

[Unauthorized provision of CCTV video to a third party]

Facts

Claimants were members of the election management committee of an apartment while the extraordinary election was held for the period from December 11 through December 14, 2014. Respondent X was a superintendent in charge of the daily management of the said apartment until September 2015 when he quit the job. Respondent Y, the representative of the apartment's habitants, was dismissed by vote on account of the alleged acceptance of a bribe, initiated by the habitants. Claimants posted the outcome of the vote on the bulletin board of the apartment and inside the elevators. Respondent Y was dismissed in May 2015 prior to the expiry of his term.

Claimants argued that Respondent X had provided Respondent Y, a third party in legal terms, with CCTV videos showing Claimants who were posting the outcome of the said vote on the apartment bulletin board and inside the elevators as well as the roster of voters without consent of habitants concerned. At that time, Respondent Y filed an allegation with the authorities to the effect that Claimants had damaged his reputation using the information provided by the respondent.

Respondent Y accused Claimants of defamation against him two times based on the evidence provided by Respondent X. But the public prosecution decided not to indict Claimants because they were cleared of suspicion regarding defamation.

Respondent Y's appeal was dismissed on September 2, 2015. Then Claimants A and B filed a dispute mediation for damages on account of Respondent X's unauthorized provision of CCTV videos to a third party. Respondent Y was also found fault with because he demanded such illegal provision of personal visual information.

Respondent X complained that a kind of routine work subject to Article 24-3 iii of the Enforcement Rule of the Housing Act which is believed to allow him to show CCTV videos upon the request of apartment residents was accused because of strife between Claimants and Respondent Y over the non-confidence vote. Respondent X also complained that he had paid compensations to two more residents who served as the election management committee member on account of the same personal information dispute.

Respondent X was the superintendent of the apartment taking charge of managing personal information of the residents in the capacity of a personal information controller as well as the visual data processing devices operator subject to Article 25 of the Personal Information Protection Act.

Reasoning

In this case, Respondent X should have obtained the consent of Claimants in order to provide the CCTV videos at issue to a third party. Otherwise, his provision of the said visual data could be justified by specific provisions of other statutes or the court warrant issued by a judge. In the absence of such

exceptions, Respondent X is evidently in violation of Article 18 of the Personal Information Protection Act, Article 24-3iii of the Enforcement Rule of the Housing Act and Article 44(1) of the Standard Personal Information Protection Guideline.

Furthermore, under the Visual Data Processing Devices Installation and Operation Guideline in the Private Sector established by the Ministry of Interior on January 12, 2015, the warrant issued by a judge or the court order to submit is required to provide visual data containing personal information without the consent of data subject in principle, even when investigation authorities demand provision of such visual data for the purpose of investigation of crime and maintenance of public prosecution. It is because CCTV visual data are more risky in case of data leak and to be protected more thoroughly.

On the other hand, Respondent Y could not be found in violation of such statutes as mentioned above in dealing with the personal visual information.

Mediation Decision

Respondent X is found in violation of the personal information protection statutes, thus inflicting mental distress to Claimants by causing a fear of abuse or misuse of their personal information. Therefore, Respondent X shall pay KRW200 thousand each to Claimant A and Claimant B. But the application of Claimants A and B against Respondent Y shall be dismissed.