

Korea's Personal Information Protection Act ("PIPA") FAQs

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1. What Is the PIPA?

The Personal Information Protection Act ("PIPA") is Korea's comprehensive data protection law. It comprises various obligations governing the collection, use, provision, and care of personal information in Korea. The PIPA is administered by the Personal Information Protection Commission ("PIPC"), which has also published associated Regulations.

Notable amendments to the PIPA were passed in March 2023 and most, but not all, of the amendment provisions came into force on September 15, 2023.

The PIPC has also published a variety of guidance documents. These guidelines interpret key terms in the PIPA and provide additional information regarding personal information controller's compliance obligations.

2. What Is the Territorial Scope of the PIPA?

The provisions of the PIPA apply to organizations processing personal information in Korea, regardless of whether they have a physical presence in Korea.

The PIPA applies extraterritorially when the foreigner's conduct offshore has a direct and substantial effect on Korea. Therefore, If businesses outside of Korea process personal information of domestic users, the PIPA would apply.

When there is a cross-border transfer of personal information from Korea, a personal information controller must confirm that personal information transferred overseas is afforded the same level of protection as that provided under the PIPA. Where personal information is collected overseas and transferred into Korea, the PIPA will apply to the data processing activities in Korea.

3. What Does It Mean to Process Personal Data?

Under the PIPA, "personal information" means any of the following information relating to a living individual: (a) information that identifies a particular individual by his or her full name, resident registration number, image, or other identifier; (b) information which, even if it by itself does not identify a particular individual, may be easily combined with other information to identify a particular individual; and (c) information under sub-item (a) or (b) that is pseudonymized and thereby does not enable identification of a specific individual on its own but can be used for identification when combined with additional information for restoration to the original state.

Please note that anonymized information that cannot be restored to its original state even in combination with other information is excluded from the definition of personal information and therefore not subject to the application of the PIPA.

PIPA defines "processing" broadly as "the collection, generation, linking, interlocking, recording, storage, retention, value-added processing, editing, searching, output, correction, recovery, use, provision,

disclosure or destruction of personal information, or any activity similar to the foregoing” of personal information. Additionally, transmitting, relaying, transitioning, accessing, viewing, revising, supplementing, sharing and preserving personal information may also constitute “processing.” However, “passing” personal information is not processing, such as, for example, when an ISP delivers personal information but does not read or confirm the context of the data delivered by the regulator as the delivery of information by an ISP.

4. What is an personal information controller or an trustee?

The term “personal information controller” in the PIPA is similar to the GDPR concept of a “data controller”. The PIPA defines personal information controller as any public agency, company, organization, entity, or individual that directly or indirectly processes personal information, in order to manage personal information file(s) for purposes of its work. The scope of personal information controller is broadly construed to include various entity types, including not only for-profit entities but also non-profit institutions, associations, public agencies and natural persons in either the public or private sector. An entity may be deemed a personal information controller even where the actual processing is carried out by other entities such as agents, “trustees” (described below), or delegated persons.

The term “trustee” under the PIPA refers to an entity that performs personal information processing work on behalf of a personal information controller for the purpose and interest of the personal information controller (akin to the GDPR’s definition of a “data processor”). To entrust processing of personal information, the personal information controller and the “trustee” must enter into a written data processing agreement that contains mandatory items and discloses the purposes of the entrusted work in its privacy policy. The personal information controller has a duty to monitor and supervise the work of personal information processors, and the personal information processor has a duty to process the personal information only within the scope of the entrusted work.

Autodesk acts as a “personal information controller” and is also entrusted to process personal information as a “trustee”. Where we process the personal information of our employees, we act as an personal information controller. Where we provide products and services to our customers and process personal information of individuals, we are entrusted as a “trustee” for customer content that we process, and we act as a personal information controller for other data.

5. What Right Do Individuals Have under the PIPA and How Will Autodesk Support these Rights?

The PIPA provides individuals with certain rights in relation to their personal information, such as the right to:

- Receive notice of certain information regarding the processing of their personal information, such as the purposes for the collection, and the use or disclosure of the personal information at the time of or before collecting the personal information;
- Request to access, correct or delete their personal information to the personal information controller; and
- Request that the personal information controller suspend processing of their personal information or withdraw their consent to the processing thereof.

To comply with the PIPA, Autodesk entities processing personal information are expected to facilitate the exercising of these rights.

In addition to the above, data subjects will have a portability right, though the effective date for this right has not yet been set. And beginning in March 2024, data subjects will have the right to object to AI decisions that have a significant impact on the data subject's rights or obligations.

6. Does the PIPA Require Personal Data to Stay in Korea?

The PIPA permits cross-border data transfers only when they are based on one of the following lawful bases:

- Data subject's consent;
- Applicable law, bilateral treaty or international convention that authorizes cross-border data transfer; or
- When cross-border data transfer and retention is necessary to execute or perform a contract to which the data subject is a party.

To rely on the data subject's consent as a lawful basis for cross-border transfers, the personal information controller must inform the data subject of the following at the time of obtaining the consent: (i) items to be transferred, (ii) country where the data is transferred, (iii) the date and method of transfer (iv) the name of data recipient, (v) the recipient's purpose and retention period, and (v) how to object to the cross-border data transfer and the consequence of such objection.

Cross-border transfer must be carried out in compliance of other PIPA requirements, including the requirement to secure protective safeguard measures for the personal information and adoption of complaint and dispute resolution programs.

7. Does the PIPA Create Special Rules for Minors?

The PIPA requires personal information controllers to obtain consent to processing personal information of individuals under the age of 14 from their legal representatives. To obtain this consent, the personal information controller may collect the minimum amount of information necessary to obtain consent (i.e., the name and contact information of the legal representative) directly from individuals under the age of 14.

To verify whether consent is actually given by a legal representative, the personal information controller may employ various methods, including making an online posting on the website where a legal representative can indicate their consent, sending a consent form in writing by mail or fax and requesting that the legal representative directly sign the form, or obtaining consent from the legal representative verbally over the phone after providing details about the personal information processing.

8. How Will Autodesk Demonstrate Compliance with the PIPA?

We are committed to practicing transparency in how we handle personal information. We conduct internal assessments to maintain our obligations under the PIPA. Further, we maintain ISO certifications for the operational environment of certain cloud products and have undergone SOC 2 compliance audits

for select cloud products. For additional information, please visit our [Trust Center](#). You can find our updated Privacy Statement [here](#) and contact our Chief Privacy Officer by emailing DPO@autodesk.com.