



# Korea Communications Commission

## NEWS RELEASE

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## KCC TAKES MEASURES TO GUARANTEE “RIGHT TO BE FORGOTTEN”

*Guidelines on the Right to Request Access Restriction on Personal Internet Postings<sup>1</sup>*  
*Internet users can now erase unwanted remnants from their past internet uploads*

GWACHEON, April 29, 2016 –The Korea Communications Commission (KCC, Chairman Choi Sung-joon) today announced the *Guidelines on the Right to Request Access Restriction on Personal Internet Postings*—the guidelines aim to reduce the harm users experience from having lost the right over their own online content.

In the past, there was no recourse for users unable to remove their personal postings for reasons such as having terminated membership in an online forum. Based on the constitutional right of control over one’s personal information, right to pursue happiness, and right to freedom and privacy, users can now request online service providers (OSP) restrict the public’s access to their own online content. The guidelines aim to help users who face disadvantages in their work and personal lives—such as in marriage, gaining employment, and career promotions—because of their past online postings.

The global debate on implementing the “right to be forgotten” began in earnest following the European Court of Justice’s 2014 landmark ruling that an internet search engine operator remove an article regarding a private citizen’s outdated debt history from its search results. There is currently great interest across Korean society and in the National Assembly regarding the right to be forgotten as well.

Against this backdrop, since 2014 the KCC has operated a study group of experts from law, academia and industry on the right to be forgotten, and has held three open seminars to collect various opinions on the matter. During this process, there were several discussions on conflicts with freedom of expression and the right to know, as well as the technical and economic limitations of operators.

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<sup>1</sup> Personal internet postings: blogs, pictures, videos, and other online content a user has personally uploaded to the internet

Unlike the EU, Korea has existing legal measures,<sup>2</sup> including provisional actions, to address online content posted by a third party, but there have been difficulties in removing one's own content, despite the user's clear wishes to do so.

As a result, a consensus was reached that guidelines, set within the minimum extent necessary, to protect people's privacy in blind spots not covered by existing legal measures were necessary. The guidelines seek to help users who have lost the right over their own online content while minimizing side effects such as infringing on a third party's freedom of expression.

According to the guidelines, users who want to restrict access to their content should first try to delete the material themselves. If they are unsuccessful (for example, because they no longer have membership access), users can request the website administrator restrict access. Afterwards, if users want content removed from search results as well, they can make such requests to the search engine operator. However, if the website administrator does not restrict access because the site has been discontinued for example, the user can make the request directly to the search engine operator.

The website administrator and search engine operator can restrict access once they determine, through supporting evidence supplied by the user, the online content was posted by the user. However, if there is a duty to preserve the content in accordance with Korean law or ordinance, or because it contains information in the public interest, operators can deny the request for access restriction.

Because these guidelines are based on voluntary compliance by operators in order to protect user rights and interests, operators' voluntary cooperation is paramount. To this end, the KCC will hold a policy briefing session in the beginning of May, and the guideline will go into effect in June following a preparatory period for operators. During the implementation process, the KCC will continue to receive feedback on issues and amend the guidelines as necessary.

On these guidelines, KCC Chairman Choi Sung-joon said he hopes "the guidelines will effectively help users who have experienced harm from not being able to delete their personal internet postings, and be an opportunity to further promote citizens' right to privacy." He added, "moving forward, we will closely monitor the implementation of the guidelines and, when necessary, modify them to ensure that privacy is truly guaranteed."

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<sup>2</sup>Existing legal measures: request provisional actions regarding a third party's content which infringes on privacy or is deemed defamatory (Act on Promotion of Information and Communications Network Utilization and Information Protection); request corrections, object or refute media reports (Act on Press Arbitration and Remedies, etc. for Damage Caused by Press Reports); request the dissemination of copyrighted material be stopped (Copyright Act).