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- Korea – Open Border, Open Business Policy
- Role of law: Infectious Disease Prevention Act  
Article 76-2 mandatory location tracking of patients
- Probably the world’s only non-consensual, non-judicial law
- Postulate: Identify early ‘test-worthy’ targets of testing → early quarantine or testing of potential patients before spreading
- “Easy problems” – local gov chiefs’ access, credit card records, police being intermediary
- “hard problem” - no clear human rights standard on non-supervised surveillance for non-criminal, administrative purpose
- Clear: Need for an international standard  
→ No country can be safe alone.



- Korea, so far about only about 1 million tested but contained

- COMPARE: US 20 million tests still not contained (only 6 times larger)

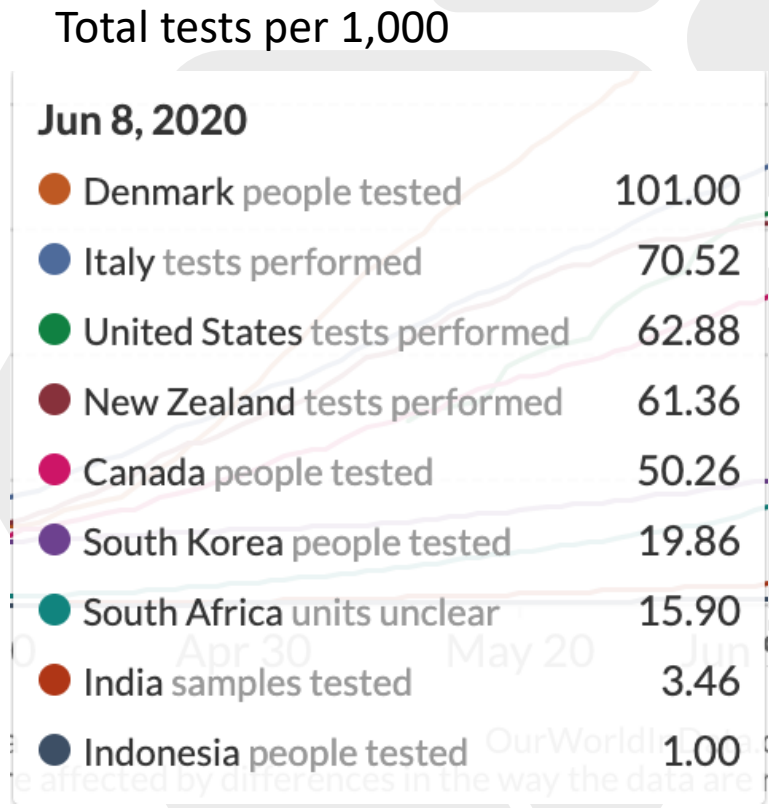
→ maybe tests too late. Quarantining only after spread.

- Korea tests asymptomatic ppl? Korea's CDC and WHO guidelines do not include testing asymptomatic ppl but there are many instances of testing. So many tested without any diagnosis at all → no statistics possible

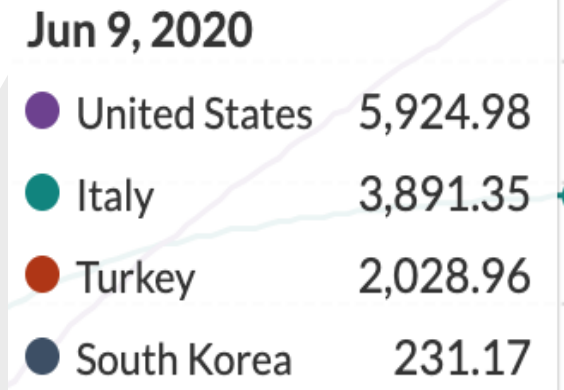
- Proportion of asymptomatic patients in Korea – very high compared to other countries

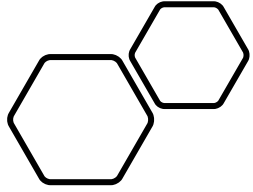
- 20-30% according to KCDC (June 3, 2020)

- It may be Quality of Tests, not Quantity – HOW EARLY?



Total confirmed per million

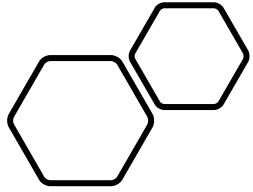




'Easy problems' to point out

- Police as intermediaries
  - 28 agencies data sharing
- Subjects of surveillance
  - Patients
  - Suspected patients
  - Contactees
  - Suspected contactees, e.g. being in Itaewon, suspicious enough?
- Surveillance bodies:
  - health authorities – health-oriented
  - elected local government chiefs – majoritarian constituents
  - no independent judgment on balance between public interest and privacy
- Data to be accessed: Compulsory access by health authorities: Credit card records, medical records, CCTV





- Hard problem
- American standard on “administrative search”
- Electronic quarantine: “binary search” doctrine
- Data protection issues
  - How much to be disclosed to alert the public
    - Alternative: Itaewon-style mass surveillance?

