

**[Inquiry concerning military request of CCTV files of regional CCTV center and police (No. 2015-18-32)**

The question of a military camp of the Korean Army is

When the military camps in the region are on alert owing to Alert grade two and above, Hwarang Drill, Eulji Exercise, Eagle Exercise, and an individual exercise subject to Article 20 of the United Defense Act and the United Defense Guidance (Presidential Instruction No. 28) so as to prepare for the regional infiltration and partial provocation of the enemy, is it allowed for a liaison officer to look into the visual data at the CCTV center, and, if necessary, to make a copy of the video clips in which enemy soldier suspects or counter-army soldiers have been recorded for the purpose to facilitate military operations and drills?

The answer of PIPC is:

If and when the military drill is performed on a statutory ground - Alert grade two and above is pursuant to Article 11 of the United Defense Act, Hwaran Exercise pursuant to Article 20 of the same Act, Eulji Exercise pursuant to Article 14 of the Extraordinary Preparatory Resources Management Act, Eagle Exercise pursuant to Article the Korea-U.S. Mutual Defense Treaty, and an individual exercise subject to Article 20 of the United Defense Act and the United Defense Guidance (Presidential Instruction No. 28), such military drills and exercises are related national security, and statutory ground and purpose are concrete and explicitly narrative.

Then the military camps in the region may dispatch a liaison officer to the regional CCTV center and the situation room at the nearby police station in order to look into the visual data, and, if necessary, to make a copy of the relevant video clips.

### (3) Provision of CCTV files to other third parties

Since the visual data collected by public institutions via visual data processing devices contain useful and valuable information, some of the data were released to citizens. After the entry into force of the Personal Information Protection Act, it needs to be made clear whether such release of visual data is legal under the Act.

In this regard, taking Article 18(2) v of the Act\* into account, PIPC has provided its opinion case by case based on the criteria that the public institution is actually in charge of such release under the relevant laws and that the public institution can hardly carry out the work but for such release. However, it should be done subject the deliberation and resolution by PIPC.

\* 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.

5. Where it is impossible to carry out the work under its jurisdiction as stated in other laws unless personal information controller uses personal information for other purpose than the intended one, or provides it to a third party, and it is subject to the deliberation and resolution of the Commission;