

[Inquiry concerning municipality's provision of traffic and anti-crime CCTV files to police, fire station or military camp (No2015-10-17)]

The question of a municipality named Y City is:

- Whether the visual image obtained from such visual data processing devices at the CCTV center, installed for collection of traffic data and prevention of crime, could be provided online to the police station at any time or in case of emergency for the purpose of the investigation of traffic accident and monitoring traffic jam areas at rush hours;
- Whether the said visual data would be provided to the fire station at real time in case of emergency for the purpose to investigate the scene of the accident and to seek a short-cut access route for emergency vehicles;
- Whether the said visual data would be provided to the nearby military camp at real time during the joint defense drill for the purpose of the monitoring of defense drill exercise.
- In addition, whether a military officer could be allowed to look into the CCTV monitors to watch the drill maneuvering during the joint defense drill; and
- whether the officials of the police station, fire station and military camp may operate directly the visual data processing devices for intelligent traffic control system and crime prevention.

PIPC's answer is:

It is not allowed 24 hours a day to provide the visual data, collected by the

visual data processing devices installed for the intelligent traffic control system, which contain personal information, to the police station, fire station and military camp. But such visual data can be provided to the police station in case of traffic accident, to the fire station in case of fire or other emergency, or to the military camp during the joint defense drill, respectively.

The same applies to the visual data for the prevention of crime to be provided to the police station, fire station and military camp on a restricted condition.

However, it is not allowed that the police station, fire station or military camp operates the visual data processing devices directly at its precinct because it is up to the municipality as a personal information controller to collect and provide such personal visual information, and even the visual data operator is not free to operate the devices under the Personal Information Protection Act.

(2) Provision of CCTV files to military camps

On account of the national security as set forth in Article 58(1) ii* of the Personal Information Protection Act, it is a frequently asked question that the military camp could be provided with personal information including CCTV visual information contained by other public institution at real time, in particular during a drill period or war time.

* Article 58 (Partial Exclusion of Application) of the Act

(1) Chapters 3 through 7 shall not apply to the personal information stated in any of the following subparagraphs:

2. Personal information collected or requested to provide so as to analyze the

information related to national security;

In a broad sense, any military exercise is related with the national security. But as far as the privacy or personal information is concerned, it must be narrowly interpreted. Consequently, PIPC has decided that derogations as stated in Article 58 of the said Act should be based on statutory ground.