

## South Korea

	2013	2014		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	Population:	50.2 million
Obstacles to Access (0-25)	3	3	Internet Penetration 2013:	85 percent
Limits on Content (0-35)	13	14	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	16	16	Political/Social Content Blocked:	Yes
<b>TOTAL* (0-100)</b>	<b>32</b>	<b>33</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Partly Free

\* 0=most free, 100=least free

### Key Developments: May 2013 – May 2014

- Prosecutors indicted the former head of national intelligence on the charge of orchestrating more than one million tweets and online comments in favor of the ruling conservative party in the December 2012 presidential election (see **Limits On Content**).
- Government agencies requested broadcasters and ISPs cooperate with ministers to downplay negative criticism online following a ferry tragedy with over 300 casualties in April 2014; lawmakers proposed criminalizing rumors during disasters (see **Limits On Content**).
- In August 2013, some lawmakers proposed enhancing criminal penalties for defamation committed online, which are already more severe than those outlined in the penal code (see **Violations of User Rights**).
- At least three people were sentenced for defaming President Park Geun-hye online, one to an 18-month prison term (see **Violations of User Rights**).
- In January 2014, conservative lawmakers proposed legally mandating the installation of mobile surveillance technology by telecommunications companies, who already share user data with government agencies (see **Violations of User Rights**).

## Introduction

Users of South Korea's advanced digital infrastructure faced new challenges as well as longstanding restrictions during the coverage period of this report. As Park Geun-hye of the conservative Saenuri Party entered her second year as president,<sup>1</sup> prosecutors were investigating intelligence and military agents accused of manipulating online conversations to ensure her victory in the 2012 election.<sup>2</sup> Even while these supposedly neutral agencies were accused of partisanship, lawmakers sought to give them more powers to monitor citizens' digital communications.

Affordable, high-speed internet in South Korea's vibrant fledgling democracy comes with a unique set of restrictions.<sup>3</sup> Internet users face censorship rooted in political tensions with North Korea or traditional social values, and numerous laws regulate different aspects of digital activity. Observers say these restrictions have increased under the conservative party.<sup>4</sup> In June 2013, the United Nations special rapporteur on the situation of human rights defenders called on South Korea to bring laws and practices affecting the right to freedom of expression in line with international standards.<sup>5</sup>

Criminal investigations targeting internet users are of particular concern. Twitter user Park Jung-geun retweeted posts from a North Korean account as a joke, then spent a month in detention and two years in court before his conviction and suspended jail term for promoting anti-state activity was overturned on appeal in August 2013. Other courts sentenced at least three people for defaming the president on the internet in the past year, including one to eighteen months in prison in November 2013. Officials sought to introduce heavier criminal penalties for online defamation, which South Korean law already punishes more severely than its offline counterpart.

Online privacy was the other prevailing issue for South Koreans in 2013 and 2014. In 2012, the Constitutional Court stopped websites from registering commenters' national ID numbers, freeing internet users to interact more anonymously. Yet this positive decision came too late for many. Cyberattacks and online theft have exposed millions of South Korea's personal details in the past five years, but courts have refused citizens permission to obtain new, uncompromised ID numbers. Moreover, domestic service providers legally cooperate with law enforcement agencies seeking user data even without a warrant, introducing scope for abuse. In December 2013, police accessed private social network accounts and real time location information while seeking to question leaders of a railway union protest.<sup>6</sup>

1 Park's predecessor Lee Myung-bak, who governed from February 2008 to February 2013, was also in the Saenuri Party, which was known as the Grand National Party until it changed its name and logo in February 2012.

2 Yoo Eun Lee, "South Korea's Spy Agency, Military Sent 24.2 Million Tweets to Manipulate Election," *Global Voices*, November 25, 2013, <http://bit.ly/1jB00Sp>; Chico Harlan, "In South Korea's latest controversies, spy agency takes a leading role," *The Washington Post*, July 6, 2013, <http://wapo.st/1mO8QJQ>; Aidan Foster-Carter, "Intelligence scandals, Seoul-style," *Asia Times*, November 12, 2013, <http://bit.ly/1b0WGb4>.

3 The Economist, "Why South Korea is really an internet dinosaur," *The Economist*, February 10, 2014, <http://econ.st/1epiIo6>.

4 Frank La Rue, "Full Text of Press Statement Delivered by UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, After the Conclusion of His Visit to the Republic of Korea" (pdf), Office of the United Nations High Commissioner for Human Rights, May 17, 2010, <http://bit.ly/9JpIWa>; Reporters Without Borders, *Internet Enemies Report 2012* (pdf), March 12, 2012, <http://bit.ly/1f6efZP>; Eric Pfanner, "Google Jousts With Wired South Korea Over Quirky Internet Rules," *The New York Times*, October 13, 2013, <http://nyti.ms/1e26xDE>.

5 Office of the United Nations High Commissioner for Human Rights, "'South Korea Should Widen the Space for Human Rights Defenders,' UN Expert Says," June 7, 2013, <http://bit.ly/1hsHZWz>.

6 Jinbonet, "Constitutional complaint against real-time tracking of the mobile phone locations of the railway union strikers [and their families]" (in Korean), *Jinbonet*, May 13, 2014, <http://bit.ly/1zGUPs7>.

The Constitutional Court also reinterpreted election laws in 2011 to allow online campaigning throughout the year; it was formerly restricted during campaign season.<sup>7</sup> This welcome step was followed by a flood of alleged political manipulation by military and intelligence agents online, resulting in more than a million posts supporting President Park in 2012.

Yet even while individuals responsible for those apparent irregularities faced trial, conservative lawmakers proposed making mobile surveillance technology a legal requirement for telecommunications companies, to improve national security and intelligence gathering. Another proposal would criminalize social media rumors during disasters. It was made after an April 2014 ferry disaster that caused hundreds of unnecessary deaths provoked widespread criticism of the official response. News reports said officials tried to play down the outrage by steering journalists and online comments towards a more positive interpretation, and even sought to investigate teachers whose posts on a government website called for President Park to take responsibility.

## Obstacles to Access

South Korea is one of the most wired countries in the world, for both usage and connection speed.<sup>8</sup> Internet penetration was at 85 percent in 2013.<sup>9</sup> Counting access via mobile phone, television, and game consoles, an estimated 97 percent of households had access by 2012.<sup>10</sup>

Several factors have contributed to the country's high degree of connectivity. First, high-speed access is relatively affordable. Most residences have connections capable of reaching 100 Mbps for under KRW 30,000 (\$27) per month.<sup>11</sup> Second, the population is densely concentrated in urban areas. Roughly 70 percent of South Koreans live in cities dominated by high-rise apartment buildings that can easily be connected to fiber-optic cables.<sup>12</sup> Finally, the government has implemented a series of programs to expand internet access since the 1990s, including subsidies for low-income groups.<sup>13</sup>

Mobile phone penetration was at 111 percent in 2013—a sign that many users now have more than one device.<sup>14</sup> Moreover, smartphone users represented 75 percent of all mobile subscribers as of November 2013.<sup>15</sup> Wi-Fi coverage has increased rapidly to accommodate smartphones and tablet com-

7 Before this ruling, the National Election Commission applied 93(1) of the Public Official Election Act, which bans the display and distribution of election-related paraphernalia for 180 days before the polls, both offline and online alike, with penalties of up to 2 years' imprisonment or a fine of up to KRW 4 million (US\$3,636). See: Yeon-Ok Lee & Han Woo Park, "E-Campaigning Versus the Public Official Election Act in South Korea: Causes, Consequences and Implications of Cyber-Exile," *Aslib Proceedings* 65(4), 2013, 388-405.

8 Zoe Fox, "The 10 Countries With the Fastest Internet," *Mashable*, August 22, 2013, <http://on.mash.to/1gs4CKk>.

9 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://bit.ly/1cblxxY>.

10 South Korea has topped the Organisation for Economic Co-operation and Development's list of internet access rates in 34 member countries since 2000. OECD, "Households with access to the Internet in selected OECD countries," Key ICT Indicators, July 2012, <http://bit.ly/19Xqbzx>.

11 John D. Sutter, "Why Internet connections are fastest in South Korea," *CNN*, March 31, 2010, <http://cnn.it/1mOyYUT>; Edward Wyatt, "U.S. Struggles to Keep Pace in Delivering Broadband Service," *The New York Times*, December 29, 2013, <http://nyti.ms/1cBCKJb>.

12 J. C. Herz, "The Bandwidth Capital of the World," *Wired* (10.08), August 2002, <http://wrd.cm/1f2ENfX>.

13 Sutter, "Why Internet connections are fastest in South Korea."

14 International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2013."

15 Mi-seon Kang, "Entering an era of 40 million smartphone subscribers" (in Korean), *Money Today*, January 1, 2014, <http://bit.ly/1dEfZXJ>.

puters. Free Wi-Fi is offered in over 1,000 public spaces across the country, including train stations, airports, libraries, national public hospitals, community centers, and select tourist spots.<sup>16</sup>

Omnipresent and affordable cybercafes have helped prevent a digital divide in South Korea. Known as PC *bang* (room), many offer broadband access for approximately \$1 per hour, and also serve as venues for social interaction and online gaming. There is no significant gap in access to ICTs with respect to gender or income level, although differences persist across generational and professional lines.<sup>17</sup>

The telecommunications sector in South Korea is relatively diverse and open to competition, with 119 internet service providers (ISPs) operating as of December 2013.<sup>18</sup> Nevertheless, it is dominated by three companies: Korea Telecom (44 percent), SK Telecom (24 percent), and LG Telecom (15 percent). The same firms control equivalent shares of the country's mobile service market, at 31.5 percent, 50 percent, and 18.5 percent respectively.<sup>19</sup> All three companies are publicly traded (Korea Telecom was state-owned until privatization in 2002), but they are part of the country's *chaebol*—large, family-controlled conglomerates connected to the political elite, often by marriage ties.<sup>20</sup> This has given rise to speculation that favoritism was at play in the privatization process and in the selection of bidders for mobile phone licenses.<sup>21</sup> Korea Mobile Internet (KMI), a consortium of mobile virtual network operators who rent capacity from the main players, was making a sixth attempt to enter the market in May 2014. In July, outside the coverage period of this report, the Ministry of Science, ICT and Future Planning rejected their bid for a license for failing to meet financial requirements, which a KMI spokesman described as “excessively strict.”<sup>22</sup>

The conservative Lee Myung-bak government, which was in power from February 2008 to February 2013, restructured regulatory institutions dealing with ICTs. The Ministry of Information and Communication and the Korean Broadcasting Commission merged to create the Korea Communications Commission (KCC) in February 2008, tasked with overseeing both telecommunications and broadcasting to improve policy coherence.<sup>23</sup> The KCC consists of five commissioners, with the president appointing two (including the chairman) and the National Assembly choosing the remainder. The KCC struggled to earn credibility, as its first chairman Choi See-joong was a close associate of President Lee, causing some observers to view the restructuring as a government effort to tighten control over the media and ICT sectors.<sup>24</sup> Lee reappointed Choi as chairman in 2011, despite the objections of opposition lawmakers, who said that Choi's personnel choices politicized the agency and that his

16 Jungyun Kwon, “Free Wi-fi now offered at public areas nationwide,” *Korea.net*, July 25, 2012, <http://bit.ly/1e2EFiF>.

17 Ministry of Science, ICT and Future Planning, “The Digital Divide Index, 2008-2012” (in Korean), IT Statistics of Korea, <http://bit.ly/1e2FfNb>.

18 Korea Internet & Security Agency, “ISP Statistics” (in Korean), Infrastructure Statistics, <http://bit.ly/1bsW3qR>.

19 Korea Communications Commission, “Wire and Wireless Communication Service Subscribers, as of January 2013” (xls) (in Korean), Policy/Information: Statistical data, <http://bit.ly/1lhqELD>.

20 Hyeok-cheol Kwon, “Is *Chojoongdong* one big family?” (in Korean), *Hankyoreh*, July 29, 2005, <http://bit.ly/1lhqYQM>.

21 Hyun-ah Kim, “KMI criticizes selection criteria for the 4th mobile operator and sends out open inquiry [to KCC]” (in Korean), *e-Daily*, February 18, 2013, <http://bit.ly/1fXe7y8>.

22 Yoon-seung Kang, “Gov't nixes consortium's application for new mobile carrier license,” *Yonhap News*, July 24, 2014, <http://bit.ly/1uTA4aR>; Min-ki Kim, “Bidders for the position of 4th mobile operator complain of high opening bid of \$260 million” (in Korean), *Newsis*, January 20, 2014, <http://bit.ly/1iy4Pf6>.

23 Jong Sung Hwang & Sang-hyun Park, “Republic of Korea,” *Digital Review of Asia Pacific 2009-2010* (London: SAGE, 2009), 234-240.

24 Ji-nam Kang, “Who's who behind Lee Myung-bak: Choi See-joong the appointed chairman of the KCC” (in Korean), *Shindonga* (583), April 1, 2008, <http://bit.ly/1aYiNCd>.

licensing decisions favored conservative-leaning media outlets. Choi resigned in 2012, and was later sentenced to two and a half years in prison and a fine of KRW 600 million (\$545,000) for influence peddling.<sup>25</sup> Lee pardoned him at the end of his term in January 2013.<sup>26</sup>

In March 2013, President Park Geun-hye missed an opportunity to distance herself from this history of cronyism, naming her close aide and former four-term lawmaker Lee Kyeong-jae to head the KCC.<sup>27</sup> She also transferred the KCC's policy and strategy-related responsibilities to the new Ministry of Science, ICT and Future Planning. The KCC retains its regulatory remit.

## Limits on Content

*The head of national intelligence was on trial during the period covered in this report for allegedly orchestrating millions of tweets and online comments in support of President Park before the December 2012 election. The Ministry of Defense said officials in the ministry's cyber unit posted inappropriate political content during the same period. Directives were also found to be circulated to contain the spreading of social media content that criticized the Park Geun-hye administration after a ferry disaster in April 2014. Thousands of websites continued to be blocked or deleted, some for content related to North Korea. Internet users protested, and considered a legal challenge, when the copyright commission blocked music-streaming and torrent-sharing sites without notifying service providers.*

Although South Korean cyberspace is vibrant and creative, there are a number of restrictions on the free circulation of information and opinions. Technical filtering and administrative deletion of content is particularly evident. According to official figures, 85,644 websites or pages were censored in 2013, 62,658 blocked and 22,986 deleted.<sup>28</sup>

Censored content is classified by categories including gambling, "illegitimate food and medicine," obscenity, violating others' rights, and violating "other laws and regulations." The last category includes websites containing North Korean propaganda or promoting reunification, based on the 1948 National Security Act, which bans content that "praises, promotes, and glorifies North Korea."<sup>29</sup> Police reported that 27 foreign sites, 338 social networking accounts, and 132 online communities were blocked and 15,168 items of propaganda were deleted for jeopardizing national security in 2013.<sup>30</sup>

Censorship is predominantly carried out on the orders of the Korea Communications Standards Commission (KCSC), which was established in 2008 to maintain ethical standards in broadcasting

25 Rahn Kim, "President's mentor gets prison term," *The Korea Times*, September 14, 2012, <http://bit.ly/1esLXak>.

26 BBC, "South Korean president issues controversial pardons," *BBC News*, January 29, 2013, <http://bbc.in/L3ce7o>.

27 Yonhap News Agency, "Park appoints former veteran lawmaker as communications commission chief," *Yonhap News*, March 24, 2013, <http://bit.ly/1gkauoV>.

28 Among those blocked, 28,894 were for "encouraging gambling," 17,608 for "prostitution and obscenity," 12,759 for "illegitimate food and medicine," 1,745 for "violating others' rights," and 1,652 for "violating other laws and regulations." Among those deleted, 8,538 were for "illegitimate food and medicine," 7,527 for "violating other laws and regulations," 4,767 for "prostitution and obscenity," 1,388 for "violating others' rights," and 766 for "encouraging gambling." Statistics published quarterly by the Korea Communications Standards Commission at <http://bit.ly/1iDTDgX> (in Korean).

29 OpenNet Initiative, "Country Profile: South Korea," August 6, 2012, <http://bit.ly/19XA93S>.

30 Hong-du Park, "In Park's first year, the number of violators of the National Security Act has leaped" (in Korean), *Kyunghyang Shinmun*, February 19, 2014, <http://bit.ly/1fzIxmM>; The National Police Agency, "Police leading the protection of national security and support for the settlement of North Korean defectors," Press release, February 19, 2014, <http://bit.ly/1h7YQcO>.

and internet communications. In its first year, 4,731 websites or pages were blocked, and 6,442 deleted;<sup>31</sup> its activities have increased since then. Nominally an independent statutory organization, its nine members are appointed by the president.<sup>32</sup>

Observers criticize the body's vaguely defined standards and wide discretionary power to determine what information should be censored.<sup>33</sup> A team of 20 to 30 monitoring officers flag possible offenses, including obscenity, defamation, and threats to national security. The police and other authorities can refer matters to the commission, and individuals can also submit petitions. Commissioners meet every two weeks to deliberate over flagged cases, and then issue censorship orders to content hosts or service providers.<sup>34</sup> Noncompliant service providers face up to two years' imprisonment, or a fine of up to KRW 10 million (\$9,000), under the Comprehensive Measures on Internet Information Protection issued by the KCC in 2008.<sup>35</sup>

In 2011, law professor Park Kyung Sin, then one of the KCSC's nine members, challenged the institution's criteria by posting an image of human genitalia on his personal blog for public discussion.<sup>36</sup> Fellow KCSC members began evaluating his blog for deletion and Park subsequently took the pictures down, but prosecutors fined him KRW 3 million (\$2,700) in 2012 for violating obscenity laws.<sup>37</sup> A higher court in Seoul cleared him on appeal,<sup>38</sup> and the Supreme Court is hearing a challenge by the prosecution. Park's blog is still available.<sup>39</sup>

A major cause for concern is that authors of blocked or deleted content are never notified of the commission's decision, nor given an opportunity to defend their right to publish.<sup>40</sup> While KCSC meeting minutes are available online,<sup>41</sup> and content owners can challenge the commission's ruling, there is no independent avenue for appeal. This allows the KCSC to make politically, socially, and culturally biased judgments, often lacking legal grounds. In many cases, the KCSC blocks entire blogs even though only a small portion of posts are considered to be problematic.

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31 3,816 websites or pages were blocked for "encouraging gambling," 549 for "disturbing social order," and 366 for "obscenity;" 3,238 were deleted for "disturbing social order," 1,460 for "obscenity," 1,201 for "violating others' rights," 424 for "violence, cruelty, and hatred," and 119 for "encouraging gambling."

32 Six members are nominated by the president and the party with a parliamentary majority, while three are nominated by the opposition. Jeong-hwan Lee, "A private organization under the president? The KCSC's structural irony" (in Korean), *Media Today*, September 14, 2011, <http://bit.ly/1aYr0GA>.

33 Jillian York & Rainey Reitman, "In South Korea, the Only Thing Worse Than Online Censorship is Secret Online Censorship," *Electronic Frontier Foundation*, September 6, 2011, <http://bit.ly/1gkiKfw>.

34 Author's interview with Park Kyung Sin, who served as a commissioner until his resignation in 2014, at the KCSC office, April 4, 2013.

35 Ha-won Jung, "Internet to be stripped of anonymity," *Korea JoongAng Daily*, July 23, 2008, <http://bit.ly/1eOpT9A>.

36 R. Jai Krishna & Evan Ramstad, "'Offensive' Web Content Targeted in Asia," *The Wall Street Journal*, December 6, 2011, <http://on.wsj.com/1btd4RH>; York & Reitman, "In South Korea, the Only Thing Worse Than Online Censorship is Secret Online Censorship."

37 Evan Ramstad, "Prosecutors Target Censorship Critic," *The Wall Street Journal*, March 8, 2012, <http://on.wsj.com/19XFyif>.

38 Jeong-in You, "Professor Park Kyeong-shin 'Not Guilty' in an Appeals Court," *The Kyunghyang Shinmun*, October 19, 2012. <http://bit.ly/LgITXO>.

39 K.S. Park's Writings (blog), <http://blog.naver.com/kyungsinpark>.

40 Interview with Kyung Sin Park.

41 Available at <http://bit.ly/1dJdUd1> (in Korean).

In 2011, the KCSC expanded their remit to social media, mobile applications, and podcasts, creating a team to systematically monitor platforms such as Twitter and Facebook for illegal content.<sup>42</sup> Since selectively deleting posts from Twitter and Facebook is more difficult than from websites and blogs, the KCSC first warns users to voluntarily delete posts containing false or harmful information. If they refuse, the commission then asks ISPs to block other users from accessing the disputed accounts. Social media cases amount to roughly 5 percent of the total considered by the KCSC, according to Park Kyung Sin.<sup>43</sup>

Under Article 44(2) of the Information and Communications Network Act, citizens who discover content they believe has violated their privacy or harmed their reputation can ask the intermediary company hosting the content to remove it. On receiving a request, the company must hide the content for 30 days.<sup>44</sup> Content is permanently deleted if its owner does not revise it or appeal within 30 days. Under Article 44(3) of the same act, intermediaries are encouraged to monitor and carry out proactive 30-day takedowns of irregular content, even without a complaint.<sup>45</sup> Companies who can demonstrate proactive efforts to regulate content would be favorably considered by the courts, while those who do not are potentially liable for defamatory or malicious content posted by third parties.<sup>46</sup>

International companies offering online maps are restricted from exporting South Korean map data to servers overseas under a wartime law to guard the country's geographic information from North Korea. In September 2013, the Land Ministry said it would allow foreign companies to use an English-language digital map on a case-by-case basis, but would not allow Google or other map providers to enhance or process the map on servers outside the country, in order to provide navigation or other services.<sup>47</sup>

A copyright law that restricts file sharing was passed in 2009. Often referred to as the "three strikes rule," it allows the minister of culture, sports and tourism, acting through the Korean Copyright Commission, to shut down an entire bulletin board for failure to comply with a third warning to take down pirated content. Internet companies and civil liberties advocates say the law threatens fair use and free expression.<sup>48</sup> In November 2013, a controversy arose when the commission and the KCSC blocked U.S.-based music-streaming site Grooveshark, among other overseas torrent sites.<sup>49</sup> Online freedom activists and some users of the site plan to challenge the order in a lawsuit.<sup>50</sup>

42 Matt Brian, "South Korea may begin censoring social networking, mobile apps from next week," *The Next Web*, December 1, 2011, <http://tnw.co/1hFQkCf>.

43 Interview with Kyung Sin Park. See also: Ji-hyun Cho, "Criticism escalates over SNS censorship," *The Korea Herald*, January 29, 2012, <http://bit.ly/1jC5NHk>.

44 Kyung Sin Park, *Guilty of Spreading Truth* (in Korean), (Seoul: Dasan Books, 2012) 125-130.

45 Yoo Eun Lee, "Is South Korea Encouraging Portal Sites to Self-Censor?" *Global Voices*, November 23, 2013, <http://bit.ly/1ff3EhD>.

46 Hyeon-seok Kang, "Portal sites that neglected malicious comments liable for defamation" (in Korean), *Nocut News*, April 16, 2009, <http://bit.ly/1kTPiqI>.

47 Pfanner, "Google Jousts With Wired South Korea Over Quirky Internet Rules," *The Economist*, "Why South Korea is really an internet dinosaur."

48 Cory Doctorow, "South Korea lives in the future (of brutal copyright enforcement)," *Boing Boing*, March 30, 2013, <http://bit.ly/1fxo4jZ>; Open Net Korea, "International human rights organizations in support for the abolition of the three-strike rule" (in Korean), *Open Net Korea*, April 1, 2013, <http://opennet.or.kr/1529>.

49 Minoci, "How 'Grooveshark' got blocked: interview with the KCSC's Rights Violation Monitoring Team" (in Korean), *Slow News*, November 7, 2013, <http://slownews.kr/15204>.

50 Open Net, "Call for Grooveshark users for a revocation suit" (in Korean), *Notice*, January 25, 2014, <http://opennet.or.kr/5559>.

In South Korea, restrictions on political speech surrounding elections are more stringent than in many democracies due to limits prescribed in the 1994 Public Official Election Act. The National Election Commission applied the same limits online, resulting in content deletion and fines, until the Constitutional Court ruled the law could not be interpreted to restrict digital campaigns in 2011.<sup>51</sup>

In December 2012, opposition lawmakers accused a National Intelligence Service (NIS) agent of manipulating 40 different online accounts to discredit opponents of then-presidential election candidate Park Geun-hye. Police cleared the agent in an unusual late-night announcement three days before the polls, which a junior prosecutor later described as a cover-up.<sup>52</sup> In June 2013, prosecutors indicted former NIS director Won Sei-hoon on charge of authorizing agents to post thousands of online comments and 1.2 million tweets characterizing the political opposition as sympathizers of North Korea.<sup>53</sup> Park Geun-hye denies ordering or benefiting from digital manipulation.<sup>54</sup> Won and his successor, Nam Jae-joon, admit they refuted North Korean propaganda in online forums but deny political motives.<sup>55</sup> In late 2014, Won was given a suspended sentence under a law which bars intelligence officials from political activity, but acquitted of trying to sway the election.<sup>56</sup> In December 2013, the Defense Ministry's cyber command unit, launched in 2010 to "combat psychological warfare in cyberspace against North Korea," announced that some officials had posted inappropriate political content online during the same period, but without the knowledge of the unit heads; like Won Sei-hoon, they denied the more serious charge of election meddling.<sup>57</sup>

Attempts to manipulate content were evident again in April 2013 following a ferry disaster which cast the government in a poor light. An investigation subsequently revealed the vessel was operating illegally after being decommissioned, and that the 300 casualties—mostly high school students—died during an incompetent rescue operation when passengers were directed to their cabins while the ship slowly sank. A newspaper reported the KCC had circulated an internal directive instructing ministries, broadcasting companies, ISPs, and the police to steer online discussions away from the topic.<sup>58</sup> Of 507 online items assessed by the KCSC in the two days following the directive, 72 were deleted, 25 were blocked, and 10 were referred to the police, according to the news report. The Ministry of Oceans and Fisheries separately issued a similar directive. In May conservative legislator

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51 Lee & Park, "E-Campaigning Versus the Public Official Election Act in South Korea."

52 In-ha Ryu, "Breaking News: Seoul Police already plots a scenario before releasing the interim report of investigation into the online comments scandal" (in Korean), *The Kyunghyang Shinmun*, September 6, 2013, <http://bit.ly/1aWCZkN>; Chosun Ilbo, "Seoul Police warns Kwon Eun-hee, who claims the police investigation into NIS was 'downscaled and covered up'" (in Korean), *Chosun Ilbo*, September 26, 2013, <http://bit.ly/1v85Yjn>.

53 Harlan, "In South Korea's latest controversies, spy agency takes a leading role;" Dong-hyun Lee, "Won Sei-hoon ordered operations against opposition candidates in every election, says prosecution" (in Korean), *JoongAng Ilbo*, June 6, 2013, <http://bit.ly/1aYLChK>; Sang-Hun Choe, "South Korean Officials Accused of Political Meddling," December 19, 2013, <http://nyti.ms/1ohP89w>.

54 Sang-Hun Choe, "Prosecutors Detail Attempt to Sway South Korean Election," *The New York Times*, November 21, 2013, <http://nyti.ms/1hvtiyf>; Lee, "South Korea's Spy Agency, Military Sent 24.2 Million Tweets to Manipulate Election;" Harry Fawcett, "South Korea's political cyber war," *Al Jazeera*, December 19, 2013, <http://bit.ly/1cmfW86>.

55 Ho-jin Song et al., "Nam Jae-joon says online posting is the NIS's legit work. Also insists the allegation of election interference is a political set-up" (in Korean), *Hankyoreh*, August 5, 2013, <http://bit.ly/1aDobNp>.

56 Sang-Hun Choe, "Former South Korean Spy Chief Convicted in Online Campaign Against Liberals," *The New York Times*, September 11, 2014, <http://nyti.ms/1qCE6xW>.

57 Choe, "South Korean Officials Accused of Political Meddling;" Shanghai Daily, "Former chiefs of S.Korean cyber command charged with political intervention," *Shanghai Daily*, August 19, 2014, <http://bit.ly/1v5n6pZ>.

58 Byeong-ryul Park, "MoF's manual orders to come up with a news item that will 'outshock' in case of a ship accident" (in Korean), *The Kyunghyang Shinmun*, April 25, 2014, <http://bit.ly/1z7bmAU>; Jang-jun Park, "Exclusive: Park Geun-hye administration's 'guidelines' on news reporting of Sewol" (in Korean), *Media Today*, April 28, 2014, <http://bit.ly/1fn5TCq>.

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Han Sun-kyo proposed amending the Information and Communications Network Act to criminalize rumormongering on social networking sites “in times of disaster,” punishable by up to five years in prison or up to KRW 50 million (\$45,500) in fines.<sup>59</sup> The proposed clause evolved from 47(1) of the 1983 Telecommunications Business Act, which was ruled unconstitutional in 2009.

Commissioner Park Kyung Sin resigned from the KCSC in protest at the government’s handling of information related to the incident in May 2014, saying that journalists echoing official briefings led news outlets to incorrectly report that all passengers had been rescued. In an open letter, he said that KCSC censorship discourages government criticism, limiting the public’s ability to ensure oversight and accountability.<sup>60</sup>

South Korea’s overall media environment is partly restricted.<sup>61</sup> In 2012, journalists launched a series of strikes against government interference and censorship for the first time since the country’s transition to democratic rule in 1987.<sup>62</sup> Born out of this was a variety of alternative and activist media outlets on the internet. The most thriving example is *Newstapa*, a user-funded investigative journalism platform. Since its January 2012 launch, it has accumulated about 35,000 regular donors, and became a leading source of information on the electoral manipulation scandal in 2013.<sup>63</sup> The platform’s YouTube channel had been viewed more than 10 million times by early 2014.<sup>64</sup> However, the KCC called the work of *Newstapa* and a handful of other independent news websites “pseudo journalism” in a December 2013 report, warning their owners not to report on issues outside their remit.<sup>65</sup> How this vague caution might affect the outlets named is not clear, but observers interpreted it as a signal that authorities may seek to regulate online news.

South Koreans have embraced online technology for civic engagement and political mobilization. Filmmakers have successfully solicited funding via social media for socially conscious films, such as “Another Promise,” which documents poor working conditions in Samsung semiconductor factories. The film topped the box office in the first week of its release in February 2014, despite main cinema franchises refusing to screen it.<sup>66</sup> Ironically, the most striking example of digital mobilization of the coverage period used traditional, offline tools when students sparked a nationwide trend of expressing grievances on public, handwritten posters. The movement went viral after it was documented on the internet.<sup>67</sup>

59 Min-ha Kim, “In times of disaster, rumor-mongering through SNS should be punishable up to 5 years of imprisonment, says Han Sun-kyo” (in Korean), *Mediaus*, May 2, 2014, <http://bit.ly/1sZO1mj>.

60 Available at <http://blog.naver.com/kyungsinpark/110190423160>.

61 Freedom House, “Freedom of the Press 2013: South Korea,” <http://bit.ly/1fizTwe>.

62 The Economist, “No news is bad news: Reporters complain of being muzzled,” *The Economist*, March 3, 2012, <http://econ.st/1mPL1kl>.

63 Newstapa, “South Korea Spy Agency’s Illegal Campaigning on SNS” (video in Korean), Official YouTube channel of Newstapa, January 6, 2014, <http://bit.ly/1gVTjap>; Yoo Eun Lee, “South Korean Authorities Discredit Dissenting Voices as ‘Not-Real’ News,” *Global Voices*, January 2, 2014, <http://bit.ly/1cpE2sy>.

64 Newstapa’s YouTube page, accessed January 2014, <http://www.youtube.com/user/newstapa>.

65 Yoo Eun Lee, “South Korean Authorities Discredit Dissenting Voices.”

66 Justin McCurry, “South Korean film spotlights claims of sickness linked to Samsung plants,” *The Guardian*, February 5, 2014, <http://bit.ly/1bswBC8>; Seok-jae Hong, “Megabox considerably reduces the number of screening rooms for ‘Another Promise’” (in Korean), *Hankyoreh*, February 4, 2014, <http://bit.ly/1ipb7ev>.

67 BBC, “South Korea: Spread of the handwritten poster protest,” *BBC News*, December 19, 2013, <http://bbc.in/1bfvAvj>; Sukjong Hong, “‘Doing all right?’ protest spreads in South Korea,” *Aljazeera America*, January 14, 2014, <http://alj.am/1eQAQJZ>.

## Violations of User Rights

*While Park Geun-hye denied manipulating online content for political benefit, civil and criminal cases against her online critics spiked. Disproportionate penalties included an 18-month prison sentence for defamation in November 2013, while prosecutors explored increasing sanctions for defamation committed online. Courts also made positive rulings. In August 2013, two years after police detained Twitter user Park Jung-geun for sharing content from North Korea as a joke, a court cleared him of a 2012 conviction under Article 7 of the National Security Act. Yet social media providers continue to cooperate with law enforcement without judicial oversight. In December 2013, police sought leaders of a Korean Railway Workers' Union protest using personal details from their online accounts obtained without warrants. Meanwhile, conservative lawmakers proposed mandating that telecommunications companies incorporate mobile surveillance technology to facilitate intelligence gathering. While specifics remain murky, the proposal came at a time when many South Koreans are questioning their lack of digital privacy protections. In the wake of cyberattacks that exposed millions of personal ID numbers and credit card details, the Constitutional Court is hearing an appeal by citizens whose suit to change their compromised IDs was denied by lower courts.*

The South Korean constitution guarantees freedom of speech, the press, assembly, and association to all citizens, but it also enables restrictions, stating that “neither speech nor the press may violate the honor or rights of other persons nor undermine public morale or social ethics.” South Korea has an independent judiciary and a national human rights commission that have made decisions upholding freedom of expression. Nonetheless, the continued prosecution of internet users for online activities has generated a chilling effect and international criticism.<sup>68</sup>

Several laws restrict freedom of expression in traditional media as well as online. The 1948 National Security Act allows prison sentences of up to seven years for praising or expressing sympathy with the North Korean regime. In 2010, the Ministry of Unification issued a notice reminding citizens that the 1990 Act on Exchanges and Collaboration between South and North Korea applies to online communications as well as offline,<sup>69</sup> and that any visit to websites or pages maintained by people of North Korea must be reported to the government in advance.<sup>70</sup> Anyone failing to do so faces a fine of up to KRW 1 million (\$900).

National security prosecutions against individuals expressing North Korean sympathies have increased under conservative rule. Cases involving online communication rose from 5 in 2008 to 82 in 2010, a trend which looks set to continue.<sup>71</sup> Overall, national security arrests increased 19 percent and detentions 37.5 percent, in the first year of the Park Geun-hye administration.<sup>72</sup> Film director

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68 La Rue, “Full Text of Press Statement.”

69 Ministry of Unification, “Notice on the use of North Korean internet sites” (in Korean), April 8, 2010, <http://bit.ly/1iEwHye>.

70 Reports of such contact, online and offline, are to be made through an online system at <http://www.tongtong.go.kr/>.

71 Sang-hun Choe, “Sometimes, It’s a Crime to Praise Pyongyang,” *The New York Times*, January 5, 2012, <http://nyti.ms/1e3lWDy>; Seok Ahn, “11 online North Korean sympathizers arrested. 5 times more social networking accounts blocked [for violating the National Security Act] over the past year” (in Korean), *Seoul Shinmun*, May 18, 2012, <http://bit.ly/1dJG080>; Jun-hee Park, “Violation of the National Security Act on the increase. Already 70 cases in the first half of the year” (in Korean), *Munhwa Ilbo*, July 9, 2012, <http://bit.ly/1aZ1v8a>; Amnesty International, “Republic of Korea,” *Amnesty International Report 2013: The State of the World’s Human Rights* (pdf), 150-152, <http://bit.ly/1btHIQv>.

72 Hong-du Park, “In Park’s first year, the number of violators of the National Security Act has leaped” (in Korean), *Kyunghyang Shinmun*, February 19, 2014, <http://bit.ly/1fzlxmM>.

Shim Seung-bo, for example, was given a suspended sentence of 10 months in prison in February 2014 for running a pro-North online forum.<sup>73</sup>

In August 2013 a higher court cleared photographer Park Jung-geun of a 2012 conviction for retweeting posts from a North Korean Twitter account. He said the retweets were intended to make fun of the regime, but police raided his studio in September 2011 and jailed him for one month in January 2012 before releasing him on bail.<sup>74</sup> A court had sentenced him to a suspended 10-month prison term for “supporting ... anti-state activity” in November 2012.<sup>75</sup>

Defamation, including written libel and spoken slander, is a criminal offense in South Korea, punishable by up to five years’ imprisonment or a fine of up to KRW 10 million (\$9,000), regardless of the truth of the contested statement. Insults, which unlike defamation offenses must be instigated directly by a complainant, are punishable by a maximum KRW 2 million (\$1,800) fine or a prison sentence of up to one year. Defamation committed via ICTs draws even heavier penalties—seven years in prison or fines of up to KRW 50 million (\$45,500)—under the 2005 Information and Communications Network Act, which cites the faster speed and wider audience of online communication as a basis for the harsher sentencing.<sup>76</sup> In August 2013, the Supreme Prosecutors’ Office announced in a directive to lower offices that it would enhance sanctions against online defamation.<sup>77</sup>

While the directive is nonbinding and its consequences may be difficult to pinpoint, digital defamation cases involving criticism of politicians and public figures are increasing.<sup>78</sup> In April 2013, former Gyeonggi provincial police chief Lee Cheol-gyu sued 55 Twitter users for sharing a document listing him among public officials who allegedly accepted sexual bribes. In a summary indictment, 27 out of the 55 users were fined between KRW 300,000 and 3,000,000 (\$270 to \$2,700) in January 2014, though many demanded a formal trial instead.<sup>79</sup>

Numerous online defamation cases involved President Park Geun-hye. In February 2013, the month Park took office, a court in Incheon fined a citizen KRW 800,000 (\$720) for making libelous statements against Park in the comments section of a news website six times during 2012.<sup>80</sup> Another citizen, Huh, in Uijeongbu in Gyeonggi province was given a one-year suspended jail sentence in August 2013 for 114 defamatory posts against Park on the conservative daily *Chosun Ilbo*’s website,

73 Byeong-cheol Kim, “Two-year suspension of sentence to Director Shim Seung-bo for running an online forum praising the North” (in Korean), *Seoul Shinmun*, February 20, 2014, <http://bit.ly/1jLoMN2>.

74 Louisa Lim, “In South Korea, Old Law Leads To Crackdown,” *National Public Radio (NPR)*, December 1, 2011, <http://npr.org/1hGunDc>; Sang-hun Choe, “South Korean Law Casts Wide Net, Snaring Satirists in a Hunt for Spies,” *The New York Times*, January 7, 2012, <http://nyti.ms/GB6dNJ>; AFP, “Amnesty urges release of S. Korean Twitter user,” *AFP*, February 1, 2012, <http://bit.ly/1dSvfTA>.

75 Peter Ford, “Why North Korean tweets are off-limits in the South,” *Christian Science Monitor*, October 8, 2013, <http://bit.ly/1mv8sQV>.

76 See: Article 61 of the Act on Promotion of Information and Communications Network Utilization and Data Protection, etc., amended December 30, 2005, <http://bit.ly/LoN97A>.

77 Gopal News, “Prosecution to enhance sanctions against ‘cyber-defamation’ – 2013’s version of ‘declaration of a state of emergency,’” (in Korean), *Gopal News*, August 8, 2013, <http://bit.ly/1cvbRNS>.

78 Geoffrey Fattig, “Satirist’s ‘KFC’ Podcast is Litmus Test for South Korean Free Speech,” *Global Voices*, April 7, 2014, <http://bit.ly/1hiU4Mh>.

79 Ji-won Yun, “300,000 to 3,000,000-won fines for tweeting the ‘sexual bribery list’. The [accused] citizens demanding a trial” (in Korean), *Kukmin TV News*, January 20, 2014, <http://bit.ly/1dOq2Jz>.

80 The individual’s name and the website were not publicly disclosed. Kang-wook Cho, “Netizen fined 800,000 won for posting libelous comments against Park Geun-hye” (in Korean), *Asia Economy*, February 21, 2013, <http://bit.ly/1bylfej>.

including one calling her a “dictator’s daughter.”<sup>81</sup> In October, Pastor Cho Woong was sentenced to 18 months in prison for online videos alleging that Park had made a secret deal with Kim Jong-il, the late ruler of North Korea.<sup>82</sup> The following month, a judge in southern Jeonju city convicted poet Ahn Do-hyun and gave him a suspended fine of KRW 1 million (\$900) for repeating 17 times on his Twitter account that Park was in possession of property stolen from a famous anti-Japanese colonial fighter.<sup>83</sup> The jury, which provides judges with influential but nonbinding judgment recommendations in South Korea, had found him innocent, which may account for the non-collection of the fine. Ahn was cleared in a March 2014 appeal.<sup>84</sup>

Within South Korea, anonymous communication typical of the internet was long compromised by the so-called “internet real-name system” first adopted in 2004 as part of an amendment to the Public Official Election Act.<sup>85</sup> Users were required to verify their identities by submitting their Resident Registration Numbers (RRNs) to join and contribute to web portals and other major sites. An RRN is a 13-digit number uniquely assigned to a Korean citizen at birth. In 2007, the real-name system was expanded to apply to any website with more than 100,000 visitors per day under Article 44(5) of the Information and Communications Network Act.

In August 2012, the Constitutional Court ruled Article 44(5) unconstitutional, citing privacy vulnerabilities from cyberattacks among other factors.<sup>86</sup> In 2011, a cyberattack allegedly originating from China targeted the popular portal Nate and its social networking service Cyworld. Hackers reportedly stole the personal details of 35 million users, equivalent to 70 percent of the population, including names, passwords, RRNs, mobile phone numbers, and email addresses. The portal’s parent company, SK Communications, said RRNs and passwords were encrypted,<sup>87</sup> but the incident renewed public concern about internet users’ right to privacy.<sup>88</sup> Fifteen citizens filed a lawsuit to be able to change their RRNs, but the Seoul Administrative Court and the Seoul High Court ruled against them. The case is currently in the Constitutional Court.

The Personal Information Protection Act was amended in August 2013 to reflect the Constitutional Court’s 2012 ruling. Website administrators are now prohibited from collecting users’ RRNs, and must destroy those already on record. Effective from August 2014, failure to protect an individual’s RRN will be punishable by fines of up to KRW 500 million (\$455,000).<sup>89</sup> Mobile service providers still require users to provide their RRNs.

81 Yun-ho Cho, “Online user jailed for a libel against Park – what about the NIS?” (in Korean), *Media Today*, August 8, 2013, <http://bit.ly/1bylt5g>.

82 Yonhap News Agency, “Pastor arrested for defaming president-elect,” *Yonhap News*, February 23, 2013, <http://bit.ly/1b8fgQz>; Cho-rong Park, “Pastor Cho Woong sentenced 1 year and 6 months for ‘defaming Park Geun-hye’” (in Korean), *Nocut News*, November 6, 2013, <http://bit.ly/1d8gvNu>.

83 Yonhap News Agency, “Court finds poet guilty of defaming President Park,” *Yonhap News*, November 7, 2013, <http://bit.ly/1tzEKOR>.

84 Gee-Hyun Suk, “High court clears popular poet of election law violations,” *The Korea Herald*, March 25, 2014, <http://bit.ly/1tzKUyn>.

85 The amendment became Article 82, Provision 6.

86 Kyung Sin Park, “Korean internet identity verification rule struck down unconstitutional; 12 highlights of the judgment,” *K.S. Park’s Writings* (blog), August 25, 2012, <http://bit.ly/1nevlB7>.

87 AP, “Nate, Cyworld Hack Stole Information From 35 Million Users: SKorea Officials,” *Huffington Post*, July 28, 2011, <http://huff.to/1k9aiaf>.

88 Eric Pfanner, “Naming Names on the Internet,” *The New York Times*, September 4, 2011, <http://nyti.ms/1ffDiLz>.

89 Yun-ji Kang, “Hide your RRN away! Ban on online collection of user RRNs” (in Korean), *Policy News* (blog, copyrighted by the Ministry of Culture, Sports and Tourism), February 21, 2013, <http://bit.ly/1eefGaD>.

Other laws, such as the Public Official Election Act, the Game Industry Promotion Act, and the Telecommunications Business Act, separately require internet users to verify their identities.<sup>90</sup> To ensure compliance with these laws, the KCC is exploring registration options beyond RRNs, such as Internet Personal Identification Numbers (i-PINs), authenticated certificates (issued by banks and other organizations permitted to collect RRNs by Article 23 of the Network Act), and SMS verification. Notably, a Children and Youth Protection Act amendment increased the scope of content that requires identity verification in 2012, stating the goal was to better protect young people online (RRNs contain digits from the user's birth date that show their age). Violations of the act rose from 100 in 2011 to 2,224 in 2012, according to a report published by the Supreme Prosecutors' Office, and many offenders ended up with disproportionate penalties.<sup>91</sup>

In April 2013, conservative lawmaker Shin Eui-jin proposed a new bill to classify "online games and other digital media content" as addictive, along with alcohol, narcotics and gambling, and subject them to tougher government controls.<sup>92</sup> The bill remained under consideration in May 2014.

Service providers "may" surrender individuals' personal information without a warrant to investigative agencies,<sup>93</sup> including police, prosecutors, and the National Intelligence Service, under Article 83(3) of the Telecommunications Business Act, but the clause is non-binding. In 2012, in a KRW 20 million (\$18,000) suit by a user against a major web portal service who provided personal data to police, the Seoul High Court overturned an earlier ruling and actually penalized the company for failing to demand a warrant to support the police request. The company was ordered to pay KRW 500,000 (\$460) in compensation.<sup>94</sup>

The ruling does not appear to have strengthened privacy safeguards. According to the latest official press release in October 2013,<sup>95</sup> service providers fulfilled 465,304 such requests in the first half of 2013, a 17.8 percent increase over the number they executed during the same period in 2012.<sup>96</sup> During a union protest against the government's rail privatization plans in December 2013, leading members of the Korean Railway Workers' Union were sought by the police for "obstruction of business" under Section 314 of South Korea's penal code. During the search, police obtained individuals' personal details from accounts linked to the union's virtual community space on Band, a group chat platform operated by the domestic web giant Naver. The company confirmed police had accessed the platform, but "did not inform us about the range of the search, so the bigger problem is that we

90 Bora Jeong, "Internet real-name system and its lingering remains" (in Korean), *Bloter.net*, September 13, 2013, <http://bit.ly/1jKR4Hx>.

91 Ki-bon Lee, "Effective from September 16, 2012, the New Youth Protection Law" (in Korean), *Pol in Love* (Police Agency official blog), September 3, 2012, <http://bit.ly/1ftYjRu>; Yoo Eun Lee, "South Korea's Child Porn Law Blasted for Restricting Freedom of Expression," *Global Voices*, May 24, 2013, <http://bit.ly/1neCR8H>; Yeong-cheol Choi & Seon-jae Choi, "Becoming a criminal overnight: Brutal examples of applications of the 'Children and Youth Act'" (in Korean), *Weekly DongA*, February 10, 2014, <http://bit.ly/1tpgvoi>.

92 He-suk Choi, "Game addiction bill touches off national debate," *The Korea Herald*, November 13, 2013, <http://bit.ly/1neDr6j>.

93 Personal information here includes the user's name, RRN, postal address, telephone number, user ID, and dates of joining or leaving the service. To access the actual content of communications, a warrant is mandatory.

94 Kang, "Portal sites that neglected malicious comments liable for defamation."

95 Ministry of Science, ICT and Future Planning, "Press release: statistics of communication interception and communication information handover in the first half of 2013" (in Korean), <http://bit.ly/1e7HgYz>.

96 Na-young Shim, "Last Year, 390,000 users subjected to 'telecommunication surveillance'" (in Korean), *Asia Economy*, January 9, 2013, <http://bit.ly/1fcjR4Q>; Soon-hyuk Lee, "Despite the court's no, telecomm companies still providing personal information to investigative agencies, while MISP keeps missing the point and saying they would standardize the request form" (in Korean), *Hankyoreh*, January 15, 2014, <http://bit.ly/Mvewxv>.

do not know how much of our personal information was exposed," a union representative told the media.<sup>97</sup>

The April 2014 ferry disaster also prompted accusations of privacy violations. The coast guard became subject to public criticism for looking at content on victims' mobile phones and allegedly tampering with the memory chips before returning them to families.<sup>98</sup> When 43 teachers wrote on the presidential office's website that Park Geun-hye should step down for the poor handling of the disaster, the Ministry of Education ordered education offices around the country to identify and discipline those involved, prompting further protests.<sup>99</sup>

In January 2014, lawmaker Seo Sang-ki proposed what reporters described as "another Big Brother law," a legal amendment to the Protection of Communications Secrets Act obliging mobile service carriers to install a tapping system within two years or pay a financial penalty up to KRW 2 billion (\$1.8 million). Some providers already install this technology on a voluntary basis under the existing act, which requires officials to seek a court order for wiretaps (with exceptions for emergencies) and inform subjects after investigations are concluded. Seo said the amendment would help the NIS curb anti-state activity.<sup>100</sup>

There have been no reports of physical violence against online users. Technical crimes are more common. A notable increase in technical disruptions in the past three years has highlighted vulnerabilities in the country's ICT infrastructure. Reported violations of electronic data tripled between 2010 and 2013 from 54,832 incidents to 177,736, according to official figures.<sup>101</sup> Recent targets include three major South Korean banks and the country's two largest broadcasters in March 2013.<sup>102</sup> North Korean authorities have been implicated in computer network attacks "targeting critical infrastructure" in South Korea, according to local and U.S.-based research.<sup>103</sup> Whether politically or financially motivated, such incidents affect a critical proportion of the population, yet ordinary users are barely protected or compensated.<sup>104</sup>

In January 2014, a computer contractor working for a credit bureau stole unencrypted personal data, including RRNs and credit card details, belonging to 20 million South Koreans.<sup>105</sup> Given the extent of

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97 Cheol-eung Bak, "Police force into KTX engineers' lodging and threaten "arrest" without a warrant," *The Kyunghyang Shinmun*, December 30, 2013, <http://bit.ly/1hNz7H3>; Amnesty International, "South Korea: Stop arrests of trade union leaders and respect the rights of striking workers," *Amnesty International News*, December 24, 2013, <http://bit.ly/1jniwhj>.

98 Nocut News, "Controversy over the coast guard's censoring of the mobile phone content of the student victims" (in Korean), *Nocut News*, May 7, 2014, <http://bit.ly/1vvnwDp>.

99 Min-sik Yoon, "Teachers protest ferry disaster response," *The Korea Herald*, May 18, 2014, <http://bit.ly/1tz292X>.

100 Ji-hye Jun, "'Big Brother' law in making," *The Korea Times*, January 5, 2014, <http://bit.ly/1mZjXzz>; Jang-won Moon, "Seo Sang-ki: "Those opposing the communication monitoring bill are an anti-state force" – the '[red] debate' again" (in Korean), *Gobal News*, January 22, 2014, <http://bit.ly/1jKWmFN>.

101 Statistics Korea, "Incidents of Personal Information Violation" (in Korean), *e-National Indicators*, <http://bit.ly/1fcGxBK>.

102 Alex Fitzpatrick, "Massive Cyberattack Hits South Korean Banks and Broadcasters," *Mashable*, March 20, 2013, <http://on.mash.to/1byZNXZ>.

103 Agence France-Presse, "S. Korea probe says North behind cyber attack," *The Straits Times*, April 10, 2013, <http://bit.ly/1jKAUAz>; CrowdStrike, "CrowdStrike Global Threat Report" (pdf), January 22, 2014, p.25, <http://bit.ly/1ffcUUB>.

104 Soon-taek Kwon, "KT's penalty as small as [US\$613,000] after having lost personal information of 8.73 million customers" (in Korean), *Mediaus*, December 13, 2012, <http://bit.ly/MhqaeI>.

105 BBC, "Credit card details on 20 million South Koreans stolen," *BBC News*, January 20, 2014, <http://bbc.in/1e4feux>.

this exposure, authorities announced that they would revisit the current national ID numbering system, although they made it clear that the RRN itself would be not be abolished.<sup>106</sup>

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106 Jinbonet, "Unprecedented scale of personal data leakage: the master-key RRN makes it worse" (in Korean), *Action Jinbonet*, January 28, 2014, <http://bit.ly/1k9NMOz>.