

## **Personal Information Protection Commission Resolution on Meta in 2022**

Korea's Personal Information Protection Commission ordered corrective measures and imposed penalty surcharges on Meta on 2022. 09. 14. The commission ordered Meta to "notify the users clearly and easily and collect informed consent so that users can exercise free discretion in order to collect and use users' behavior data from other services." And "corrective measures in accordance with the corrective order must be implemented, and the results of implementation must be submitted to the Personal Information Protection Commission within 90 days from the date of receiving the notice of corrective measures." The commission also imposed surcharges of 30.8 billion Won to Meta.

The Commission found that Meta collected behavioral information of their users when they visited and used other websites or applications, and used such information for customized advertising without obtaining proper consent, violating the Article 22 of the Personal Information Protection Act.

This disposition is the first penalty related to the collection and use of behavioral information by online customized advertising platforms, and the largest penalty for violation of personal information protection law.

Meta's notification was difficult to access and only vaguely described in its data policy. In the process of creating a Facebook account, there is a mandatory checkbox that says 'I agree to the Facebook Data Policy.' By scrolling on the screen above this checkbox, Facebook provides the full text of the "Data Policy" In the process of creating an Instagram account, there is a screen for "Agreeing to the Terms of Service" where users must select "Data Policy (Required)". By clicking on "Learn More", Instagram provides the full text of the "Instagram Data Policy". In the Data Policy section on 'Information Provided by Partners', Meta states that advertisers (businesses) etc. can provide information to Meta through Meta's business tools (Facebook Login, Pixel, SDK). The Commission pointed out that there is no screen presented separately to users that provides legal notices, or informs users about the collection of their behavioral information by third parties. Also, even if users look at Meta's data policy contents, it is difficult for users to easily and clearly understand the content regarding the collection and use of third-party behavioral information, which is the records of users' online activities.

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In 2023. 02. 08, the Personal Information Protection Commission imposed another penalty to Meta for requiring its users to provide behavioral data from third parties when joining its service. The Commission stated that customized advertising itself or a platform's behavioral data collection practices are not prohibited, but third-party behavioral data for the basis of identifying users for customized advertising is not the minimum amount of personal information necessary for the service. Thus, in order to collect such data, Meta should have given its users a choice. Meta's actions of making it impossible for users to sign up or use the services if they refuse to provide third-party behavioral data violates the Personal Information Protection Act and a rectification order and administrative fine were imposed.