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Cabinet Approves Enforcement Decree Amendment to the Network Act to Curb Misinformation

2026.07.10

On July 7, 2026, the Korea Media and Communications Commission ("**KMCC**") announced that the Cabinet had approved a partial amendment ("**Enforcement Decree Amendment**") to the Enforcement Decree of the Act on Promotion of Information and Communications Network Utilization and Information Protection ("**Network Act**") aimed at curbing the distribution of illegal and false or manipulated information (collectively, "**Prohibited Information**") and holding digital platforms more accountable.

The amendment sets forth implementing details of the amended Network Act that was promulgated back in January ("**Amended Act**"), which took effect the same day.

The Amended Act imposed new self-regulatory obligations on large-scale information and communications service providers ("**Large-scale ICSPs**"), created an enhanced damages regime, and introduced penalty surcharges for repeat offenders — but left many of the practical details, such as who qualifies as a "Large-scale ICSP" or a "public figure," and how penalty surcharges will be calculated, to be defined separately. The new rules approved by the Cabinet fill in those gaps.

Key aspects of the Enforcement Decree Amendment and implications are summarized below.

1. Key Aspects

1) Scope of Large-scale ICSPs

- "Large-scale ICSPs," which covers service providers that meet the criteria set forth in the table below, must now adopt self-regulatory policies for identifying and handling Prohibited Information, and publish regular reports on their efforts. The definition captures platforms allowing users to communicate or share information with one another, such as social media, online communities, and video-sharing sites, with an average of at least 1 million

daily active users over the prior three months

Category	Details
Type of Service	Inter-user information intermediary services: (1) Services enabling communication and information exchange among users, such as social networking services and online communities; (2) Services enabling the posting, transmission, viewing, browsing, or sharing of information, such as video-sharing services.
Number of Users	Daily average number of users (DAU) of at least 1 million during the three months preceding the end of the previous year

2) Who Faces Enhanced Damages

- Persons (including content creators) who engage in online posting as a commercial activity and meet the following criteria can now face damages of up to five times the actual harm caused if they distribute Prohibited Information: in the three months before posting the content in question, they published at least three other items of information, earned revenue such as advertising income, and either have (i) at least 100,000 subscribers or followers, or (ii) averaged at least 100,000 monthly views across their posts during the said three-month period.

3) Scope of Public Figures

- To prevent the enhanced damages regime from being misused to silence legitimate criticism, courts must now publicize the dismissal of any lawsuit found to have been filed to suppress scrutiny of a public figure. Balancing the public's right to know against the need for legitimate criticism and oversight, the Enforcement Decree Amendment defines "public figure" to include the following:

Applicable Law	Who Qualifies
Public Official Election Act	Candidates, or persons intending to become candidates, for public office
Act on the Management of Public Institutions	Heads of public institutions
Public Service Ethics Act	Public officials subject to mandatory asset disclosure
Confirmation Hearing Act	Candidates for public office subject to confirmation hearings
Political Parties Act	Representatives of political parties
Act on Press Arbitration and Damage Remedies	Representatives of press organizations
Monopoly Regulation and Fair Trade Act	The controlling individual of a company belonging to a corporate group subject to disclosure obligations, or the CEO/largest

	shareholder of a company belonging to such group주

4) Penalty Surcharges for Repeat Violations

- Persons (including content creators) who engage in online posting as a commercial activity and repeatedly share information that a Korean court has already, in a final judgment, ruled as Prohibited Information can now face a penalty surcharge of up to KRW 1 billion (roughly USD 660,000). This applies to those who (i) distribute such content two or more times after the ruling is issued and (ii) earned revenue such as advertising income by posting at least three other items of information in the three months before posting the content in question. Penalty surcharges are calculated in steps — starting from a base amount tied to the severity of the violation, then adjusted up or down for aggravating or mitigating factors — with the detailed methodology to follow in a forthcoming public notice to be issued by the KMCC.

5) Other Notable Changes

The Enforcement Decree Amendment also address the following:

Category	Details
Information Required for Reports of Prohibited Information	Anyone reporting Prohibited Information must provide: (i) the specific location of the content; (ii) why it is believed to be illegal or false; (iii) supporting evidence; and (iv) their own name and contact details.
Support for Fact-Checking	Fact-checking organizations must (i) follow internationally recognized fact-checking principles and (ii) meet standards for neutrality, fairness, transparency, and accountability. The KMCC will designate, via a public notice, which standards qualify.
Role of the Transparency Center	Beyond its existing duties, the Center will now also help (i) foster fact-checking organizations and talent, and (ii) run other programs the KMCC deems useful for promoting fact-checking.

2. Implications

- **Get compliance frameworks in order now.** New obligations (e.g., adopting self-regulatory policies, processing user complaints on Prohibited Information, and publishing reports on the handling of Prohibited Information) now apply to major digital platforms. Companies should determine whether they meet the size thresholds of a “large-scale ICSP” and take a comprehensive look at their internal policies, reporting and response procedures, and support systems.
- **Commercial content creators should assess exposure.** Because the enhanced damages and penalty surcharge

provisions now apply to individuals who earn advertising revenue, YouTubers, influencers, and other creators should check whether they fall within the scope of the new rules and set up fact-checking and verification steps before publishing their content, to manage the legal risk that comes with distributing Prohibited Information.

- **Monitor subordinate legislation and enforcement trends.** A significant portion of the detailed standards under the Enforcement Decree Amendment has been delegated to forthcoming KMCC notices, so the practical contours of the regime are expected to take shape through future subordinate legislation and early enforcement cases. Companies should closely monitor the issuance and revision of relevant public notices and guidelines, as well as enforcement trends, and consider proactively participating in the rulemaking process—such as by submitting comments—where appropriate to protect their interests.

About Shin & Kim's ICT Group

Shin & Kim's ICT Group possesses unparalleled expertise in the ICT sector, consistently earning top-tier client recognition in recent years. Drawing upon our deep-seated capabilities in broadcasting, telecommunications, personal information protection, and internet IT, we deliver the highest level of legal advisory services encompassing regulatory trend analysis in broadcasting, telecommunications, and ICT; government affairs, legislative improvement and consulting; regulatory impact assessment; and corporate strategic planning. Furthermore, we possess extensive professional experience and expertise in AI compliance and security incident response. Please contact us if you have any questions or require more information.

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