

Understanding Korea's "Identity Verification System"

Byeong Gi Lee
Commissioner, Korea Communications Commission
December 2009

Since July 27th 2007, Korea has had the 'Identity Verification System (IDV)' in place, which has been applied to bulletin boards of Internet web-sites of a certain size and larger. The verification system has been legalized in *the Act on the Promotion of Information and Communications Network Use and Information Protection* after 5-year-long public discussions, political debates, and almost unanimous agreement by the National Assembly.

□ Why was the IDV System introduced?

For the last decade Korea has successfully implemented its information society policy, creating a world-class Internet infrastructure. Based on its sophisticated infrastructure, Internet use by the Korean people has spread very quickly and the Internet has become an essential part of daily life.

The Internet has brought the lives of the Korean people many benefits such as easy access to a variety of information and free communications. Because historical tradition and contemporary culture are dynamically harmonized in Korean society, online community culture has flourished more greatly in Korea than in any other country, with the public proactively participating in online discussions about communities and social issues. As a result, the Internet has become a powerful medium for public discussions and social consensus-building among the Korean public, accelerating the development of democracy in Korea.

In contrast, the characteristics of the Internet such as anonymity, easy copying of data, and rapid spread of content have caused several negative problems in Korean society. In particular, increases in malicious comments and illegal content have led to several

problems including privacy violation and defamation, which have evolved into more serious crimes like cyber violence and other offenses. As there was growing concern about such negative aspects of the Internet, social consensus was formed that Korea should develop systematic response mechanisms at the national level. It was frequently noted that the positive aspects of the Internet can be well developed only when its negative aspects are effectively removed.

△Case1: Choi Jinsil, a famous actress (October, 2008)

A female worker of a securities firm spread the groundless rumor over the Internet that Choi Jinsil, a famous Korean actress, lent 25 billion won with high interest to Ahn Jaehwan who had committed suicide reportedly due to the burden of the debt. Choi had been extremely irritated and depressed due to the many defamatory comments in Internet sites after divorcing her husband in September 2004, and finally committed suicide after suffering from the baseless rumor.

△Case2: Na Huna, a popular singer (January, 2008)

Na Huna, a popular Korean singer, suffered from a couple of baseless rumors. One was that an important part of his body was cut off by the Japanese yakuza, an organized crime syndicate, and the other was that he had an affair with a popular Korean actress. These defamatory rumors grew out of control. In reaction, Na Huna held a press conference to urge people to refrain from making defamatory comments in cyber space, claiming that such rumors may possibly kill an innocent person.

△Case3: Kim Hyeong-eun (female comedian) & Yuni (singer) (January, 2007)

When Kim Hyeong-eun, a female comedian, died in the hospital after a car accident, some Internet users responded to the news with defamatory comments like "I am happy to hear the news! Let's throw a party." Similarly, when Yuni, a popular singer, committed suicide there appeared many defamatory comments in the Internet, e.g., "she should have killed herself after at least earning as much money as she spent on her plastic surgery." Those defamatory comments gave her bereaved family excruciating pain.

□ What was the background?

With growing concerns regarding groundless slander and defamatory comments on the Internet, the Korean public began in 2002 to have heated social discussions on how to prevent negative side effects of the Internet, reaching a consensus that a national-level measure is necessary.

In response to the public demand, the Korean government began exploring ways to resolve the problem in 2003 and considered adopting an "Internet Real-Name System" as the initial trial. However, after studying the real-name system, the government learned that the real-name system could possibly curtail freedom of expression through the

Internet and thus decided to seek alternative ways. So the Korean government collected opinions of many people in different organizations and sought the advice of experts in different social sectors for the goal of establishing a system that can guarantee freedom of expression and encourage the development of the Internet as well, while preventing negative side effects of the Internet. As a result, the IDV System was proposed as the best alternative way to meet the goal.

Since then, a large number of on- and off-line public hearings and discussions were held in regard to adopting the IDV System, followed by heated debates between the ruling and opposition parties of the National Assembly. In December 2006, the two parties finally reached an agreement almost unanimously (169 votes in favor, 8 votes against, and 2 abstentions) to legalize the IDV System within *the Act on Promotion and Communications Network Use and Information Protection*, in the form “every Internet bulletin board with more than 100,000 visitors per day must observe the IDV System.”

In the initial stage, on July 27th 2007, the law was applied to a smaller subset of Internet bulletin boards, including the portal websites having more than 300,000 visitors a day and the user-created contents (UCC) sites and Internet media having over 200,000 daily visitors. When the usage-pattern change of the bulletin boards was reviewed over a year after the introduction, it turned out that the negative effects of the Internet hit every website regardless of service categories. So the government decided to apply the IDV System to every online bulletin board with more than 100,000 visitors a day, as was originally regulated by the law.

□ **What is the essence of the IDV System'?**

The IDV System requires websites to verify the identity of users who want to post comments or contents. Specifically, the IDV System asks users who visit any websites for the first time to verify their identity through various ways such as resident registration number, credit card number, certification, and i-PIN. Once users' identity is verified, they

can freely choose their real names or nicknames to upload contents without any additional verification process.

The IDV System is designed such that websites do not store the user identity information obtained during the identification process. Websites verify user identity through the user identity database that is controlled by the organizations having legal mandate. Only the result of identity verification is stored, since a website that obtains identity information about users becomes responsible for information protection and must deploy the necessary technology to prevent information leakage.

△ Legally mandated Verification Organizations

- Legally mandated verification organizations include credit information companies (*cf. the Act on Use & Protection of Credit Information*) for real name authentication, credit card companies (*cf. the Act on Specialized Credit Financial Business*) for credit card verification, and certification authorities (*cf. the Electronic Signature Act*) for certification.

□ What are the characteristics of the IDV System?

The unique feature of on-line communities is *anonymity*. It may be possible to locate the computer used by a malicious Internet user by tracing the IP (Internet Protocol) address, but it is extremely difficult to identify the user without the help of a protection system like the IDV System, because Internet access is available anywhere and via any computer. Accordingly, it is nearly impossible to make compensation for the victims or impose penalty on the offenders when a hostile cyber behavior does harm to innocent users.

As such, the IDV System is an indispensable measure that can secure freedom of expression online while dealing with privacy-violation problems caused by malicious or defamatory comments. The individual claiming injury and intending to file a civil or criminal lawsuit against an alleged offender can request information about the offender, and if the official organization with legal authority agrees, after assessing the suitability that there might be grounds for a legal case, it issues an order to release the information.

In other words, the IDV System serves as a bridge connecting the Internet cyber space and the real world so that Internet users feel as responsible for their comments and behaviors on the Internet as they do in the real world. In practice, the verification system serves as a stimulant that prevents Internet users from abusing on-line anonymity and thereby imposes responsibility on the users to protect *freedom of expression* on the Internet.

□ **How different is IDV from the ‘Internet Real-Name System’?**

The ‘Internet Real-Name System’ would make it mandatory that Internet users use their real names whenever they post comments or contents on Internet sites. In this case, the real names of those who post comments become publicly visible all the time, as is the case in the newspaper where the names of writers are always revealed. Under the IDV System, however, the real names of the Internet users are never publicly exposed, since even Internet operators do not keep the identity records of the users and users can freely choose nicknames or other IDs after going through a one-time verification procedure.

The information obtained from the verification process is safely guarded. No one can access the information except for the organizations holding a legal license and even such organizations have to conform to a legally required procedure to access the information. This is similar to the case that searching a house is approved only with a warrant issued by a court.

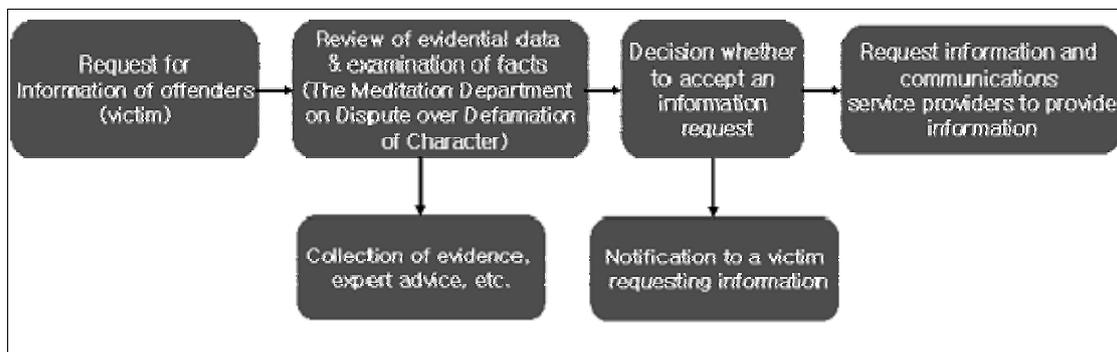
In a nutshell, the IDV System is very different from the Internet Real-Name system: The IDV System is a minimal measure to enable the traceability of the user name according to a legitimate process when a problem occurs in Internet cyber space and, other than that, it ensures anonymous use of the Internet. Therefore, the IDV System is a well-balanced means that protects freedom of expression on the Internet while discouraging its negative side effects including defamation or privacy violation.

□ **What is the procedure of user information provision?**

When the IDV System was legalized in 2007, *Users' Information Request Right* was adopted as well. The request right gives victims of cyber defamation a right to request information about the offender.

A victim should make a request not to a website operator where the defamation occurs but to the *Mediation Committee on Dispute over Defamation of Character at the Korea Communications Standards Commission* (that succeeded the *Korea Internet Safety Commission* on February 29, 2008). The Mediation Committee is composed of up to five professional experts, including one or more lawyers.

When an information request is filed by a victim, the Mediation Committee assesses the suitability for provision of the requested information first by discussing among the members. Only when it is determined suitable to provide the requested information, the Mediation Committee orders the operator of the website relevant to the matter to provide identity information of the alleged offender. However, by law, the information that a victim obtained may be used only for a civil or criminal lawsuit



□ What are the effects expected from the IDV System?

Before the legalization of the IDV System, there had been many victims who suffered from cyber violence and malicious comments psychologically or materially and, as the result, some of the victims committed suicide. After the adoption of the IDV System,

however, there happened many positive cases: For example, a cyber-bullying crime that had not been resolved for seven months because the police could not identify the alleged offender was immediately resolved in just two months.

△Case4: Mr. Kim, a company worker, (February, 2007)

In February 2007, Mr. Kim, a company worker, received hundreds of phone calls from many anonymous people. What happened was that Mr. Kim revealed his phone number to the members of his club on a website, which another Internet user (offender) accidentally saw and posted a false message that "I've earned 10 billion won. If anyone needs money, call me at this number" together with Mr. Kim's phone number. After suffering from a large number of phone calls Mr. Kim finally reported to the police, but the police failed to catch him because they could not get any information about the offender's identity. So the police gave up searching for the offender. However, after July 27th when the IDV System took force, things have totally changed. The offender, who continued to post defamatory remarks on other people even after the IDV System was implemented, made it possible for the police to locate him. In early September the police arrested him and the case was finished with "happy ending."

According to statistics, the number of information requests was 487 from July 2007 (when the Mediation Department on Dispute over Defamation of Character was launched) to March 2009. According to a more systematic analysis on decreases of malicious comments, which was conducted to measure the effects of the IDV System, the number of hostile remarks per month since implementation of the system decreased 12.1% by August 2007, an additional 34.2% by February 2008 and a further 17.7% by August 2008.

Table: Cyber-bullying before and after the adoption of the IDV System.

Index	Before adoption	After adoption of the IDV System								
	May '07	August '07			February '08			August '08		
	Number (percentage a)	Number (percentage b)	Difference (b-a)	Change (b-a)/a	Number (percentage c)	Difference (c-a)	Change (c-a)/a	Number (percentage d)	Difference (d-a)	Change (d-a)/a
Total	10,924 (100)	13,472 (100)	-	-	11,587 (100)	-	-	8,380 (100)	-	-
Malicious remarks	1,722 (15.8)	1,867 (13.9)	1.9% p	12.1%	1,203 (10.4)	5.4% p	34.2%	1,086 (13.0)	2.8% p	17.7%

*unit : the number of cases, (percentage)

□ **What is the distinctive Internet culture of Korea?**

The Google issue described in a separate section below has brought us an opportunity to review the IDV System from a global perspective, going beyond the Korean standpoint. In addition, it gave us a chance to examine Internet usage behavior within Korea and the social aspect of the Internet.

In particular, in order to help global companies like Google get a better understanding of Korea, it will be necessary to study the unique cultural background of the Korean Internet society from an objective perspective. Though in-depth analysis may require the studies of sociologists and psychologists, there are several components that a careful observation can easily identify, as listed below:

○ *Advanced broadband Internet environment*

Korea's advanced Internet is well indicated in the ICT Development Index measured and conducted by the ITU (The International Telecommunication Union). Among 154 countries, Korea ranked second in the ICT Development Index, following Sweden, mostly due to its high household Internet penetration and high broadband Internet subscription rate.

The number of Korean Internet users reached 35 million (as of December 2008) and its Internet use rate reached 77%. With its advanced ICT technology and the spread of broadband Internet, the social impact of the Internet now is greater than ever. The U.S. clearly recognized Korea's advanced broadband Internet environment when FCC Acting Chairman requested Korea's advice, during the recent visit of KCC Chairman to FCC, on establishment of broadband Internet in the U.S., a top priority of the Obama administration.

○ *Active online communities and strong cohesion*

The Korean people have a tendency to actively participate in community (group activities) where people who have similar background like school, family origin and hometown get together. This tendency is vividly reflected in online communities. This is well demonstrated by websites which help people find their long-lost friends, such as 'Cyworld' and 'Freechal' and a variety of cyber alumni reunions.

Korean Internet users, so called 'Netizens', pay considerable attention to what they are interested in. They create online communities, with strong cohesion, to share information and exchange viewpoints about their private matters or social issues. Typical examples of this may be the one million participants who voluntarily gathered together through Internet communities around the 2002 World Cup and the Internet users who waged a 'candle vigil' against the import of U.S. beef in 2008.

○ *Active posting of responses*

The Korean people tend to proactively post and read their various viewpoints on the Internet. In response to such tendency of Korean Internet users, all major websites including domestic portals, media, and homepages of government agencies install a bulletin board for free discussions.

In this regard, Korea's Internet culture is somewhat different from that of other countries. Most, though not all, media of other countries do not provide a bulletin board under every article where readers can upload their opinions. Foreign media induce readers to express their response through an indirect way (e.g., e-mailing) to the article writers.

○ *Inter-connectedness between on- and off-line activities*

In the case of Korea, the Internet users do not feel much difference between online and offline activities. In many cases, on- and off-line communities are substantially interconnected.

The size of the Korean Peninsula and the combined population of South and North Korea are similar to those of the U.K. or Italy. This relatively small territory is densely populated and has a sophisticated transportation system with very low transportation charges (e.g., basic subway charges: 70 cents, Seoul-Busan express bus charges: 18 dollars). This social infrastructure has created the environment in which an online relationship is easily extended to the offline world.

For such inter-connectedness of the on- and off-line worlds, cyber privacy violations and defamation makes a devastating impact on the real world in Korea. As a consequence, Korean Internet users take maliciousness very seriously.

○ *Re-illumination of the IDV System*

As addressed above, the facts about the IDV System clearly demonstrate that the verification system is a best-effort solution intended to maximize positive functions of the Internet by blocking negative consequences of malicious remarks that appear in the course of on- and off-line interconnection. So the IDV system effectively supports dynamic community participation and proactive expression of opinions in the environment composed of greatly advanced broadband Internet infrastructure and a widely used transportation system.

The system is not designed either to violate freedom of expression or to monitor ideology of the people. In Korea today, with its advanced open-participation democracy, there is little tolerance for human rights violations or monitoring of ideology. The IDV System is simply a realistic system that makes users feel responsible for their behavior on the Internet while enjoying freedom of expression to the fullest extent and, further, enables cyber victims to receive compensation. Under this system the Internet's anonymity no longer makes a negative impact on the real world.

□ **What are the issues related to Google's 'You Tube'?**

Google started its 'YouTube' service in Korea in January 2008 when the IDV System was already in place. At that time the IDV System was applied in an initial relaxed version, to the portal sites and UCC sites with over 300,000 daily visitors on average, and the application was determined based on the average number of daily visitors for the last three months of the previous year. Accordingly, YouTube service in Korea was not subject to the initial relaxed application of the IDV System in 2008. However, when the system began to be applied to the sites with over 100,000 daily visitors in January 2009, as originally regulated in the law, YouTube service in Korea fell within its application range.

In response to the expanded application of the IDV System, Google, instead of implementing the IDV System, blocked Korean users from posting any contents or comments on the Korean national site of YouTube. Shutdown of uploading capability on the Korean national site was a passive reaction to the law, even if it could avoid violation of the law. It caused inconvenience to Korean users who liked to use You Tube sites, and did not conform to the Korean government's original intention of introducing the IDV system without interrupting free discussion on the Internet.

To make it worse, Google publicly criticized Korea's IDV System as imposing restrictions on 'freedom of expression.' This seemed inconsistent with Google's earlier decision in 2006 to accommodate Chinese censorship demand in the launch of its search service in China. Unfortunately, Google's criticism caused some in the world to confuse the IDV System with a Real-Name System and gave an incorrect impression that the Korean government was pressuring 'the company (Google) in the vanguard of protecting freedom of expression'. These untrue beliefs influenced several Korean media to adopt distorted views on the Korean government's intention.

Google might have been sincerely trying to defend freedom of expression since 2006, after reflection on its submission to the Chinese censorship demand. Even if this is the case, Google clearly failed to make the effort to understand the context and operational details of the IDV System. It was improper when Google issued a criticism that did not

recognize the original intention of the IDV System, while declining adoption of the system. I suggest that Google apologize to Korea for tarnishing Korea's reputation by publicly misrepresenting the system as a violation of 'freedom of expression' and that it should issue a correction to its previous public announcements.

It would be very desirable if Google could take a lesson from its dispute with Korea in relation to the IDV system. Google may discover that its global business can become more prosperous if it studies the diversity of cultures of different nations and respects national regulations rooted in the cultures. It may be a good idea for the CEO of Google to visit Korea to learn the reality of the IDV System and experience how important it is to understand and embrace global cultures.

□ **Preparing for the Global Internet Society of the Future**

The negative aspects of the Internet cause serious and severe damage to individuals and society as a whole, as the Internet gradually permeates most functions of society in line with the advancement of information and communications technology. Problems caused by the Internet can be fatal in that the damage, stimulated by anonymity, spreads fast regardless of time and space and persists long afterwards.

The negative aspects of the Internet include ① illegal harmful information that contains obscene, violent and speculating materials that are exposed to children and juveniles on the Internet without any restrictions, thereby arousing serious social concerns, ② prevalent cyber crimes such as illegal copy and download, hacking into others' computers, spreading viruses, and e-commerce and financial fraud, and ③ violation of personal rights like defamation, privacy violation and *cyber-bullying* (hostile behaviors by a group intended to harm others). The IDV System is part of the Korean government's efforts to prevent those negative aspects with stress on the violation of personal rights including privacy violation or libel.

The Internet culture and the public's sense of ethics vary from country to country. Yet, it is the common issue for every country around the world to protect all Internet users, especially children and juveniles, from the negative effects of the Internet, while providing adults with maximum access to information and opinions.

Any country will probably consider formulating a policy like the IDV System when its Internet environment reaches the state that Korea had when it started creating the IDV System. When countries reach that point, they will come to understand that Korea has made considerable efforts to strike a balance between two universal values -- freedom of expression on the Internet and human rights protection.

There are no national barriers when it comes to the Internet world. Therefore, in order to develop a fundamental measure which effectively handles negative aspects of the Internet, the global community has to join hands together and exert collaborated efforts. This is the spirit reflected in the 'Seoul Declaration' adopted by 30 member countries and 9 non-member countries at the OECD Ministerial Meeting held in June, 2008 in Seoul.

Although the IDV System may not be a perfect system to completely eliminate the negative effects of the Internet, it was the best solution for Korean society to tackle the Internet problems in the time frame between 2002 and 2007. Keeping this point in mind, the global community should gradually improve the verification system, ultimately leading to a flawless global standard.

I expect that the world's combined efforts and collaboration will ensure free communications among the world citizens and vibrant global online businesses while minimizing negative impacts of the Internet such as defamation and privacy violation, thereby creating a harmonious global Internet society that embraces global culture and encourages mutual respect among different cultures.

(Revised April 28, 2010)