

[Inquiry concerning the public agencies' provision of CCTV information on traffic accident to casualty insurers (No. 2015-15-28)]

A public institution requested an authoritative interpretation of the Act:

As the institution intends to make an MOU with casualty insurers that it shall regularly provide CCTV visual information on traffic accidents;

Whether such visual information on traffic accidents is regarded as personal information;

Whether provision of such visual information is within the scope of collection thereof;

Whether it is allowed to provide such visual information if the consent of data subjects has been duly obtained.

PIPC has concluded the said visual information is regarded as personal information because such information can be easily combined with other information contained by insurers to identify the data subjects.

Secondly, provision of such visual information is out of the scope of collection thereof because the public institution aims at facilitating traffic flows while insurers are to investigate the causes of traffic accidents and to pay insurance amount to the insured. Thirdly, it would be possible to provide such visual information with the consent of data subjects pursuant to Article 18(2) i.*

* 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.

1. Where additional consent is obtained from data subjects;

(4) Collection and use of CCTV videos

Since the Personal Information Protection Act came into force in September 2011, anyone who intends to install visual data processing devices like CCTV cameras at public places is required to operate them pursuant to Article 25 of the Act. Otherwise, at non-public places, the requirements stated in Article 15 (Collection and Use of Personal Information) should be satisfied.

Sometimes when new devices are introduced, interpretation of the relevant provisions is not clear, and disputes take place among interested parties, PIPC intervenes with an authoritative interpretation on a case by case basis taking into account any difference between the purposes of collection and utilization of personal information.