

FRAMEWORK ACT ON ELECTRONIC DOCUMENTS AND TRANSACTIONS

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Act No. 7796, Dec. 29, 2005

Act No. 7988, Sep. 27, 2006

Act No. 8371, Apr. 11, 2007

Act No. 8362, Apr. 11, 2007

Act No. 8387, Apr. 27, 2007

Act No. 8466, May 17, 2007

Act No. 8461, May 17, 2007

Act No. 8802, Dec. 27, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8979, Mar. 21, 2008

Act No. 8932, Mar. 21, 2008

Act No. 9246, Dec. 26, 2008

Act No. 9429, Feb. 6, 2009

Act No. 9504, Mar. 18, 2009

Act No. 9705, May 22, 2009

Act No. 9708, May 22, 2009

Act No. 10220, Mar. 31, 2010

Act No. 10250, Apr. 12, 2010

Act No. 10629, May 19, 2011

Act No. 10854, Jul. 14, 2011

Act No. 11461, Jun. 1, 2012

Act No. 11688, Mar. 23, 2013

Act No. 11690, Mar. 23, 2013

Act No. 12781, Oct. 15, 2014

Act No. 12875, Dec. 30, 2014

Act No. 13347, Jun. 22, 2015

Act No. 13587, Dec. 22, 2015

Act No. 13768, Jan. 19, 2016

Act No. 14839, Jul. 26, 2017

Act No. 14907, Oct. 24, 2017

Act No. 17353, jun. 9, 2020

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the development of the national economy by clarifying the legal relevance of electronic documents and electronic transactions, ensuring the security and reliability of electronic documents and electronic transactions, and creating infrastructure for facilitating the use thereof.

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jun. 9, 2020>*

1. The term "electronic document" means information, prepared, transformed, or transmitted, received, or stored in an electronic form by an information processing system;
2. The term "information processing system" means an electronic mechanism or system capable of processing information used for preparing, converting, transmitting, receiving, or storing electronic documents;
3. The term "originator" means a person who prepares and transmits an electronic document;
4. The term "addressee" means another party to whom an originator transmits an electronic document;
5. The term "electronic transaction" means a transaction fully or partially processed electronically such as using electronic documents when buying and selling goods or services;
6. The term "electronic transaction business entity" means a person who conducts electronic transactions;
7. The term "electronic transaction user" means a person, other than an electronic transaction business entity, who makes electronic transactions;
8. The term "certified electronic address" means an address registered pursuant to Article 18-4, which is information comprised of letters and numbers to identify a person who sends or receives an electronic document;
9. The term "certified electronic document center" means a person designated under Article 31-2 (1), who conducts the following affairs (hereinafter referred to as "storage of electronic documents, etc.") for others:
 - (a) Storage or certification of electronic documents;

(b) Other affairs related to electronic documents;

10. The term "certified electronic document intermediary" means a person certified under Article 31-18, who sends, receives, or relays electronic documents (hereinafter referred to as "distribution of electronic documents") for others.

Article 3 (Scope of Application)

This Act shall apply to all electronic documents and electronic transactions, except as otherwise expressly provided for in other Acts.

CHAPTER II ELECTRONIC DOCUMENTS

Article 4 (Validity of Electronic Documents)

(1) The legal force of an electronic document shall not be denied only by reason of being an electronic form. *<Amended on Jun. 9, 2020>*

(2) An electronic document showing the intent of guaranty which has been drawn up by the guarantor for the purpose of his or her business or project shall, notwithstanding the proviso to Article 428-2 (1) of the Civil Act, be deemed a document under the main sentence of the same paragraph. *<Newly Inserted on Jan. 19, 2016>*

(3) Deleted. *<Jun. 9, 2020>*

Article 4-2 (Writing Requirements of Electronic Document)

Where an electronic document meets all the following requirements, such electronic document shall be deemed a written document: Provided, That the same shall not apply where special provisions exist in other statutes or regulations or where electronic forms are not permitted in consideration of the nature of the documents:

1. That the content of the electronic document shall be available for public perusal;
2. That the electronic document shall be preserved in the same form as when prepared, transformed, or transmitted, received, or saved, or in a form reproducible as the afore-mentioned form;

Article 5 (Storage of Electronic Documents)

(1) Where an electronic document meets the following requirements, such electronic document may be preserved in lieu of documents to be preserved under relevant statutes and regulations: Provided, That the same shall not apply where otherwise expressly provided for in other statutes and regulations. *<Amended on Jun. 9, 2020>*

1. That it shall be an electronic document deemed a written document under Article 4-2;
2. Where matters concerning an originator, an addressee, and the time of transmission or receipt of the electronic document are included therein, such matters shall remain therein.

(2) Notwithstanding paragraph (1), where an electronic document that is converted from a paper document or other document not prepared in an electronic form (hereinafter referred to as "document subject to digitization") to a form processible through an information processing system (hereinafter referred to as "digitized document") meets the following requirements, such digitized document may be preserved in lieu of documents to be preserved under relevant statutes and regulations: Provided, That the same shall not apply where expressly provided for otherwise in any other statutes and regulations: *<Amended on Jun. 9, 2020>*

1. That a digitized document shall meet all requirements referred to in the subparagraphs of paragraph (1);
 2. The content and form of a digitized document is the same as those of the document subject to digitization.
- (3) Requirements for the identity of the content and form of a digitized document and a document subject to digitization, methods and procedures for preparing a digitized document and other necessary matters shall be determined and announced by the Minister of Science and ICT. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*
- (4) For the purposes of paragraphs (1) and (2), a part needed only for transmission or receipt may not be deemed an electronic document. *<Amended on Jun. 9, 2020>*

Article 6 (Time and Place of Transmission or Receipt of Electronic Documents)

- (1) An electronic document shall be deemed transmitted when the originator or his or her agent sends relevant electronic document to an information processing system capable of receiving it after entering the document into an information processing system capable of transmitting it. *<Amended on Jun. 9, 2020>*
- (2) An electronic document shall be presumed received in any of the following cases: *<Amended on Jun. 9, 2020>*
1. Where an addressee has designated an information processing system through which he or she will receive the electronic document: When it is entered into the designated information processing system: Provided, That where it is entered into an information processing system other than the designated information processing system, referring to the time the addressee searches or prints it out;
 2. Where an addressee has not designated an information processing system through which he or she will receive the electronic document: When it is entered into the information processing system he or she manages.
- (3) An electronic document shall be deemed sent from or received at the location of the place of business of an originator or addressee; where at least two places of business exist, the electronic document shall be deemed sent from or received at the location of the place of business where the relevant electronic document is mainly controlled: Provided, That the originator or addressee has no place of business, such electronic document shall be deemed sent from or received at his or her habitual residence.

Article 7 (Where Originator is Deemed to have Sent Electronic Documents)

(1) An expression of intent contained in any of the following electronic documents shall be deemed sent by an originator:

1. An electronic document sent by his or her agent;
2. An electronic document sent by a computer program developed to send or receive electronic documents automatically or by other electronic means.

(2) In any of the following cases, an addressee of an electronic document may do an act, deeming an expression of intent contained in the electronic document to be the expression of intent of an originator:

1. Where the addressee has followed the procedure on which he or she agreed upon in advance with the originator in order to verify whether the electronic document was originated from the originator;
2. Where an electronic document received has been sent by a person who is deemed by the addressee to have sent such electronic document according to the intent of the originator or his or her agent, in view of his or her relationship with the originator or his or her agent.

(3) Paragraph (2) shall not apply in any of the following cases:

1. Where an addressee has received a notice from an originator that the electronic document is not originated from him or her, and there is a reasonable time to take necessary measures according thereto;
2. In a case falling under paragraph (2) 2, where an addressee has become aware that the electronic document did not originate from an originator or he or she might have become aware that he or she paid due attention thereto or followed the procedure on which he or she agreed upon with the originator.

Article 8 (Independency of Electronic Document Received)

Any electronic document received shall be deemed independent from each other document: Provided, That the same shall not apply where the addressee might have become aware that the same electronic document has been repeatedly transmitted if he or she had followed the procedure for verification agreed upon with the originator or paid due attention thereto.

Article 9 (Withdrawal of Transmission)

Where an originator explicitly requests to confirm the receipt of an electronic document when transmitting it but fails to receive a notice of confirmation of receipt for a considerable period (referring to a period if such period is designated by the originator or the period is agreed upon between the originator and the addressee), the originator may withdraw the transmission of electronic document.

Article 10 (Alteration under Agreement between Originator and Addressee)

An originator and an addressee may conclude an agreement on terms different from the provisions of Articles 6 through 9, except as otherwise expressly provided for in other statutes and regulations.

Article 11 (Matters Concerning Digital Signatures)

Matters concerning digital signatures in electronic transactions shall be governed by the Digital Signature Act.

CHAPTER III ENSURING SECURITY OF ELECTRONIC TRANSACTIONS AND PROTECTION OF CONSUMERS

Article 12 (Protection of Personal Information)

- (1) The Government shall formulate and implement policies to protect personal information of electronic transaction users in order to ensure the security and reliability of electronic transactions.
- (2) Every electronic transaction business entity shall comply with related regulations, such as the Act on Promotion of Information and Communications Network Utilization and Information Protection when collecting, using, providing or managing personal information of electronic transaction users.

Article 13 (Protection of Trade Secrets)

- (1) The Government shall formulate and implement policies to protect trade secrets of electronic transaction users in order to ensure the security and reliability of electronic transactions.
- (2) Every electronic transaction business entity (including any person entrusted with the operation of an information processing system; hereafter the same shall apply in this Article) shall take measures to protect trade secrets of electronic transaction users.
- (3) No electronic transaction business entity shall, without obtaining the consent of an electronic transaction user, provide or divulge a trade secret of the relevant user to any third person.
- (4) Matters necessary for the scope of trade secrets, protective measures, etc. under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

Article 14 (Use of Encryption Products)

- (1) Any electronic transaction business entity may use an encryption product to ensure the security and reliability of electronic transactions.
- (2) If the Government deems it necessary for national security, it may restrict the use of encryption products, and take necessary measures to gain access to the original text of encrypted information or encryption technology.

Article 15 (Formulation and Implementation of Consumer Protection Policies)

- (1) The Government shall formulate and implement policies to protect the basic rights and interests of consumers relevant to electronic transactions and to ensure consumer credibility on electronic transactions

pursuant to related statutes and regulations, such as the Framework Act on Consumers and the Act on the Consumer Protection in Electronic Commerce.

(2) The Government may recommend electronic transaction business entities and trade associations to voluntarily establish a code of conduct to prevent unfair conduct related to electronic transactions.

Article 16 (Prevention and Remedy of Consumers' Damage)

(1) The Government shall formulate and implement policies on the provision of information to consumers and the proliferation of education, etc., in order to prevent the occurrence of loss to consumers related to electronic transactions.

(2) The Government shall formulate and implement necessary measures so that it may promptly and fairly deal with complaints from and losses to consumers related to electronic transactions.

Article 17 (Matters to be Generally Observed by Electric Transaction Business Entities)

Every electric transaction business entity shall comply with the following matters in order to protect consumers related to electronic transactions and to ensure the security and reliability of electronic transactions:

1. Provision of its trade name (including the name of the representative of a corporation, if applicable), information on itself and accurate information on goods, services, the terms of a contract, etc.;
2. Provision and preservation of contractual terms and conditions so that consumers may easily have access to or recognize them;
3. Formulation of procedures by which a consumer may cancel or change his or her order;
4. Formulation of procedures for easy withdrawal of an application, cancellation or termination of a contract, exchange, return of goods and refund of payments, etc.;
5. Formulation of procedures to promptly and fairly deal with consumer complaints and requests;
6. Preservation of transaction records required for the verification of transactions for a fixed period.

Article 18 Deleted. <Oct. 24, 2017>

Article 18-2 Deleted. <Oct. 24, 2017>

Article 18-3 Deleted. <Oct. 24, 2017>

Article 18-4 (Registration of Certified Electronic Addresses)

(1) Any person who intends to send or receive electronic documents using his or her certified electronic address shall register his or her certified electronic address with the exclusively responsible agency under Article 22 (1).

(2) Upon receipt of an application for registration under paragraph (1), the exclusively responsible agency under Article 22 (1) shall confirm whether a certified electronic address applied for registration conforms to international standards, etc., and enter and store the details thereof in an information processing system.

(3) The exclusively responsible agency under Article 22 (1) may collect fees from persons who apply for registration pursuant to paragraph (1).

(4) Matters necessary for registration and storage of certified electronic addresses and registration fees under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Science and ICT.

<Amended on Mar. 23, 2013; Jul. 26, 2017>

Article 18-5 (Generation and Issuance of Distribution Certificates)

(1) Where an electronic document is sent, received or read through a certified electronic address, an exclusively responsible agency and a certified electronic document intermediary under Article 22 (1) shall generate and store information including the following matters (hereinafter referred to as "distribution information"): *<Amended on Jun. 9, 2020>*

1. Time the electronic document is sent and received;
2. The sender and the addressee of the electronic document;
3. Other matters prescribed by Presidential Decree concerning transmission and receipt of electronic documents.

(2) An originator and a sender may be issued a distribution certificate from an exclusively responsible agency or a certified electronic document intermediary under Article 22 (1), which stores distribution information. *<Amended on Jun. 9, 2020>*

(3) Where an exclusively responsible agency or a certified electronic document intermediary under Article 22 (1) has issued a distribution certificate according to the method and procedure prescribed by Presidential Decree, such distribution certificate shall be presumed genuine. *<Amended on Jun. 9, 2020>*

(4) Matters necessary for the generation, storage and issuance of distribution certificates under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 18-6 (Prohibition of Collection, etc. of Certified Electronic Addresses through Automated Programs)

(1) No one shall collect certified electronic addresses through an automated program or technical mechanism that collects certified electronic addresses.

(2) No person shall sell or provide any collected certified electronic address in violation of paragraph (1).

Article 18-7 (Prohibition of Sending Advertisements)

No one shall send any advertisement to the certified electronic address of any addressee for the purpose of profit-making or public relations.

CHAPTER IV FORMULATION OF BASIC POLICIES ON ELECTRONIC DOCUMENTS AND ELECTRONIC TRANSACTIONS AND PROMOTION SYSTEM

Article 19 (Principles of Basic Policies on Electronic Documents and Electronic Transactions and Responsibility of Government)

The Government shall formulate and implement basic policies on electronic documents and electronic transactions according to the following principles to facilitate the use of electronic documents and the conduct of electronic transactions:

1. Performance led by the private sector;
2. Minimizing regulations;
3. Ensuring the security and reliability of electronic documents and electronic transactions;
4. Strengthening international cooperation.

Article 20 (Formulation and Execution of Plans for Promotion of Electronic Documents and Transactions)

(1) The Government shall formulate and implement a plan including the following matters are included (hereinafter referred to as "plan to facilitate the use of electronic documents and the conduct of electronic transactions") according to the principles of basic policies on electronic documents and electronic transactions formulated under Article 19:

1. Basic direction-setting for a plan to facilitate the use of electronic documents and the conduct of electronic transactions;
2. Matters concerning international norms related to electronic documents and electronic transactions;
3. Matters concerning the electronic payment system;
4. Matters concerning the protection of intellectual property rights;
5. Matters concerning the protection of the rights and interests of parties to electronic documents and electronic transactions;
6. Matters concerning ensuring the security and reliability of electronic documents and electronic transactions;
7. Matters concerning the development and standardization of technologies relating to electronic documents and electronic transactions;
8. Matters concerning the creation of an environment to facilitate the use of electronic documents and the conduct of electronic transactions and the generation of demand therefor;
9. Matters concerning international cooperation related to electronic documents and electronic transactions;

10. Matters concerning support for creating infrastructure necessary for facilitating the use of electronic documents and the conduct of electronic transactions;
 11. Matters concerning the establishment of high-speed information and communication networks and the revitalization of the use thereof;
 12. Other matters necessary for facilitating the use of electronic documents and the conduct of electronic transactions.
- (2) The head of a central administrative agency related to a plan to facilitate the use of electronic documents and the conduct of electronic transactions (hereinafter referred to as "related central administrative agency") shall formulate sectional plans for matters referred to in the subparagraphs of paragraph (1) under his or her jurisdiction, and take such plans into consideration when formulating and implementing major policies.
- (3) The Minister of Science and ICT shall formulate a plan to facilitate the use of electronic documents and the conduct of electronic transactions by integrating sectional plans of each related central administrative agency. *<Amended on Act on Mar. 23, 2013; Jul. 26, 2017>*

Article 21 Deleted. *<Mar. 18, 2009>*

Article 22 (Agency Exclusively Responsible for Promoting Use of Electronic Documents and Electronic Transactions)

(1) The Ministry of Science and ICT may designate an exclusively responsible agency to implement the following projects in an efficient and systematic manner for facilitating the use of electronic documents as well as the conduct of electronic transactions: *<Amended on Jun. 22, 2015; Jul. 26, 2017; Jun. 9, 2020>*

1. Deleted; *<Oct. 24, 2017>*
2. Research and development and dissemination projects of standards related to electronic documents and electronic transactions under Article 24, and activities related to the international standardization of such standards;
3. Support for technical development under Article 25;
4. Support for fact-finding surveys of statistics on electronic documents and electronic transactions under Article 28;
5. Support for duties of designating certified electronic document centers under Article 31-2;
6. Support for reporting of working rules, such as the storage of electronic documents, under Article 31-8;
7. Support for technologies on measures for protecting electronic documents by certified electronic document centers under Article 31-9 (3);
8. Acquiring stored documents, etc. under Article 31-15 (3);
9. Support for duties of certifying certified electronic documents intermediaries under Article 31-18;

10. Operation of the Mediation Committee of Disputes on Electronic Documents and Transactions under Article 32.

(2) Deleted. <Oct. 24, 2017>

(3) The Government may fully or partially subsidize expenses incurred by the exclusively responsible agency in performing projects to facilitate the conduct of electronic transactions and the use of electronic documents within budgetary limits or within the Information and Communication Technology Promotion Fund established under Article 41 of the Information and Communications Technology Industry Promotion Act.

CHAPTER V FACILITATING USE OF ELECTRONIC DOCUMENTS AND CONDUCT OF ELECTRONIC TRANSACTIONS AND CREATING INFRASTRUCTURE

Article 23 (Facilitating Use of Electronic Documents)

(1) The Government shall formulate and implement necessary policies, such as amending various statutes, in order to facilitate the use of electronic documents.

(2) The Minister of Science and ICT may determine and announce standard guidelines for requirements, methods and procedures for the preparation, transmission, receipt and storage of electronic documents to facilitate the use thereof. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(3) Deleted. <Oct. 24, 2017>

(4) Deleted. <Oct. 24, 2017>

(5) Deleted. <Oct. 24, 2017>

(6) Deleted. <Oct. 24, 2017>

Article 24 (Standardization of Electronic Documents and Electronic Transactions)

(1) The Government shall promote the following activities to efficiently use electronic documents and conduct electronic transactions and to ensure the compatibility of related technologies:

1. Establishment, amendment, and repeal of standards related to electronic documents and electronic transactions and the dissemination thereof;
2. Research, study, and development of domestic and overseas standards related to electronic documents and electronic transactions;
3. Other activities necessary for standardization related to electronic documents and electronic transactions.

(2) The Government may, if necessary for efficiently implementing a project falling under each of paragraph (1), request any related agency or private organization to conduct such projects on its behalf. In such cases, the Government may subsidize expenses incurred while the project is conducted by proxy as

prescribed by Presidential Decree. <Amended on Jun. 22, 2015>

Article 25 (Promotion of Technical Development for Electronic Documents and Electronic Transactions)

The Government shall promote the following to develop technology required for facilitating the use of electronic documents and the conduct of electronic transactions and to improve technical standards:

1. Matters concerning surveys of technical levels related to electronic documents and transactions, research and development of technology, and utilization of developed technologies;
2. Matters concerning technical cooperation, technical guidance, and technology transfer related to electronic documents and electronic transactions;
3. Matters concerning the smooth distribution of technical information related to electronic documents and electronic transactions and industry-science-research cooperation;
4. Other matters necessary for technical development related to electronic documents and electronic transactions.

Article 26 (Training of Professionals in Electronic Documents and Electronic Transactions)

(1) The Government shall endeavor to train professionals required for facilitating the use of electronic documents and the conduct of electronic transactions.

(2) In order to train professionals pursuant to paragraph (1), the Government may fully or partially subsidize expenses incurred in conducting such task to research institutes, such as government-funded research institutions, under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc., schools under the Higher Education Act, private educational institutions, and other related institutions.

(3) Matters necessary for subsidizing expenses to institutions training professionals under paragraph (2) and other matters shall be prescribed by Presidential Decree.

Article 27 (Promotion of Electronic Transactions by Public Sectors)

The State agencies, local governments, public institutions defined in Article 4 of the Act on the Management of Public Institutions, public organizations, etc. (hereinafter referred to as "State agencies, etc.") shall formulate and implement a plan to procure goods or services necessary for the operation thereof, or to perform their projects through electronic transactions.

Article 28 (Fact-Finding Surveys of Statistics on Electronic Documents and Electronic Transactions)

(1) The Minister of Science and ICT may conduct a fact-finding survey of statistics on electronic documents and electronic transactions, etc. in order to effectively formulate and implement policies for facilitating electronic documents and electronic transactions. In such cases, the Statistics Act shall apply mutatis mutandis to the compilation of statistics on electronic documents and electronic transactions.

<Amended on Mar. 23, 2013; Jul. 26, 2017>

(2) If necessary for conducting a fact-finding survey of statistics on electronic documents and electronic transactions under paragraph (1), the Minister of Science and ICT may request any of the following entities to submit data or state its opinion: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. A State agency, etc.;
2. An electronic transaction business entity;
3. A corporation or organization related to electronic documents or electronic transactions.

(3) Any person in receipt of a request to submit data, etc. under paragraph (2) shall comply therewith.

(4) Matters necessary for conducting a fact-finding survey of statistics on electronic documents and electronic transactions shall be prescribed by Presidential Decree.

Article 29 (Internationalization of Electronic Documents and Electronic Transactions)

(1) In order to promote international cooperation in electronic documents and electronic transactions, the Government may provide support for activities, such as exchanges of information, technology or human resources on electronic documents and electronic transactions, joint surveys, research and technical cooperation and international standardization.

(2) The Government shall endeavor to fully participate in discussions related to electronic documents and electronic transactions in international organizations and to respond thereto, and to revitalize entry of electronic transaction business entities and business entities related to electronic documents into overseas markets.

Article 30 (Electronic Commerce Resource Centers)

(1) The Government shall formulate and promote policies required for facilitating electronic transactions conducted by small and medium enterprises.

(2) In order to facilitate electronic transactions conducted by small and medium enterprises, the Minister of Science and ICT may designate an institution which supports education and training, technological guidance, management consulting, provision of information, etc. related to electronic transactions as an electronic commerce resource center (hereinafter referred to as "resource center"). <Amended on Mar. 23, 2013; Jul. 26, 2017>

(3) Matters necessary for criteria for designation of a resource center, reporting outcomes from performing activities, subsidization of expenses and other matters shall be prescribed by Presidential Decree.

Article 30-2 (Revocation of Designation of Resource Centers)

If a resource center falls under any of the following, the Minister of Science and ICT may revoke the designation thereof: Provided, That if it falls under subparagraph 1, he or she shall revoke the designation thereof: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. Where it has obtained designation as a resource center by fraud or other improper means;
2. Where there is no outcome from activities for at least two consecutive years without just cause;
3. If a safety certification body ceases to meet the standards for designation under Article 30 (3).

Article 31 (Support for Facilitating Use of Electronic Documents and Conduct of Electronic Transactions)

- (1) In order to facilitate the use of electronic documents and the conduct of electronic transactions, the State or a local government may provide taxation support, such as tax reductions and exemptions, and financial support and other necessary administrative support, as prescribed by tax-related Acts, including the Restriction of Special Taxation Act and the Restriction of Special Local Taxation Act.
- (2) Where a corporation or organization related to electronic documents and electronic transactions implements a project specified in a plan to facilitate the use of electronic documents and the conduct of electronic transactions, the Government may fully or partially subsidize the relevant project cost within budgetary limits.

CHAPTER V-II CERTIFIED ELECTRONIC DOCUMENT CENTERS AND CERTIFIED ELECTRONIC DOCUMENTS INTERMEDIARIES

SECTION 1 Certified Electronic Document Centers

Article 31-2 (Designation of Certified Electronic Document Centers)

- (1) The Minister of Science and ICT may designate an entity specialized in the storage of electronic documents, etc. as a certified electronic document center and require it store electronic documents in order to ensure safety and accuracy in the storage of electronic documents. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*
- (2) Only corporations, State agencies, etc. prescribed by Presidential Decree may be designated as a certified electronic document center.
- (3) An entity intending to be designated as a certified electronic document center shall apply for designation to the Minister of Science and ICT upon being equipped with human resources, technical ability, financial ability and independence in human and physical aspects under Article 31-9 (6) and other facilities, equipment, etc. necessary for the storage of electronic documents. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*
- (4) Matters necessary for human resources, technical ability, financial ability and the criteria, methods and procedures for designation of facilities, equipment, etc. of a certified electronic document center under paragraphs (1) and (3) shall be prescribed by Presidential Decree.

Article 31-3 (Grounds for Disqualification as Certified Electronic Document Centers)

None of the following persons shall obtain a cooking license: <Amended on Dec. 30, 2014; Dec. 22, 2015; Jun. 9, 2020>

1. An entity employing any of the following persons among its executive officers and staff members prescribed by Presidential Decree (hereinafter referred to as "executive officers, etc."), who directly conduct the storage of electronic documents:

- (a) A person under adult guardianship or limited guardianship;
- (b) A person who is not yet reinstated after having been declared bankrupt;
- (c) Any person for which two years have not passed since his or her sentence of imprisonment without labor or heavier punishment was completely executed (including where the execution is deemed completed) or exempted as declared by a court;
- (d) Any person who is subject to a suspended sentence of imprisonment without labor or heavier punishment as declared by a court;
- (e) Any person disqualified or whose qualification was suspended by court ruling or by other Acts;
- (f) A person who was an executive officer, etc. of a person whose designation was revoked under Article 31-5 (1) or whose certification was revoked under Article 31-19 (limited to a person prescribed by Presidential Decree as directly responsible for the cause for revocation or responsible for equivalent cause), in whose case two years have not passed from the date of revocation of designation of a relevant certified electronic document center or certification of a certified electronic document intermediary;

2. A person in whose case two years have not passed since the designation was revoked under Article 31-5 (1) or the certification was revoked under Article 31-19.

Article 31-4 (Corrective Order)

Where a certified electronic document center falls under any of the following, the Minister of Science and ICT may order it to make a correction within a fixed period not exceeding six months: <Amended on Mar. 23, 2013; Jul. 26, 2017>

- 1. Where it fails to comply with any of the criteria for designation of a certified electronic document center under Article 31-2 (4);
- 2. Where an executive officer, etc. falls under any of the items of subparagraph 1 of Article 31-3;
- 3. Where it fails to report on working rules for the storage of electronic documents, etc., in violation of Article 31-8 (1);
- 4. Where it fails to report on any amendment to working rules for the storage of electronic documents, etc., in violation of Article 31-8 (2);
- 5. Where it refuses to provide services of storing electronic documents, etc., in violation of Article 31-9 (1);

6. Where it discriminates unfairly against a user, in violation of Article 31-9 (2);
7. Where it fails to take measures necessary for preventing the content of any stored electronic document from being damaged or altered, in violation of Article 31-9 (3);
8. Where security in the storage, transmission, or receipt of electronic documents or the accuracy of proof concerning electronic documents is at risk of being compromised because the method or procedure of a certified electronic document center for conducting its affairs is inappropriate;
9. Where it fails to purchase insurance, in violation of Article 31-16 (2).

Article 31-5 (Revocation of Designation and Penalty Surcharges)

(1) Where an entity designated as a certified electronic document center pursuant to Article 31-2 falls under any of the following, the Minister of Science and ICT may revoke its designation or order it to fully or partially suspend within a fixed period not exceeding one year, as prescribed by Ordinance of the Ministry of Science, ICT and Future Planning: Provided, That where it falls under subparagraph 1 or 2, he or she shall revoke its designation: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. Where it has obtained designation under Article 31-2 (1) by fraudulent or other unlawful means;
2. Where it has continued its affairs during a period for which its affairs are suspended;
3. Where it fails to begin operations for at least one year from the date it has obtained designation under Article 31-2 (1), or fails to conduct its affairs, such as the storage of electronic documents, for at least one consecutive year after beginning operations;
4. Where it fails to comply with a correction order issued under Article 31-4 within a fixed period.

(2) Where the Minister of Science and ICT must impose the suspension of operations because an entity designated as a certified electronic document center falls under paragraph (1) 3 and 4 and he or she deems that the suspension of operations will cause serious inconvenience to users of a certified electronic document center, or harm public interests, he or she may impose a penalty surcharge not exceeding 100 million won in lieu of the suspension of operations. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(3) The amount of a penalty surcharge depending on the type and severity of an offense on which a penalty surcharge is imposed pursuant to paragraph (2) and methods for computing the penalty surcharge and other necessary matters shall be prescribed by Presidential Decree.

(4) When any person liable to pay a penalty surcharge under paragraph (2) fails to pay it by the payment due date, the Minister of Science and ICT shall collect it in the same manner as delinquent national taxes are collected. <Amended on Mar. 23, 2013; Jul. 26, 2017>

Article 31-6 (Effect of Storage in Certified Electronic Document Centers)

(1) Where a certified electronic document center stores electronic documents, storage of electronic documents under Article 5 (1) or (2) shall be deemed implemented. <Amended on Jun. 9, 2020>

(2) When a certified electronic document center stores digitized documents, documents subject to digitization may be destroyed: Provided, That the same shall not apply to any of the following cases:

<Newly Inserted on Jun. 9, 2020>

1. Where it is impractical to secure legibility of digitized document because documents subject to digitization is crumpled or worn out;
2. In cases of falling under the proviso to Article 5 (2).

Article 31-7 (Presumption of Content of Electronic Documents)

- (1) The content of electronic documents stored in a certified electronic document center shall be presumed unmodified during the period of storage.
- (2) Where a certified electronic document center issues a certificate of matters on the storage, an originator, an addressee and the date and time of transmission and receipt of an electronic document stored in the relevant certified electronic document center according to methods and procedures prescribed by Presidential Decree, matters stated on the certificate shall be presumed true and correct.

Article 31-8 (Reporting on Working Rules for Storage of Electronic Documents)

- (1) Any certified electronic document center shall establish working rules for the storage of electronic documents, etc. (hereinafter referred to as "working rules for the storage of electronic documents, etc.") before it begins operations, as prescribed by Ordinance of the Ministry of Science and ICT, and report to the Minister of Science and ICT. In such cases, the following matters shall be included in working rules for the storage of electronic documents, etc.: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. Types of business affairs;
2. Methods and procedures for conducting business affairs;
3. Terms and conditions of use of services of storing electronic documents, etc. and user fees;
4. Other matters prescribed by Ordinance of the Ministry of Science and ICT and necessary for conducting business affairs.

- (2) Where a certified electronic document center intends to modify matters reported pursuant to paragraph (1), it shall report in advance to the Minister of Science and ICT, as prescribed by Ordinance of the Ministry of Science and ICT. <Amended on Mar. 23, 2013; Jul. 26, 2017>

- (3) Where the Minister of Science and ICT deems that the content of working rules for the storage of electronic documents, etc. reported pursuant to paragraph (1) is at risk of compromising security and accuracy in the storage of electronic documents, etc. or harm interests of users (hereinafter referred to as "user") of services of storing electronic documents, etc., he or she may order the relevant certified electronic document center to amend the working rules for the storage of electronic documents, etc. within a fixed period. <Amended on Mar. 23, 2013; Jul. 26, 2017>

- (4) When a certified electronic document center has changed facilities or equipment used for the storage of electronic documents, etc., it shall report to the Minister of Science and ICT, as prescribed by Ordinance of the Ministry of Science and ICT. <Amended on Mar. 23, 2013; Jul. 26, 2017>

Article 31-9 (Matters to Observe)

- (1) No certified electronic document center shall refuse to provide services of storing electronic documents, etc. without just cause.
- (2) No certified electronic document center shall discriminate unfairly against any user.
- (3) A certified electronic document center shall take necessary measure, as prescribed by Presidential Decree, to prevent the content of stored electronic documents from being damaged or altered.
- (4) No certified electronic document center shall provide or disclose any electronic document stored in the relevant information processing system or other related information to any third person without following due process or without the consent of the originator, the addressee and the relevant user of the electronic document.
- (5) A certified electronic document center shall maintain independence in human and physical aspects in the relationship with its users in order to store electronic documents, etc., in a reliable manner and the specific criteria therefor shall be prescribed by Presidential Decree.

Article 31-10 (Regular Inspections)

- (1) A certified electronic document center shall undergo regular inspections by the Minister of Science and ICT on the safety of the facilities and equipment it possesses. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*
- (2) Where a certified electronic document center has reported a change under Article 31-8 (4) or succession under Article 31-14 (3), it shall undergo an inspection by the Minister of Science and ICT on the safety of the relevant facilities or equipment. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*
- (3) Standards, timing, subject matter of, and procedures for inspections under paragraphs (1) and (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Science and ICT. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*

Article 31-11 (Reporting, Inspections)

- (1) If deemed necessary, the Minister of Science and ICT may require a certified electronic document center to submit related data or file a report in writing or by electronic document, and require related public officials to enter an office, a place of business and other related place of the certified electronic document center to inspect facilities, equipment, documents or other articles relating to the storage of electronic documents, etc., as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*
- (2) In conducting an inspection under paragraph (1), the relevant public officials shall carry an identification indicating their authority, and show it to interested persons.

Article 31-12 (Security of Related Information, Such as Electronic Documents)

- (1) No one shall forge or falsify any electronic document or other related information stored in a certified electronic document center, or use forged or falsified information.

(2) No one shall be issued a false certificate referred to in Article 31-7 (2) by entering false information or a false command into an information processing system of a certified electronic document center.

(3) No one shall destroy or damage any electronic document or other related information stored in a certified electronic document center, or infringe on its confidentiality.

(4) No current or former executive officer or employee of a certified electronic document center shall divulge the content of any electronic document or other related information he or she has become aware of in the course of performing his or her duty, or use it for himself/herself or allow any third party to use it.

Article 31-13 (Protection of User Information)

Every certified electronic document center and certified electronic document intermediary shall protect personal information of users in relation to the storage of electronic documents, etc. and the distribution of electronic documents, as prescribed by related statutes.

Article 31-14 (Transfer and Acquisition of Business of Certified Electronic Document Centers)

(1) Any certified electronic document center may fully or partially transfer its business to any third certified electronic document center or merge with any third certified electronic document center. In such cases, the certified electronic document center shall notify its users of such transfer or merger by no later than 60 days prior to the date it intends to transfer or merge, as prescribed by Ordinance of the Ministry of Science and ICT. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*

(2) Any certified electronic document center which has transferred its business pursuant to paragraph (1) or any certified electronic document center surviving a merger or established in the course of a merger shall succeed to the status of the previous certified electronic document center.

(3) Any entity that has succeeded to the status of the previous certified electronic document center pursuant to paragraph (2) shall report to the Minister of Science and ICT, as prescribed by Ordinance of the Ministry of Science and ICT. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*

Article 31-15 (Discontinuance of Business of Storing Electronic Documents)

(1) Where a certified electronic document center intends to discontinue its business of storing electronic documents, etc., it shall notify its users of the discontinuance of its business and report such fact to the Minister of Science and ICT, as prescribed by Ordinance of the Ministry of Science and ICT, by no later than 60 days prior to the date it intends to discontinue its business. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*

(2) A certified document center which have reported pursuant to paragraph (1) shall transfer electronic documents that it stores and other records on the storage of electronic documents, etc. (hereinafter referred to as "stored documents, etc.") to any third certified electronic document center: Provided, That where it cannot transfer stored documents, etc. due to inevitable reasons, such as the refusal of any third certified electronic document center to acquire such stored documents, etc., it shall, without delay, report such fact

to the Minister of Science and ICT. <Amended on Mar. 23, 2013; Jul. 26, 2017>

(3) Where any of the following cases arises and the Minister of Science and ICT deems an emergency measure necessary to ensure the continuity and security of its affairs, such as the storage of electronic documents, he or she may require the exclusively responsible agency to acquire the relevant stored electronic documents, etc. or may require it to take other necessary measures: <Amended on Mar. 23, 2013; Jul. 26, 2017>

1. Where he or she has received a report under the proviso to paragraph (2);
2. Where he or she has revoked designation of a certified electronic document center pursuant to Article 31-5;
3. Where there arises an inevitable reason making it impossible for a certified electronic document center to conduct its affairs, such as the storage of electronic documents.

(4) Matters necessary for reporting the discontinuance of business, and transfer and acquisition of stored documents, etc. under paragraphs (1) through (3) and other matters shall be prescribed by Ordinance of the Ministry of Science and ICT. <Amended on Mar. 23, 2013; Jul. 26, 2017>

Article 31-16 (Liability for Compensation and Purchasing Insurance)

(1) When a certified electronic document center has inflicted a loss on a user in connection with the storage of electronic documents, etc., it shall compensate the user for such loss: Provided, That where the certified electronic document center has proved that there is no intention or negligence on its part, this shall not apply.

(2) A certified electronic document center shall purchase insurance, as prescribed by Presidential Decree, in order to compensate for losses under paragraph (1).

Article 31-17 (Fees.)

A certified electronic document center may impose necessary charges, such as fees, on applicants for issuance of certificates or its users.

SECTION 2 Certified Electronic Document Intermediaries

Article 31-18 (Certification of Certified Electronic Document Intermediaries)

(1) The Minister of Science and ICT may certify a person securing stability and reliability in the distribution of electronic documents as a certified electronic document intermediary. <Amended on Jun. 9, 2020>

(2) A person who intends to obtain certification pursuant to paragraph (1) shall file an application therefor with the Minister of Science and ICT, being equipped with facilities and technical capability. <Amended on Jun. 9, 2020>

- (3) The term of validity of certification under paragraph (1) shall be three years. <Amended on Jun. 9, 2020>
- (4) The Minister of Science and ICT may publicly notify the working rules of certified electronic document intermediaries in order to secure stability and reliability in the distribution of electronic documents. <Amended on Mar. 23, 2013; Jul. 26, 2017>
- (5) The Minister of Science and ICT shall conduct post management, including regular inspection of the safety of the facilities possessed by certified electronic document intermediaries who have obtained certification under paragraph (1). <Amended on Jun. 9, 2020>
- (6) Except as otherwise provided for in paragraphs (1) through (5), necessary matters concerning requirements and procedures for certification of certified electronic document intermediaries and post management thereof shall be prescribed by Presidential Decree. <Amended on Jun. 9, 2020>

Article 31-19 (Revocation of Certification of Certified Electronic Document Intermediaries)

The Minister of Science and ICT may revoke certification of certified electronic document intermediaries who falls under any of the following cases, as prescribed by Ordinance of the Ministry of Science and ICT: Provided, That the certification shall be revoked in cases of subparagraph 1:

1. A person who received a certification pursuant to Article 31-18 (1) by fraud or other improper means;
2. Where it ceases to meet the certification requirements for certified electronic document intermediaries under Article 31-18 (2);

Article 31-20 Deleted. <Jun. 9, 2020>

Article 31-21 Deleted. <Jun. 9, 2020>

Article 31-22 Deleted. <Jun. 9, 2020>

Article 31-23 (Corrective Orders)

Where any certified person replaying electronic documents falls under any of the following, the Minister of Science and ICT may order it to make a correction within a fixed period not exceeding six months: <Amended on Mar. 23, 2013; Jul. 26, 2017; Jun. 9, 2020>

1. Where it violates any provision of working rules under Article 31-18 (4);
2. Where certified electronic document intermediaries' improper way or procedures to conduct duties are likely to significantly compromise stability and reliability in the distribution of electronic documents.

CHAPTER VI MEDIATION COMMITTEE OF DISPUTES ON ELECTRONIC DOCUMENTS AND ELECTRONIC TRANSACTIONS

Article 32 (Establishment and Composition of Mediation Committee of Disputes on Electronic Documents and Electronic Transactions)

(1) There is hereby established a Mediation Committee of Disputes on Electronic Documents and Electronic Transactions (hereafter referred to as the "Committee" in this Chapter) to mediate disputes on electronic documents and electronic transactions.

(2) The committee shall be comprised of not less than six and not more than 50 members, including one chairperson.

(3) Members shall be appointed or commissioned by the Minister of Science and ICT from among any of the following persons, and the Chairperson shall be elected by the Committee from among its members:

<Amended on Mar. 23, 2013; Jul. 26, 2017>

1. A current or former associate professor or higher, or person in a position equivalent thereto in a university or officially-recognized research institution, who majored in the field related to electronic documents or electronic transactions;
2. A current or former Grade IV public official or higher (including a public official in general service belonging to the Senior Executive Service) or a person in a position equivalent thereto in a public agency, who has experience in electronic documents or electronic transactions;
3. A qualified judge, public prosecutor or attorney-at-law;
4. A person recommended by a non-profit, non-governmental organization defined in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
5. Other person who has knowledge and experience in electronic documents or electronic transactions, and the mediation of disputes.

(4) The members shall be non-standing members, and the terms of office of members shall be three years, and renewable for only one further term.

(5) No member shall be dismissed or de-commissioned against his or her will except in any of the following cases: *<Amended on Oct. 24, 2017>*

1. Where the member is sentenced to the suspension of qualification or a heavier punishment;
2. Where a member is unable to perform duties due to physical or mental disorder;
3. Where the member commits any misconduct in relation to his or her duties;
4. Where he or she is deemed unfit as a member due to neglect of duties or injury to dignity;
5. Where he or she fails to abstain even though he or she falls under any of the subparagraphs of Article 32-2 (1) or the former part of Article 32-2 (2).

(6) The secretariat shall be established within the exclusively responsible agency to support the affairs of the Committee.

(7) Except as provided in paragraphs (1) through (6), matters necessary for the operation of the Committee and other matters shall be prescribed by Presidential Decree.

Article 32-2 (Exclusion, Challenge, and Abstention of Members)

(1) Where a member of the Committee falls under any of the following, he or she shall abstain from the mediation of the relevant mediation case:

1. Where the member or his or her current or former spouse becomes a party to the case or is in the relationship of a joint titleholder or co-obligor with the party to the case;
2. Where the member a current or former relative of a party to the case;
3. Where the member bore witness in or assessed the relevant case;
4. Where the member is or was involved in the relevant case as an agent of the party to the case.

(2) Where a party to the case is in a circumstance that he or she anticipates unfairness in mediation, he or she may apply for recusal of the relevant member to the Committee; and the Committee shall determine thereon by voting. In such cases, the member against whom the recusal is applied for shall not participate in the voting. *<Amended on Oct. 24, 2017>*

(3) Where a member falls under a ground referred to in paragraph (1) or (2), he or she shall voluntarily withdraw from the mediation of the relevant case. *<Amended on Oct. 24, 2017>*

Article 33 (Conciliation of Disputes)

(1) Any person who intends to obtain a remedy for any loss or seek mediation of a dispute related to an electronic document or electronic transaction may apply for mediation of the dispute to the Committee: Provided, That this shall not apply where the mediation of the dispute has been completed in accordance with other Acts.

(2) The Mediation Board (hereinafter referred to as the "Mediation Board") comprised of not more than three members shall conduct mediation: Provided, That the Committee shall conduct mediation if the Committee has resolved to mediate for itself.

(3) Members of the Mediation Board shall be appointed for each case by the Chairperson from among the members of the Committee, and at least one person falling under Article 32 (3) 3 shall be included as a member.

(4) The Committee or the Mediation Board shall prepare a draft mediation within 45 days after receipt of an application for mediation of a dispute under paragraph (1), and recommend the draft mediation to the parties to the dispute (hereinafter referred to as "parties"): Provided, That where it intends to extend such deadline due to extenuating circumstances, it shall notify the parties of its intention, specifying the grounds therefor and the new deadline.

(5) A draft mediation referred to in paragraph (4) may include restoration, compensation and other measures necessary to remedy damage within the limit not contrary to the purport of the application.

<Newly Inserted on Jun. 22, 2015>

(6) The parties concerned upon receipt of a recommendation under the main sentence of paragraph (4) shall notify the Committee or the Mediation Board of whether they consent to the draft mediation within

15 days from the date of receipt of such recommendation. In such cases, if any party fails to express his or her intention within 15 days, he or she shall be deemed to have accepted the draft mediation. <Amended on Jun. 22, 2015>

(7) Except as provided in paragraphs (1) through (6), necessary matters concerning procedures for mediation shall be prescribed by Presidential Decree. <Amended on Jun. 22, 2015>

Article 33-2 (Notification of Illegal Acts, and Other Related Matters)

Where the Committee deems that any party or person concerned has violated any statute while conducting dispute mediation, the Committee shall notify the relevant agency of such violation and make a request that the agency take an appropriate measure: Provided, That this shall not apply in any of the following cases:

1. Where any of the parties to dispute has agreed to compensate for damage and has redressed the violation of the statutes;
2. Where the relevant agency is under investigation, already aware of the violation.

Article 34 (Requests for Data)

- (1) The Committee may request the parties or a witness to provide data required for the mediation of a dispute. In such cases, the relevant parties shall comply with such request unless they have just cause.
- (2) Where the Committee deems it necessary, it may require the parties or a witness to attend a meeting of the Committee to hear their opinions.

Article 34-2 (Refusal and Suspension of Mediation)

- (1) The Committee may refuse to mediate the case in any of the following cases:
 1. Where the mediation of a dispute has been completed in accordance with other Act;
 2. Where it is deemed inappropriate for the Committee to mediate a dispute in light of the nature of the case;
 3. Where an application for dispute mediation is deemed filed for unjust purposes.
- (2) Where a party brings a lawsuit against the other party before the mediation of a dispute finishes, the Committee may suspend such mediation.
- (3) Where the Committee refuses to mediate the case pursuant to paragraph (1) or suspends mediation pursuant to paragraph (2), it shall notify the parties of the fact and grounds therefor.

Article 35 (Effectuation of Conciliation)

- (1) Mediation shall be completed in any of the following cases:
 1. Where parties consent to a mediation plan under Article 33 (4);
 2. Where parties submit a mediated agreement to the Committee.

- (2) Where mediation is completed pursuant to paragraph (1), the Committee shall send to the parties a protocol of mediation signed and sealed by the Committee Chairperson and each party.
- (3) A protocol of mediation referred to in paragraph (2) shall have the same effect as a consent judgment under the Civil Procedure Act.

Article 36 (Cessation of Mediation)

The Committee shall notify the parties of the cessation of mediation in any of the following cases:

1. Where an application for mediation is withdrawn, or any of the parties fails to comply with the mediation of a dispute;
2. Where the parties refuse a mediation plan of the Committee.

Article 36-2 (Interruption of Extinctive Prescription)

An Application for mediation of a dispute under Article 33 (1) shall have an effect of interrupting extinctive prescription: Provided, That this shall not apply where the application for mediation of a dispute is withdrawn.

Article 37 (Adjustment Costs)

- (1) The Committee may require an applicant for mediation of a dispute to bear expenses for mediation, as prescribed by Presidential Decree.
- (2) The Government may subsidize expenses incurred in the operation of the Committee within budgetary limits.

Article 37-2 (Confidentiality)

No person who conducts or has conducted affairs related to the mediation of a dispute of the Committee shall divulge confidential information he or she has become aware of in the course of performing his or her duty to any third person or appropriate it for any purpose other than the official purpose: Provided, That this shall not apply where expressly provided for otherwise in any other Acts.

CHAPTER VII SUPPLEMENTARY RULES

Article 38 (Prohibition of Use of Similar Names)

- (1) No entity, other than one designated as a certified electronic document center, shall use a certified electronic document center or similar as its name.
- (2) No entity, other than one certified as a certified electronic document intermediary, shall use a certified electronic document intermediary or similar as its name. <Amended on Jun. 9, 2020>
- (3) No one shall use a certified electronic address or similar in non-certified electronic address.

Article 39 (Delegation and Entrustment of Authority)

The Minister of Science and ICT may delegate part of his or her authority under this Act to the head of an agency under his or her jurisdiction or the head of a local government, or entrust such authority to the head of a related central administrative agency or an specialized institution, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013; Jul. 26, 2017>*

Article 40 (Principle of Reciprocity)

This Act shall also apply to foreigners and foreign corporations: Provided, That with respect to foreigners or foreign corporations of a State which does not provide protection corresponding to this Act to citizens or corporations of the Republic of Korea, protection under this Act or treaties to which the Republic of Korea acceded or concluded by the Republic of Korea may be restricted commensurately therewith.

Article 41 (Hearings)

Where the Minister of Science and ICT intends to impose any of the following dispositions, he or she shall hold a hearing: *<Amended on Mar. 23, 2013; Jul. 26, 2017; Jun. 9, 2020>*

1. Where he or she intends to revoke the designation of a resource center pursuant to Article 30-2;
2. Where he or she intends to revoke the designation of a certified electronic document center pursuant to Article 31-5 (1);
3. Where he or she intends to revoke the certification of a certified electronic document intermediary pursuant to Article 31-19.

Article 42 (Legal Fiction as Public Officials in Application of Penalty Provisions)

Any of the following persons shall be deemed a public official for the purposes of applying Articles 129 through 132 of the Criminal Act to his or her business affairs: *<Amended on Jun. 9, 2020>*

1. An executive officer or employee of a certified electronic document center;
2. A Committee member who is not a public official.

CHAPTER VIII PENALTY PROVISIONS

Article 43 (Penalty Provisions)

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than 10 years, or by a fine not exceeding 500 million won:

1. A person who forges or falsifies an electronic document or other related information stored in a certified electronic document center or uses forged or falsified information, in violation of Article 31-12 (1);

2. A person who is issued a false certificate under Article 31-7 (2) by entering false information or a false command into the information processing system of a certified electronic document center, in violation of Article 31-12 (2).

(2) Each person, who attempts to commit a crime provided for in paragraph (1), shall be punished.

Article 44 (Penalty Provisions)

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

1. A person who destroys or damages an electronic document or other related information stored in a certified electronic document center, or infringes on its confidentiality, in violation of Article 31-12 (3);
2. A current or former executive officer or employee of a certified electronic document center, who divulges the content of an electronic document or other related information he or she has become aware of in the course of performing his or her duty, or uses such content for himself/herself or allows any third party to use such content, in violation of Article 31-12 (4);
3. A person who divulges confidential information he or she has become aware of in the course of performing his or her duty to any third person or appropriates it for any purpose other than the official purpose, in violation of Article 37-2.

Article 45 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, servant or any other employee of a corporation or individual commits an offence under Article 43 or 44 with respect to the business of such corporation or individual, not only shall the offender be punished but the corporation or individual also shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply to cases where such corporation or individual has not been neglected to pay due attention and supervision concerning the business in order to prevent such violation.

Article 46 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine of not more than 30 million won:

1. A person who collects, sells or provides any certified electronic address, in violation of Article 18-6;
2. A person who sends any advertisement to the certified electronic address of an addressee for the purpose of profit-making or public relations, in violation of Article 18-7;
3. A certified electronic document center that provides or discloses any electronic document or other related information, in violation of Article 31-9 (4).

(2) A person falling under any of the following subparagraphs shall be punished by an administrative fine not exceeding 10 million won: *<Amended on Mar. 23, 2013; Jul. 26, 2017>*

1. Deleted; <Oct. 24, 2017>
 2. A person who fails to report working rules for the storage of electronic documents, etc., in violation of Article 31-8 (1);
 3. A person who fails to report any amendment made to working rules for the storage of electronic documents, etc., in violation of Article 31-8 (2);
 4. A person who fails to comply with an order to amend working rules for the storage of electronic documents, etc., in violation of Article 31-8 (3);
 5. A person who fails to report the change of facilities or equipment, in violation of Article 31-8 (4);
 6. A person who refuses to provide services of storing electronic documents, etc. without just cause, in violation of Article 31-9 (1);
 7. A person who discriminates unfairly against a user, in violation of Article 31-9 (2);
 8. A person who fails to take measures necessary for preventing the content of electronic documents stored in a certified electronic document center from being damaged or altered, in violation of Article 31-9 (3);
 9. A person who fails to undergo an inspection, in violation of Article 31-10 (1) or (2);
 10. A person who fails to submit data or a report, who submits false data or a false report, or who refuses, interferes with or evades entry or inspection of a related public official under Article 31-11 (1);
 11. A person who fails to notify users of the transfer or merger of business of storing electronic documents, etc., in violation of the latter part of Article 31-14 (1);
 12. A person who fails to report succession to the status of a certified electronic document center, in violation of Article 31-14 (3);
 13. A person who fails to notify users of the discontinuance of business of storing electronic documents, etc. or fails to report such fact to the Minister of Science and ICT, in violation of Article 31-15 (1);
 14. A person who fails to transfer or report stored documents, etc., in violation of Article 31-15 (2);
 15. A person who fails to purchase insurance, in violation of Article 31-16 (2);
 16. Deleted; <Jun. 9, 2020>
 17. Deleted; <Jun. 9, 2020>
 18. An entity who uses a certified electronic document center or similar in its name, in violation of Article 38 (1);
 19. An entity who uses a certified electronic document intermediary or similar in its name, in violation of Article 38 (2);
 20. A person who uses a certified electronic address or similar, in violation of Article 38 (3).
- (3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Science and ICT, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Jul. 26, 2017>

ADDENDA <Act No. 6614, Jan. 19, 2002>

(1) (Enforcement Date) This Act shall enter into force on July 1, 2002.

(2) (Transitional Measures for Designation of Electronic Commerce Resource Center) Electronic commerce resource centers designated under the former provisions as at the time this Act enters into force, shall be deemed electronic commerce resource centers under Article 30.

(3) (Relations with other Statutes) Where the former Framework Act on Electronic Commerce or its provisions are cited in other statutes at the time of enforcement of this Act, if there exist any corresponding provisions in this Act, this Act or the corresponding provisions in this Act shall be deemed to have been cited.

ADDENDA <Act No. 7440, Mar. 31, 2005>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures for Council on Electronic Commerce Policy) The Council on Electronic Commerce Policy established and composed under the former provisions at the time of enforcement of this Act shall be deemed to be the Committee on Electronic Commerce Policy established and composed under the amended provisions of Article 21.

(3) (Transitional Measures for Korea Electronic Documents Exchange Committee) The Korea Electronic Documents Exchange Committee established and composed under the former provisions at the time of enforcement of this Act shall be deemed to be the sectional committee on standards of electronic documents of the Committee on Electronic Commerce Policy established and composed under the amended provisions of Article 21 (5).

ADDENDA <Act No. 7796, Dec. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7988, Sep. 27, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 13 Omitted.

ADDENDA <Act No. 8362, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8387, Apr. 27, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 8461, May 17, 2007>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 5 (2) through (4) shall enter into force on the date of its promulgation.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8802, Dec. 27, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 8932, Mar. 21, 2008>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 8979, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 9246, Dec. 26, 2008>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 9429, Feb. 6, 2009>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 9504, Mar. 18, 2009>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 9705, May 22, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9708, May 22, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 12 Omitted.

ADDENDA <Act No. 10220, Mar.31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10250, Apr. 12, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10629 May 19, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 10854, Jul. 14, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11461, Jun. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Article 2 (Applicability to Terms of Office of Members of Mediation Committee of Disputes on Electronic Documents or Electronic Transactions)

The amended provisions of Article 32 (4) shall apply from the first members appointed or commissioned after this Act enters into force.

Article 3 (Applicability to Mediation of Disputes on Electronic Documents or Electronic Transactions)

The amended provisions of Articles 33, 34-2, 35 and 36 shall apply from the first application for mediation of a dispute filed after this Act enters into force.

Article 4 (Transitional Measures concerning Certification of Exemplary Electronic Transaction Business Entities)

The certification of exemplary electronic transaction business entity obtained under the former provisions as at the time this Act enters into force shall be deemed the certification of exemplary electronic transaction business entity obtained under the amended provisions of Article 18.

Article 5 (Transitional Measures concerning Basic Policies on Electronic Transactions)

Basic policies on electronic transactions formulated under the former provisions as at the time this Act enters into force shall be deemed basic policies on electronic documents and electronic transactions formulated under the amended provisions of Article 19.

Article 6 (Transitional Measures concerning Plans to Facilitate Electronic Transactions)

A plan to facilitate electronic transactions formulated under the former provisions as at the time this Act enters into force shall be deemed a plan to facilitate electronic documents and electronic transactions formulated under the amended provisions of Article 20.

Article 7 (Transitional Measures concerning Certified Electronic Document Depositories)

A corporation designated as a certified electronic document depository under the former provisions before this Act enters into force shall be deemed a certified electronic document center designed under the amended provisions of Article 31-2.

Article 8 (Transitional Measures concerning Grounds for Disqualification)

Where any executive officer of a certified electronic document center as at the time this Act enters into force newly falls under grounds for disqualification under the amended provision of subparagraph 1 (e) of Article 31-3 due to a ground which arose before this Act enters into force, notwithstanding the said amended provision, the former provision shall apply.

Article 9 (Transitional Measures concerning Electronic Commerce Dispute Mediation Committee)

The Electronic Commerce Dispute Mediation Committee established under the former provisions as at the time this Act enters into force shall be deemed the Mediation Committee of Disputes on Electronic Documents and Electronic Transactions established under the amended provisions of Article 32.

Article 10 Omitted.

ADDENDA <Act No. 11688, Mar. 23, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

- (1) This Act shall enter into force on the date of its promulgation.
- (2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12781, Oct. 15, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Applicability)

The amended provisions of Article 36-2 shall apply beginning with the first case with respect to which an application for mediation of a dispute is filed after this Act enters into force.

ADDENDA <Act No. 12875, Dec. 30, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Disqualification of Incompetent Persons, etc.)

Notwithstanding the amended provisions of the subparagraph 1 (a) of Article 31-3, former provisions shall apply to the person who has already been declared as incompetent or quasi-incompetent by a court at the times when such amended provisions enter into force and for whom the effectiveness of the declaration of incompetence or quasi-competence is maintained in accordance with Article 2 of Addenda to the Civil Act partially amended by Act No. 10429.

ADDENDA <Act No. 13347, Jun. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Notification of Illegal Acts and Other Related Matters)

The amended provisions of Article 33-2 shall apply with the first dispute mediation for which an application is filed in accordance with Article 33 after this Act enters into force.

Article 3 (Transitional Measures concerning Transfer of Duties)

Any acts conducted by or toward the National Information Technology (IT) Industry Promotion Agency, duties regarding which are transferred to an exclusively responsible agency designated by the Ministry of Science, Information and Communications Technology (ICT) and Future Planning in accordance with the amended provisions of Article 22 (1), shall be deemed conducted by or toward the relevant exclusively responsible agency.

ADDENDUM <Act No. 13587, Dec. 22, 2015>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 13768, Jan. 19, 2016>

This Act shall enter into force on February 4, 2016.

ADDENDA <Act No. 14839, Jul. 26, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 14907, Oct. 24, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 17353, Jun. 9, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 31-6 (2) shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Confirmation of Receipt of Electronic Documents)

Where the originator transmits electronic documents before this Act enters into force, the former provisions shall apply notwithstanding the amended provisions of Article 9.

Article 3 (Transitional Measures concerning Grounds for Disqualification of Certified Electronic Document Center)

For a person who falls under subparagraph 1 (f) or 2 of the previous Article 31-3 (excluding where the designation as a certified electronic document center is revoked under Article 31-5 (1)), in whose case the designation as a certified electronic document intermediary was revoked under the previous Article 31-22 before this Act enters into force, the date the designation of a certified electronic document intermediary was revoked under previous Article 31-22 shall be deemed a date the certification of a certified electronic document intermediary referred to in amended provisions of subparagraph 1 (f) or 2 of Article 31-3 was revoked.

Article 4 (Transitional Measures concerning Certified Electronic Document Intermediary)

(1) Where a person was designated as a certified electronic document intermediary under the previous provisions of Article 31-18 (1) before this Act enters into force, he or she shall be deemed certified as a certified electronic document intermediary under the amended provisions of Article 31-18 (1). In such cases, the term of validity of certification under the amended provisions of Article 31-18 (3) shall be reckoned from the date this Act enters into force.

(2) Where an application for designation of a certified electronic document intermediary was filed pursuant to the previous provisions of Article 31-18 (3) before this Act enters into force, and procedures for designation are underway as at the time this Act enters into force, an application for certification shall be deemed filed pursuant to the amended provisions of Article 31-18 (2).

Article 5 (Transitional Measures concerning Administrative Fines)

The former provision shall apply to the application of administrative fines against acts committed before this Act enters into force.



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