and an advisory group was formed and met twice to contribute to the commentary.

This commentary covers all amendments to the Location Information Act since the publication of the 2010 commentary and the ‘Commentary for Recommendations on Administrative and Technical Protection Measures for Location Information (2015).’ The commentary explains key points of the law in detail with examples; in particular, it includes interpretation guidelines that users can refer to practically, covering matters and issues that have been frequently been brought up by users or business operators.

The key points of the commentary are as follows.

1. One of the topics that business operators frequently inquired about is the scope of 'location information', which is also one of the core concepts of the Location Information Act. The commentary clarifies that information incidentally obtained from services without the purpose of collecting location information is excluded from location information.
2. Next, the commentary explains matters related to the registration system for entry for personal location information businesses; the entry regulations were relaxed from a permission system to a registration system. The revised form related to registration is excerpted from the ‘Regulations of the Korea Communications Commission on the Protection and Use of Location Information, etc’, a sub-notice of the Location Information Act. This content was included to help business operators’ understanding in a practical and specific manner.
3. In addition, with the enactment of ‘Standards for Management and Technical Protection Measures for Location Information (Notice)’, the implementation method for each protection measure was introduced in detail to help each business operator establish and implement protection measures appropriate to their environment.
4. In addition, by comparing the disclosures of the personal location information processing policy with the legal provisions in the terms of use, the commentary seeks to minimize the difficulties operators face in interpreting the law. The terms of use(draft) for location information businesses and location-based service businesses were prepared as a reference for operators.

As we enter a 'hyper-connected' society, the importance of protecting and utilizing location information, which has become an essential infrastructure for future industries, is growing. Amidst these changes, the commentary will serve as an important guideline for the application and interpretation of the Location Information Act by suggesting methods for location data subjects to exercise their rights, and clearly presenting the necessary standards for businesses utilizing location information.

The KCC has posted the revised commentary on its website (https://www.kcc.go.kr) and the Location Information Support Center (<https://www.lbsc.kr>). The KCC plans to recommend voluntary implementation for users and businesses, which are the subjects of the Location Information Act.

Meanwhile, the KCC will operate a guidance period for 6 months from April 20, 2022 to October 20, 2022 for operators to prepare and allow for stable transition for the Location Information Act amendments.

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The Korea Communications Commission