

[Leakage of personal information via school life notification]

Rectification Human Rights Violation Committee 2 decision on Complaint

Case : 14Jinjeong0407500 decided January 28, 2015

Facts

In May 2014, a director of the School Parents Association requested a teacher in charge of school affairs to distribute the notice to convene an extraordinary general meeting of the School Parents Association five days later on May 21, 2014. As the school hours came to the end, the teacher had to report such request to the principal of the school. And he was ordered to do so. The said notice in an open envelope was distributed to each students who could read the content of the said notice.

Plaintiff filed a claim with this Commission on behalf of victims. Victim A was the chairperson of the School Operation Committee but the target of non-confidence motion of the directors of the School Parents Association dated May 1, 2014. Victim B, student of the school, is a son of Victim A, and was bullied and harassed by other students on account of humiliating non-confidence. At last, Victim B refused to go to school.

Upon receiving a short message in protest from Victim A on May 19, 2014, the principal made apologies immediately, and sent SMS messages of apology to Victims A and B.

Reasoning

As Article 10 of the Constitution guarantees the right to personality, and accordingly ensures the right to self-determination of various information related with the social reputation and personal character of a citizen.

Defendant's negligence in allowing the notice to convene an extraordinary general meeting of the School Parents Association to be distributed to students with its envelope unsealed is believed to contribute negatively to the social reputation and personal character of Victim B. It is because all the students are disabled and their parents know each other well since their children were in an elementary school. So such non-confidence motion against Victim A was fatally humiliating to Victim B.

In consequence, Defendant is deemed in violation of the rights to personality guaranteed by Article 10 of the Constitution. Also it should be taken into account that Defendant hastily permitted such distribution of notice at the request of the School Parents Association, and that Defendant has made sincere short message apologies to Victims A and B for his wrongful administrative process.

Conclusion

Taking into account the foregoing, the Rectification Human Rights Violation Committee 2 has concluded it is not proper to hold Defendant responsible

individually for the above-mentioned breach of privacy.

So the Committee has recommended Defendant to take measures to prevent similar cases from taking place again in the future.