VLT Legal Update

October 2026

Amendments to the Act on the Protection of Personal Information (APPI)

In July 2026, amendments to the Act on the Protection of Personal Information (APPI) were enacted and promulgated as part of the APPI's triennial review. The amendments reflect the growing demand for data use driven by advances in digital technology and the widespread adoption of AI.

The enforcement date for the amendments has yet to be set but will come into force on a date specified by Cabinet Order and which is to be set within two years of promulgation. Before the amendments take effect, further details are expected to be released in forthcoming Cabinet Orders, Personal Information Protection Commission Rules, guidelines, and Q&As.

This update focuses on the amendments most likely to affect companies. In light of these amendments, companies are encouraged to review and update their data privacy policies, consent flows, data handling procedures, and vendor contracts as appropriate.

Key Areas of Deregulation

Relaxation of Consent Requirements for Statistical Data Creation

Under the current APPI, the provision of personal data to third parties generally requires the data subject's consent.

Under the amended APPI, however, the data subject's consent will no longer be required where the information is used solely to create statistical information or for similar purposes, which includes certain types of AI development, provided that specified conditions are met. These conditions include (i) public disclosure by the data provider and recipient of their identities and details of the proposed statistical analysis, and (ii) a written agreement confirming that the disclosure is made under the relevant statutory exception. Further details of these conditions will be set out in the forthcoming Personal Information Protection Commission Rules.

The amendment will also permit the acquisition of publicly available sensitive personal information (e.g., information relating to religious beliefs, medical history, criminal records, etc. that could lead to discrimination) without consent where it is used solely for statistical analysis or similar purposes and the applicable conditions are satisfied.

No Consent Required Where the Processing Does Not Conflict with the Individual's Intent

The amendment will also introduce a further exception to the requirement to obtain the data subject's consent for the provision of personal data to third parties.

Consent will not be required where, in light of the circumstances in which the information was obtained, it is clear that the use or provision of the data is consistent with the individual's intent and will not harm the individual's rights or interests.

For example, a hotel booking platform would be allowed to provide a guest's name and other reservation details to the hotel where that disclosure is essential to fulfilling the platform's contractual obligations.

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Key Areas of Enhanced Regulation

Protection of Children's Personal Information

To strengthen the protection of personal information relating to children under the age of 16, the amendment provides, as a general rule, that any required consent must be obtained from, and any required notifications must be provided to, the child's legal representative.

The amendment also allows children under 16 to request that the use or third-party provision of their personal data be suspended. Unlike other individuals, children under 16 will not need to establish the grounds ordinarily required under the APPI, subject to specified exceptions.

Regulation of Biometric Personal Information

Companies handling specified biometric personal information, including certain facial feature data, will be required to notify individuals or publicly disclose certain information, including the business operator's name, the fact that such information is being processed, the purposes of use, the physical characteristics from which the data is derived, and the procedures for requesting suspension of use.

Data subjects will also be entitled to request the suspension of use or third-party provision of specified biometric personal information without having to establish the grounds ordinarily required under the APPI, subject to specified exceptions.

Regulation of Service Providers

Under the amendment, service providers entrusted with personal data will be expressly prohibited from using that data beyond the scope necessary to perform the outsourced services.

However, where the agreement between the outsourcing company and the service provider specifies all methods for handling the personal information and the measures necessary for the outsourcing company to monitor the service provider's handling of that information, and the information is handled in accordance with the agreement, most of the obligations that would otherwise apply to the service provider under Chapter IV of the APPI will not apply. Outsourcing companies should therefore ensure that their service agreements comprehensively address these matters.

Introduction of an Administrative Surcharge System

The amendment introduces a new administrative surcharge for specified APPI violations that result in an economic benefit to a business. Surcharges will generally apply only if the violation affects more than 1,000 individuals and the business failed to take reasonable care to prevent it. The amount of the surcharge will generally be based on the economic benefit obtained.

The surcharge may apply to the following violations: improperly using personal data; obtaining it through deception or other improper means; unlawfully providing it to third parties; or using or providing it in breach of the statistical data creation exception.

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