

# An In-Depth Look at South Korea's Personal Information Protection Act (PIPA) and Its Comparison with GDPR

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## Overview

The Personal Information Protection Act (PIPA) is the main law governing data privacy in South Korea. It was enacted in 2011 and has been amended several times since then. The PIPA applies to all organizations that collect or process the personal information of individuals in South Korea, regardless of the organization's location.

The PIPA sets out several requirements for organizations that collect or process personal information, including:

- Obtaining consent from individuals before collecting or processing their personal information;
- Providing individuals with access to their personal information and the right to correct or delete it;
- Taking steps to protect personal information from unauthorized access, use, disclosure, disruption, modification, or destruction.

The PIPA also establishes several enforcement mechanisms, including fines and imprisonment for organizations that violate the law.

In addition to the PIPA, there are several other laws and regulations that govern data privacy in South Korea. These include:

- The Credit Information Use and Protection Act;
- The Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.;
- The Act on the Protection of Children's Personal Information.

Organizations that collect or process personal information in South Korea should be familiar with all of the relevant laws and regulations. They should also take steps to implement appropriate data privacy measures to protect the personal information of individuals.

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Here are some of the key provisions of the PIPA:

- The PIPA defines personal information as any information that can be used to identify an individual, such as their name, address, phone number, or email address.
- The PIPA requires organizations to obtain consent from individuals before collecting or processing their personal information.
- The PIPA gives individuals the right to access their personal information and to request that it be corrected or deleted.
- The PIPA requires organizations to take steps to protect personal information from unauthorized access, use, disclosure, disruption, modification, or destruction.
- The PIPA establishes a number of enforcement mechanisms, including fines and imprisonment for organizations that violate the law.

The PIPA is a comprehensive law that provides strong protections for personal information in South Korea. Organizations that collect or process personal information in South Korea should be familiar with the law and take steps to comply with it.

## Key Differences between GDPR and PIPA

- **Scope:** PIPA applies to all organizations that collect or process personal information of individuals in South Korea, regardless of the organization's location. GDPR applies to all organizations that offer goods or services to individuals in the European Economic Area (EEA) or monitor the behavior of individuals in the EEA, regardless of the organization's location.
- **Consent:** PIPA requires organizations to obtain explicit consent from individuals before collecting or processing their personal information. GDPR allows for consent to be implied in certain circumstances, such as when individuals have entered into a contract with a company or when they have given their consent to a general privacy policy.
- **Data subject rights:** PIPA gives individuals the right to access their personal information and to request that it be corrected or deleted. GDPR gives individuals a number of additional rights, such as the right to be forgotten, the right to data portability, and the right to object to processing.
- **Enforcement:** PIPA establishes a number of enforcement mechanisms, including fines and imprisonment for organizations that violate the law. GDPR also establishes a number of enforcement mechanisms, but the maximum fines are much higher.

Overall, PIPA is a comprehensive law that provides strong protection for personal information in South Korea. GDPR is a more comprehensive and stringent law that provides even stronger protections for personal information in the European Union.

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## A Condensed Overview of Each of the Articles

Sure. Here are short summaries of each of the articles in the Personal Information Protection Act of South Korea:

- Article 1. Purpose: This Act is enacted to protect the rights and interests of individuals in relation to the collection, use, and provision of personal information, and to ensure the appropriate management of personal information.
- Article 2. Definitions: This Act defines personal information as information that can be used to identify an individual, such as their name, address, phone number, or email address.
- Article 3. Scope of Application: This Act applies to all organizations that collect or process the personal information of individuals in South Korea, regardless of the organization's location.
- Article 4. Principles of Personal Information Management: This Act sets out a number of principles for the management of personal information, such as the principle of purpose limitation, the principle of collection limitation, the principle of accuracy, the principle of storage limitation, the principle of integrity and confidentiality, and the principle of accountability.
- Article 5. Collection of Personal Information: This Act sets out a number of requirements for the collection of personal information, such as the requirement to obtain consent from individuals before collecting their personal information.
- Article 6. Use of Personal Information: This Act sets out a number of requirements for the use of personal information, such as the requirement to use personal information only for the purposes for which it was collected.
- Article 7. Provision of Personal Information: This Act sets out a number of requirements for the provision of personal information, such as the requirement to obtain consent from individuals before providing their personal information to third parties.
- Article 8. Rights of Individuals: This Act gives individuals a number of rights in relation to their personal information, such as the right to access their personal information and the right to request that it be corrected or deleted.
- Article 9. Obligations of Organizations: This Act imposes a number of obligations on organizations that collect or process personal information, such as the obligation to take steps to protect personal information from unauthorized access, use, disclosure, disruption, modification, or destruction.
- Article 10. Enforcement: This Act establishes a number of enforcement mechanisms, including fines and imprisonment for organizations that violate the law.
- Article 11. Organization of the Personal Information Protection Commission: This Act establishes the Personal Information Protection Commission, which is responsible for the enforcement of this Act.
- Article 12. Duties of the Personal Information Protection Commission: This Act sets out the duties of the Personal Information Protection Commission, such as the duty to investigate complaints and the duty to issue guidelines.

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- Article 13. Inspection and Investigation: This Act authorizes the Personal Information Protection Commission to inspect and investigate organizations that collect or process personal information.
- Article 14. Correction and Supplement: This Act sets out the procedures for individuals to request that their personal information be corrected or supplemented.
- Article 15. Erasure and Destruction: This Act sets out the procedures for individuals to request that their personal information be erased or destroyed.
- Article 16. Prohibition on Discrimination: This Act prohibits organizations from discriminating against individuals based on their personal information.
- Article 17. Penalties: This Act establishes a number of penalties for organizations that violate this Act, such as fines and imprisonment.
- Article 18. Supplementary Provisions: This Act sets out a number of supplementary provisions, such as the effective date of this Act.
- Article 19. Special Cases of Collection and Use of Personal Information: This Act sets out a number of special cases in which organizations may collect and use personal information without the consent of individuals, such as cases where the collection and use are necessary for the prevention of crime or for the protection of public health.
- Article 20. Personal Information Protection Agreement: This Act sets out the requirements for personal information protection agreements, which are agreements between organizations that collect or process personal information.
- Article 21. International Transfer of Personal Information: This Act sets out the requirements for the international transfer of personal information, such as the requirement to obtain consent from individuals before transferring their personal information to a country that does not have adequate data protection laws.
- Article 22. Cooperation with Foreign Governments: This Act authorizes the Personal Information Protection Commission to cooperate with foreign governments in the enforcement of this Act.
- Article 23. Research and Development: This Act authorizes the Personal Information Protection Commission to promote research and development in the field of personal information protection.
- Article 24. Education and Training: This Act authorizes the Personal Information Protection Commission to promote education and training in the field of personal information protection.
- Article 25. Publicity and Dissemination: This Act authorizes the Personal Information Protection Commission to publicize and disseminate information about this Act.
- Article 26. Enforcement Rulemaking: This Act authorizes the Personal Information Protection Commission to make enforcement rules to implement this Act.
- Article 27. Transitional Provisions: This Act sets out a number of transitional provisions, such as provisions for the continued validity of personal information protection agreements that were entered into before the effective date of this Act.
- Article 28. Repealing and Amending Provisions: This Act repeals and amends a number of other laws.

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- Article 29. Effective Date: This Act takes effect on the date that is specified by the Presidential Decree.
- Article 30. Punishment for Violation of This Act: This Act establishes a number of penalties for organizations that violate this Act, such as fines and imprisonment.
- Article 31. Supplementary Provisions: This Act sets out a number of supplementary provisions, such as the effective date of this Act.
- Article 32. Enforcement Rulemaking: This Act authorizes the Personal Information Protection Commission to make enforcement rules to implement this Act.
- Article 33. Transitional Provisions: This Act sets out a number of transitional provisions, such as provisions for the continued validity of personal information protection agreements that were entered into before the effective date of this Act.
- Article 34. Repealing and Amending Provisions: This Act repeals and amends a number of other laws.
- Article 35. Effective Date: This Act takes effect on the date that is specified by the Presidential Decree.
- Article 36. Punishment for Violation of This Act: This Act establishes a number of penalties for organizations that violate this Act, such as fines and imprisonment.
- Article 37. Supplementary Provisions: This Act sets out a number of supplementary provisions, such as the effective date of this Act.
- Article 38. Punishment for Violation of This Act: This Act establishes a number of penalties for organizations that violate this Act, such as fines and imprisonment.
- Article 39. Supplementary Provisions: This Act sets out a number of supplementary provisions, such as the effective date of this Act.
- Article 40. Transitional Provisions: This Act sets out a number of transitional provisions, such as provisions for the continued validity of personal information protection agreements that were entered into before the effective date of this Act.
- Article 41. Repealing and Amending Provisions: This Act repeals and amends a number of other laws.
- Article 42. Effective Date: This Act takes effect on the date that is specified by the Presidential Decree.
- Article 43. Dispute Mediation: This Act establishes a dispute mediation system for individuals who have complaints about the processing of their personal information.
- Article 44. Collective Dispute Mediation: This Act establishes a system for organizations to file a lawsuit on behalf of individuals who have complaints about the processing of their personal information.
- Article 45. Enforcement by the Personal Information Protection Commission: This Act authorizes the Personal Information Protection Commission to investigate complaints and take enforcement actions against organizations that violate the law.

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- Article 46. Punishment for Violation of This Act: This Act establishes a number of penalties for organizations that violate this Act, such as fines and imprisonment.
- Article 47. Supplementary Provisions: This Act sets out a number of supplementary provisions, such as the effective date of this Act.
- Article 48. Definitions: This Act defines several terms that are used in the Act, such as "personal information," "personal information controller," and "personal information processor."
- Article 49. Purpose Limitation: This Act requires personal information controllers to collect and process personal information only for specific purposes that are specified in advance and to obtain the consent of individuals before collecting or processing their personal information for any other purposes.
- Article 50. Collection Limitation: This Act prohibits personal information controllers from collecting personal information that is not necessary for the purposes for which it is being collected.
- Article 51. Accuracy: This Act requires personal information controllers to take steps to ensure that the personal information they collect is accurate and up-to-date.
- Article 52. Storage Limitation: This Act requires personal information controllers to store personal information for only as long as it is necessary for the purposes for which it is being collected.
- Article 53. Integrity and Confidentiality: This Act requires personal information controllers to take steps to protect personal information from unauthorized access, use, disclosure, disruption, modification, or destruction.
- Article 54. Accountability: This Act requires personal information controllers to be accountable for the personal information they collect and process.
- Article 55. Right of Access: This Act gives individuals the right to access their personal information that is being collected or processed by a personal information controller.
- Article 56. Right to Correction: This Act gives individuals the right to request that a personal information controller correct any inaccurate or incomplete personal information that is being collected or processed by the personal information controller.
- Article 57. Right to Deletion: This Act gives individuals the right to request that a personal information controller delete any personal information that is being collected or processed by the personal information controller.
- Article 58. Right to Objection: This Act gives individuals the right to object to the collection or processing of their personal information by a personal information controller.
- Article 59. Right to Portability: This Act gives individuals the right to receive the personal information they have provided to a personal information controller in a format that is easy to use and to transfer that personal information to another personal information controller.
- Article 60. Right to Restriction of Processing: This Act gives individuals the right to request that a personal information controller restrict the processing of their personal information.

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- Article 61. Right to File a Complaint: This Act gives individuals the right to file a complaint with the Personal Information Protection Commission if they believe that their personal information has been collected or processed in violation of the Act.
- Article 62. Enforcement by the Personal Information Protection Commission: This Act authorizes the Personal Information Protection Commission to investigate complaints and to take enforcement actions against organizations that violate the law.
- Article 63. Punishment for Violation of This Act: This Act establishes a number of penalties for organizations that violate this Act, such as fines and imprisonment.
- Article 64. Supplementary Provisions: This Act sets out a number of supplementary provisions, such as the effective date of this Act.
- Article 65. Personal Information Protection Agreement: This Act allows personal information controllers and personal information processors to enter into personal information protection agreements that set out the terms and conditions for the collection, processing, and use of personal information.
- Article 66. Personal Information Protection Officer: This Act requires personal information controllers with more than 100 employees to designate a personal information protection officer to oversee the implementation of the Act.
- Article 67. Personal Information Protection Committee: This Act requires personal information controllers with more than 1,000 employees to establish a personal information protection committee to advise the personal information controller on the implementation of the Act.
- Article 68. Personal Information Protection Education: This Act requires personal information controllers to provide personal information protection education to their employees.
- Article 69. Personal Information Protection Research: This Act requires the Personal Information Protection Commission to conduct research on personal information protection.
- Article 70. International Cooperation: This Act allows the Personal Information Protection Commission to cooperate with foreign governments and organizations on personal information protection matters.
- Article 71. Enforcement Rulemaking: This Act authorizes the Personal Information Protection Commission to make enforcement rules to implement this Act.
- Article 72. Transitional Provisions: This Act sets out a number of transitional provisions, such as provisions for the continued validity of personal information protection agreements that were entered into before the effective date of this Act.
- Article 73. Repealing and Amending Provisions: This Act repeals and amends a number of other laws.
- Article 74. Effective Date: This Act takes effect on the date that is specified by the Presidential Decree.
- Article 75. Severability: If any provision of this Act is held to be invalid, the remainder of this Act shall remain in full force and effect.

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- Article 76. Authority to Prescribe Detailed Rules: The Minister of the Interior and Safety may, by ordinance, prescribe detailed rules necessary for the enforcement of this Act.

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