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Freedom on the Net 2015 - South Korea

Status:

Partly Free



Total Score:

34

(0 = Best, 100 = Worst)

Obstacles to Access:

3

(0 = Best, 25 = Worst)

Limits on Content:

14

(0 = Best, 35 = Worst)

Violations of User Rights:

17

(0 = Best, 40 = Worst)

Quick Facts

Population:	50.4 million
Internet Penetration:	84 percent
Social Media/ICT Apps Blocked:	No
Political/Social Content Blocked:	Yes
Bloggers/ICT Users Arrested:	Yes
Press Freedom Status:	Partly Free
Key Developments:	

June 2014 - May 2015

- The Public Prosecutors' Office set up a special investigation unit for enhanced monitoring of "online slanders and rumors" in September 2014, after the official response to an April 2014 ferry accident provoked widespread criticism (see Prosecutions and Detentions for Online Activities).
- Hundreds of thousands of smartphone messenger users switched from the most popular domestic provider to an encrypted, foreign alternative due to fears of surveillance (see Surveillance, Privacy, and Anonymity).
- In February 2015, the Seoul High Court jailed a former intelligence chief for three years for orchestrating an online smear campaign against the president's rivals prior to the December 2012 election (see Media, Diversity, and Content Manipulation).
- Cyberattacks allegedly originating from North Korea targeted nuclear power plants in December 2014 (see Technical Attacks).

Introduction:

Advanced digital infrastructure in South Korea's vibrant democracy comes with a unique set of restrictions.^[1] Internet users face censorship rooted in political tensions with North Korea or traditional social values, and numerous laws restrict different aspects of digital activity. Observers point out that such restrictions have increased since the conservative party returned to power in 2008.^[2] Criminal investigations targeting online users are of particular concern. In 2013, the United Nations special rapporteur on the situation of human rights defenders called on South Korea to bring laws and practices affecting the right to freedom of expression in line with international standards.^[3]

During the coverage period, while Park Geun-hye of the conservative Saenuri Party was heading toward the halfway point in her five year presidential term, courts were still considering the case of online content manipulation by intelligence and military agents, which was allegedly conducting to aid Park's victory in the 2012 election.^[4] Furthermore, the sinking of Ferry Sewol in April 2014, resulting in hundreds of deaths, provoked widespread criticism of the Park administration's response to the disaster. In order to contain the criticism, public prosecutors sought heavy penalties for online defamation, which South Korean law punishes more severely than similar offenses offline.

Online privacy has been another prevailing issue for South Koreans. Despite a landmark ruling by the Constitutional Court in 2012 that stopped websites from registering users' national ID numbers and allowed for more anonymous interactions, cyberattacks and online theft have exposed millions of South Korean's personal details in the past five years. Courts have refused citizens permission to obtain new, uncompromised ID numbers. Moreover, domestic service providers legally provide the authorities with user data even without a warrant, introducing scope for abuse. In 2013, police accessed private social network accounts and real-time location information while investigating a railway union protest.^[5] In September 2014, a significant number of users left the country's most popular mobile messenger, Kakaotalk, which was alleged to be cooperating in a post-Sewol crackdown on criticisms of the government.

Obstacles to Access:

South Korea boasts one of the world's highest broadband and smartphone penetration rates. The internet service sector is relatively diverse and open to competition, while the mobile market could be subject to more state influence. Broadcasting and telecommunications activities are regulated by the Korea Communications Commission (KCC) and the content and ethical standards of such activities are monitored by the Korea Communications Standards Commission (KCSC). Both commissions are chaired by presidential appointees.

Availability and Ease of Access

South Korea is one of the most wired countries in the world, for both usage and connection speed.^[6] Internet penetration was at 84 percent in 2014.^[7] Counting access via mobile phone, television, and game consoles, an estimated 97 percent of households had access by 2012.^[8]

Several factors have contributed to the country's high degree of connectivity. First, high-speed access is relatively affordable. Most residences have connections capable of reaching 100 Mbps for under KRW 30,000 (US\$27) per month.^[9] Second, the population is densely concentrated in urban areas. Roughly 70 percent of South Koreans live in cities dominated by high-rise apartment buildings that can easily be connected to fiber-

optic cables.^[10] Finally, the government has implemented a series of programs to expand internet access since the 1990s, including subsidies for low-income groups.^[11]

Mobile phone penetration was at 116 percent in 2014—a sign that many users now have more than one device.^[12] Moreover, the smartphone ownership rate rose to 84 percent as of December 2014, surpassing that of computers at 78 percent according to data released by the Ministry of Science, ICT and Future Planning (MSIP).^[13] Wi-Fi coverage has increased rapidly to accommodate smartphones and tablet computers. Free Wi-Fi is offered in over 2,000 public spaces across the country, including train stations, airports, libraries, health centers, and community centers.^[14] The MSIP has also announced its plan to further the coverage to 12,000 public hotspots by 2017.^[15]

Omnipresent and affordable cybercafes have helped prevent a digital divide in South Korea. Known as “*PC bang*” (“computer rooms”), many offer broadband access for approximately US\$1 per hour, and also serve as venues for social interaction and online gaming. There is no significant gap in access to ICTs with respect to gender or income level, although differences persist across generational and professional lines.^[16]

Restrictions on Connectivity

The country’s internet backbone market is oligarchic, with Korea Telecom (KT) as the biggest provider. KT was founded in December 1981 and state-owned until privatization in 2002. The network infrastructure is connected to the international internet predominantly from the southern cities of Busan and Keoje, through international submarine cables, to Japan and China. For national security reasons, police and the National Intelligence Service have oversight on the access points, but the government is not known to implement restrictions on internet or mobile access for political reasons.^[17]

ICT Market

The telecommunications sector in South Korea is relatively diverse and open to competition, with 109 internet service providers (ISPs) operating as of March 2015.^[18] Nevertheless, it is dominated by three companies: Korea Telecom (42 percent), SK Telecom (25 percent), and LG Telecom (16 percent). The same firms also control the country’s mobile service market, with 27 percent, 46 percent, and 19 percent, respectively.^[19] All three companies are publicly traded, but they are part of the country’s *chaebol*—large, family-controlled conglomerates connected to the political elite, often by marriage ties.^[20] This has given rise to speculation that favoritism was at play in the privatization process and in the selection of bidders for mobile phone licenses.^[21] Korea Mobile Internet (KMI), a consortium of mobile virtual network operators who rent capacity from the main players, made a sixth attempt to enter the market in May 2014. In July, the MSIP rejected their bid for a license for failing to meet financial requirements, which a KMI spokesman described as “excessively strict.”^[22]

Under the stated aim of easing the information asymmetry caused by the effective oligopoly of the mobile phone market, an act came into effect in October 2014 limiting service carriers’ subsidies for consumers. However, it ended up hiking up the prices of mobile handsets and subscriptions, leading to a public furor, and is currently under reconsideration.^[23]

Regulatory Bodies

The conservative Lee Myung-bak government, which was in power from February 2008 to February 2013, restructured the regulatory institutions overseeing the ICT sector. The Ministry of Information and Communication and the Korean Broadcasting Commission merged to create the Korea Communications Commission (KCC) in February 2008, tasked with overseeing both telecommunications and broadcasting to improve policy coherence between the two sectors.^[24] The KCC consists of five commissioners, with the president appointing two (including the chairman) and the National Assembly choosing the remainder. The KCC struggled to earn credibility, as its first chairman, Choi See-joong, was a close associate of President Lee, causing some observers to view the restructuring as a government effort to tighten control over the media and ICT sectors.^[25] Lee reappointed Choi as chairman in 2011, despite the objections of opposition lawmakers, who said that Choi’s personnel choices politicized the agency and that his licensing decisions favored conservative-leaning media outlets. Choi resigned in 2012, and was later sentenced to two and a half years in prison and a fine of KRW 600 million (US\$545,000) for influence peddling.^[26] Lee pardoned him at the end of his term in January 2013.^[27]

In 2013, President Park Geun-hye missed an opportunity to distance herself from this history of cronyism, naming her close aide and four-term lawmaker Lee Kyeong-jae to head the KCC.^[28] She also transferred the KCC’s policy and strategy-related responsibilities to the new Ministry of Science, ICT and Future Planning. The KCC retains its regulatory remit and is currently led by a former judge, Choi Seong-joon.

The content of broadcasting and internet communications is qualitatively monitored by the Korea Communications Standards Commission (KCSC). Established in 2008, the KCSC is nominally an independent

organization, but its nine members are appointed by the president and the National Assembly.^[29] The current chair of the commission is Park Hyo-jong, a key figure of the country's neoconservative movement.

Limits on Content:

Although South Korean cyberspace is vibrant and creative, there are a number of restrictions on the free circulation of information and opinions. Technical filtering and administrative deletion of content is particularly evident. Content that "praises or benefits" communist North Korea or that undermines the traditional social values of the country is blocked or deleted based on the recommendations of the Korea Communications Standards Commission. Systematic manipulation of online discussions is also being investigated. Won Sei-hoon, the former chief of the National Intelligence Service, was sentenced to three years in jail in February 2015 for directing an online smear campaign against the rivals of the current president in the December 2012 election. The top court, however, granted Won a retrial in July 2015.^[30]

Blocking and Filtering

Censorship is predominantly carried out on the orders of the Korea Communications Standards Commission (KCSC). In 2008, its first year of operation, 4,731 websites or pages were blocked, and 6,442 deleted.^[31] Its activities have increased since then. A total of 97,095 websites or pages were blocked and 24,581 deleted in 2014.^[32]

A team of 20 to 30 monitoring officers flag possible offenses, including obscenity, defamation, and threats to national security. Commissioners meet every two weeks to deliberate over flagged cases, and then issue censorship orders to content hosts or service providers.^[33] Noncompliant service providers face up to two years' imprisonment, or a fine of up to KRW 10 million (US\$9,000), under the Comprehensive Measures on Internet Information Protection issued by the KCC in 2008.^[34] Observers criticize the KCSC's vaguely defined standards and wide discretionary power to determine what information should be censored, allowing the small number of commissioners to make politically, socially, and culturally biased judgments, often lacking legal grounds.^[35] Moreover, in many cases, the commission blocks entire sites even though only a small portion of posts are considered to be problematic. In March 2015, for example, the commission blocked the entire platform of an adult cartoon service, saying that part of its content was obscene. However, the service provider argued that the content was provided through an age-authentication system in compliance with the law. Faced with a public furor, the commission withdrew the shutdown order after only two days.^[36]

Censored content is classified by categories including gambling, illegitimate food and medicine, obscenity, violating others' rights, and violating other laws and regulations. The last category includes websites containing North Korean propaganda or promoting reunification, based on Article 7 of the 1948 National Security Act, which bans content that "praises, promotes, and glorifies North Korea."^[37] The police and other authorities can refer matters to the commission, and individuals can also submit petitions. Police referred 1,281 items to the KCSC between January 2013 and August 2014 for jeopardizing national security.^[38]

Content Removal

Police approached users and service providers directly and requested them to delete 22,928 items on national security grounds between January 2013 and August 2014, according to official figures.^[39]

In 2011, the KCSC expanded their remit to social media, mobile applications, and podcasts, creating a team to systematically monitor platforms such as Twitter and Facebook for illegal content.^[40] Since selectively deleting posts from Twitter and Facebook is more difficult than from websites and blogs, the KCSC first warns users to voluntarily delete posts containing false or harmful information. If they refuse, the commission then asks ISPs to block other users from accessing the disputed accounts. Social media cases amount to roughly five percent of the total considered by the KCSC, according to a former commissioner.^[41]

Until recently, a major cause for concern was that authors of blocked or deleted content were never notified of the KCSC's decision, nor given an opportunity to defend their right to publish.^[42] Affected users are allowed to challenge the commission's ruling in principle, but with no independent avenue for appeal available, only 0.07 percent have actually done so.^[43] In a welcome development, a legal amendment passed on December 29, 2014, to mandate notifying owners of censored content before and after deletion. The effect of the addition, Article 25(2) to the Act of the Establishment and Operation of the Korea Communications Commission, is yet to be seen.

Under Article 44(2) of the Information and Communications Network Act, citizens who discover content they believe has violated their privacy or harmed their reputation can ask the intermediary company hosting the content to restrict it from view. On receiving a request, the company must hide the content in question away for

the following 30 days. [\[44\]](#) The content is then permanently deleted if its owner does not revise it or appeal within those 30 days. The clause was under review during the coverage period. [\[45\]](#)

Under Article 44(3) of the same act, intermediaries are encouraged to monitor and carry out proactive 30-day takedowns of irregular content, even without a complaint. [\[46\]](#) Companies who can demonstrate proactive efforts to regulate content would be favorably considered by the courts, while those who do not are potentially liable for defamatory or malicious content posted by third parties. [\[47\]](#)

A copyright law that restricts file sharing was passed in 2009. Often referred to as the “three strikes rule,” it allows the Minister of Culture, Sports and Tourism, acting through the Korea Copyright Commission, to shut down an entire forum for failure to comply with a third warning to take down pirated content. Internet companies and civil liberties advocates say the law threatens fair use and free expression. [\[48\]](#) In 2013, a controversy arose when the commission and the KCSC blocked U.S.-based music-streaming site Grooveshark, among other overseas torrent sites. [\[49\]](#) Online freedom activists and some users of the site submitted an administrative litigation against the order in February 2014. [\[50\]](#)

Media, Diversity, and Content Manipulation

In December 2012, opposition lawmakers accused a National Intelligence Service (NIS) agent of manipulating 40 different online accounts to discredit opponents of then-presidential candidate Park Geun-hye. Police initially cleared the agent. [\[51\]](#) but in 2013, prosecutors indicted former NIS director Won Sei-hoon on charge of authorizing agents to post thousands of online comments and 1.2 million tweets characterizing members of the political opposition as sympathizers of North Korea. [\[52\]](#) Park Geun-hye denies ordering or benefiting from digital manipulation. [\[53\]](#) Won and his successor, Nam Jae-joon, admitted having refuted North Korean propaganda in online forums but deny political motives. [\[54\]](#) In September 2014, Won was given a suspended sentence under a law that bars intelligence officials from political activity, but acquitted of trying to sway the election. [\[55\]](#) In December 2013, the Defense Ministry’s cyber command unit, launched in 2010 to “combat psychological warfare in cyberspace,” announced that some officials had posted inappropriate political content online during the same period, but without the knowledge of the unit heads; like Won Sei-hoon, they denied the more serious charge of election meddling. [\[56\]](#)

As of March 2015, while President Park was heading toward the halfway point in her single five year presidential term, the case was still far from a conclusion. Former chief of Seoul police, Kim Yong-pan, was cleared by the Supreme Court in January 2015 of charges of obstructing an investigation into the scandal. [\[57\]](#) Despite the lower court’s ruling, Won was sentenced in February 2015 to three years in jail for smearing political candidates, [\[58\]](#) but the Supreme Court ordered a retrial in July 2015. [\[59\]](#) A sitting judge who had denounced Won’s earlier acquittal on an intranet was suspended for two months in December 2014. [\[60\]](#)

Attempts to manipulate content were evident again in April 2014 following a ferry disaster that cast the government in a poor light. An investigation subsequently revealed the vessel was operating illegally after being decommissioned, and that over 300 passengers—mostly high school students—died during an incompetent rescue operation. A newspaper reported the KCC had circulated an internal directive instructing ministries, broadcasting companies, ISPs, and the police to steer online discussions away from the topic. [\[61\]](#) Out of 507 online items assessed by the KCSC in the two days following the directive, 72 were deleted, 25 were blocked, and 10 were referred to the police, according to news reports. The Ministry of Oceans and Fisheries separately issued a similar directive.

In May 2014, conservative legislator Han Sun-kyo proposed amending the Information and Communications Network Act to criminalize rumormongering on social networking sites “in times of disaster,” punishable by up to five years in prison or up to KRW 50 million (US\$45,500) in fines. [\[62\]](#) The proposed clause evolved from 47(1) of the 1983 Telecommunications Business Act, which was ruled unconstitutional in 2009.

Commissioner Park Kyung Sin resigned from the KCSC in protest at the government’s handling of information related to the incident in May 2014, saying that journalists echoing official briefings led news outlets to incorrectly report that all passengers had been rescued. In an open letter published on his blog, he said that KCSC censorship discourages government criticism, limiting the public’s ability to ensure oversight and accountability.

Digital Activism

South Korea’s overall media environment is partly restricted. [\[63\]](#) In 2012, journalists launched a series of strikes against government interference and censorship for the first time since the country’s transition to democratic rule in 1987. [\[64\]](#) A variety of alternative and activist media outlets developed online, including *Newstapa*, a user-funded investigative journalism platform. Since its January 2012 launch, it has accumulated about 35,000 regular donors, and became a leading source of information on the electoral manipulation scandal in 2013. [\[65\]](#) The platform’s YouTube channel had been viewed more than 10 million times by early 2014. [\[66\]](#) However, the

KCC called the work of *Newstapa* and a handful of other independent news websites “pseudo journalism” in 2013, warning their owners not to report on issues outside their remit.^[67]

South Koreans have embraced online technology for civic engagement and political mobilization. When the Mayor of Busan opposed the screening of a documentary on the Sewol ferry tragedy at the southeastern city’s international film festival, and threatened to defund the festival, support was mobilized online and the documentary became the most downloaded film on popular web portals in February 2015.^[68]

Violations of User Rights:

South Koreans faced increasing challenges safeguarding their privacy online. The Public Prosecutors’ Office enhanced monitoring of “online slanders and rumors” in September 2014, addressing the president’s concern over the fast-spreading criticism of her administration after the Sewol ferry accident. A Japanese journalist who questioned the whereabouts of President Park during the accident was indicted for defamation in October 2014 and barred from leaving South Korea. Apprehensive about the crackdown, numerous Korean users left domestic services and fled to foreign alternatives including Telegram, a messenger service developed in Germany which offers some encryption. Besides government surveillance, citizens were exposed to cybersecurity threats as hackers targeted major infrastructure and personal data.

Legal Environment

The South Korean constitution guarantees freedom of speech, the press, assembly, and association to all citizens, but it also enables restrictions, stating that “neither speech nor the press may violate the honor or rights of other persons nor undermine public morale or social ethics.” South Korea has an independent judiciary and a national human rights commission that have made decisions upholding freedom of expression. Nonetheless, the continued prosecution of individuals for online activities has generated a chilling effect and international criticism.^[69]

Several laws restrict freedom of expression in traditional media as well as online. The 1948 National Security Act allows prison sentences of up to seven years for praising or expressing sympathy with the North Korean regime. In 2010, the Ministry of Unification issued a notice reminding citizens that the 1990 Act on Exchanges and Collaboration between South and North Korea applies to online communications as well as offline,^[70] and that any visit to websites or pages maintained by people of North Korea must be reported to the government in advance.^[71] Anyone failing to do so faces a fine of up to KRW 1 million (US\$900).

Defamation, including written libel and spoken slander, is a criminal offense in South Korea, punishable by up to five years’ imprisonment or a fine of up to KRW 10 million (US\$9,000), regardless of the truth of the contested statement. Insults charges, which unlike defamation offenses must be instigated directly by a complainant, are punishable by a maximum KRW 2 million (US\$1,800) fine or a prison sentence of up to one year. Defamation committed via ICTs draws even heavier penalties—seven years in prison or fines of up to KRW 50 million (US\$45,500)—under the 2005 Information and Communications Network Act, which cites the faster speed and wider audience of online communication as a basis for the harsher sentencing.^[72]

Prosecutions and Detentions for Online Activities

Prosecutions against individuals expressing North Korean sympathies have increased under conservative rule. In the first year of the Park Geun-hye administration, national security arrests increased 19 percent and detentions 37.5 percent.^[73] Between 2012 and 2014, 104 people were convicted for violation of the National Security Act in cyberspace, although a legislator of the ruling conservative party argued in April 2015 that the number should have been even larger considering an increase in the number of offenses being committed online.^[74]

Numerous online defamation cases have involved President Park Geun-hye. The month Park took office in 2013, a court in Incheon fined a citizen KRW 800,000 (US\$720) for making libelous statements against her in the comments section of a news website six times during 2012.^[75] Another citizen, Huh, in Uijeongbu in Gyeonggi province, was given a one-year suspended jail sentence in the same year for 114 defamatory posts against Park on the conservative daily *Chosun Ilbo*’s website, including one calling her a “dictator’s daughter.”^[76] In a separate 2013 case, Pastor Cho Woong was sentenced to 18 months in prison for online videos alleging that Park had made a secret deal with Kim Jong-il, the late ruler of North Korea.^[77]

The Sewol ferry disaster prompted a series of legal actions. On September 16, 2014, President Park told a cabinet meeting that “profanity towards the president had gone too far” and that “insulting the president is equal to insulting the nation.”^[78] Two days after this remark, the public prosecutors’ office set up a special investigation unit for an enhanced monitoring of “online slanders and rumors.” In March 2015, the Supreme Court sentenced a 31-year-old citizen, Kim, to one year in prison for posting a fake screenshot of a messenger

conversation suggesting that the Sewol rescue operation had been deliberately held back, although he deleted it within 10 minutes.^[79] In May 2015, a man in his 50s named Wu, who had repeatedly posted a conspiracy theory about the ferry disaster online between August and November 2014, was sentenced to 18 months in prison for defaming the coast guard.^[80] Separately, Japanese journalist Tatsuya Kato of the *Sankei Shimbun* newspaper was indicted for criminally defaming President Park in an August article that cited allegations about the president's response to the disaster, though the same content was first published in a domestic daily, *Chosun Ilbo*, and spread across online media. The journalist was barred from leaving South Korea for eight months until April 2015 and faces up to seven years in prison.^[81]

In a non-political context, a plastic surgery patient who posted 46 complaints of malpractice online between April and June 2014 was fined 3 million KRW (US\$2,700) in May 2015 for "cyber defamation," which free expression advocates say is not an appropriate charge.^[82]

Surveillance, Privacy, and Anonymity

Within South Korea, anonymous communication typical of the internet was long compromised by the so-called "internet real-name system" first adopted in 2004 as part of an amendment to the Public Official Election Act.^[83] Users were required to verify their identities by submitting their Resident Registration Numbers (RRNs) to join and contribute to web portals and other major sites. An RRN is a 13-digit number uniquely assigned to a Korean citizen at birth. In 2007, the real-name system was expanded to apply to any website with more than 100,000 visitors per day under Article 44(5) of the Information and Communications Network Act.

In 2012, the Constitutional Court ruled Article 44(5) unconstitutional, citing privacy vulnerabilities from cyberattacks among other factors.^[84] In 2011, a cyberattack allegedly originating from China targeted the popular portal Nate and its social networking service Cyworld. Hackers reportedly stole the personal details of 35 million users, equivalent to 70 percent of the population, including names, passwords, RRNs, mobile phone numbers, and email addresses. The portal's parent company, SK Communications, said RRNs and passwords were encrypted,^[85] but the incident renewed public concern about internet users' right to privacy.^[86] Around 2,900 users together filed a damage suit, but the Seoul High Court ruled in favor of the company.^[87] Fifteen citizens also filed a lawsuit to be able to change their RRNs, but the Seoul Administrative Court and the Seoul High Court ruled against them. In mid-2015, the case was being heard in the Constitutional Court. In December 2014, it was reported that the Ministry of Government Administration and Home Affairs planned to consider citizens' applications for new RRNs case-by-case in the near future.^[88]

The Personal Information Protection Act was amended in 2013 to reflect the Constitutional Court's 2012 ruling. Website administrators are now prohibited from collecting users' RRNs, and must destroy those already on record. Effective from August 2014, failure to protect an individual's RRN is punishable by fines of up to KRW 500 million (US\$455,000).^[89] Mobile service providers still require users to provide their RRNs.

Other laws, such as the Public Official Election Act, the Children and Youth Protection Act, the Game Industry Promotion Act, and the Telecommunications Business Act, separately require internet users to verify their identities.^[90] To ensure compliance with these laws, the KCC is exploring identity verification methods alternative to the use of RRNs, such as Internet Personal Identification Numbers (i-PINs, overseen by the Ministry of Government Administration and Home Affairs), authenticated certificates (issued by banks and other organizations permitted to collect RRNs by Article 23 of the Network Act), and SMS verification. However, large-scale hacking attacks into the i-PIN system in February 2015, generating 750,000 counterfeit numbers, called for rethinking of the security framework at a more fundamental level.^[91]

While court-issued warrants are required to access the content of private communications, service providers may "choose" to surrender individuals' metadata without a warrant to investigative agencies,^[92] including police, prosecutors, and the National Intelligence Service, under Article 83(3) of the Telecommunications Business Act. However, at least one court ruling has encouraged companies to seek out more judicial oversight before complying with warrantless requests. In 2012, in a KRW 20 million (US\$18,000) suit by a user against a major web portal service who provided personal information to police, the Seoul High Court overturned an earlier ruling and actually penalized the company for failing to demand a warrant to support the police request. The company was ordered to pay KRW 500,000 (US\$460) in compensation.^[93]

The ruling does not appear to have strengthened privacy safeguards. According to the latest official press release in May 2015, service providers fulfilled 508,511 such requests in the second half of 2014, a six percent increase over the number they executed during the same period in 2013.^[94] The number of requests to access the records or content of private communications has been decreased, from 132,070 to 127,153 and from 337 to 192 respectively.

User rights advocates say these numbers are misleading, since one request can affect many individuals over a long period of time.^[95] Service providers are also criticized for not fulfilling their legal duty of informing affected individuals. In most cases they refuse to respond when users inquire whether their data has been requested by the authorities.^[96] During a union protest against the government's rail privatization plans in 2013, leading

members of the Korean Railway Workers' Union were sought by the police for "obstruction of business" under Section 314 of South Korea's penal code. In the course of the search, police obtained individuals' personal details from accounts linked to the union's virtual community space on Band, a group chat platform operated by the domestic web giant Naver. The company confirmed police had accessed the platform, but "did not inform us about the range of the search, so the bigger problem is that we do not know how much of our personal information was exposed," a union representative told the media.^[97]

The April 2014 ferry disaster also prompted accusations of privacy violations and government surveillance. When 43 teachers wrote on the presidential office's website that Park Geun-hye should step down for the poor handling of the disaster, the Ministry of Education ordered education offices around the country to identify and discipline those involved, prompting further protests.^[98]

The most telling development was a closed-door meeting that public prosecutors held with major service providers in September 2014 to discuss how to curb rumormongering, including Kakaotalk, the country's most popular mobile messaging application, according to news reports.^[99] The company dismissed public concern about its cooperation with law enforcement agencies, saying its compliance was prescribed by law.

Public trust in the company, however, was undermined in October 2014 during a press conference by Jung Jinwoo, a vice representative of the Labor Party charged with "causing public unrest" during a post-Sewol protest. Jung said prosecutors had accessed two months' worth of his private Kakaotalk conversations, along with the personal details of his 3,000 contacts, as part of the investigation.^[100] Public prosecutors responded by asking the court to cancel Jung's bail.^[101] Yong Hye-in, a university student who initiated a silence protest to show support and solidarity for Sewol victims and their families, also turned out to be another subject of Kakaotalk surveillance.^[102]

In the wake of these revelations, some 400,000 users left the service for foreign alternatives perceived to be beyond the influence of the South Korean government, such as Telegram, a Germany-based messaging service which advertises encrypted connections.^[103] In order to regain user trust, Kakaotalk held an urgent press conference on October 13, 2014, where its CEO vowed to reject future data requests from the authorities, even those with warrants.^[104] The following month, it was reported that seven warrants were pending due to the company's noncompliance.

Intimidation and Violence

There have been no reports of physical violence against online users.

Technical Attacks

A notable increase in technical disruptions in recent years has highlighted vulnerabilities in the country's ICT infrastructure, a trend which continued during the coverage period. Reported violations of electronic data tripled between 2010 and 2013, from 54,832 incidents to 177,736, according to official figures.^[105] Local and U.S.-based researchers alleged that North Korean authorities were behind the 2013 attacks on major banks, among other targets.^[106]

In December 2014, the country's monopoly nuclear power company was subject to cyberattacks apparently aimed at stealing internal data, including plant blueprints and employees' personal information.^[107] The energy ministry and the company jointly stated that the damage was non-critical. The hackers, who claimed they could disable the control system of the plants, were initially believed to be antinuclear environmental activists, but a special investigation team concluded in March 2015 that North Korea was once again the source. Three workers died of toxic gas inhalation at a construction site for a plant three days after the attacks, but there was no connection between the two incidents, a spokesperson said.^[108]

Notes:

^[1] Eric Pfanner, "Google jousts with wired South Korea over quirky internet rules," *The New York Times*, October 13, 2013, <http://nyti.ms/1e26xDE>;

"Why South Korea is really an internet dinosaur," *The Economist*, February 10, 2014, <http://econ.st/1epilo6>.

^[2] Frank La Rue, "Full text of press statement delivered by UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, after the conclusion of his visit to the Republic of Korea," Office of the United Nations High Commissioner for Human Rights, May 17, 2010,

<http://bit.ly/9JplWa>; Reporters Without Borders, *Internet Enemies Report 2012*, March 12, 2012, <http://bit.ly/1f6efZP>.

[3] Office of the United Nations High Commissioner for Human Rights, ““South Korea should widen the space for human rights defenders,” UN expert says,” June 7, 2013, <http://bit.ly/1hsHZWz>; Amnesty International, “Republic of Korea,” *Amnesty International Report 2014/15*, <http://bit.ly/1DkolB4>.

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