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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the first review of the functioning of the adequacy decision for the Republic of Korea

{SWD(2026) 231 final}

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1. THE FIRST REVIEW – BACKGROUND, PREPARATION AND PROCESS

On 17 December 2021 the European Commission adopted a decision pursuant to Article 45 of Regulation (EU) 2016/679 (GDPR)¹ in which it found that the Republic of Korea ensures an adequate level of protection for personal data transferred from the European Union² (“the adequacy decision”). As a result, data transfers from the EU to the Republic of Korea can take place without additional requirements.

The Commission’s adequacy decision covers the Personal Information Protection Act (“PIPA”³) as complemented by the additional safeguards set out in Annex I to the adequacy decision (“Supplementary Rules”⁴). These safeguards clarify the application of the purpose limitation principle in the context of data transferred from the EU to a Korean data controller, introduce notification obligations when personal data is not obtained directly from the data subject concerned, and clarify the conditions for when the Personal Information Protection Commission (PIPC) can impose corrective measures and how the PIPA applies to the processing of personal data for national security purposes. The Supplementary Rules are legally binding on personal information controllers in the Republic of Korea and enforceable by both the PIPC and courts⁵.

The Korean government furthermore provided official representations, assurances and commitments to the Commission on the limitations and safeguards with respect to access to, and use of, personal data by Korean public authorities for criminal law enforcement and national security purposes, clarifying that any such processing is limited to what is strictly necessary to achieve the legitimate objective, and that effective legal protection against any interference exists⁶.

Since the adoption of the adequacy decision, the Republic of Korea and the EU, as like-minded partners, have further intensified their cooperation on digital matters in general and on data flows more specifically.

At bilateral level, this is in particular reflected in the adoption of an equivalence recognition for the European Union by the Republic of Korea, which recognises, under the Korean legal framework, that the EU ensures a level of protection for personal data that is equivalent to the one

¹ OJ L 119, 4.5.2016, p. 1 (GDPR)

² OJ L 44, 24.2.2022, pp. 1–90

³ The PIPA provides the general legal framework for data protection in the Republic of Korea.

⁴ Specific rules put in place by Korea to bridge certain relevant differences between the PIPA and the GDPR specified in Annex I to the adequacy decision (Notification No 2021-5).

⁵ See recital 12 of the adequacy decision.

⁶ Recitals 144 – 208 and Annex II of the decision.

provided in the Republic of Korea, and thus allows the free flow of personal data from the Republic of Korea to the EU. This is the first equivalence recognition adopted by the Republic of Korea. It entered into force on 16 September 2025 and was jointly announced in Seoul by EU Commissioner McGrath and the former Chairperson of the PIPC, Mr Haksoo Ko. The equivalence recognition covers both the public and the private sectors and extends to the entire EEA⁷.

The mutual adequacy arrangement between the EU and Korea complements and amplifies the benefits of the EU-Republic of Korea Free Trade Agreement of 2011 and the Digital Trade Agreement of 10 March 2025⁸ for companies in the EU and in the Republic of Korea. The unrestricted flow of personal data between both jurisdictions further facilitates commercial exchanges and generates business prospects through privileged market access. Furthermore, it also serves as an important precedent, demonstrating that robust data protection standards and global trade facilitation are not only compatible but essential in today's digital economy.

At multilateral level, the Republic of Korea and the EU have successfully cooperated in international fora, for instance at the Organisation for Economic Co-operation and Development (OECD), where this close cooperation was essential for the adoption, for the first time ever at international level, of common principles on government access to personal data held by the private sector⁹. This work relied on the shared values and requirements underpinning the EU-Korea mutual adequacy arrangement. Moreover, this strong collaboration is also reflected in the PIPC's active participation in the European Commission's Adequacy Network, of which it has been part since its establishment on 4 March 2024¹⁰.

To regularly verify that the findings in the adequacy decision continue to be factually and legally justified, the Commission is required to carry out a periodic review and report on the outcome to the European Parliament and the Council. This report, which covers all aspects of the functioning of the adequacy decision, concludes the first periodic review. On the Korean side, representatives from the Korean data protection authority, the PIPC, and the Korea Internet and Security Agency (KISA) were involved in the review. The PIPC was also in regular contact with other relevant Korean institutions to prepare the review and gather their input. The EU delegation included four

⁷ See Joint Press Statement of 16 September 2025 by Commissioner Michael McGrath and Chairperson Haksoo Ko on the entry into force of the Korean adequacy decision on the EU – available under: https://commission.europa.eu/news-and-media/news/joint-press-statement-commissioner-michael-mcgrath-and-chairperson-haksoo-ko-entry-force-korean-2025-09-16_en

⁸ https://ec.europa.eu/commission/presscorner/detail/en/ip_25_732

⁹ OECD Declaration on Government Access to Personal Data Held by Private Sector Entities of 14 December 2022: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0487>

¹⁰ On 4 March 2024, the Commission hosted the first ever high-level meeting on safe data flows, uniting ministers and heads from the data protection authorities of the then 15 EU-adequate countries and territories as well as the Chair of the European Data Protection Board to strengthen cooperation on data protection enforcement and maximise safe and free cross-border data flows. Subsequent meetings at technical level have taken place in the interim.

representatives from the European Data Protection Board (EDPB), alongside with representatives from the European Commission.

A review meeting between the two delegations took place on 17 October 2025 that was preceded and followed-up by numerous exchanges. To prepare the review, the Commission gathered information from the Korean authorities on the functioning of the decision, in particular the implementation of the Supplementary Rules. The Commission also sought information from relevant stakeholders and public sources. Further to the review meeting, the Commission and the PIPC had several exchanges to follow-up in more detail on matters that were discussed during the review meeting, in particular questions related to the recent amendments of the PIPA and the interplay with the Supplementary Rules.

2. MAIN FINDINGS

The detailed findings concerning the functioning of all aspects of the adequacy decision are presented in the Commission Staff Working Document (SWD(2026) 231) which accompanies the present report.

In particular, the first review has demonstrated that the EU and Korean data protection frameworks have further converged since the adoption of the adequacy decision. Since then, the Republic of Korea has amended the PIPA in two occasions: in March 2023 and in April 2025¹¹. The PIPC, in close consultation with the Commission, has adapted the Supplementary Rules to reflect these amendments.

The 2023 amendments to Korea's PIPA have further strengthened the country's data protection framework by expanding its scope, clarifying key principles, and introducing new safeguards. Key areas of improvement include the principle of lawfulness, with revised legal bases for processing and clearer provisions regarding situations requiring separate consent. Transparency has been improved in two key ways: first, by introducing new requirements for data controllers to warn data subjects about potential data protection risks; second, by imposing strengthened obligations for the State and local governments to take measures to protect the personal data of children under the age of 14 and ensure that they can clearly understand the impact of personal data processing and their rights as data subjects. Accountability has also been strengthened by introducing a requirement for foreign controllers to appoint a domestic agent in Korea. Moreover, the amendments have tightened restrictions on processing pseudonymised data, introduced new obligations to destroy such data once it is no longer necessary, and ensured further transparency about pseudonymised data processing.

Since the adoption of the adequacy decision, data subject rights have also been further strengthened. The 2023 PIPA reform introduced new protections and reinforced existing ones, including the right to withdraw consent, safeguards against automated decision-making, and the

¹¹ Respective entry into force in September 2023 and October 2025.

right to data portability, ultimately empowering individuals to exercise greater control over their personal data.

The amendments to PIPA since the adequacy decision have also further strengthened its rules on international data transfers, introducing a more robust framework that provides stronger safeguards for the protection of personal data transferred outside the Republic of Korea.

As regards oversight and enforcement, the Commission notes that the PIPC has actively enforced PIPA since the adoption of the adequacy decision, with enforcement action including imposing fines on Google and Meta for illegal data collection, investigating cross-border data transfers by companies such as DeepSeek and AliExpress, and enforcing rules on cybersecurity and data breaches. The PIPC has also been providing regulatory guidance, conducting sectoral checks, and engaging in awareness-raising activities and international cooperation with EU data protection authorities, including the French Commission nationale de l'informatique et des libertés (CNIL) and the EDPB, to further strengthen data protection in the Republic of Korea.

It is particularly noteworthy that some of the existing Supplementary Rules contained in Annex I to the adequacy decision are now reflected in the PIPA, thus making them generally applicable to all personal data, irrespective of their origin or point of collection. As a result, the relevant Supplementary Rules will be revoked. Specifically, this will be the case for Supplementary Rule 2, which established a limitation for onward transfers of personal data, Supplementary Rule 4, which related to the scope of application of a special exemption for the processing of pseudonymised information, and the first part of Supplementary Rule 5, which concerned the possibility of the PIPC to adopt corrective measures. The other Supplementary Rules will remain in force.

The revocation of these specific Supplementary Rules is an important positive development, as it reflects the increased convergence between the EU and Korea's data protection frameworks. The new provisions in the PIPA establishing stricter requirements for cross-border transfers and clarifying the exceptions on transparency and individual rights for pseudonymised data demonstrate Korea's commitment to further strengthening its data protection framework. The Commission welcomes that the PIPC has also taken an active stance in enforcing the new provisions, adopting decisions and sanctions to ensure compliance with the rules on international data transfers and pseudonymisation.

Regarding the access and use of personal data by the authorities of the Republic of Korea, since the adoption of the adequacy decision, Korea has amended some key laws to enhance the protection of personal data, including the Telecommunications Business Act and the Communications Privacy Protection Act. In particular, it introduced new notification requirements, oversight measures, and procedural safeguards. In addition, the PIPC has strengthened its oversight and promoted data protection principles through guidelines for public authorities. These developments demonstrate Korea's ongoing efforts to strengthen the safeguards

for personal data, including when it is processed for purposes of criminal law enforcement and national security.

3. CONCLUSION

Based on the overall findings made as part of this first review, the Commission concludes that the Republic of Korea continues to ensure an adequate level of protection for personal data from the European Union to entities in the Republic of Korea subject to the PIPA, as complemented by the additional safeguards set out in the Supplementary Rules, together with the official representations, assurances and commitments contained in Annex II to the adequacy decision. In this context, the Commission acknowledges and highly appreciates the excellent cooperation, in the conduct of the review, with the Korean authorities, and in particular the PIPC.

In light of this outcome of the review and in line with recitals 219 and 220 of the adequacy decision, the Commission considers that there is no need to maintain the three years-cycle for future reviews and therefore considers that it is appropriate to move to a four years-cycle pursuant to Article 45(3) of the GDPR. It will consult the Committee established under Article 93(1) of the GDPR on this point¹².

At the same time, the strengthening of certain aspects of the Korean data protection framework could contribute to further enhancing the safeguards set out in the PIPA and the Supplementary Rules. To this end, the Commission makes the following recommendations:

1. The Commission encourages the PIPC to carry out random checks to ensure compliance with the Supplementary Rules. In the Commission's view, random checks of this kind would be important to ensure that (potential) violations of the Supplementary Rules are detected and addressed, thereby ensuring effective compliance with these rules.
2. The Commission welcomes the fact that the PIPC plans to publish updated guidelines on international transfers, as they will increase the accessibility of the PIPA rules on this topic and make these rules more user-friendly. The Commission invites the PIPC to clarify that the APEC CBPR and CBPR (Cross-Border Privacy Rules) certification schemes are not recognised as a mechanism for transfers of personal data under PIPA rules.
3. As mentioned in the Staff Working Document accompanying this report, it is also important that the PIPC's website clearly displays the tools that are valid for international data transfers, in both English and Korean, to ensure clarity with respect to the applicable rules.

The review also made it possible to identify areas for possible future cooperation. For instance, given the growing importance of model clauses and their potential as a global tool for data

¹² See Recital 220 of the decision.

transfers, as recognised for example by the G7 and the OECD, the Commission has indicated its interest in future cooperation with the PIPC in developing clauses of this kind.

The Commission will continue to closely monitor the Korea data protection framework and actual practice. In this regard, it looks forward to future exchanges with the Korean authorities on developments relevant to the decision, as well as to further strengthening cooperation at international level at a time where there is an increasing demand for global standards on privacy and data flows.