

**[Travel agency's use of personal data for commercial purposes
without data subjects' consent]**

Facts

Respondent is a travel agent who provides arrangements for air ticketing and overseas traveling. Claimant complained that Respondent had sent a number of DM mails to Claimant against his objection. In fact, Claimant had no transactional relations of traveling services nor homepage membership with Respondent. Claimant is a professor, whose personal information, including professor's name, portrait, email address and office phone number, was available at the college website. So Claimant filed a petition for damages and institutional correction with the PIDMC that Respondent had used Claimant's personal data for commercial purposes without his consent. Upon finding Claimant's petition, Respondent deleted the mailing list of unwanted addressees and suspended sending DM mails to potential customers as from March 21, 2014.

Mediation Decision

It was disclosed that Claimant's personal information was available at the college website, but it is to provide students or visitors with a contact for further communication with the professor concerned within a scope of common sense of education or scholarship. It is never for any purpose of commercial advertisement or so, which requires informed consent of the addressee.

In violation of Articles 18 and 37 of the Personal Information Protection Act, Respondent failed to observe the obligations to acquire prior consent for the use of personal data beyond the initial purpose of collection, and to delete the relevant personal data upon receiving the objection of the data subject.

Therefore, the decision was made for Respondent to pay 300 thousand won as compensation for mental distress, and take necessary measures to acquire prior consent of data subjects, or delete such personal data as rejected by them. PIDMC also advised Respondent to provide an educational program to employees dealing with customers' personal data to comply with the relevant laws.