

# IMPACT LITIGATION 4 PRIVACY

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1<sup>st</sup> LAWASIA Human Rights Conference Session 2

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# Digital Rights = Human Rights (in the Digital Age)

- Freedom of Expression
  - Content moderation / Fake news
- Intellectual Property
  - Fair use / Copyleft / CC
  - Open Source movement
- **Privacy**
  - Mass-surveillance
  - Data protection
- Access to Information
  - Open Data - Open Government
- Net Neutrality
  - Zero-rating - Facebook Free Basics in India
- Intermediary Liability / Sharing Economy / Ethical AI / Access to the Internet...



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Free Speech - Intellectual Property - Privacy - Net Neutrality - Open Government - Innovation -



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# Four Lawsuits on Privacy

1. Mandatory Mobile Phone Registration
2. Warrantless Access to User Information
3. Monitoring of Minors' Smartphones
4. Access to My Information

# 1. Mandatory Mobile Phone Registration

- Commonly called SIM-card registration
- Article 32-4 of the Telecommunications Business Act
  - Mandatory ID check for mobile phone subscription
- Filed a Constitutional Complaint against the provision in 2017.
  - Violation of the right to anonymous communication, privacy, and right to personal information

## 2. Warrantless Access to User Information

- Article 83(3) of the Telecommunications Business Act
  - Telecommunications business operators “may comply” with the request of user information from the judicial and investigative authorities.
- Filed a lawsuit for civil damages against the state (investigative authorities) for 22 citizens in 2016.
  - Lost at the trial court in December 2018, appealed in January.

# 3. Monitoring of Minors' Smartphones

- Article 32-7 of the Telecommunications Business Act
  - Telecoms must install monitoring apps on minors' smartphones.
- Filed a Constitutional Complaint against the provision in 2016.
  - Violation of minors' privacy and right to access information, right to personal information, and parenting rights

## 4. Access to My Information

- Article 30(2) of the Information and Communications Network Act
  - Users have the right to access personal information held by telecommunications service providers.
- Filed a lawsuit against my telco KT for full disclosure of my personal information.
  - Won at the trial court in December 2018, KT appealed in the same month.

# THANK YOU!

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