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ACT ON THE PROTECTION, USE, ETC, OF LOCATION INFORMATION

[Enforcement Date 15. Nov, 2012.] [Act No.11423, 14. May, 2012., Partial Amendment]

방송통신위원회 (인터넷이용자정책과)02-2110-1527, 1528



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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect privacy from the leakage, abuse and misuse of location information, promote a safe environment for using location information and activate the use of location information, thus contributing to the improvement of people's standard of living and the promotion of public welfare.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:<Amended by Act No. 10166, Mar. 22, 2010>

1. The term "location information" means information about a place where a portable object or an individual exists or has existed at a certain time, which is collected by the use of telecommunications equipment facilities or of telecommunications line equipment and facilities prescribed in subparagraph 2 or 3 of Article 2 of the Telecommunications Business Act;
2. The term "personal location information" means the location information of a particular person (including information that can be readily combined with other information to track the location of a particular person even though location information alone is not sufficient to identify the location of such person);
3. The term "subject of personal location information" means a person identified with personal location information;
4. The term "data confirming the collection of location information" means data regarding the person who has requested the collection of location information, the date of collection, and the methods of collection thereof (excluding location information);
5. The term "data confirming the use and provision of location information" means data regarding the person receiving location information, the channel of acquisition thereof, and the dates and methods of use and provision thereof (excluding location information);

6. The term "location information business" means collecting location information and providing it for location-based service providers by profession;
7. The term "location-based service business" means providing services based on location information (hereinafter referred to as "location-based services") by profession;
8. The term "location information system" means a framework of computer hardware, software, database and human resources that are organically linked to one another to collect, store, analyze, use, and provide location information through communications networks set forth in Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. for the sake of the location information business and location-based service business.

Article 3 (Seeking Measures to Protect and Use Location Information)

In order to ensure the safe protection and sound use, etc. of location information, the Korea Communications Commission shall seek measures including the following subparagraphs after consultation with the heads of relevant central administrative agencies:

[<Amended by Act No. 8867, Feb. 29, 2008>](#)

1. The basic policy direction for protecting and using location information;
2. Matters concerning the protection of location information;
3. Matters concerning the use of location information for public purposes;
4. Matters concerning the development and standardization of technology related to location information business and location-based service business;
5. Matters concerning the enhancement of safety and reliability of the location information business and the location-based service business;
6. Matters concerning the improvement and evaluation of the quality of the location information business and the location-based service business;
7. Other matters necessary for the protection and use of location information.

Article 4 (Relationship with other Acts)

Except as otherwise provided for in other Acts, the collection, storage, protection, and use of location information shall be subject to such conditions as provided for in this Act.

CHAPTER II LICENSE, ETC. FOR LOCATION INFORMATION BUSINESS

- Article 5 (License, etc. for Location Information Business)** (1) Any person who intends to engage in location information business shall obtain a license from the Korea Communications Commission for his/her trade name, location of the main office, type and description of the location information business concerned, and major business facilities, including location information systems, as prescribed by Presidential Decree. [<Amended by Act No. 8775, Dec. 21, 2007; Act No. 8867, Feb. 29, 2008>](#)
- (2) Deleted.[<by Act No. 9481, Mar. 13, 2009>](#)
- (3) When the Korea Communications Commission grants a license pursuant to paragraph (1), it shall conduct an overall examination of the following:[<Amended by Act No. 8867, Feb. 29, 2008>](#)
1. Feasibility of a plan for the location information business;
 2. Plans to take technical and managerial measures relating to the protection of personal location information;
 3. Propriety of the size of facilities relating to the location information business;
 4. Financial and technical capabilities;
 5. Other matters necessary for running the business.
- (4) When the Korea Communications Commission grants a license pursuant to paragraph (1), it may attach conditions necessary to conduct research and development for the improvement of accuracy and reliability of location information, fair competition, or protection of personal location information.[<Amended by Act No. 8867, Feb. 29, 2008>](#)
- (5) Only corporations may obtain a license pursuant to paragraph (1).
- (6) Matters concerning guidelines and procedures for obtaining a license prescribed in paragraph (1) and detailed examination standards for each item for examination under paragraph (3) shall be prescribed by Presidential Decree.[<Amended by Act No. 8867, Feb. 29, 2008>](#)
- (7) When any person who has obtained a license for location information business in accordance with paragraph (1) (hereinafter referred to as "location information provider") intends to change a location information system (limited to cases where such change will lower the level of the technology for protection of personal location information than at the time of obtaining the license) among permitted matters, he/she shall obtain permission for the change from the Korea Communications Commission as prescribed by Presidential

Decree; and when he/she wishes to change his/her trade name or the location of his/her principal office, he/she shall report such change to the Korea Communications Commission.<Amended by Act No. 8775, Dec. 21, 2007; Act No. 8867, Feb. 29, 2008>

Article 6 (Grounds for Disqualification of Executives) (1) None of the following shall be eligible for an executive of a location information provider:

1. A minor, incompetent or quasi-incompetent;
 2. A bankrupt who has yet to be reinstated;
 3. A person in whose case three years have not elapsed since his/her imprisonment without labor or heavier punishment as sentenced by a court as a result of violating this Act, the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc., the Framework Act on Telecommunications, the Telecommunications Business Act, or the Radio Waves Act, was completely executed (including cases for which execution is deemed to be completed) or finally confirmed as exempted;
 4. A person who is under a suspended sentence of imprisonment without labor or heavier punishment as sentenced by a court as a result of violating this Act, the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc., the Framework Act on Telecommunications, the Telecommunications Business Act, or the Radio Waves Act;
 5. A person in whose case three years have not elapsed since he/she was sentenced to punishment with a fine as a result of violating this Act, the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc., the Framework Act on Telecommunications, the Telecommunications Business Act, or the Radio Waves Act;
 6. A person in whose case three years have not elapsed since he/she received a disposition of cancellation of his/her license or an order for business closure under Article 13 (1). In cases of a corporation, it refers to a person who conducted an act causing such cancellation of license or order for business closure as well as its representative.
- (2) Where an executive comes under any of the subparagraphs of paragraph (1), or is found to be as such at the time of his/her appointment, he/she shall retire deservedly from his/her office.

(3) Any act in which a retired executive is involved before his/her retirement pursuant to paragraph (2) shall remain in effect.

Article 7 (Takeover of Location Information Business, Merger of Corporations, etc.) (1) Any

person who wishes to take over all or part of the business of a location information provider or to conduct a merger or split-off of a corporation which is a location information provider (including merger by split-off; hereinafter the same shall apply) shall obtain authorization from the Korea Communications Commission as prescribed by Presidential Decree. <Amended by Act No. 8867, Feb. 29, 2008>

(2) A transferee who has obtained authorization pursuant to paragraph (1) or a corporation established by or surviving after a merger or split-off shall succeed to the status of the transferor or the corporation as a location information provider prior to the merger or split-off respectively.

Article 8 (Suspension, Discontinuation, etc. of Location Information Business) (1) If a location

information provider wishes to suspend all or part of its business, it shall determine the suspension period, obtain approval therefor from the Korea Communications Commission, and notify the subjects of personal location information thereof not later than 30 days before the intended date of suspension. In such cases, the suspension period shall not exceed six months, and the location information provider shall destroy personal location information (limited to personal location information of the suspended business, if part of the business is suspended) immediately upon the suspension of business. <Amended by Act No. 8867, Feb. 29, 2008>

(2) If a location information provider intends to discontinue all or part of its business, it shall obtain approval from the Korea Communications Commission, notify the subjects of personal location information thereof by no later than 30 days before the date of discontinuation, and destroy personal location information and data confirming the collection of location information (limited to personal location information and data confirming the collection of location information relating to the discontinued business, if part of the business is discontinued) immediately upon the discontinuation of business. <Amended by Act No. 8867, Feb. 29, 2008>

(3) Matters necessary for approval for the suspension or discontinuation of location information business and the destruction of personal location information, etc. under paragraphs (1) and (2) and other relevant matters shall be prescribed by Presidential

Decree. <Amended by Act No. 8867, Feb. 29, 2008>

Article 9 (Reporting on Location-Based Service Business) (1) Any person who intends to engage in location-based service business shall report to the Korea Communications Commission his/her trade name, location of the main office, type of the business, major business facilities, including location information systems, as prescribed by Presidential Decree. <Amended by Act No. 8775, Dec. 21, 2007; Act No. 8867, Feb. 29, 2008>

(2) Any person in whose case one year has not passed after receiving an order to discontinue his/her business as prescribed in Article 13 (1) (if the person is a corporation, including its representative) shall be prohibited from filing a report on his/her business under paragraph (1).

(3) If any person who has filed a report on his/her location-based service business in accordance with paragraph (1) (hereinafter referred to as "location-based service provider") wishes to change his/her trade name, location of his/her principal office, or location information system (limited to cases where such change will lower the level of the technology for protection of personal location information than at the time of obtaining the license) among the reported matters, he/she shall report such change to the Korea Communications Commission, as prescribed by Presidential Decree. <Amended by Act No. 8775, Dec. 21, 2007; Act No. 8867, Feb. 29, 2008>

(4) If a location information provider attaches documents necessary for reporting his/her location-based service business when it applied to obtain a license pursuant to Article 5 (1), it shall be deemed to have completed a report on location-based service business pursuant to Article 9 (1). <Newly Inserted by Act No. 8775, Dec. 21, 2007>

Article 10 (Takeover of Location-Based Service Business, Merger of Corporations, etc.) (1) If all or part of the business of a location-based service provider is transferred or inherited, or a corporation which is a location-based service provider is merged or split off, the transferee or inheritor of the business or the corporation established by or existing after the merger or split-off shall report it to the Korea Communications Commission, as prescribed by Presidential Decree. <Amended by Act No. 8867, Feb. 29, 2008>

(2) A transferee or inheritor or a corporation established by or existing after a merger or split-off that has filed a report in accordance with paragraph (1) shall succeed to the status of the transferor, predecessor, or the corporation as a location-based serviced provider prior to the merger or split-off respectively.

Article 11 (Suspension, Discontinuation, etc. of Location-Based Service Business) (1) If a location-based service provider wishes to suspend all or part of its business, it shall determine the suspension period, notify the subjects of personal location information thereof not later than 30 days before the intended date of suspension, and report to the Korea Communications Commission thereon. In such cases, the period of suspension shall not exceed six months, and the location-based service provider shall destroy personal location information (limited to personal location information of the suspended business, if part of the business is suspended) immediately upon the suspension of business.

[<Amended by Act No. 8867, Feb. 29, 2008>](#)

(2) If a location-based service provider intends to discontinue all or part of its business, it shall notify the subjects of personal location information thereof by no later than 30 days before the date of discontinuation and report to the Korea Communications Commission thereon. In such cases, personal location information and data confirming the use and provision of personal location information shall be destroyed (limited to personal location information and data confirming the use and provision of location information relating to the discontinued business, if part of the business is discontinued) immediately upon the discontinuation of business.[<Amended by Act No. 8867, Feb. 29, 2008>](#)

(3) Matters necessary for filing reports on the suspension or discontinuation of location-based service business and the destruction of personal location information pursuant to paragraphs (1) and (2) shall be prescribed by Presidential Decree.[<Amended by Act No. 8867, Feb. 29, 2008>](#)

Article 12 (Reporting, etc. on Terms and Conditions) (1) Each location information provider and location-based service provider (hereinafter referred to as "location information provider, etc.") shall determine the fees, conditions, etc. relating to the collection, use and provision of location information he/she intends to provide to customers (hereinafter referred to as "terms and conditions") and shall report them to the Korea Communications Commission. The foregoing shall also apply to any modification thereto. [<Amended by Act No. 8867, Feb. 29, 2008>](#)

(2) Where the Korea Communications Commission deems that the terms and conditions of a location information provider, etc. is likely to harm the protection of personal location information, fair competition, or the public interest, it may order the location information provider, etc. to change such terms and conditions.[<Amended by Act No. 8867, Feb. 29, 2008>](#)

Article 13 (Cancellation of License and Discontinuation, Suspension, etc. of Business) (1)

Where any location information service provider, etc. falls under any of the following subparagraphs, the Korea Communications Commission may cancel its license or authorization or order discontinuation of its business or suspension of all or part of its business for a prescribed period of not more than six months (hereinafter referred to as "suspension of business"): Provided, That if any location information service provider, etc. falls under subparagraph 1, the Korea Communications Commission shall cancel its license or authorization or order discontinuation of its business: <Amended by Act No. 8867, Feb. 29, 2008>

1. Where it receives a license, permission for change, or authorization under Article 5 (1) or (7) or 7 (1) by fraudulent or other illegal means, or where it files a report under Article 9 (1) by the same means;
 2. Where it fails to resume its business after the passage of the suspension period under Article 8 (1) or 11 (1) without any justifiable ground;
 3. Where material changes occur to the facilities related to the collection of location information and the technical and managerial measures related to the protection of location information, thus making it impossible to provide continued services;
 4. Where it fails to take technical and managerial measures under Article 16 (1) or measures to preserve data confirming the collection of location information and data confirming the collection, use and provision of location information under Article 16 (2) (hereinafter referred to as "data confirming the collection, use and provision of location information");
 5. Where it fails to make specifications in its terms and conditions or collects, uses, or provides location information without consent in violation of Article 18 (1) or 19 (1);
 6. Where it collects, uses, or provides location information beyond the scope of consent given, in violation of Article 18 (2) or 19 (4);
 7. Where it uses, or provides to a third party, location information beyond the scope specified in its terms and conditions or notified to the pertinent subjects, in violation of Article 21;
- (2) Detailed criteria for administrative measures under paragraph (1) shall be prescribed by Presidential Decree in consideration of the type and gravity of the relevant violation.

Article 14 (Imposition, etc. of Penalty Surcharges) (1) Where the suspension of business under Article 13 (1) is likely to substantially harm to the interests of subjects of personal location information, the Korea Communications Commission may impose a penalty surcharge not exceeding 3/100 of the sales of the relevant location information business or location-based service business in lieu of an order for business suspension. <Amended by Act No. 8867, Feb. 29, 2008>

(2) Matters necessary for the criteria and procedures for the imposition of penalty surcharges, such as calculation of the sales mentioned in paragraph (1) shall be prescribed by Presidential Decree.

(3) Where a person obligated to pay a penalty surcharge under paragraph (1) fails to pay such surcharge by the due date, the Korea Communications Commission may collect an additional charge at the rate prescribed by Presidential Decree, from the day after such due date, within the extent not exceeding 8/100 per annum of the surcharge in arrears. <Amended by Act No. 8867, Feb. 29, 2008>

(4) Where a person obligated to pay a penalty surcharge fails to pay the surcharge by the due date, the Korea Communications Commission shall urge him/her to pay the surcharge, setting the deadline; and where he/she fails to pay the surcharge and the additional charge under paragraph (3) by the deadline, it shall collect them in the same manner as delinquent national taxes are collected. <Amended by Act No. 8867, Feb. 29, 2008>

CHAPTER III PROTECTION OF LOCATION INFORMATION

SECTION 1 General Provisions

Article 15 (Prohibition on Collection, etc. of Location Information) (1) No one shall collect, use, or provide the location information of an individual or mobile object without the consent of the individual or the owner of the mobile object: Provided, That the foregoing shall not apply in any of the following cases: <Amended by Act No. 11423, May 14, 2012>

1. Where an emergency rescue and relief agency requests for emergency relief under Article 29 (1) or for the issuance of a warning under Article 29 (7);
2. Where a police agency makes a request under Article 29 (2);
3. Where otherwise expressly prescribed by other Acts.

(2) No one may obtain the personal location information of another person by deceiving a location information provider, etc. in such a way as copying telecommunications devices of

the another person or stealing such information.

(3) Any person leasing an object with devices capable of collecting location information shall notify the borrower of the fact that the object has a built-in location information collection device.

Article 16 (Measures, etc. for Protecting Location Information) (1) Each location information provider, etc. shall take managerial measures, such as establishing guidelines on processing and management of location information to prevent the leakage, alteration, impairment, etc. of location information or designating those with access authority, and take technical measures, such as installing a firewall or using encryption software. In such cases, details of the managerial measures and technical measures shall be prescribed by Presidential Decree.

(2) Each location information provider, etc. shall cause data confirming the collection, use and provision of location information to be automatically recorded and preserved in the location information system.

(3) In order to protect location information and prevent abuse and misuse of location information, the Korea Communications Commission may authorize affiliated public officials to examine details of the technical and managerial measures taken under paragraph (1) and the preservation status of records under paragraph (2), as prescribed by Presidential Decree. <Amended by Act No. 8867, Feb. 29, 2008>

(4) Each public official who examines the preservation status under paragraph (3) shall carry a certificate indicating his/her authority and produce it to relevant persons.

Article 17 (Prohibition on Leakage, etc. of Location Information)

No location information provider, etc. nor its current or former employees shall leak, alter, impair, or disclose any location information acquired in the course of performing his/her duties.

SECTION 2 Protection of Personal Location Information

Article 18 (Collection of Personal Location Information) (1) Where any location information provider intends to collect personal location information, it shall specify, in advance, the following in its terms and conditions and obtain the consent of the subjects of personal

location information:

1. Trade name, address, phone number and other contact information of the location information provider;
2. Rights held by the subjects of personal location information and their legal representatives (limited to cases where the consent of a legal representative is required under Article 25 (1)) and methods of exercising the same;
3. Details of the services to be provided by the location information provider to a location-based service provider;
4. Grounds for and period of retaining data confirming the collection of location information;
5. Other matters prescribed by Presidential Decree as necessary for the protection of personal location information.

(2) A subject of personal location information may withdraw his/her consent for part of the scope of the collection of personal location information and the terms and conditions, when he/she has given consent under paragraph (1).

(3) Where any location information provider collects personal location information, it shall collect such information to the minimum extent necessary for attaining the purpose of the collection.

Article 19 (Use or Provision of Personal Location Information) (1) Where any location-based service provider wishes to provide services by using personal location information, it shall specify, in advance, the following in its terms and conditions and obtain the consent of the subjects of personal location information:

1. Trade name, address, phone number and other contact information of the location-based service provider;
2. Rights held by the subjects of personal location information and their legal representatives (limited to cases where the consent of a legal representative is required under Article 25 (1)) and methods of exercising the same;
3. Details of the location-based services to be provided by the location-based service provider;
4. Grounds for and period of retaining data confirming the collection of location information;

5. Other matters prescribed by Presidential Decree as necessary for the protection of personal location information.

(2) Where any location-based service provider intends to provide personal location information to a third party designated by a subject of personal location information, it shall specify items mentioned in the subparagraphs of paragraph (1) in its terms and conditions, inform the subjects of personal location information of the person who will receive the personal location information and the purpose of provision, and obtain their consent.

(3) Where any location-based service provider provides personal location information to a third party designated by a subject of personal location information under paragraph (2), it shall immediately notify, on each occasion, the subject of personal location information of the person who will receive such information, date and time, and the purpose of provision.

(4) Where a subject of personal location information gives consent pursuant to paragraphs (1) and (2), he/she may withhold his/her consent for part of the purposes of using and providing personal location information, scope of the persons who will receive the information, and the location-based services.

Article 20 (Provision, etc. of Personal Location Information by Location Information Providers)

(1) In order to attain the purposes of using or providing personal location information under Article 19 (1) or (2), any location-based service provider who has obtained the consent of the subjects of personal location information pursuant to Article 19 (1) or (2) may request the location information provider who has collected the relevant personal location information to provide such information. In such cases, the location information provider shall not refuse to provide such information without any justifiable ground.

(2) Procedures for, and method of location information providers' providing personal location information to location-based service providers pursuant to paragraph (1) shall be prescribed by Presidential Decree. [<Amended by Act No. 8867, Feb. 29, 2008>](#)

Article 21 (Restriction, etc. on Use and Provision of Personal Location Information, etc.)

Unless it is agreed upon by the subjects of personal location information or except in the following cases, no location information provider, etc. shall use personal location information nor data confirming the collection, use or provision of location information beyond the scope specified in the terms and conditions or notified to the pertinent

subjects pursuant to Articles 18 (1) and 19 (1) and (2), nor provide it to any third party:

1. Where data confirming the collection, use and provision of location information are required to calculate fees related to the provision of location information and location-based services;
2. Where data is processed in such a way that any specific person cannot be identified, and provided for the purpose of statistics, academic research or market research.

Article 22 (Notification of Transfer, etc. of Business)

Any person who has succeeded to the rights and obligations of a location information provider, etc. as a result of the transfer, merger, inheritance, etc. of all or part of its business (hereinafter referred to as "transfer, etc.") shall notify the following to the subjects of personal location information within 30 days, as prescribed by Presidential Decree:

1. Transfer, etc. of all or part of the business;
2. Name, address, phone number and other contact information of the person who has succeeded to the rights and obligations of the location information provider, etc.;
3. Other matters prescribed by Presidential Decree as necessary for the protection of personal location information protection.

Article 23 (Destruction, etc. of Personal Location Information)

When any location information provider, etc. attains the purpose of collecting, using or providing personal location information, it shall immediately destroy other personal location information than data confirming the collection, use and provision of location information that should be recorded and preserved in accordance with Article 16 (2).

SECTION 3 Rights Held by Subjects of Personal Location Information, etc.

Article 24 (Rights, etc. Held by Subjects of Personal Location information) (1) Any subject of personal location information may withdraw, at any time, all or part of the consent stipulated in Articles 18 (1) and 19 (1) and (2) in respect of a location information provider, etc.

(2) Any subject of personal location information may request, at any time, a location information provider, etc. to temporarily suspend the collection, use or provision of location information. In such cases, no location information provider, etc. shall refuse such

request and shall take technical measures to this end.

(3) Any subject of personal location information may request to a location information provider, etc. the access to or notification of any of the following materials and may request the correction of any error found in the materials. In such cases, the location information provider, etc. shall not refuse such request without any justifiable ground:

1. Data confirming the collection, use and provision of personal location information which relates to the principal;
2. The reason his/her personal location information was provided to a third party pursuant to the provisions of this Act or other Acts, and the relevant details.

(4) Where any subject of personal location information has withdrawn all or part of the consent under paragraph (1), the location information provider, etc. shall immediately destroy the personal location information collected so far, as well as the data confirming the collection, use and provision of location information (if part of the consent has been withdrawn, only the personal location information and the data confirming the use and provision of location information for the part withdrawn shall be destroyed).

Article 25 (Rights Held by Legal Representatives) (1) Where any location information provider, etc. wishes to collect, use, or provide personal location information from children under 14 years of age pursuant to Article 18 (1), 19 (1), (2) or 21, it shall obtain the consent of their legal representatives.

(2) The provisions of Articles 18 (2), 19 (4) and 24 shall apply mutatis mutandis where legal representatives give their consent pursuant to paragraph (1). In such cases, "subjects of personal location information" shall be deemed "legal representatives".

Article 26 (Use of Location Information for Protection of Children under Eight Years of Age, etc.)

(1) Where the legal guardian of a person falling under any of the following subparagraphs (hereinafter referred to as "child under eight years of age, etc.") gives consent to the collection, use, or provision of personal location information of the child under eight years of age, etc. for the protection of the latter's life or body, it shall be deemed that the child, etc. himself/herself gives consent thereto: [<Amended by Act No. 8367, Apr. 11, 2007>](#)

1. A child under eight years of age;

2. An incompetent;
 3. A person with mental disability under Article 2 (2) 2 of the Act on Welfare of Persons with Disabilities who is classified as a person with a severe disability under subparagraph 2 of Article 2 of the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act (limited to those registered as disabled persons pursuant to Article 32 of the Act on Welfare of Persons with Disabilities).
- (2) The legal guardian of a child under eight years of age, etc. set forth in paragraph (1) refers to a person who practically protects such child, etc., and falls under any of the following:<Amended by Act No. 8367, Apr. 11, 2007; Amended by Act No. 10517, Mar. 30, 2011>
1. The legal representative of a child under eight years of age or a legal guardian under Article 3 of the Act on the Guardianship of Minors in Protective Facilities;
 2. The legal representative of an incompetent;
 3. The legal representative of a person set forth in paragraph (1) 3, the head of a residence facility for persons with disabilities under Article 58 (1) 1 of the Act on Welfare of Persons with Disabilities (limited to any facility established and operated by the State or a local government), the head of a rehabilitation facility for mentally ill persons under subparagraph 4 of Article 3 of the Mental Health Act (limited to any facility established and operated by the State or a local government), or the head of a mental recuperation facility under subparagraph 5 of Article 3 of the Mental Health Act.
- (3) Requirements for giving consent under paragraph (1) shall be prescribed by Presidential Decree.
- (4) Articles 18 through 22 and 24 shall apply mutatis mutandis where legal guardians give their consent pursuant to paragraph (2). In such cases, "subjects of personal location information" shall be construed as "legal guardians".

Article 27 (Compensation for Damage)

Where a subject of personal location information suffers damage because a location information provider, etc. has violated Articles 15 through 26, he/she may claim damages against the location information provider, etc. In such cases, the location information provider, etc. shall not be exempt from liabilities unless it proves that there was no intention or negligence on its part.

Article 28 (Mediation, etc. of Disputes) (1) Where the parties to a dispute related to location information fail to reach an agreement or it is impossible to reach an agreement, the relevant location information provider or location-based service provider may request for a ruling with the Korea Communications Commission. [<Amended by Act No. 8867, Feb. 29, 2008>](#)

(2) Where the parties to a dispute related to location information fail to reach an agreement or it is impossible to reach an agreement, the relevant location information provider, etc. or user may refer the case to the Personal Information Dispute Mediation Committee established under Article 33 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. for arbitration.

CHAPTER IV USE OF PERSONAL LOCATION INFORMATION FOR EMERGENCY RELIEF

Article 29 (Use of Personal Location Information for Emergency Relief) (1) Where any subject of personal location information, his/her spouse or relative by blood within the second degree, or a guardian of a minor under Article 928 of the Civil Act (hereinafter referred to as "spouse, etc.") makes a request for emergency relief to protect the life or body from imminent danger, an emergency rescue and relief agency referred to in subparagraph 7 of Article 3 of the Framework Act on the Management of Disasters and Safety (hereinafter referred to as "emergency rescue and relief agency") may determine whether it is an emergency situation and request a location information provider to provide personal location information. In such cases, the spouse, etc. shall not make any request for emergency relief for purposes other than for emergency relief.

(2) The National Police Agency, regional police agencies and police stations under Article 2 of the Police Act (hereinafter referred to as "police agency") may request a location information provider to provide any of the following personal location information: Provided, That if a police agency intends to obtain the personal location information of a person who has requested for relief to protect another person's life or body (hereinafter referred to as "witness") under subparagraph 1, it shall obtain the consent of such witness:

1. Where relief has been requested for protecting any person, including the requestor himself/herself or other person requiring relief from an imminent danger threatening the life or body (hereinafter referred to as "person requiring relief"), the personal location information of the person who has requested such relief;

2. Where a person requiring relief has requested relief to any third person, the personal location information of such person requiring relief;
3. Where a custodian defined in subparagraph 3 of Article 2 of the Act on the Protection and Support of Missing Children, etc. (hereinafter referred to as "custodian") has requested relief of a missing child, etc. defined in subparagraph 2 of (hereinafter referred to as "missing child, etc.") for protecting the latter's life or body, the personal location of such missing child, etc.
- (3) Where any third person has requested relief to a police agency pursuant to paragraph (2) 2, the police agency shall confirm the intention of the person requiring relief.
- (4) Requests for emergency relief under paragraphs (1) and (2) shall be made only by calling to special phone numbers prescribed by Presidential Decree and assigned for the sake of maintaining public order and promoting the public interest.
- (5) Any location information provider in receipt of a request under paragraph (1) or (2) may collect personal location information without consent from the relevant subject of personal location information and shall not refuse such request by an emergency rescue and relief agency or a police agency on the ground that no consent is given by the subject of personal location information.
- (6) Where any emergency rescue and relief agency, location information provider or police agency requests or provides personal location information pursuant to paragraph (1) or (2), it shall immediately notify the relevant subject of personal location information of such fact: Provided, That where such immediate notification is likely to cause apparent danger to the life or body of the subject of personal location information, the notification shall be made without delay after the relevant grounds have ceased.
- (7) In order to warn the subjects of personal location information located in disaster areas or potential disaster areas, such as typhoon, heavy rain, fire and CBR (chemical, biological and radiological) accidents, of the dangers to their lives or bodies, any emergency rescue and relief agency may request a location information provider to issue a warning, as prescribed by Presidential Decree, and no location information provider so requested shall refuse such request to issue a warning on the ground that no consent is given by the subjects of personal location information in the disaster areas.<Amended by Act No. 8867, Feb. 29, 2008>

(8) No emergency rescue and relief agency or police agency, nor any person who has served or who currently serves as a relief worker shall use personal location information provided for the sake of emergency relief for purposes other than for emergency relief.

(9) Where a police agency has made a request to provide personal location information under paragraph (2), it shall keep the following matters, as prescribed by Presidential Decree, and where a subject of personal location information requests the policy agency to confirm, inspect or make a copy of the collected personal location information, it shall comply with such request without delay:

1. Person who made the request;
2. Date and time, and purpose of the request;
3. Details of information provided by the location information provider;
4. Consent to the collection of personal location information (limited to the cases under the proviso to paragraph (2))

(10) Matters necessary for requests for emergency relief under paragraphs (1) and (2), confirmation of an intention under paragraph (3), and the method of, and procedures for, the issuance of warnings under paragraph (7) shall be prescribed by Presidential Decree.

[\[This Article is Wholly Amended by Act No. 11423, May 14, 2012\]](#)

Article 30 (Requests for Personal Location Information, and Method, etc. thereof) (1) Where any emergency rescue and relief agency or police agency requests a location information provider to provide personal location information pursuant to Article 29 (1) or (2), it shall use a location information system to do so, and where any location information provider receives a request from an emergency rescue and relief agency or a police agency to provide personal location information, it shall use a location information system to do so.

[<Amended by Act No. 11423, May 14, 2012>](#)

(2) Reports on data related to the requests for, and provision of, personal location information under paragraph (1) shall be submitted by police agencies to the Public Administration and Security Committee of the National Assembly, and by location information providers to the Culture, Sports, Tourism and Communications Committee of the National Assembly on a semi-annual basis.[<Newly Inserted by Act No. 11423, May 14, 2012>](#)

(3) Matters necessary for requests by emergency rescue and relief agencies and police agencies under paragraph (1) and reports under paragraph (2) shall be prescribed by Presidential Decree.[<Amended by Act No. 11423, May 14, 2012>](#)

Article 31 (Reduction of, and Exemption from Costs)

Where any location information provider issues a warning pursuant to Article 29 (7) or provides personal location information to an emergency relief agency or a police agency pursuant to Article 30 (1), costs incurred therein may be reduced or exempt. <Amended by Act No. 11423, May 14, 2012>

Article 32 (Submission, etc. of Statistical Data)

Each location information provider shall submit statistical data concerning the issuance of warnings under Article 29 (7) and the provision of personal location information under Article 30 (1) to the Korea Communications Commission on a semi-annual basis. <Amended by Act No. 8867, Feb. 29, 2008; Act No. 11423, May 14, 2012> >

CHAPTER V BUILDING OF INFRASTRUCTURE, ETC. FOR THE USE OF LOCATION INFORMATION

Article 33 (Promotion, etc. of Technological Development) (1) In order to efficiently promote the development of technologies and devices related to the collection, use and provision of location information, the Korea Communications Commission may authorize relevant research institutes prescribed by Presidential Decree to conduct research and development, technical cooperation, technology transfer, technical guidance, etc. (hereafter referred to as "research and development, etc." in this Article). In such cases, the Korea Communications Commission shall consult with the heads of related central administrative agencies.

<Amended by Act No. 8867, Feb. 29, 2008>

(2) The Korea Communications Commission may subsidize all or some costs incurred by research institutes which conduct research and development, etc. in accordance with paragraph (1). <Amended by Act No. 8867, Feb. 29, 2008>

Article 34 (Promotion of Standardization) (1) The Korea Communications Commission may establish standards regarding the collection, use or provision of location information for the sake of the protection and use thereof, and publicly announce them following consultation with related central administrative agencies: Provided, That with regard to matters for which Korean Industrial Standards are established as prescribed in Article 12 of the Industrial Standardization Act, such standards shall prevail. <Amended by Act No. 8486, May

25, 2007; Act No. 8867, Feb. 29, 2008>

(2) The Korea Communications Commission may recommend location information providers, etc. or the manufacturers or suppliers of products related to location information to comply with the standards under paragraph (1). <Amended by Act No. 8867, Feb. 29, 2008>

(3) Matters to be standardized under paragraph (1) shall be as follows: <Amended by Act No. 9483, Mar. 13, 2009>

1. Technologies related to the protection and certification of location information;
2. Technologies related to the collection, storage, management, and provision of location information;
3. Technologies related to emergency relief and other public services;
4. Other base technologies related to the protection and use of location information.

(4) Matters necessary for the method of, and procedures for, standardization under paragraph (1) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 9483, Mar. 13, 2009>

(5) The Korea Communications Commission may support standardization activities relating to the collection, use and provision of location information. <Amended by Act No. 8867, Feb. 29, 2008; Act No. 9483, Mar. 13, 2009>

Article 35 (Promotion of Use of Location Information) (1) The Korea Communications Commission, following consultation with the heads of related central administrative agencies, may implement projects for the efficient utilization and promotion of related technologies and application services in various fields, such as the public sector, industry, living, and welfare, for the purpose of protecting and using location information, as prescribed by Presidential Decree. <Amended by Act No. 8867, Feb. 29, 2008>

(2) The Korea Communications Commission may provide persons participating in any of the projects under paragraph (1) with technical and financial assistance as necessary. <Amended by Act No. 8867, Feb. 29, 2008>

Article 36 (Committee for Deliberation on Location Information) (1) In order to discuss matters concerning the promotion of a safe environment for using location information and activate the use of location information for public purposes, there shall be established a Committee of Deliberation on Location Information (hereinafter referred to as the "Committee") under the Korea Communications Commission. <Amended by Act No. 8867, Feb.

[29, 2008>](#)

(2) The Committee shall deliberate on the following:

1. Matters concerning major location information policies;
2. Matters concerning assistance policies and systems for supporting location information;
3. Matters concerning improvement of location information systems;
4. Matters concerning the use of location information for public purposes;
5. Matters concerning cooperation among related agencies in regard to location information;
6. Matters concerning research and development relating to the protection and use of location information;
7. Other important matters related to location information which the chairperson refers to the Committee for deliberation.

(3) The Committee shall be comprised of no more than 20 members, including a chairperson.

(4) The Vice Chairman of the Korea Communications Commission shall take the chair of the meetings of the Committee, and the following persons shall serve as members:

[<Amended by Act No. 8867, Feb. 29, 2008>](#)

1. Public officials of Grade III or higher in the Ministry of Education, Science and Technology, the Ministry of Public Administration and Security, the Ministry of Land, Transport and Maritime Affairs, the National Emergency Management Agency, the National Police Agency and the Korea Coast Guard (including public officials of Grade III or higher in special or extraordinary services) who are appointed by the head of the relevant agency;
2. Location information providers, persons representing location-based service providers, persons representing users and private experts in location information, as commissioned by the Chairman of the Korea Communications Commission.

(5) The terms of office of members under paragraph (4) 2 shall be three years, and members may serve consecutive terms.

(6) If necessary, subcommittees and technical committees may be established in the Committee.

(7) Other matters necessary for the organization and operation of the Committee shall be prescribed by Presidential Decree.

Article 37 (Hearings)

Where the Korea Communications Commission intends to cancel a license or authorization or order discontinuation of business in accordance with Article 13, it shall hold a hearing.

[<Amended by Act No. 8867, Feb. 29, 2008>](#)

Article 38 (Delegation of Authority)

The Korea Communications Commission may delegate or entrust part of its authority vested under this Act to the heads of its affiliated agencies or the heads of the communications agencies, as prescribed by Presidential Decree.

[<Amended by Act No. 8867, Feb. 29, 2008>](#)

CHAPTER VI PENAL PROVISIONS

Article 39 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding fifty million won:

[<Amended by Act No. 11423, May 14, 2012>](#)

1. Any person who engages in the location information business without a license in violation of Article 5 (1), or who obtains a license by fraudulent or other illegal means;
2. Any person who leaks, alters, impairs, or discloses personal location information, in violation of Article 17;
3. Any person who fails to obtain consent from a subject of personal location information, or who collects, uses or provides personal location information beyond the scope of consent given, in violation of Article 18 (1), (2) or 19 (1), (2) or (4), or who obtains personal location information for profit or any other illegal purpose even though he/she is fully aware of such fact;
4. Any person who uses, or provides to a third party, personal location information beyond the scope specified in the terms and conditions or notified to the pertinent subjects, in violation of Article 21;
5. Any person who uses personal location information for purposes other than for emergency relief, in violation of Article 29 (8).

Article 40 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding thirty million won:<Amended by Act No. 8775, Dec. 21, 2007>

1. Any person who engages in the location information business without obtaining permission for change or reporting changes, in violation of Article 5 (7), or who obtains permission for change or report changes by fraudulent or other illegal means;
2. Any person who engages in the location-based service business without filing a report in violation of Article 9 (1), or who files such report by fraudulent or other illegal means;
3. Any person who violates an order for business discontinuation issued under Article 13 (1);
4. Any person who collects, uses or provides personal location information of an individual without obtaining consent from the individual, in violation of Article 15 (1);
5. Any person who obtains personal location information of another person by deceiving a location information provider, etc. in such a way as copying telecommunications devices of such another person or stealing information, in violation of Article 15 (2).

Article 41 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding twenty million won:<Amended by Act No. 11423, May 14, 2012>

1. Any person who fails to destroy personal location information, in violation of Article 8 (1), (2), 11 (1), (2), 23 or 24 (4);
2. Any person who engages in the location-based service business without reporting changes in violation of Article 9 (3), or who reports changes by fraudulent or other illegal means;
3. Any person who violates an order for business discontinuation issued under Article 13 (1);
4. Any person who fails to take technical and managerial measures in violation of Article 16 (1), or fails to cause data confirming the collection, use and provision of location information to be automatically recorded and preserved in the location information system in violation of Article 16 (2);

5. Any person who refuses a request made by an emergency relief agency or a police agency in violation of Article 29 (5), or who refuses to issue a warning in violation of Article 29 (7).

Article 42 (Joint Penal Provisions)

If the representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under Articles 39 through 41 in connection with the affairs of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant affairs to prevent such offence. <Amended by Act No.10137, Mar. 17, 2010>

Article 43 (Fines for Negligence) (1) Any of the following persons shall be punished by a fine for negligence not exceeding twenty million won:

1. Any person who violates conditions for granting a license under Article 5 (4);
2. Any person who takes over business or conducts a merger or split-off without authorization, in violation of Article 7 (1);
3. Any person who suspends or discontinues all or part of his/her business without obtaining approval, in violation of Article 8 (1) or (2);
4. Any person who refuses to provide personal location information, in violation of Article 20 (1);
5. Any person who refuses a request for temporary suspension or fails to take technical measures, in violation of Article 24 (2).

(2) Any of the following persons shall be punished by a fine for negligence not exceeding ten million won: <Amended by Act No. 11423, May 14, 2012>

1. Any person who fails to report the transfer, inheritance, merger or split-off of business or a corporation, in violation of Article 10 (1);
2. Any person who fails to report the suspension or discontinuation of all or part of his/her business, in violation of Article 11 (1) or (2);
3. Any person who fails to report the terms and conditions or any modification thereto in violation of Article 12 (1), or violates an order to change such terms and conditions

under Article 12 (2);

4. Any person who collects, uses or provides location information of a mobile object without obtaining consent from its owner in violation of Article 15 (1), or fails to give notice that the object has a built-in location information collection device in violation of Article 15 (3);
 5. Any person who fails to perform the duty of specifying terms and conditions in violation of Article 18 (1) or 19 (1);
 6. Any person who collects personal location information, in violation of Article 18 (3);
 7. Any person who fails to inform or give notice, in violation of Article 19 (2) or (3);
 8. Any person who fails to notify transfer, etc. of business, in violation of Article 22;
 9. Any person who refuses a request for inspection, notification or correction, in violation of Article 24 (3);
 10. Any person who collects, uses or provides personal location information without obtaining consent from his/her legal representative, in violation of Article 25 (1);
 11. Any person who makes a false request for emergency relief pursuant to Article 29 (1) or (2);
 12. Any person who fails to notify the provision of personal location information, in violation of Article 29 (6).
- (3) Any person who fails to submit statistical data in violation of Article 32 shall be punished by a fine for negligence not exceeding five million won.
- (4) The Korea Communications Commission shall impose and collect fines for negligence under paragraph (1), (2) 1 through 10, 12 and (3), as prescribed by Presidential Decree.
<Amended by Act No. 8867, Feb. 29, 2008>
- (5) Any person who is dissatisfied with the disposition of a fine for negligence under paragraph (4) may file an objection to the Korea Communications Commission within 30 days after being notified of the disposition.<Amended by Act No. 8867, Feb. 29, 2008>
- (6) If a person subject to the disposition of a fine for negligence under paragraph (4) files an objection pursuant to paragraph (5), the Korea Communications Commission shall, without delay, notify the competent court of the objection, and the court in receipt of such notification shall proceed to the trial on a fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.<Amended by Act No. 8867, Feb. 29, 2008>

(7) If neither an objection is filed nor the fine for negligence paid within the period under paragraph (5), such fine for negligence shall be collected in the same manner as delinquent national taxes are collected.

(8) Fines for negligence under paragraph (2) 11 shall be imposed and collected by the heads of the emergency rescue and relief agencies or the heads of police agencies, as prescribed by Presidential Decree. <Amended by Act No. 11423, May 14, 2012>

(9) Paragraphs (5) through (7) shall apply mutatis mutandis to the disposition of fines for negligence under paragraph (8). In such cases, the term "Korea Communications Commission" and "in the same manner as delinquent national taxes are collected" shall be construed as "heads of fire headquarters or the chiefs of fire stations" and "in the same manner as delinquent local taxes are collected", respectively. <Amended by Act No. 8867, Feb. 29, 2008>