

[Inquiry concerning provision of CCTV files on unlawful disposition of trash (No. 2016-01-01)]

The question of a municipality named Y Gu is:

Whether its employee is allowed under the Personal Information Protection Act to request CCTV recorded video files from an individual at the place where trashes are thrown away unlawfully;

Whether it is allowed to request that a legal entity like a company would do the same.

The answer of PIPC is:

What an individual provides CCTV video files recorded in front of his/her home to public officials is beyond the scope of Articles 17 and 18 of the said Act. So Y Gu officials may collect such information pursuant to Article 15(1) iii.*

* Article 15 (Collection and Use of Personal Information)

(1) The personal information controller may collect personal information in any of the following cases, and use it within the scope of the collection purposes:

3. Where it is unavoidable so that the public institution may carry out such work under its jurisdiction as prescribed by laws and regulations;

On the other hand, an individual who installs CCTV cameras in front of business place or a juristic person like a company is subject to Article 8 of the Protection of Public Interest Reporters Act (or the Whistleblower Protection

Act), Article 39 of the Wastes Control Act and Article 18(2) ii of the said Act.**
Therefore, Y Gu officials may be provided with such information with no restriction.

** Article 18 (Limitation to Out-of-Purpose Use and Provision of Personal Information)

(2) Notwithstanding paragraph (1), where any of the following subparagraphs applies, the personal information controller may use personal information for other purpose than the intended one, or provide it to a third party, unless it likely infringes upon unfairly the interest of data subjects or a third party; provided, however, that subparagraphs 5 through 9 are applicable only to the public institutions.

2. Where special provisions exist in laws.