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Press release

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The Korea Communications Commission recommends compliance with personal information protection laws and giving right of choice to users in regard to Google's privacy policy change

On February 28, the Korea Communications Commission (referred to as “KCC” hereinafter) said that Google’s privacy policy, to be changed on March 1, may not be fully compliant with the provisions on personal information protection of the “Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. (referred to as the “Information and Communication Network Act”)” and recommended Google take remedial actions.

The KCC requested an official reply from Google, confirmed specific facts through working-level meetings, and discussed ways to guarantee users’ right of choice. Also, the KCC held advisory meetings consisting of experts, academics, legal specialists and professional organizations, and closely examined compliance with related laws and the level of

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protection of users' rights.

As a result, the KCC concluded that the change to the privacy policy may partially violate users' rights in the following terms, and recommended remedial actions when the service is provided in the future.

- ▶ The description of the purpose of using personal information and the explicit consent procedure are inadequate.
- ▶ Matters that need to be explicitly specified pursuant to the Information and Communications Network Act are missing:
 - Period of retaining and using personal information, destruction procedure and method
 - Information on the jobs and responsibilities of the personal information handler, and the name of and information about the jobs and responsibilities of the person who consigned the handling of personal information
 - The rights of the legal representative and the method of exercising these rights
 - The name of the personal information handler or the name and phone number of the department handling personal information protection jobs and related grievances

The KCC also concluded that if users continue to use Google after the privacy policy is changed, the way the new privacy policy and service agreement are applied to the users may restrict their right of choice. Therefore, the KCC decided to recommend that Google take measures to

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guarantee the right of choice in using the service is guaranteed to users who do not accept the new privacy policy.

As for the actions recommended to Google, the KCC is planning to check the exact type of service and how it is provided after the changed privacy policy is applied, and to take necessary measures including corrective orders if it violates related laws.

A KCC official said, “in consideration of the fact that Google’s privacy policy is globally integrated and applied, we took these measures so as to give Google an opportunity to comply with the Information and Communications Network Act of Korea, to induce service improvement, and to guarantee users’ rights”.

To enhance the level of personal information protection and protect the privacy of users in response to changes in the global environment and the evolution of services, the KCC will form a legal improvement forum for personal information protection comprised of academics, industry specialists and professional organizations.