**Questionnaire on the Impact of Advertising and Marketing Practices**

**on the Enjoyment of Cultural Rights**

1. Has your country adopted specific regulations on advertising and marketing methods and contents aimed at protecting human rights? If so, please specify the content of such regulation. Does the regulation apply both to off-line and on-line advertising?

Answer: N/A with the Korea Communications Commission.

1. Please indicate whether specific categories of the population are protected by such regulation, such as children, women, minorities and indigenous peoples.

Answer: N/A

1. Is advertising covered by the general provisions on freedom of expression and/or does your country differentiate between commercial speech and non-commercial speech? Do specific regulations distinguish between advertising and other contents, and if so, which are the criteria used to make this distinction?

Answer: Freedom of expression is applied to advertising. While we do not differentiate commercial speech and non-commercial speech, the Broadcasting Act has separate definitions for broadcast advertising and broadcast programs.

1. Please provide a brief summary of any important decisions relating to advertising/ marketing/ sponsoring and human rights adopted by judicial authorities in your country over the last ten years.

Answer: Formerly, we had broadcast advertising pre-deliberated under Article 21.2 of the Enforcement Decree of the Broadcasting Act. On June 26, 2008, however, the constitutional court ruled that the clause was against the principle of proportionality (Article 37.2 of the Constitution), which resulted in the abolition of the broadcast advertising pre-deliberation provision since then.

1. Which authority (governmental and/or self-regulatory body) monitors the advertising sector? Are specific mechanisms in place to receive complaints from citizens on advertising methods and content?

Answer: Ex-post regulation is conducted by the Central Radio Management Office and the Korea Communications Standards Commission on the methods and content of broadcast advertising, and any citizen with complaints about the methods and content of any broadcast advertising can file a complaint with the Civil Rights Commission, the Korea Communications Commission, the Korea Communications Standards Commission, and the like.

1. Has your country adopted legislation on certain advertising or marketing practices such as neuromarketing or behavioral targeting? What challenges have been encountered in doing so?

Answer: N/A with the Korea Communications Commission.

1. Is the use of private data for commercial purposes regulated in your country? If so, please describe briefly such regulation.

Answer: N/A with the Korea Communications Commission.