BILL [Summary] Amendment to the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.

chairman of the Science, ICT, Broadcasting and Communications Committee

PROPOSED BY

Science, ICT, Broadcasting and Communications Committee

PROPOSITION DATE

2018-05-28

COMMITTEE

Science, ICT, Broadcasting and Communications Committee

RESOLUTION DATE OF PLENARY SESSION

2018-05-28

EFFECTIVE DATE

6 months after promulgation

(This unofficial English-language translation is intended for reference only.)

<Purpose of the bill>

This bill seeks to amend the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc., to clearly state that in cases where provisions of both this Act and the Personal Information Protection Act are applicable to matters relating to personal information protection under Chapter IV of this Act, this Act shall take precedence over the Personal Information Protection Act; and that the Korea Communications Commission may conduct inspections of information and communications service providers over whether they are taking the measures necessary to protect the personal information of their users when exercising their authority to access such information.

This bill also intends to oblige information and communications service providers to purchase insurance or join a benefit association to prepare for situations when they need to compensate users; to prohibit the circulation of information on firearms or explosives manufacturing through an information and communications network; and to prohibit chief information protection officers from concurrently holding another position.

In addition, this bill seeks to permit users of telecom billing services to request access to information about purchasers held by the sellers who provided goods and/or services through the billing services, for the purpose of prompt remediation for damage to users.

<Highlights of the bill>

1. Article 5

This Act shall take precedence over the Personal Information Protection Act in cases where provisions of both this Act and the Personal Information Protection Act are applicable to matters relating to the protection of personal information under Chapter IV of this Act.

2. Article 22 (4), newly inserted

The Korea Communications Commission may conduct inspections of information and communications service providers over whether they have established the authority to access their users’ information in conformity with Article 22-2 (1) through (3) of this Act.

3. Article 32-3, newly inserted

Information and communications service providers shall be prepared to offer compensation as prescribed in Articles 32 and 32-
2 of this Act, by taking necessary measures, such as purchasing insurance or joining a benefit association.

4. Subparagraph 6-3 of Article 44-7 (1), newly inserted

No one may circulate information pertaining to the method of manufacturing firearms or explosives, or a blueprint thereof, through an information and communications network.

5. Article 45-3 (3) and (7), newly inserted

A chief information protection officer shall not concurrently hold any other position.

The qualification requirements for a chief information protection officer and other necessary matters shall be prescribed by Presidential Decree.

6. Article 58-2, newly inserted

In cases in which a user of a telecom billing service wishes to confirm that goods and services charged to him/her through the telecom billing service are the same as those he/she purchased or subscribed to, the user may request that the person who sold or provided the goods or services through the telecom billing service provide information about the purchasers when deemed necessary.