**Response to the Questionnaire of the Advisory Committee of the Human Rights Council**

**on New and Emerging Digital Technologies and Human Rights**

The Republic of Korea, as of 15 October 2019

1. **What measures, if any, (legislative, administrative, institutional, or other) have been put in place in your country to deal with human rights risks arising from new and emerging digital technologies? Are these measures still in the process of being implemented? If not, why are they no longer in progress?**

- In order to deal with human rights risks arising from new digital technologies, the Korea Communications Commission, together with the academic and technical communities and business sectors, has been drafting the *Principles for User-Centered Intelligent Information Society* (TBD), which outlines basic principles voluntarily acceptable for both suppliers and users of services utilizing new and emerging digital technologies, such as people-centered attitude, transparency, feasibility, responsibility, safety, anti-discrimination, participation, privacy, and data governance. Furthermore, the Commission plans to organize the *Public-Private Council for Protection of Users in the Intelligent Information Society* (TBD) with a view to establishing autonomous governance based on public-private partnership. This Council is expected to serve as a venue to discuss issues on new technologies and protection of users and to seek measures to protect human rights without hindering the innovation of new technologies.

- Law enforcement agencies of the Republic of Korea have put in place measures for the protection of human rights. Among others, the Supreme Prosecutors’ Office amended the *Regulation on Collection, Analysis and Management of Digital Evidence* (Established Rule No. 991 of the Supreme Prosecutors’ Office) which rules the procedures of search, seizure and validation of digital evidence on 14 May 2019 in response to concerns over possible human rights violations by investigators in the process of search and seizure of digital evidence. The Regulation was amended to expand and guarantee participation of those subject to seizure, prescribing not only the observation procedure of those subject to seizure and others during search and seizure, but also concrete alternative measures to be taken when they cannot participate in the process. Furthermore, the amended rule enforces the human rights of those subject to seizure and others by ensuring that they are allowed to participate in the process when digital evidence is seized for imaging or an analysis on it is requested at a location other than the place of seizure.

1. **How are new and emerging digital technologies affecting the protection and promotion of human rights in your country? What unique challenges or advantages does your country have in responding to the issue? What are the lessons or best practices that can be shared?**

- The Republic of Korea possesses world-class technologies and infrastructures in the field of Information and Communication Technologies. In such an excellent information and communications environment, active and participative digital citizens are nurtured, and they dynamically take part in the social arena. Such citizenship spirit can facilitate a rise of online public opinion and expose unreasonable cases or violation of regulations, leading to self-purification. However, challenges such as violation of personal rights - rights to be forgotten, personal information leakage, violation of privacy - have been arising and are expected to happen more in the future.

- The development of new digital technologies such as AI and big data gives users more opportunities to become proactive producers of value and principal agents of data economy. At the same time, the AI algorithm may give rise to new forms of issues concerning human rights and protection of users, such as bias, discrimination, obscure responsibility, and violation of privacy. For example, digital discrimination could be worsened since those who can easily access and utilize new technologies and services are benefited much more than those who are excluded from the digital environment. Meanwhile, a gap between the development of technologies and the enactment of regulations is inevitable. Since social consensus and consultations should precede the enactment of regulations, the Korea Communications Commission relies on voluntary restraints rather than taking legislative and administrative measures as of now.

- New digital technologies affect the development of new forms of criminal activity and the government of the Republic of Korea has been taking measures to respond to emerging crimes by utilizing digital technologies. For example, as digital sex crimes including the dissemination of illegally filmed photos or videos have recently come to the fore as a serious social problem, the Supreme Prosecutors’ Office is currently establishing a system that can quickly cut off the circulation and assist the elimination of such illegal materials by leveraging new technologies including extraction of the digital DNA from the video, so as to protect the victims from secondary damage (development in progress to be completed by December 2019). Furthermore, taking advantage of new technologies such as DNA analysis and digital forensics, the Prosecutors’ Office effectively identifies the facts of violent criminal cases. In the case of unnatural death which was all but concluded as a “death from internal injuries caused by alcoholism,“ a digital forensic technique was used to identify the fact of the case of manslaughter grounded on the synchronizing function between the surveillance footage taken at the scene thereof and the cell phone of the suspect. Also, recently, injury by rape was identified by specifying the DNA of the criminal found on the underwear of the sexual assault victim using “LED forensic light source” and “Y-STR genotyping“.

1. **In your country, which government agency has an initiative in the decision-making of new and emerging digital technologies policies? Does your country have a special agency that exclusively deals with the issues of new and emerging digital technologies (for example: The Disruption Council in Denmark, The Presidential 4th Industiral Revolution Committee in Korea)? If so, how much does the agency take the human rights issues into account in its agenda?**

- In the Republic of Korea, the Presidential Committee on the 4th Industrial Revolution, established on 22 August 2017, has the initiative in deliberating upon and coordinating important policy matters pertaining to the development and acquisition of new science and technology, including AI and data technology, as well as new industries and services necessary for Korean society’s adaptation to the 4th industrial Revolution. The Committee also prepares the groundwork for regulatory and institutional reforms in support of public-private partnerships. /end/