

Regulation of Illegal Information and Disinformation under the Amended Network Act

I. Introduction

The Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (amended on January 6, 2026, and scheduled to take effect on July 7, 2026) (hereinafter referred to as the “**Network Act**” or the “**Amended Act**”), introduces various regulatory measures concerning the dissemination of illegal information and disinformation. The Amended Act brings certain changes to existing categories of illegal information and newly introduces the concept of disinformation.

This Legal Update outlines the key regulatory changes that require attention, from the perspectives of the primary regulatory targets—namely, “Posters” and “Large-Scale Information and Communications Service Providers”—with a focus on major differences from the current regime.

II. Changes to the Concept of Illegal Information and Introduction of Disinformation

A. Illegal Information

- Narrowing of defamation-based illegal information to false statements of fact: Among the existing categories of illegal information subject to regulation under Article 47(1) of the Network Act, information constituting defamation has been narrowed to include only cases involving the “assertion of false facts,” excluding the defamation through “assertion of true facts” (Article 44-7(1)2 of the Amended Act).
- Addition of hate expression as a new category: A new category of illegal information—hate expression information—has been introduced, meaning information that, on the grounds of race, nationality, region, gender, disability, age, social status, income level, or property status, (i) directly incites violence or discrimination against a specific individual

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or group, or (ii) seriously promotes hatred, thereby substantially undermining the human dignity of a specific individual or group (Article 44-7(1)2-2 of the Amended Act).

- ▶ Unlike disinformation (see below), the distribution of illegal information through information and communications networks is prohibited in all cases (Article 44-7(1) of the Network Act).

B. Disinformation

- Disinformation is newly defined as information satisfying all of the following requirements (Article 44-7(2) of the Amended Act):
 - (i) Information that infringes another person's personality rights, property rights, or the public interest;
 - (ii) Information that is wholly or partially false ("false information") or information that has been manipulated in a manner that causes it to be mistaken for fact ("manipulated information"); and
 - (iii) Excluding satire and parody.
- ▶ Distribution of disinformation through information and communications networks is prohibited where the distributor acted with both (i) knowledge that the information constitutes false or manipulated information and (ii) intent to cause harm or to obtain unjust benefits.

III. Key Considerations for Posters

A. Definition of Poster

- A "Poster" means a person who, using an information and communications service, posts and distributes information that the person has directly created or selected on an information and communications network (Article 2(1)3-3 of the Amended Act).
 - ▶ This concept primarily targets press companies, YouTubers, and similar content publishers.
 - ▶ Certain Posters meeting thresholds such as number of posts, subscribers, or views may become subject to aggravated damages (see below).

B. Damages Liability

- Statutory Damages: Where a person, intentionally or negligently, distributes illegal information, false information, manipulated information, or disinformation through an information and communications network and thereby causes damage to another person, liability for damages is expressly recognized (Article 44-10(1) of the Amended Act). If the occurrence of damage is acknowledged but proving the specific amount is extremely difficult due to the nature of the case, the court may determine a

reasonable amount of damages up to KRW 50 million, taking into account factors such as the duration of the violation until final judgment, overall pleadings, and results of evidence examination (Article 44-10(2)).

- Aggravated damages: Where a Poster who (i) engages in the business of delivering facts or opinions to the general public and (ii) satisfies thresholds outlined in the Presidential Decree regarding number of posts, subscribers, or views, satisfies all of the following, the court may award damages up to five times the actual damages (Article 44-10(3) of the Amended Act).

(i) Intent: knowledge that the information was illegal information or disinformation

(ii) Purpose: intention to cause harm to other persons or to obtain unjust benefits

(iii) Harm: If the distribution of the information caused the infringement of the victim's legal interests

- Considerations, exceptions and special rules for aggravated damages: In determining aggravated damages, the court must consider factors such as the scale and severity of harm (Article 44-10(4) of the Amended Act). Aggravated damages do not apply to information for public interest or public welfare (Article 44-10(5) of the Amended Act). To prevent abuse of aggravated damages claims intended to obstruct legitimate criticism or watchdog activities in the public interest, a defendant may request an interlocutory judgment, during which proceedings are stayed until a decision is rendered within 60 days (Article 44-11).

C. Administrative Surcharge

- A person who engages in the business of delivering facts or opinions to the general public may be subject to an administrative surcharge of up to KRW 1 billion if the person distributes, on two or more occasions, information that has already been finally determined by a court to constitute illegal information or disinformation through: (i) a criminal conviction; (ii) damages judgment; or (iii) a judgment on a request for correction under Article 26 of the Press Arbitration and Remedies Act (Article 44-24 of the Amended Act).

IV. Key Considerations for Large-Scale Information and Communications Service Providers

A. Definition of Large-Scale Information and Communications Service Providers

- A "Large-Scale Information and Communications Service Provider" means an information and communications service provider that satisfies standards set forth under the Presidential Decree regarding the number of users, types of services, etc. (Article 2(1)3-2 of the Amended Act).

B. Reporting System and Notification Obligations

- Notification obligations for reports: Any person may report illegal information or disinformation distributed on an information and communications network operated or managed by a Large-Scale Information and Communications Service Provider to the provider, and in response thereto, the provider shall bear the following notification obligations (Article 44-12(1) through (3) of the Amended Act):
 - (i) Upon receipt of a report: The provider shall notify the reporter of the fact of receipt (provided, however, that where it is determined, pursuant to Article 44-13 of the Amended Act, that a reporter abuses the reporting system by frequently submitting manifestly unfounded reports, the provider may, after prior notice to such reporter, refuse to accept reports from such reporter for a reasonable period of time).
 - (ii) Where measures are taken in response to a report: The provider shall notify the reporter and the Poster of the legitimate grounds for having taken such measures and the procedures for filing objections, etc.
- Measures that may be taken in response to reports: Such possible measures include deletion of information or blocking of access thereto; limitation of exposure of information, suspension or termination of the Poster's account, restriction of monetization such as advertising revenue, restriction on monetary payments, suspension or termination of all or part of the service, labeling as information harmful to juveniles, dismissal of the report, measures pursuant to self-regulatory operational policies. Provided, however, that with respect to press companies, internet news service providers, and internet multimedia broadcasting service providers, only labeling as information harmful to juveniles, dismissal of the report, and measures pursuant to self-regulatory operational policies are permitted (Article 44-12(3), (8) of the Amended Act). With respect to such measures, a reporter or a Poster may file an objection or apply for dispute mediation with the deliberation committee (Article 44-12(4), (5) of the Amended Act).

C. Obligation to Establish Self-Regulatory Operational Policies

- Large-Scale Information and Communications Service Providers shall establish self-regulatory operational policies regarding standards for determining illegal information or disinformation, handling reports and taking measures in response to reports. In doing so, they should refer to the self-regulatory guidelines of associations of information and communications service providers, and also reflect the opinions of stakeholders, civic groups, and related experts (Article 44-12(6), (7) of the Amended Act).

D. Obligation to Publish Transparency Reports

- Transparency Report: Large-Scale Information and Communications Service Providers shall, at least once every six months, prepare and publish a report containing: (i) daily average number

of users, revenue, and type of business; (ii) classification of types of reported illegal information and disinformation, number of reports, and number of cases processed and measures taken in response thereto; (iii) number and results of objections and processing of objections; (iv) details and number of orders or recommendations received from state authorities and measures taken in response thereto; (v) types, number, and measures of information processed pursuant to terms and conditions, policies, or self-regulatory guidelines of associations of information and communications service providers; and (vi) other matters prescribed by Presidential Decree (Article 44-14(1) of the Amended Act).

E. Regulatory Supervision and Support

- Authority to request materials and conduct investigations: Korea Media Communications Commission (the “KMCC”) may request information regarding daily average number of users, revenue, and type of business in order to verify whether an information and communications service provider falls under the criteria for a Large-Scale Information and Communications Service Provider. KMCC may conduct investigations regarding the operation of reporting systems and self-regulatory measures of Large-Scale Information and Communications Service Providers (Article 44-15 of the Amended Act).
- Agreements with fact-checking organizations: Large-Scale Information and Communications Service Providers shall establish and operate self-regulatory policies regarding the handling of false information or manipulated information, and may enter into agreements with fact-checking organizations prescribed by Presidential Decree in order to promote fact-checking activities (Article 44-16(1), (2) of the Amended Act).

V. Key Takeaways

- Distribution of disinformation is prohibited where, in addition to being false information or manipulated information that infringes another person’s personality rights, property rights, or the public interest (excluding satire and parody), the distributor acted with certain “intent” and “purpose”. In actual practice, whether the distributor had **knowledge that the information constitutes false information or manipulated information** and had **intent to cause harm or obtain unjust benefits** through the distribution of disinformation will be a key point of dispute.
- The current regime to prevent the distribution of illegal information under the Network Act (Article 44-7(1) of the Amended Act), and related takedown orders to information and communications service providers and bulletin board managers/operators, shall continue to apply in the same manner (Article 44-7(3) and (4) of the Amended Act). However, under the Amended Act, there will be an additional requirement for Large-Scale Information and Communications Service Providers to **include illegal information in the self-regulatory operational policies** for preventing the distribution.

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- With respect to YouTubers, influencers, and the press, who are likely to be the primary targets of aggravated damages liability, constraints on posting or publishing activities may arise to some extent due to the increased legal risks. In the event that a related dispute arises, they should be prepared to demonstrate that the information was disseminated for the public interest and that, at the time of dissemination, believed the content to be true and had reasonable grounds for such belief.
- The Amended Act does not prescribe sanctions specifically for failure to comply with the obligations of the Large-Scale Information and Communications Service Providers. However, the KMCC has the authority to investigate the operation of reporting systems and self-regulatory measures (Article 44-15). Also, it should be noted that corrective orders may be imposed for any type of violations under the Network Act, and where a corrective order is not complied with, an administrative fine may be imposed (Article 64(4)).
- Key criteria for the applicability of the new obligations are yet to be determined. The criteria for “Posters” subject to aggravated damages liability relating to illegal information or disinformation under the Amended Act (such as the number of posts, subscribers, and views), and the criteria for “Large-Scale Information and Communications Service Providers” (such as the number of users and types of services), are all to be prescribed by the Presidential Decree. In addition, the specific details of the self-regulatory operational policies by Large-Scale Information and Communications Service Providers, are expected to be determined in accordance with the self-regulatory guidelines of associations of information and communications service providers. Accordingly, businesses potentially affected by the Amended Act should continue to closely monitor the formulation of subordinate legislation and self-regulatory guidelines.