

# Act on the Prevention of Conflict of Interest Related to Duties of Public Servants



## Purpose

The Anti-Corruption & Civil Rights Commission had pushed the enactment of the Act on the Prevention of Conflict of Interest Related to Duties of Public Servants to prevent public officials from seeking private interests in relation to their duties and to secure fairness in the performance of public duties by preventing and managing conflict of interest situations. The Act was enacted in May 2021 and enforced on May 19, 2022.



## Significance

- **Ensure public trust by controlling new types of corruption**
  - prevention of corruption cases associated with the personal interests of public officials, such as irregularities in the employment of family members and granting privileges to retired officials from their former positions
  - management of conflict of interest cases and establishment of control mechanisms to address public distrust
- **Implement mechanisms to effectively manage personal interests of public officials**
  - upward legislation of the prevention of conflict of interests regulation included in the Code of Conduct for Public Officials in 2018
- **Establish standards of conduct for public officials in alignment with the expectation of the international community**
  - establishment of legal systems for the prevention of conflict of interest that is in line with the standard of OECD member country



## Scope of Application: All public officials within public institutions

- **Public institutions:** constitutional institutions, central administrative agencies and their affiliated agencies, local governments, local councils, offices of education, public institutions, public service-related organizations, national and public schools, etc.
- **Public officials:** national and local public servants, executives and staff members of public service-related organizations and public institutions, and principals and faculty members of national and public schools



## Content of the Law : 10 Standards of Conduct

Standards		Content
Reporting-submission (5)	Disclosure of personally interested persons and application for evasion	If public official's duty-related persons (persons who requested specific actions or measures in performance of duties or are impacted by any advantage or disadvantage in the performance of duties) are personally related to the public official, the public official should report the fact and apply for evasion
	Disclosure of ownership/purchase of public duty-related real estate	Public officials who are working for public organizations dealing with real estate must report an ownership or purchase of real estate located in the organizations' development project by the public officials, their spouse, their lineal ascendant or descendant who share livelihood
	Submission of records of high-ranking officials' business activities in the private sector	High-ranking officials must submit their private sector activity records for the 3 years before their appointment, within 30 days after his appointment
	Report of transactions with duty-related persons	Public officials must report a financial or real estate transactions or contract between their duty-related persons and the public officials themselves, their spouse, their direct lineal ascendants/ descendants
	Report of personal contact with retirees	Public officials must report a personal contact such as playing golf, traveling, or gambling together with a retiree of his organization who is related to his public duty
Restriction-prohibition (5)	Restriction on duty-related outside activities	Public officials should not get paid for the provision of labor or advice, duty-related knowledge or information to a duty-related persons
	Restriction on employment of family members	Public institutions should not employ family members of their high-ranking officials, HR officers, etc. without an open competitive recruitment process
	Restriction of private contracts	Public institutions should not make private contracts with their high-ranking officials, officials in charge of contract affairs, their family members, or a corporation that is represented by them or their family members
	Prohibition of private use of or profiting from public institutions' goods	Public officials should not personally use or profit from vehicles, goods, etc. owned or rented by public institutions
	Prohibition of use of job secrets, etc	Public officials should not get valuables or property benefits using their organization's secrets or undisclosed information, and they should not allowing a third party to do so

※ If public officials violate 10 standards of conduct, they could be subject to sanctions such as criminal penalty, administrative fines, disciplinary measures, or return of illicit benefits.

※ Anyone who has become aware of the violation of the Act can report the fact to the public organization where the violation occurred, the organizations' supervisory agency, the Board of Audit and Inspection, investigative agency, or the ACRC.