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KFTC Bolsters Enforcement Capacity with Expanded Commission and New Digital Forensics Division

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The Korea Fair Trade Commission ("KFTC") has undertaken a significant organizational restructuring to strengthen its enforcement capacity in the digital economy. Two measures—the expansion of the number of commissioners and the establishment of a dedicated digital forensics division—reflect a broader institutional effort to enhance the KFTC's capabilities in deliberation, economic analysis, and digital evidence gathering, as cases involving platforms, data, and AI-driven markets continue to grow in both scale and complexity. Companies under KFTC scrutiny or anticipating regulatory engagement should take note of the practical implications outlined below.

1. Expansion of the Commission: First Increase in Three Decades

An amendment to the Monopoly Regulation and Fair Trade Act expanding the number of KFTC commissioners from nine to eleven became effective on May 12, 2026. The Commission has accordingly moved from a nine-member structure—including the Chairperson and Vice Chairperson—to an eleven-member structure through the addition of one standing commissioner and one non-standing commissioner.

According to the KFTC, the expansion was driven by the increasing volume and complexity of antitrust matters arising in the digital economy. Cases involving platforms, online advertising, data ecosystems, and AI-based services frequently require sophisticated analysis relating to market definition, competitive effects, and consumer impact assessments, and the prior commission structure was increasingly strained in handling these matters efficiently.

The expanded Commission is expected to improve case-processing capacity, particularly in small hearings conducted before three-member panels, where procedural bottlenecks and scheduling delays have become more pronounced in recent years.

2. Establishment of the Digital Forensics Officer Division and Amendments to the Rules on Digital Evidence Management

In parallel, the KFTC has significantly strengthened its investigative infrastructure. Pursuant to amendments to the *Enforcement Rule on the Organizational Structure of the KFTC and Its Affiliated Agencies*, effective March 24, 2026, the KFTC established a new "Digital Forensics Officer" division. Concurrent amendments to the *Rules on the Collection, Analysis, and Management of Digital Evidence* (the "Rules on Digital Evidence Management") vested this new division with responsibility over digital evidence collection, preservation, and analysis.

The new division comprises ten members, including one Grade 4 official, one Grade 5 official, three Grade 6 officials, and five Grade 7 officials. This division will initially operate under an evaluation period through March 31, 2028, during which the KFTC will assess its operational performance and workload in determining whether to maintain or adjust the current staffing structure.

The amended Rules on Digital Evidence Management establish strict chain-of-custody protocols governing the handling of digital evidence. When a case-handling department collects data by imaging, investigators must complete a confirmation form detailing the collection date and time, location, user information, forensic tools used, and the hash values of the collected data. The form must be signed by both the investigating official and a representative of the investigated company. Collected digital data must then be registered and managed within the KFTC's centralized digital forensics system, and all subsequent analyses must be conducted exclusively on image files whose hash values match the registered baseline data. This framework is designed to reinforce evidentiary integrity and procedural reliability throughout the investigative process.

Although the Rules on Digital Evidence Management function formally as discretionary internal investigative guidelines rather than binding statutory provisions, their practical significance should not be underestimated. Compliance with these rules is likely to become an important benchmark to both the KFTC and the investigated company in assessing the legality of investigative procedures and the evidentiary reliability of digital materials. From a corporate governance perspective, the codification of these procedures also offers companies a concrete reference point for modernizing internal data management systems and refining dawn raid and investigation response protocols.

The broader message is clear: digital evidence—internal emails, messenger communications, and electronic data of all kinds—is becoming increasingly central to how the KFTC builds and adjudicates its cases. Companies should therefore apply heightened discipline to the creation, retention, and management of such digital data and closely monitor how these institutional changes translate into the KFTC's investigative and enforcement practices going forward.

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