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Korea is just about the only major country affected by COVID-19 that has neither closed its borders to any country nor has mandated general lockdowns in any geographical area. Korea found success instead by quickly re-activating Section 76-2 of the Infectious Disease Prevention Act which legislated in 2015 in response to MERS. The law allows comprehensive location tracking of patients, suspected patients, contactees, and suspected contactees, without the consent of the patients or contactees. Implementation of this contact tracing law has been fully embraced by the public there. Even after the COVID-19 curve has been flattened, Korea continues to be proactive with its tracing policy in an effort to maintain its open-border, open-business policy. Korea has now implemented a new rule that requires high-risk areas such as dance clubs or karaokes to mark their customers with QR codes so that if any patient is found there, they can be identified for mandatory quarantine or testing.

Before praising this as success, we must point out that people’s privacy against state surveillance are at stake.

Before writing this off as the rise of surveillance state in the ranks of China, we must point out that there is no clear international human rights standard on surveillance for non-criminal purposes. Think of mandatory drug testing on athletes.

Before call this a cultural phenomenon possible only in Asia, we must be mindful that given the hyper-contagiousness of COVID-19, no country will be safe from COVID-19 unless the whole world is safe from it. We can no longer maintain lockdowns that have forced people into the choice between starvation and infection, and we must somehow find a long-term sustainable balance between privacy and health.