

Review on the Personal Information in the APPRE

Sangcheol Hyung

Korea Institute of Nuclear Nonproliferation and Control, 1418 Yuseong-daero, Yuseong-Gu, Daejeon, Korea
wakendragon@kinac.re.kr

1. Introduction

Various applications, such as ‘Application for Approval of Physical Protection Regulations, etc.’ (attached No. 2) under the Enforcement Rules of the Act on Physical Protection and Radiological Emergency (referred to as “APPRE”), require not only the name of the representative of the applicant but also the date of birth. In addition, in the case of physical protection education and radiation prevention education, personal information such as the name and date of birth of trainees are recorded and preserved for more than five years. It is necessary to examine these regulations for personal information breaches.

2. Personal information in the application documents

A personal information processor shall clarify the purpose of processing personal information and collect only the minimum amount of personal information within the extent necessary for that purpose (Article 3 of the Personal Information Protection Act). Then, what is the purpose of the APPRE to require the name and date of birth of the representative?

Since the APPRE refers to the Nuclear Safety Act a lot, it is necessary to review the application under the Nuclear Safety Act. Various applications for permission under the Nuclear Safety Act require the representative's resident registration number to be written. The Nuclear Safety Act stipulates reasons for disqualification that cannot be permitted. And the resident registration number is required to check whether the applicant has a reason for disqualification.

The APPRE requires nuclear operators to obtain approval for physical protection regulations or radiation emergency plans. However, nuclear operators are already authorized under the Nuclear Safety Act. This may be why there is no provision on the reason for disqualification in the APPRE. Therefore, since information has already been collected in the process of applying for permission under the Nuclear Safety Act, it is not necessary to request the date of birth of the representative again while applying for approval under the APPRE.

3. Retention of personal information in training records

Article 11 of the Regulations on Physical Protection Education and Training based on the Radiation Protection Act and Article 15 of the Regulations on Radiation Protection Education require matters concerning education to be recorded and preserved for more than five years by the education organizations. These regulations are Nuclear Safety and Security Commission's Notices.

Matters concerning education include personal information such as the name and date of birth of the recipient of education. What is the reason for preserving it for more than five years?

Nuclear control education based on the Nuclear Safety Act also requires records to be preserved for more than five years. In the case of education for radiation workers, the relevant notice abolished stipulated that education records should be preserved for at least five years. Perhaps in order to balance education based on the Nuclear Safety Act, education based on the APPRE also required records to be kept for more than five years.

But why does the Nuclear Safety Act require that education records be kept for more than five years? There may be many reasons, but the imposition of fines for negligence is believed to be a big purpose. This is because fines for negligence are imposed if they are not trained, but if five years have passed since the date of not being trained, fines for negligence cannot be imposed. [1]

However, the APPRE does not impose fines for negligence for not receiving education. Instead, if a physical protection inspector finds that an employee has not been trained, a corrective order may be issued. The regular physical protection inspection is carried out every two years. Therefore, it is necessary to meet the record keeping period here.

4. Conclusion

The Nuclear Safety Act stipulates that sensitive information, such as resident registration numbers, may be processed if it is inevitable to conduct affairs concerning the reason for disqualification and education and training. [2] However, there is no provision on the reasons for disqualification or a fine for negligence for non-training, nor is there a cautionary provision. However, it is still demanding personal information, so it needs to be improved.

REFERENCES

- [1] Article 19 of the Act on the Regulation of Violations of Order
 - [2] Article 155-2 of the Enforcement Decree of the Nuclear Safety Act
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