Acts related to the ACRC

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ACRC Anti-Corruption & Civil Rights Commission Republic of Korea

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Acts related to the ACRC

- ACT ON ANTI-CORRUPTION AND THE ESTABLISHMENT AND OPERATION OF THE ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION 1
- ENFORCEMENT DECREE OF THE ACT ON ANTI-CORRUPTION AND THE ESTABLISHMENT AND OPERATION OF THE ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION 43
- CODE OF CONDUCT FOR PUBLIC OFFICIALS 89
- ACT ON THE PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS 107
- ENFORCEMENT DECREE OF THE ACT ON THE PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS 129

ACT ON ANTI-CORRUPTION AND THE ESTABLISHMENT AND OPERATION OF THE ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION

Contents

CHAPTER I GENERAL PROVISIONS ····· 5

CHAPTER II ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION ···· 9

CHAPTER III LOCAL OMBUDSMAN ····· 17

CHAPTER IV HANDLING OF COMPLAINT ····· 19

CHAPTER V REPORTING OF ACTS OF CORRUPTION AND PROTECTION OF WHISTLE-BLOWERS, ETC. ····· 25

CHAPTER VI CITIZENS' REQUEST FOR INSPECTION ····· 32

CHAPTER VII SUPPLEMENTARY PROVISIONS ····· 34

CHAPTER VIII PENAL PROVISIONS ····· 37

ACT ON ANTI-CORRUPTION AND THE ESTABLISHMENT AND OPERATION OF THE ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION

Act No. 8878, Feb. 29, 2008
Amended by Act No. 9342, Jan. 7, 2009
Act No. 9402, Feb. 3, 2009
Act No. 9968, Jan. 25, 2010
Act No. 11327, Feb. 17, 2012
Act No. 11690, Mar. 23, 2013
Act No. 12717, May 28, 2014

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect people's basic rights and interests, secure administrative validity, and create a transparent public service and society by handling people's complaints and grievances, improving unreasonable administrative systems, and preventing and efficiently regulating corruption through the establishment of the Anti-Corruption & Civil Rights Commission.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended by Act No. 9402, Feb. 3, 2009>

1. The term "public organizations" means the institutions and organizations that fall into any of the following categories:

(a) The administrative agencies of various levels under the Government Organization Act and the executive organs and councils of local governments under the Local Autonomy Act;

(b) The Superintendents of the Offices of Education, the district offices of education, and the boards of education under the Local Education Autonomy Act;

(c) The National Assembly under the National Assembly Act, the courts of various levels under the Court Organization Act, the Constitutional Court under the Constitutional Court Act, the election commissions of various levels under the National Election Commission Act, and the Board of Audit and Inspection under the Board of Audit and Inspection Act; and

(d) Organizations related to public service under Article 3 (1) 12 of the Public Service Ethics Act.

2. The term "administrative agency, etc." means any central administrative agency, local government, corporation or organization that has the authority of an administrative agency or to which such authority is delegated or entrusted, under the article 4 of the Act on the Operation of Public Institution, or member of such a corporation or organization

3. The term "public organization employees" means the persons who fall into any of the following categories:

(a) The persons under the State Public Officials Act and the Local Public Officials Act, and those who are recognized by other Acts as public officials in terms of qualifications, appointments, education and training, services, remunerations, guarantee of position and so on; and

(b) The heads of organizations related to public service provided for in subparagraph 1 (d) and the employees of such organizations.

4. The term "act of corruption" means the act of wrongdoing that falls into any of the following categories:

(a) The act of a public organization employee to seek illegitimate gains for himself/herself or for any third party by abusing his/her position or authority, or violating Acts and subordinate statutes in connection with his/her duties;

(b) The act of causing financial damage to a public organization in violation of Acts and subordinate statutes, when it is in the process of executing its budget, or acquiring, managing or disposing of its property, or entering into and executing a contract to which it is a party; and

(c) The act of forcing, recommending, suggesting or encouraging someone to engage in or conceal the acts provided for by the above subparagraphs (a) and (b).

5. The term "complaint" means any complaint on any illegal, unjustifiable or passive action of an administrative agency, etc. (including an actual act and omission) or unreasonable administrative system which violates a citizen's right or causes inconvenience or burden to a citizen (including complaints and grievances of soldiers on service and those who perform their mandatory service related to military);

6. The term "petitioner" means any individual, corporation or organization filing a complaint with the Anti-Corruption & Civil Rights Commission or a Local Ombudsman

7. The term "non-governmental organization" means any non-profit and non-governmental organization registered with the competent Minister or a Mayor/Do governor under Article 4 of the Assistance for Non-profit and Non-governmental Organizations Act and

8. The term "Local Ombudsman" means any entity established under Article 32 to deal with complaints against local governments and institutions belonging thereto (including corporations or organizations to which authority of such local governments or institutions is delegated or entrusted under Acts or subordinate statutes, or their members; hereinafter the same shall apply) and to improve related systems

Article 3 (Duties of Public Organizations)

(1) A public organization shall take the responsibility to prevent corruption for the purposes of building a culture of ethics and integrity in society.

(2) In case a public organization deems it necessary to eliminate legal, institutional or administrative inconsistencies for the prevention of corruption, or to address other related issues, then it shall promptly improve or rectify the foregoing.

(3) By using such reasonable means as educational and promotional activities, a public organization shall make strenuous efforts to raise the awareness of its employees and citizens on the prevention of corruption.

(4) A public organization shall make determined efforts to promote international cooperation and exchanges for the prevention of corruption.

Article 4 (Duties of Political Parties)

(1) A political party registered under the Political Parties Act and its members shall endeavor to create a culture of clean and transparent politics.

(2) A political party and its members shall establish a transparent election culture and carry out its transparent operation and ensure the transparent collection and use of political funds.

Article 5 (Duties of Private Enterprises)

A private enterprise shall establish sound trading order and business ethics. It shall also take the necessary steps to prevent any case of corruption.

Article 6 (Duties of Citizens)

Every citizen shall fully cooperate with public organizations in implementing their anti-corruption policies and programs.

Article 7 (Obligation of Public Organization Employees to Maintain Integrity)

Every public organization employee shall honor Acts and subordinate statutes, perform his/her duties impartially and hospitably, and refrain from engaging in corruption and damaging his/her dignity.

Article 7-2 (Prohibition of public organization employee from exploiting secrets learned while performing his/her duties)

Public organization employee shall not acquire any goods or property interest by exploiting secrets that s/he has learned while performing his/her duties, or shall not have a third party acquire such goods or such property interest through the exploitation of such secrets. <Newly Inserted by Act No. 9342, Jan. 7, 2009>

Article 8 (Code of Conduct for Public Organization Employees)

(1) The code of conduct that public organization employees shall observe under Article 7 shall be prescribed by Presidential Decrees, National Assembly regulations, Supreme Court regulations, Constitutional Court regulations, National Election Commission regulations or public organization rules.

(2) The Code of Conduct for Public Organization Employees referred to in paragraph (1) shall prescribe each of the following categories:

1. Matters on the prohibition of public organization employees from and restrictions on receiving entertainment, money and other pecuniary advantages from any person related to his/her duties;

2. Matters on the prohibition of public organization employees from and restrictions on using his/her public position to influence personnel management, seek financial benefits, exert undue influence, or solicit favors;

3. Matters on, for example, fair personnel management, which public organization employees shall observe in order to create a sound climate in officialdom; and

4. Other matters that shall be addressed to prevent corruption and maintain the integrity and dignity of public office.

(3) If a public organization employee violates the Code of Conduct for Public Organization Employees referred to in paragraph (1), disciplinary action may be taken against him/her.

(4) The type, procedure and effectuation of disciplinary action referred to in paragraph (3) shall be governed by the related Acts and subordinate statutes, or the by-laws of a public organization to which the violator belongs.

Article 9 (Guarantee of Livelihoods of Public Organization Employees)

The State and local governments shall make efforts to guarantee the livelihoods of public organization employees so that they can devote themselves to their duties, and shall take necessary steps to improve remuneration and treatment for them.

Article 10 (Requesting Rights and Interests Protection Institution, etc. to Provide Assistance)

The Anti-Corruption & Civil Rights Commission or any Local Ombudsman may, if deemed necessary to perform duties, request administrative agencies, such as the National Human Rights Commission of Korea, corporations or organizations, the purpose of which is to remedy the rights and interests of citizens or to improve Acts and subordinate statutes or systems in order to promote social justice and public interest under Acts, to provide necessary assistance.

CHAPTER II ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION

Article 11 (Establishment of the Anti-Corruption & Civil Rights Commission)

The Anti-Corruption & Civil Rights Commission (hereinafter referred to as the 'Commission') is established under the Prime Minister's Office in order to handle people's complaints and grievances, improve unreasonable administrative systems, and prevent and efficiently regulate corruption.

Article 12 (Functions)

The Commission shall perform the following functions: <Amended by Act No. 9968, Jan. 25, 2010>

1. Formulating and implementing policies to protect people's rights, remedy people's rights and interests, and combat corruption;

2. Investigating and handling complaints and grievances of the people, recommending related rectification or submitting opinions related to those complaints;

3. If the improvement of relevant administrative systems and of the operation thereof is deemed necessary in the course of handling complaints, recommendation for, or submission of opinions on, such improvement;

4. Examining the current state of affairs and evaluating the results of complaints and improvement of administrative systems handled by the Commission;

5. Formulating anti-corruption policies and making corruption preventing recommendations to assist public organizations to strengthen their system and policies, and examining the current state of affairs of public organizations for that purpose;

6. Examining the current state of affairs and evaluating the progress of policy steps, which public organizations have taken to prevent corruption;

7. Making and implementing plans for education and promotion to fight corruption and protect people's rights and interests

8. Cooperating with and supporting individuals, corporations and organizations related to the activities of the Commission, including helping non-profit private organizations with their anti-corruption activities;

9. Promoting international cooperation related to the Commission

10. Providing information on procedures to make a corruption report and counseling and receiving reports;

11. Protecting and rewarding those who have reported suspected corruption;

12. Examining corruption-causing factors in Acts and subordinate statutes;

13. Collecting, managing and analyzing data and materials regarding the prevention of corruption and protection of rights and interests

14. Ensuring the implementation of the Code of Conduct for Public Organization Employees, receiving and processing reports of violation whereof, and protecting those who submitted such reports;

15. Providing guidance and counseling related to the filing of complaints, and checking and notifying how submitted complaints are handled;

16. Operating integrated on-line citizen participation portals, and establishing and operating the government call-center handling civil applications;

17. Cooperating, assisting and educating with regard to the activities of each Local Ombudsman;

18. Arbitrating and mediating matters related to conflicts of a majority of people, and investigating and handling complaints of businesses to resolve their difficulties;

19. Handling matters with regard to the operation of the Central Administrative Appeals Commission according to the Administrative Appeals Act;

20. Handling matters within the jurisdiction of the Commission provided for by other Acts and subordinate statutes and

21. Handling matters that the Prime Minister put on the agenda of the Commission to enhance people's rights and interests.

Article 13 (Composition of the Commission)

(1) The Commission shall be composed of 15 members (including three vice chairpersons and three standing commissioners), including one Chairperson. In this case, the three vice chairpersons assist the Chairperson by taking charge of complaints and grievances, anti-corruption, and the Central Administrative Appeals Commission. However, the Administrative Appeals Act applies to the composition of the Central Administrative Appeals Commission. <Amended by Act No. 9968, Jan. 25, 2010>

(2) The Chairperson, vice chairpersons and other commissioners of the Commission shall be appointed or commissioned from among the following persons who are deemed capable of fairly and independently performing duties with respect to complaints and anti-corruption:

1. Persons whose term of service as associate professor (or corresponding position thereto) or higher either at college or at an authorized research institute is eight years or more;

2. Persons whose term of service as judge, public prosecutor or attorney-at-law is ten years or more;

3. Persons who were or are in office as Grade Ⅲ public official or higher;

4. Persons whose term of service as certified architect, certified tax accountant, certified public accountant, professional engineer or patent attorney is ten years or more;

5. Persons whose term of service as member of any Local Ombudsman under Article 33 (1) is four years or more; and

6. Other persons of high social reputation who have knowledge and experience on administration and who are recommended by (a) non-governmental organization(s).

(3) The Chairperson and vice chairperson are appointed by the President on the recommendation of the Prime Minister. The standing commissioner is appointed by the President on the recommendation of the Chairperson. The non-standing commissioner is appointed or commissioned by the president. In this case, three non-standing commissioners are recommended by the National Assembly and other three by the Chief Justice of the Supreme Court respectively to be appointed or commissioned by the president. <Amended by Act No. 11327, Feb. 17, 2012>

(4) The Chairperson and vice chairperson serve political service and standing commissioners are regarded as a public official in a fixed term position under Article 26-5 of the State Public Officials Act who belong to the Senior Executive Service. <Amended by Act No.12717, May 28, 2014>

(5) If the positions of the commissioners become vacant, new commissioners shall be appointed or commissioned without delay. In this case, the term of the newly appointed or commissioned commissioners restarts.

Article 14 (Chairperson)

(1) The chairperson shall represent the Commission.

(2) When the chairperson is unable to perform his/her duty for unavoidable reasons, a vice chairperson, who is designated by the chairperson, shall act on his/her behalf.

Article 15 (Disqualification of Members)

(1) A person who falls under any of the following subparagraphs shall not be qualified as board member:

1. A person who is not a citizen of the Republic of Korea;

2. A person who falls under any subparagraph of Article 33 of the State Public Officials Act;

3. A person who is affiliated with a political party as a member; and

4. A person who registers himself/herself as candidate in an election held in accordance with the Act on the Election of Public Officials and the Prevention of Election Malpractices.

(2) A board member, when s/he falls under any subparagraph of paragraph (1), shall rightly resign his/her seat.

Article 16 (Independence and Guarantee of Position)

(1) The Commission shall independently perform the work of which it is authorized.

(2) The term in office for the chairperson and the other board members shall be three years, which may be renewed once.

(3) No member shall be dismissed or decommissioned against his/her will with the exception of any of the following subparagraphs:

1. Where s/he falls under any subparagraph of Article 15 (1);

2. Where s/he has much difficulty in performing his/her duties due to mental or physical difficulties and

3. If s/he violates the prohibition against holding more than one office under Article 17.

(4) In case a member falls under the subparagraph 2 of paragraph (3), the President or the Prime Minister shall dismiss or decommission him/her on the chairperson's recommendation after a resolution thereof has been passed with the consent of not less than two thirds of the total members.

Article 17 (Prohibition against Holding More Than One Office)

A member shall not, during his/her term of office, serve concurrently as:

1. a member of the National Assembly or any local council;

2. an individual or an officer or employee of a corporation or organization having a special interest provided for by Presidential Decree in any administrative agency, etc.

Article 18 (Exclusion and Evasion of and Challenge to Member)

(1) Any member shall, if s/he falls within any of the following subparagraphs, be excluded from participation in deliberation and decision of the given committee:

1. If s/he, or any person who is or was his/her spouse, is associated to the party involved in the matter in question or shares any interest with the party as joint holder of any rights or joint burdener of any duties;

2. If s/he has or had a relationship by blood or marriage to the petitioner of the given matter

3. If s/he makes a witness, appraisal, legal advice or damage assessment concerning the given matter

4. If s/he was engaged in the investigation, inspection or audit concerning the given matter before being appointed or commissioned as the commissioner or

5. If s/he participates or participated in the given matter as an agent of the petitioner thereof.

(2) Any interest party may make a request to challenge a member if any special grounds for which it would be difficult to expect impartial deliberation or decision-making from that member exists.

(3) If any member falls within paragraph (1) or (2), s/he may voluntarily evade from deliberation and decision on the given matter.

Article 19 (Resolution of Board)

(1) A resolution shall be passed at a board meeting, which is held with the attendance of a majority of its registered members and with the concurrent vote of a majority of those present. But, concerning Article 20, Paragraph 1 Subparagraph 4, a resolution shall be passed with the vote of a majority of registered members.

(2) Members who are not engaged in deliberation and resolution according to the Article 18 are excluded in counting the number of registered members based on the Article 19, Paragraph 1.

(3) Other matters deemed necessary for operating the Commission is designated based on the Presidential decree.

Article 20 (Small Committees)

(1) In relation to handling complaints, the Commission may establish committees (herein after referred to as the "small committees") composed of three members to deliberate and decide on matters that do not fall under any of the following subparagraphs:

1. Matters provided for by Presidential Decree, including those of interest to many persons, among those whose rectification is recommended under Article 46;

2. Matters with respect to which the system improvement is recommended under Article 47;

3. Matters concerning a decision on a request for audit and inspection under Article 51;

4. Matters with respect to which the previous decision practices of the Commission are required to be changed;

5. Matters that the Commission is to deal with directly by resolution of a small committee; and

6. Other matters that the Chairperson recognizes to be dealt with by the Commission.

(2) All the members of a small committee shall constitute a quorum, and all decisions thereof shall be taken by all of those present.

(3) Other matters necessary for the duties and operation of a small committee shall be provided for by Presidential Decree.

Article 21 (Subcommittees)

For efficient performance, the Commission may have a subcommittee by area.

Article 22 (Outside Expert)

(1) The chairperson may appoint experts in academia, social organizations, and other related fields as expert members of the Commission, when reasonably deemed necessary, to support the Commission's work and conduct specialized studies.

(2) The chairperson shall appoint or designate expert members under paragraph (1).

Article 23 (Establishment of Secretariat)

(1) The Commission shall have a secretariat to deal with its administrative affairs.

(2) There shall be one Secretary General appointed by the Chairperson, who concurrently serves as the vice chairperson. S/he deals with affairs of the Secretariat, and commands and supervises employees belonging thereto under the command of the Chairperson.

(3) Except as provided for in this Act, matters necessary for the organization and operation of the Secretariat shall be provided for by Presidential Decree.

Article 24 (Advisory Organ)

(1) The Commission may establish an advisory organ which renders advisory opinions on matters necessary to perform duties.

(2) Matters necessary for the composition and operation of an advisory organ established under paragraph (1) shall be provided for by Presidential Decree.

Article 25 (Secondment of Public Officials, etc.)

(1) The Commission may, if deemed necessary to perform its duties, request State organs, local governments, organizations stipulated in the Article 4 of the Act on the Operation of Public Institutions, or relevant corporations or organizations to second their public officials or employees to the Commission.

(2) The heads of those State organs, local governments, organizations stipulated in the Article 4 of the Act on the Operation of Public Institutions, or relevant corporations or organizations which have seconded public officials or employees belonging thereto to the Commission under paragraph (1) shall take favorable measures for them in terms of personnel management, treatment, etc.

Article 26 (Report, Publication, etc. of Status of Operation)

(1) The Commission shall annually report the status of the operation thereof to the President and the National Assembly and publish such status updates.

(2) In addition to a report under paragraph (1), the Commission may, if deemed necessary, make any other special report to the President and the National Assembly.

Article 27 (Recommendation for Institutional Improvements)

(1) The Commission, if need be, may recommend that the head of a public organization improve institutions to better prevent corruption.

(2) The head of a public organization that has been recommended to improve institutions under paragraph (1) shall reflect such a recommendation in its institutional improvement measures and inform the Commission about the result of the measures taken according to the recommendation, and the Commission can examine the status of such implementation.

(3) In the case that the head of a public organization that has been recommended to make institutional improvements under paragraph (1) finds it difficult to take measures as recommended by the Commission, s/he shall make a request for the Commission's review of the recommendation. On request, the Commission shall do so.

Article 28 (Review of Corruption-causing Factors in Laws)

(1) The Commission may review corruption-causing factors in Acts, Presidential Decrees, Prime Ministerial decrees and Ordinances of Ministries and in other directives, regulations, announcements, notices, ordinances and rules in reference thereto, and may recommend that the head of the public organization concerned take actions to improve them.

(2) Matters regarding the procedure and methods of the review undertaken under paragraph (1) shall be prescribed by the Presidential Decree.

Article 29 (Hearing Opinions)

(1) In performing the functions provided for in Article 12, subparagraphs 5 to 14, the Commission, if necessary, may take measures which fall under any of the following subparagraphs:

1. Requesting that a public organization give an explanation or submit materials, documents, etc. and assess the current status of affairs in the organization; and

2. Requesting that an interested person, a reference person, or a public organization employee involved attend to make statements.

(2) The Commission shall be prohibited from taking measures provided for in paragraph (1) with respect to the matters which fall into any of the following categories:

1. Matters on the confidential information of the State;

2. Matters on the appropriateness of an investigation, trial and execution of sentence including a security measure, a security surveillance measure, a protective detention measure, a probation measure, a protective internment measure, a custodial treatment measure and a community service order, or matters of which the Board of Audit and Inspection is undertaking inspection;

3. Matters on an administrative appeal or litigation, a ruling of the Constitutional Court, a constitutional petition, a review by the Board of Audit and Inspection or other objection or remedy procedures that are in process under other Acts;

4. Matters on mediation of interests among parties concerned-including settlement, mediation, conciliation, and arbitration-which is being in process under Acts and subordinate statutes; and

5. Matters made definite by a judgment, decision, ruling, settlement, mediation, arbitration, etc. or other matters on which the Audit and Inspection Commission has passed a resolution in accordance with the Board of Audit and Inspection Act.

(3) The measures stated in each subparagraph of paragraph (1) above shall be limited to what the Commission needs to perform its functions in each subparagraph of Article 12 and attention shall be paid not to hamper the performance of duties by any public organization.

(4) The head of a public organization shall sincerely comply with requests for the submission of materials and cooperate in assessing the current status of affairs under paragraph (1), and if s/he finds it difficult to do so, s/he shall explain why.

(5) The head of a public organization may get its employees or relevant experts to be present at the Commission to state their opinions or to submit relevant materials in connection with institutional improvements, etc.

Article 30 (Prohibition of Divulging Confidential Information)

The incumbent or former members of the Commission (board members, expert members, and staff members of the Commission) and any other person who is or has been seconded to the Commission, or designated by the Commission to perform the work of the Commission, shall be prohibited from divulging any confidential information that they have acquired while performing the work of the Commission.

Article 31 (Legal Fiction as Public Officials in the Application of Penal Provisions)

The board members and expert members of the Commission who are not public officials, and secondees shall be deemed public officials in the application of the Criminal Act and the penal provisions of other Acts with regard to the work of the Commission.

CHAPTER III LOCAL OMBUDSMAN

Article 32 (Establishment of Local Ombudsman)

(1) There may be, in each local government, a Local Ombudsman to deal with complaints against each such local government and institutions belonging thereto and to improve administrative systems.

(2) Any Local Ombudsman shall perform the following duties:

1. Investigating and handling of complaints against the local government concerned and institutions belonging thereto;

2. Making recommendation for rectification or expressing opinions related to complaints;

3. If the improvement of relevant administrative systems and of the operation thereof is deemed necessary in the course of handling complaints, making recommendation for, or expressing opinions on, such improvement;

4. Examining the current state of affairs and evaluating the results of complaints handled by such Local Ombudsman and the improvement of administrative systems;

5. Providing guidance and counseling related to the filing of complaints and assistance for handling thereof;

6. Providing education and conducting promotional activites related to the activities of such Local Ombudsman;

7. Partnering and cooperating with international organizations, foreign rights and interests protection institutions, etc. related to the activities of such Local Ombudsman;

8. Cooperating with and providing assistance to individuals, corporations or organizations related to the activities of such Local Ombudsman; and

9. Handling other matters which are entrusted to such Local Ombudsman under other Acts and subordinate statutes.

Article 33 (Qualifications, etc. of Members of Local Ombudsman)

(1) The members of each Local Ombudsman shall be commissioned by the head of the local government concerned with the consent of the local council concerned, from among the following persons who are deemed capable of fairly and independently performing duties with respect to the handling of complaints:

1. Persons who are or were associate professors (or corresponding position thereto) or higher either at college or at an authorized research institute;

2. Persons who are or were judges, public prosecutors or attorneys-at-law;

3. Persons whose are or were Grade Ⅳ public officials or higher;

4. Persons whose term of service as certified architect, certified tax accountant, certified public accountant, professional engineer or patent attorney is five years or more;

5. Persons of high social reputation who have knowledge and experience on administration and who are recommended by non-governmental organizations.

(2) Any member of a Local Ombudsman shall hold office for a term of four years and shall not be commissioned consecutively for a further term.

(3) The head of the local government concerned shall, if the term of office of any member of a Local Ombudsman expires, or a vacancy occurs, commission his/her successor within 30 days after such expiration or occurrence.

(4) The term of office of any member of a Local Ombudsman who is commissioned to fill a vacancy occurring prior to the expiration of the term of office of his/her predecessor shall newly commence.

Article 34 (Provision of Expenses)

The head of a local government in which there is a Local Ombudsman shall provide such expenses as are necessary for the Local Ombudsman to perform duties referred to in Article 32 (2).

Article 35 (Applicable Provisions related to the Commission)

The provision of the Article 15, Article 16 (3), Article 17, Article 18, Article 25, and Article 31 with respect to the Local Ombudsman shall apply in this case.

Article 36 (Executive Office)

(1) The head of the local government concerned shall establish an executive office to assist a Local Ombudsman to perform his/her duties.

(2) There shall be the chief and other necessary employees in the executive office.

Article 37 (Report, Publication, etc. of Status of Operation)

(1) Any Local Ombudsman shall annually report the status of the operation thereof to the head of the local government concerned as well as to the local council concerned and publish such status.

(2) In addition to a report under paragraph (1), any Local Ombudsman may, if deemed necessary, make any other special report to the head of the local government concerned as well as to the local council concerned.

Article 38 (Matters concerning Organization and Operation of Local Ombudsman)

Except as provided for in this Act, matters necessary for the organization and operation of any Local Ombudsman shall be provided for by ordinance of the local government concerned.

CHAPTER IV HANDLING OF COMPLAINT

Article 39 (Filing and Receipt of Complaint)

(1) Any person (including an alien who resides in the Republic of Korea) may file a complaint with the Commission or a Local Ombudsman (hereinafter referred to as the "Ombudsman"). In this case, any petitioner who files a complaint with one Ombudsman may do so with another Ombudsman.

(2) Any person who intends to file a complaint with the Ombudsman shall do so by a document in which the following information is inputted (including an electronic document; hereinafter the same shall apply): Provided that when there is any special reason to the contrary, he/she may do so orally:

1. His/her name and domicile (in the case of a corporation or organization, its name, the place of its main office, and the name of its representative);

2. Facts supporting, and reasons for, such filing, and the points at issue; and

3. Other matters provided for by Presidential Decree, including the name of the administrative agency concerned.

(3) Any petitioner may, except for a legal agent, appoint any of the following persons as agents. In this case, the qualifications of agents shall be certified in writing:

1. A spouse, lineal ascendant or descendant, brother or sister of such petitioner;

2. An officer or employee of a corporation which is such petitioner;

3. An attorney-at-law;

4. A person who may file a complaint as an agent under other Acts; and

5. A person who obtains the permission of the Ombudsman.

(4) If a complaint is filed, the Ombudsman shall neither withhold, nor refuse receipt thereof and shall not unjustifiably return any document relating to the complaint which has already been received, except as otherwise provided in other Acts and subordinate statutes: Provided that when the Ombudsman withholds, refuses or returns a document relating to the complaint, the Ombudsman shall, without delay, notify the relevant petitioner of the reasons for doing so.

Article 40 (Referral, etc. of Complaint)

(1) The Ombudsman may refer to the administrative agency, etc. concerned any complaint whose handling thereby is regarded as appropriate, out of complaints received. In this case, its head shall, if requested, notify the Ombudsman of the results of such handling.

(2) The Ombudsman may handle any complaint whose handling by the Ombudsman is regarded as appropriate by the head of the administrative agency, etc. concerned and which that head refers to the Ombudsman. In this case, such complaint shall be deemed to have been received by the Ombudsman at the time when it is referred to the Ombudsman.

(3) If the Ombudsman refers any complaint to the administrative agency, etc. concerned under paragraph (1), the Ombudsman shall, without delay, notify the relevant petitioner of the reasons for doing so. In this case, the Ombudsman may, when deemed necessary, render the said petitioner advisory opinions on the procedures and measures for the remedy of his/her rights.

(4) If any petitioner files a complaint both with the Commission and with a Local Ombudsman under Article 39 (1), each of them shall, without delay, notify the other. In this case, they shall cooperate with each other in handling the complaint.

Article 41 (Investigation of Complaint)

(1) Upon receipt of a complaint, the Ombudsman shall, without delay, investigate the complaint: Provided that such investigation may not be conducted in the following cases;

1. In cases in which the complaint falls within any subparagraph of Article 43 (1);

2. In cases in which the contents of the complaint are deemed false or ill-founded; or

3. In other cases in which the Ombudsman deems it inappropriate that the Ombudsman should initiate such investigation, including any case not falling within a complaint.

(2) The Ombudsman may, even after initiating an investigation, interrupt or suspend it in any case in which it is deemed that there is no necessity to continue the investigation, including a case falling within any subparagraph of paragraph (1).

(3) If the Ombudsman decides to cease an investigation on a complaint, or interrupts or suspends such investigation, the Ombudsman shall, without delay, notify the relevant petitioner of the reasons for doing so.

Article 42 (Methods of Investigation)

(1) In conducting an investigation under Article 41, the Ombudsman may, if deemed necessary, take any of the following measures:

1. To request the administrative agency, etc. concerned to give an explanation or submit relevant materials and documents;

2. To request an employee of the administrative agency, etc. concerned, the petitioner, person of interest or any other reference person to present him/herself and submit his/her opinions;

3. To inspect any premise or facility deemed relevant to matters subject to investigation on an on-site basis; and

4. To commission any other entity to make an appraisal.

(2) If any employee of the Ombudsman makes an on-site inspection or hears opinions under paragraph (1), s/he shall carry an identification verifying his/her authority and present it to the relevant persons.

(3) The head of the administrative agency, etc. concerned shall comply with a request or inspection made by the Ombudsman under paragraph (1) and cooperate therewithal in a bona fide manner.

Article 43 (Rejection, etc. of Complaint)

(1) The Ombudsman may reject a complaint falling within any of the following subparagraphs or transfer it to any other relevant entity:

1. A complaint requiring any high political decision or related to any state or official secret;

2. A complaint related to the National Assembly, a court, the Constitutional Court, an election commission, the Board of Audit and Inspection, or a local council;

3. A complaint related to criminal investigation and execution of a sentence whose handling by the competent entity is regarded as appropriate or in connection with which the Board of Audit and Inspection initiates an audit and inspection;

4. A complaint with respect to which the administrative appeal, administrative litigation, trial at the Constitutional Court, review by the Board of Audit and Inspection, or any other objection or remedy procedure under any other Act is in progress;

5. A complaint with respect to which any procedure aiming to balance the interests between the parties, i.e., settlement, mediation, conciliation or arbitration, is in progress under Acts and subordinate statutes;

6. A complaint that is related to the relationship of rights and duties established by judgment, decision, ruling, settlement, mediation, arbitration, etc. or in connection with which the Board of Audit and Inspection requires any action;

7. A complaint related to the relationship of rights and duties between private individuals or to an individual's privacy; or

8. A complaint related to personnel administration for employees of any administrative agency, etc.

(2) If the Ombudsman rejects a complaint or transfers it to any other relevant entity under paragraph (1), the Ombudsman shall, without delay, notify the relevant petitioner of the specified reasons for doing so. In this case, the Ombudsman may, when deemed necessary, render the said petitioner advisory opinions on the procedures and measures for the remedy of his/her rights.

(3) If it is found that a complaint on which the investigation is based upon falls under any subparagraph of paragraph (1), the head of the administrative agency, etc. concerned shall, without delay, notify the Ombudsman.

Article 44 (Recommendation for Compromise)

The Ombudsman may propose to the parties involved necessary measures to be taken for the impartial resolution of any complaint whose investigation is in progress or completed, whereupon recommending a compromise to those who are involved.

Article 45 (Mediation)

(1) In order to ensure the rapid and impartial resolution of any complaint related to many persons or having far-reaching social effects, the Ombudsman may, upon request or ex officio, initiate the mediation procedure if deemed necessary.

(2) The mediation shall be completed at the time when, after both parties enter the compromised matters in the document of mediation, they sign and seal it and the Ombudsman, in turn, identifies no flaws in that document.

(3) The mediation under paragraph (2) of this Article shall have the same effect as a settlement under the Civil Act.

Article 46 (Recommendation for Rectification and Expression of Opinions)

(1) If there is a sufficient cause to identify any relevant action, etc. as illegal and unjustifiable as a result of the investigation of a complaint, the Ombudsman may make recommendation(s) to the head of the administrative agency, etc. concerned on an appropriate method of rectification.

(2) The Ombudsman may submit to the head of the administrative agency, etc. concerned opinions on matters on which the relevant petitioner's case is deemed well-founded as a result of the investigation of a complaint.

Article 47 (Recommendation for, and Expression of Opinions on, System Improvement)

If the improvement of any relevant Act and subordinate statute, system, policy, etc. is deemed necessary in the course of investigating or handling a complaint, the Ombudsman may recommend or submit to the head of the administrative agency, etc. concerned the suggested improvement(s) or opinion(s) within reason.

Article 48 (Provision of Opportunity to Submit Opinions)

(1) Before making a recommendation to the head of the administrative agency, etc. concerned on the rectification or system improvement under Article 46 or 47, the Ombudsman shall, in advance, provide the said administrative agency, etc. and the relevant petitioner or an interested person with an opportunity to submit their opinions.

(2) Any employee of the administrative agency, etc. concerned, petitioner or interested person may attend a meeting held by the Ombudsman to state his/her opinions or to submit necessary materials.

Article 49 (Notice of Decision)

The Ombudsman shall, without delay, notify the relevant petitioner and the head of the administrative agency, etc. concerned of a decision on a complaint.

Article 50 (Notification, etc. of Results of Handling)

(1) The head of the administrative agency, etc. concerned receiving a recommendation or opinion under Article 46 or 47 shall comply therewith and notify the Ombudsman of the results of the handling of those recommendation(s) or opinion(s) within thirty days after such receipt.

(2) If the head of the administrative agency, etc. concerned receiving a recommendation under paragraph (1) does not implement the recommendation, s/he shall, in writing, notify the Ombudsman of the reasons for not doing so.

(3) If the Ombudsman receives notice under paragraph (1) or (2), the Ombudsman shall, without delay, notify the relevant petitioner of the interaction thereof.

Article 51 (Request for Audit and Inspection)

If, in the course of investigating or handling any complaint, it is found that any employee of the administrative agency, etc. concerned deals with relevant affairs illegally and unjustifiably by intention or in gross negligence, the Commission and the relevant Local Ombudsman may respectively request the Board of Audit and Inspection and the local government concerned to conduct an audit and inspection.

Article 52 (Confirmation and Review of Implementation of Recommendations, etc.)

The Ombudsman may confirm and review the compliance with recommendations made or opinions submitted under Articles 46 and 47.

Article 53 (Publication)

The Ombudsman may publish the following items provided that publication is not restricted under any other Act or will not violate an individual's privacy:

1. Content of recommendations made or opinions submitted under Articles 46 and 47;
2. Results of handling under Article 50 (1); and
3. Reasons for not implementing recommendations under Article 50 (2).

Article 54 (Interrelations between the Commission and Each Local Ombudsman and between Local Ombudsmen)

(1) The Commission or each Local Ombudsman shall independently perform duties and shall comply with request for mutual consultation or assistance unless there is any justifiable reason to decline such requests.

(2) The Commission shall actively support any of the Local Ombudsman's activities.

CHAPTER V REPORTING OF ACTS OF CORRUPTION AND PROTECTION OF WHISTLE-BLOWERS, ETC.

Article 55 (Reporting Act of Corruption)

Any person who becomes aware of an act of corruption may report it to the Commission.

Article 56 (Public Organization Employee's Obligation to Report Corruption)

In the case that a public organization employee learns that an act of corruption has been committed or is forced or proposed to commit corruption by another public organization employee, s/he shall report it immediately to any investigative agency, the Board of Audit and Inspection or the Commission.

Article 57 (Obligation to Report in Good Faith)

A person who reports an act of corruption despite the fact that s/he knew or could have known that his/her report was false shall not be protected by this Act.

Article 58 (Method of Reporting)

Any person who intends to report an act of corruption shall do so in a written statement containing his/her personal information, intention, purport and reasons for reporting. And when making disclosures, information on who engaged in corruption and evidence attesting to the wrongdoing shall be included.

Article 59 (Handling of Reports)

(1) The Commission may, upon receipt of a report, confirm the following details from the informant, complainant or whistle-blower:

1. Matters necessary to specify the contents of the report such as the name, address and occupation of the informant, complainant or whistle-blower and the details and purport of his/her report; and

2. Matters concerning whether the contents of the report fall under any subparagraph of Article 29 (2).

(2) The Commission may ask any informant, complainant or whistle-blower to submit necessary materials within the scope of ascertaining the truth of the matters specified in paragraph (1).

(3) If need arises for investigating a corruption case reported, the Commission shall refer it to the Board of Audit and Inspection, an investigative agency or an agency in charge of supervising the relevant public organization. In case such a supervisory agency is nonexistent, it refers to the public organization in itself (hereinafter, the "investigative organization"). If the report contains a State secret, it shall be handled according to the Presidential Decree.

(4) If a person suspected of committing corruption on which the Commission has received a report is a senior public official who falls under each of the following subparagraphs and if details on his/her suspected act of corruption are needed for an investigation for criminal punishment and an institution of public prosecution, the Commission shall file an accusation with the prosecution against him/her in its name:

1. A public official with the rank of Vice Minister or higher;
2. The Mayor of Capital Metropolitan City, Mayor of Metropolitan City or Provincial Governor;
3. A police officer with the rank of superintendent general or higher;
4. A judge or a public prosecutor;
5. A military officer with the rank of general; and
6. A National Assembly member.

(5) The prosecution, upon receipt of an accusation filed under paragraph (4), shall notify the Commission of the results of its investigation. It shall also do so when a case which the Commission has reported is already under investigation or relates to another case under investigation.

(6) The Commission shall handle a corruption case reported within 60 days of when it receives the case; provided that if there are justifiable grounds such as the need for supplementation, then the period of time may be extended for no longer than 30 days.

Article 60 (Handling of Investigation Results)

(1) The investigative organization shall complete its inspection, investigation or examination of a case within 60 days of when it receives the case; provided that if there are justifiable grounds, then the period of time may be extended and the investigative organization shall inform the Commission why and how long it will extend the deadline.

(2) The investigative organization to which a report is referred under Article 59 shall notify the Commission of the findings of inspection, investigation, or examination thereof within 10 days of when it concludes such an inspection, investigation or examination. Upon receiving the findings, the Commission shall relay a summary of the findings to the person making the disclosure.

(3) The Commission, if necessary, may ask the investigative organization to explain the results on which the organization has made notification under paragraph (2).

(4) When the inspection, investigation or examination conducted by the investigative organization is deemed inadequate, the Commission may ask the organization to launch again the inspection, investigation or examination by presenting resonable grounds, for example, submitting new evidence, within 30 days of when the Commission is notified of the findings thereof. Any informant, complainant or whistle-blower who is informed of these findings under the latter part of the above paragraph (2) may raise objections to the findings.

(5) The investigative organization that is requested to launch again the inspection, investigation or examination shall notify the Commission of the results of such further inspection, investigation or examination within 7 days of completion. In that case, the Commission, upon receiving the findings of such an inspection, investigation or examination, shall relay a summary of the findings to the person making the disclosure.

Article 61 (Filing Adjudication)

(1) If a person suspected of committing an act of corruption under Article 59 (4) and (5) falls under Articles 129 through 133 and 355 through 357 of the Criminal Act, including the case of aggravated punishment under other Acts and the Commission files an accusation with the prosecution against him/her, or if the same case as the one against which the accusation is filed is already under investigation or is related to another case under investigation, and if the public prosecutor concerned delivers a notice to the Commission that s/he does not institute a public prosecution against either of the two cases, then the Commission may file an application for an adjudication on the right or wrong thereof with the High Court corresponding to the High Public Prosecutor's Office to which the public prosecutor belongs.

(2) Articles 260 (2) to (4), 261, 262, 262 (4), 264 and 264 (2) of the Criminal Procedure Act shall apply *mutatis mutandis* for the adjudication referred to in paragraph (1).

(3) With respect to the application for the adjudication referred to in paragraph (1), if the public prosecutor has not instituted a public prosecution by ten days prior to the date on which the statute of limitation for prosecution thereof expires, it shall be deemed that the public prosecutor has served a notice on the Commission that s/he does not institute such public prosecution at that time; and with respect to an accusation which the Commission filed with the prosecution under Article 59 (4), if the public prosecutor has not instituted such public prosecution by three months after the date on which the Commission filed such accusation, it shall be deemed that the public prosecutor has served such a notice on the Commission at the time that the three months lapsed, respectively.

Article 62 (Guarantee of Public Position)

(1) Any person shall not be subjected to disadvantage or discrimination in terms of his/her working conditions or public position, including disciplinary action taken by a group to which s/he belongs, on the ground that under this Act s/he reported, made a written statement, or submitted materials on a suspected act of corruption.

(2) Any person, who has suffered or is expected to suffer disadvantage or discrimination as a result of reporting corruption, may request the Commission to take measures to guarantee his/her public position and other necessary measures, for example, by invalidating discriminatory action against him/her, transferring him/her elsewhere, or suspending disciplinary action against him/her.

(3) Any person, who has been put at financial or administrative disadvantage, such as the cancellation of permit or license and the revocation of a contract, may request the Commission take necessary steps, for example, to ensure the temporary implementation of the permit, license, or contract, for the purpose of restoring the situation back to his/her original state, or correcting the disadvantages.

(4) If there is a request under paragraph (2) or (3), the Commission shall launch an inquiry.

(5) The Commission may launch an inquiry in accordance with paragraph (4) in a manner that falls under any of the following:

1. A request to the requester or reference persons for presenting themselves before the Commission to state their opinions or for submitting their written statements;

2. A request to the requester, reference persons, or related agencies for submitting materials that are deemed relevant to the investigation; or

3. An inquiry about facts or information, which are deemed relevant to the investigation of the requester, reference persons or related agencies.

(6) Any person who is subject to the request, inquiry, or measures under each subparagraph of paragraph (5) shall sincerely comply with them.

(7) When a person made a request for the guarantee of his/her public position and investigation found that it is reasonable, the Commission may ask the head of an organization, group or enterprise to which the requester belongs or related agency to take proper measures. In this case, the head of the body shall comply with requests from the Commission, unless there are justifiable reasons to act contrarily.

(8) If a public organization employee reports corrupt acts and duly asks the Commission to take proper personnel management measures such as transfer and secondment, then it may request the Minister of Security and Public Administration or the head of the appropriate public organization to take necessary steps. In such a case, the Minister or the head of the relevant public organization shall give prioritized consideration to such request(s) and inform the Commission of the results. <Amended by Act No. 11690, Mar. 23, 2013>

9) The Commission may ask a relevant disciplinary officer to take action against a person who has violated those rights outlined in paragraph (1).

Article 63 (Presumption of Disadvantages)

If a public organization employee reports an act of corruption according to this Act and, pursuant to paragraph (2) or (3) of Article 62, requests the Commission to restore the situation back to his/her original state or litigates for that purpose, then s/he is presumed to have suffered disadvantages for his/her act of reporting corruption.

Article 64 (Personal Protection)

(1) Any employee of the Commission or the investigative agency to which matters of corruption are referred under Article 59 (3) shall be prohibited from disclosing or suggesting the identity of the informant, complainant or whistle-blower without his/her consent.

(2) If an informant, complainant or whistle-blower feels that s/he or his/her family, relatives or cohabitant should be protected from being subjected to pressure or retaliation, or the fear of such consequences, s/he may request the Commission to take protective steps. In such a case, the Commission may ask the Commissioner General of the Korean National Policy Agency, the chief of a local police agency or the chief of the competent police station to take relevant protective steps.

(3) The Commissioner General of the Korean National Policy Agency, the chief of a local police agency, or the chief of the competent police station shall, upon receiving a request as described in paragraph (2), take steps to protect the party concerned under the conditions as prescribed by the Presidential Decree.

(4) If a person suffers disadvantages or discrimination for his/her report of corruption or if there are reasonable grounds to assume that s/he may experience such disadvantages or discrimination, Article 7 (Omission of Personal Information), Article 9 (Inspection of Identification Management Card) through Article 12 (Consultation of Legal Proceedings) of the Protecting Those Who Report Specific Crimes Act shall apply *mutatis mutandis* to the investigation and the following criminal procedures in connection with the reported act of corruption.

(5) Any person shall not disclose, report, or let others know the personal information of an informant, complainant or whistle-blower, or what enables others to assume that s/he reported corruption, secure in the knowledge that s/he is being protected pursuant to the above paragraphs (3) and (4).

Article 65 (Protection of Cooperators)

The provisions of Articles 62, 64 and 66 shall apply *mutatis mutandis* to the guarantee of public position and physical protection of any person, other than a whistle-blower, who has cooperated in the inspection, investigation or examination procedure by stating his/her opinion and submitting materials with regard to corruption matters reported under this Act.

Article 66 (Mitigation of Culpability)

(1) If a person reports corrupt acts according to this Act, which results in the detection of a crime committed by himself/herself, punishment for the crime may be mitigated or remitted.

(2) The provisions of paragraph (1) above shall apply *mutatis mutandis* to any disciplinary measure taken by a public organization.

(3) If a person reports corrupt acts according to this Act, s/he shall be deemed not to violate the obligation of confidentiality in the performance of his/her duty, even though other laws, pacts, employment rules, etc. stipulate otherwise.

Article 67 (Applicable Provisions)

The stipulations of Articles 62 to 66 shall apply *mutatis mutandis* to each of the following cases:

1. where a person reported acts of corruption to the public organization to which s/he belongs;
2. where a person reported acts of corruption to the public organization supervising the organization, group or enterprise to which s/he belongs; and
3. where a person reported violations of the Code of Conduct for Public Organization Employees.

Article 68 (Financial Award and Reward)

(1) If a person reports an act of corruption under this Act to bring financial benefits or prevent financial damage to a public organization, or serve the public interest, then the Commission may recommend that s/he receive an award under the Awards and Decorations Act and/or provide a financial award prescribed by the Presidential Decree.

(2) If a person reports an act of corruption under this Act to contribute directly to increasing or recovering revenues of a public organization or preventing it from bearing economic costs to be otherwise incurred, or if legal relations in that matter are established, then s/he may apply to the Commission for payment of reward. In that case, the reward shall include expenses spent to restore his/her situation to a state prior to suffering discriminatory action.

(3) If the Commission receives an application for the payment of reward as provided in paragraph (2), it shall pay the applicant such reward after going through a deliberation and resolution of the Reward Deliberation Board set up in accordance with Article 69 on the conditions as prescribed by the Presidential Decree; provided, however, that a public official reports an act of corruption in connection with his/her duties, such reward may be reduced or not be paid.

(4) The application for the payment of reward under paragraph (2) above shall be filed within 2 years of the date on which it is known that legal relations regarding the recovery or increase of revenues or the reduction of costs of the public organization are established.

Article 69 (Reward Deliberation Board)

(1) The Commission shall establish the Reward Deliberation Board to deliberate on and resolve matters concerning the payment of financial award or reward pursuant to paragraphs (1) and (2) of Article 68.

(2) The Reward Deliberation Board shall deliberate on and resolve matters falling under each of the following subparagraphs:

1. Matters concerning requirements for the payment of financial award and reward;
2. Matters concerning the amount of financial award and reward to be paid; and
3. Other matters concerning the payment of financial award and reward.

(3) Necessary matters with regard to the composition and operation of the Reward Deliberation Board shall be prescribed by the Presidential Decree.

Article 70 (Determination of Reward Payment)

(1) The Commission shall, upon receipt of an application for reward filed under Article 68, determine whether to pay such reward and the amount of the reward, if any, to be paid, within 90 days of the date of the application therefore, unless there exists any reason to the contrary.

(2) If the Commission determines to pay reward under paragraph (1), it shall immediately inform the applicant thereof.

Article 71 (Relation to Other Acts and Subordinate Statutes)

(1) Any person who is to be paid reward under Article 68 shall not be prohibited from applying for reward in accordance with other Acts and subordinate statutes.

(2) If any person, who is to receive reward, received reward under this Act or received reward for the same reason according to the provisions of other Acts and subordinate statutes, and if the amount of such award or reward obtained is the same as or exceeds the amount of reward to be received under this Act, any reward under this Act shall not be given to him/her. If the amount of such award or reward is less than the amount of reward to be received under this Act, the reward under this Act shall be the difference between the two amounts.

(3) If any who received reward pursuant to this Act is to receive another reward for the same reason under provisions of other Acts and subordinate statutes, the amount to be paid shall be determined with the already paid reward deducted.

CHAPTER VI CITIZENS' REQUEST FOR INSPECTION

Article 72 (Right to Request Inspection)

(1) In the event that a public organization seriously harms public interest while executing administrative affairs due to a violation of Acts and subordinate statutes or its involvement in an act of corruption, any citizen aged 19 or over may request an inspection from the Board of Audit and Inspection by presenting a petition signed by no fewer than a certain number of citizens as prescribed by the Presidential Decree; provided, however, that with respect to the administrative affairs executed by the National Assembly, courts, the Constitutional Court, Election Commissions, or the Board of Audit and Inspection, such request shall be made to the Speaker of the National Assembly, the Chief Justice of the Supreme Court, the President of the Constitutional Court, the Chairperson of the National Election Commission, or the Chairperson of the Board of Audit and Inspection (hereinafter, the "head of a relevant public organization"). <Amended by Act No. 9342, Jan. 7, 2009>

(2) Notwithstanding the provisions of paragraph (1), the matters falling under any of the following subparagraphs shall be excluded from the subject of a request for inspection:

1. Matters pertaining to national security and confidential information;

2. Matters pertaining to the appropriateness of an investigation, trial, and execution of penalty (including any security measure, any security surveillance measure, any protective detention measure, any probation measure, any protective internment measure, any custodial treatment measure, and any community service order);

3. Matters pertaining to private right relationship or individual privacy;

4. Matters that have been or are under inspection by other public organizations; an exception shall be made in case there are new results or notable omissions from such inspection already conducted; and

5. Other matters of which inspection is reasonably deemed inappropriate as prescribed by the Presidential Decree.

(3) Notwithstanding the provisions of paragraph (1) above, any inspection request pertaining to the execution of the administrative affairs that belong to the rights of local governments and their heads shall be governed by Article 16 of the Local Autonomy Act.

Article 73 (Method of Requesting Inspection)

Any person who intends to request an inspection shall make such request in the form of a signed document stating his/her name, address, occupation, etc. and the purport of and reasons for requesting such inspection under the conditions as prescribed by the Presidential Decree.

Article 74 (Decision on Conducting Inspection)

(1) With respect to an inspection request made in accordance with the main sentence of Article 72 (1), the National Audit and Inspection Request Deliberation Commission prescribed by the Regulations of the Board of Audit and Inspection shall determine whether to conduct such inspection.

(2) If the head of a relevant public organization receives an inspection request under the proviso of Article 72 (1), s/he shall determine, within 30 days of the receipt, whether to conduct such inspection in accordance with the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

(3) If the Board of Audit and Inspection or the head of a relevant public organization deems that an inspection request is groundless, such board or head shall dismiss the request and inform the requester thereof within 10 days of when the decision of dismissal comes.

Article 75 (Inspection on Request)

(1) The Board of Audit and Inspection or the head of a relevant public organization shall conclude an inspection within 60 days of when a determination has been made to conduct such inspection; provided, however, that the period of 60 days may be extended where there exists any justifiable reason.

(2) The Board of Audit and Inspection or the head of a relevant public organization shall notify a requester for an inspection of the results of such inspection within 10 days of the date on which such inspection is concluded.

Article 76 (Operation)

Matters necessary for citizens' request for inspection, except as otherwise provided for in this Act, shall be governed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 77 (Proposal, etc. for System Improvement)

(1) The Commission may, if there is found any unreasonable system in the course of handling a complaint or if there are other matters the improvement of which is deemed necessary, submit opinions thereon to the President or the National Assembly.

(2) If, in the course of handling a complaint, it is deemed that any relevant Act or ordinance is obviously unreasonable, the Commission or the local Ombudsman may submit opinions on the amendment or repeal of such Act or ordinance to the National Assembly or the relevant local council.

Article 78 (Protection of Information on Complaint)

The Commission, the local Ombudsman and the administrative agency, etc. concerned shall endeavor not to violate the interests of the relevant petitioner and other interested persons due to the disclosure of information on a complaint.

Article 79 (Notice, etc. of Matters Necessary to File Complaint)

(1) The Commission, the local Ombudsman and the head of the administrative agency, etc. concerned shall, to the extent possible, provide convenience, including a notice of matters necessary to file a complaint, the keeping of manuals, etc.

(2) The Commission and the local Ombudsman shall, in dealing with a complaint, have any employee in charge execute directly the procedures necessary for the verification of materials, the cooperation with the administrative agency, etc. concerned, etc. and otherwise endeavor to promote the convenience of the relevant complainant.

Article 80 (Cooperation with Administrative Agencies, etc. Concerned)

(1) The Commission and the local Ombudsman may, if deemed necessary, request the administrative agencies, etc. concerned to provide assistance necessary to perform the duties.

(2) Those administrative agencies, etc. concerned which are requested to provide assistance by the Commission and the local Ombudsman shall, bona fide, comply with such request, unless there is any justifiable reason to the contrary.

Article 81 (Education, Promotion, etc.)

(1) The Commission and the local Ombudsman may provide education and raise public awareness necessary to awaken public consciousness of rights and to remedy violations thereof, if any.

(2) The Commission and the local Ombudsman may consult with the Minister of Education to assist schools to provide education to handle complaints, remedy violations of rights and fight corruption. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Commission and the local Ombudsman may consult with the heads of the administrative agencies, etc. concerned to include the contents of complaint systems and anti-corruption in any education or training course for public officials.

Article 82 (Employment Restrictions on Public Organization Employees Dismissed for Corruption)

(1) Any public organization employee who rightly resigns, or has been dismissed or removed from office for committing an act of corruption in connection with his/her duties shall be prohibited from landing a job in any public organization, any private company of not less than a certain scale established for profits, which is related to his/her former public service area for three years in the leading up to his/her resignation (hereinafter, the "for-profit company"), or any corporation or organization (hereinafter, the "association") which has been established for the purpose of seeking a common interest and mutual cooperation among for-profit companies, for 5 years from the date on which s/he resigns.

(2) The provisions of Article 17 (2) of the Public Service Ethics Act shall apply *mutatis mutandis* to the scope of the relationship of close ties between the post to which the public official has belonged prior to his/her resignation and the for-profit company, the scale of the for-profit company, and the scope of the association under paragraph (1).

Article 83 (Demand for Dismissal of Employed Persons)

(1) In the event that a person is employed in a public organization in violation of the provisions of Article 82, the Commission shall demand that the head of the public organization concerned dismiss him/her and comply with the demand unless any justifiable grounds exist.

(2) In the event that a person is employed in a for-profit company or an association in violation of the provisions of Article 82, the Commission shall demand that the head of the public organization concerned take steps to terminate his/her employment in the company or association and the head of the public organization concerned shall, upon receipt of this demand, request the head of such for-profit company or such association to dismiss him/her. In this case, the head of the for-profit company or the association shall promptly comply with the request unless there are justifiable grounds that render it too difficult for him/her to do so.

Article 84 (Special Case for National Assembly, etc.)

The National Assembly, courts, the Constitutional Court, the National Election Commission, or the Board of Audit and Inspection shall exert voluntary efforts to sincerely perform the work provided for in each of subparagraphs 5 through 8 of Article 12 to prevent internal corruption.

Article 85 (Delegation Provisions)

(1) With regard to administrative appeals, otherwise stipulated in the Act, the Administrative Appeals Act is applied.

(2) Matters necessary to enforce this Act, other than what is prescribed by this Act, shall be prescribed by the Presidential Decree, the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

CHAPTER VIII PENAL PROVISIONS

Article 86 (Offense of Exploiting Office Secrets)

(1) If any public organization employee is found to have violated the Article 7-2, s/he shall be punishable with not more than 7 years in prison or with not more than KRW 70 million in fines. <Amended by Act No. 9342, Jan. 7, 2009, and Act No. 12717, May 28, 2014.>

(2) In the case of the situation described in paragraph (1), the imprisonment and fine may be imposed cumulatively.

(3) The goods or property interest acquired by a person committing the offense of paragraph (1) or knowingly acquired by a third party by way of such offense shall be confiscated or collected by the corresponding value to be confiscated.

Article 87 (Offense of Leaking Office Secrets)

Any person who has divulged confidential information that s/he learned while performing his/her duties in violation of Article 30 shall be punishable with imprisonment for not more than 5 years or with the fine not exceeding KRW 30 million.

Article 88 (Offense of Leaking Personal Information)

Any person, who violates paragraph (5) of Article 64, shall be sentenced to not more than three years in prison or be fined not more than KRW 10 million.

Article 89 (Offense of Violating Employment Restrictions on Public Organization Employees Dismissed for Improprieties)

If any public organization employee who has been dismissed for improprieties is employed in any public organization, any for-profit company or any association in violation of Article 82 (1), s/he shall be punishable with not more than 2 years in prison or with not more than KRW 20 million in fines.

Article 90 (Offense of Disobedience)

If a person who disadvantaged or discriminated against an informant, complainant or whistle-blower in terms of public position or working conditions pursuant to Article 62 (1) fails to meet the requests prescribed in Article 62 (7), then s/he will be sentenced not more than one year in prison or be fined not more than KRW 10 million.

Article 91 (Fine for Negligence)

(1) Any person who falls into one of the following categories shall be punishable with not more than KRW 10 million in fines for negligence. <Amended by Act No. 9342, Jan. 7, 2009>

1. A person who disadvantages or discriminates against an informant, complainant or whistleblower in terms of his/her public position or working conditions prescribed in paragraph (1) of Article 62

2. A person who violates paragraph (6) of Article 62 and fails to meet the requests or inquiries prescribed by paragraph (5) of the same article

3. A person who fails to meet the Commission's demand according to Article 62 (7) without reasonable grounds, except for a person who disadvantages or discriminates against an informant, complainant or whistle-blower in terms of public position or working conditions under Article 62 (1)

(2) Any person who obstructs, refuses, evades, or intentionally delays the performance of duties under Article 42 without any justifiable reason shall be punished by a fine for negligence not exceeding KRW 5 million.

(3) A fine for negligence under paragraph (1) and (2) shall be imposed and collected by the Commission in accordance with Presidential Decree

(4) Deleted <Jan. 7, 2009>

(5) Deleted <Jan. 7, 2009>

(6) Deleted <Jan. 7, 2009>

(7) Deleted <Jan. 7, 2009>

(8) Deleted <Jan. 7, 2009>

ADDENDA

<Act No. 8878, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of promulgation.

Article 2 (Annulment of other Acts)

The following Acts are annulled.

1. Anti-Corruption Act

2. Act on the Establishment and Operation of the Ombudsman of Korea

Article 3 (Transitional Measures concerning Works and Public Officials due to the Abolition and Establishment of Committee Organizations)

(1) The works conducted by the Ombudsman of Korea and the Korea Independent Commission Against Corruption when this Act enters into force are succeeded by the Anti-Corruption & Civil Rights Commission.

(2) The commissioners excluding the Chairpersons and standing commissioners who serve political service of the Ombudsman of Korea and the Korea Independent Commission Against Corruption at the time of enforcement of this Act are regarded to be appointed or commissioned as commissioners of the Anti-Corruption & Civil Rights Commission. In this case, the term of office is the remaining period.

(3) The public officials belonging to the Ombudsman of Korea and the Korea Independent Commission Against Corruption at the time of enforcement of this Act are regarded as the ones belonging to the Civil Rights Commission.

Article 4 (Transitional Measures concerning Work Transfer)

(1) The actions conducted by and to the Ombudsman of Korea and the Korea Independent Commission Against Corruption in accordance with the Act on the Establishment and Operation of the Ombudsman of Korea and the Anti-Corruption Act at the time of enforcement of this Act are regarded as actions conducted by and to the Anti-Corruption & Civil Rights Commission.

(2) The inspection requests filed by the people in accordance with the Anti-Corruption Act, and works conducted by the Board of Audit and Inspection of Korea, the National Assembly, the Courts, the Constitutional Court or the National Election Commission with regard to those requests at the time of enforcement of this Act are regarded to be performed based on this Act.

Article 5 (Transitional Measures concerning Secondees)

The public officials or employees belonging to relevant institutions·organizations who are seconded to the Ombudsman of Korea and the Korea Independent Commission Against Corruption at the time of enforcement of this Act are regarded as those seconded to the Anti-Corruption & Civil Rights Commission.

Article 6 (Relationship with Other Acts and Subordinate Statutes)

(1) When this Act enters into force, if the term ‘Korea Independent Commission Against Corruption’, ‘Ombudsman of Korea’ or its Chairpersons is cited in other Acts and subordinate statutes with regard to responsibilities of the Korea Independent Commission Against Corruption or the Ombudsman of Korea succeeded by the Anti-Corruption & Civil Rights Commission, it is regarded to be cited as ‘Anti-Corruption & Civil Rights Commission’ or its Chairperson.

(2) If other Acts and subordinate statutes cite the provisions of the Act on the Establishment and Operation of the Ombudsman of Korea or the Act on Anti-Corruption at the time of enforcement of this Act, the corresponding provisions of this Act are regarded to be cited.

ADDENDUM

<Act No. 9342, Jan. 7, 2009>

This Act shall enter into force on the date of promulgation. However, the amendment to the Article 91 shall take effect 6 months after the date of promulgation

ADDENDA

<Act No. 9402, Feb. 3, 2009> (PUBLIC SERVICE ETHICS ACT)

Article 1 (Enforcement Date)

This Act shall enter into force on the date of promulgation. <Proviso is omitted>

Article 2 is omitted

Article 3 (Amendment of other Acts)

(1) through (3) are omitted

(4) The Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission shall be partially amended as follows;

"Article 3 (1) 10 of the Public Service Ethics Act" mentioned in the Article 2, 1 (d) shall be amended to "Article 3 (1) 12 of the Public Service Ethics Act.“

ADDENDA

<Act No. 9968, Jan. 25, 2010> (Administrative Appeals Act)

Article 1 (Enforcement Date)

This Act shall enter into force 6 months after the date of promulgation. <Proviso is omitted>

Article 2 through 7 are omitted

Article 8 (Amendment of other Acts)

(1) through (9) are omitted

(10) The Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission shall be partially amended as follows;

"Administrative Appeals Commission under the Prime Minister`s Office" and "Prime Minister Administrative Appeals Commission" mentioned in the Article 12 (19) and 13 (1) shall be amended to "Central Administrative Appeals Commission.", respectively.

Article 9 is omitted

ADDENDA

<Act No. 11327, Feb. 17, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of promulgation.

Article 2 (Applicability)

The amendment to Article 13 (3) shall be applied to non-standing commissioners from those who have been appointed or commissioned since the enforcement of this act, and on the occurrence of a vacancy to the post of a non-standing commissioner, the President shall alternately appoint or commission a commissioner on the recommendation of the National Assembly or the Chief Justice of the Supreme Court until the number of commissioners recommended by the two parties becomes three, respectively.

ADDENDA

<Act No. 11690, March 23, 2013> (GOVERNMENT ORGANIZATION ACT)

Article 1 (Enforcement Date)

This Act shall enter into force on the date of promulgation. <Proviso is omitted>

Article 2 through 5 are omitted

Article 6 (Amendment of other Acts)

(1) through <700> are omitted

<701> The Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission shall be partially amended as follows;

"the Minister of Public Administration and Security " mentioned in Article 62(8) shall be amended to "the Minister of Security and Public Administration."

"the Minister of Education, Science and Technology" mentioned in Article 81(2) shall be amended to "the Minister of Education."

<702> through <710> are omitted

Article 7 is omitted

ADDENDA

<Act No. 12717, May 28, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of promulgation.

Article 2 (Transitional Measures due to the Changes in the Categories of Public Officials)

Public officials serving special service who were serving as standing commissioners of the ACRC before the amendment of this Act shall be regarded as appointed as a public official in a fixed term position under Article 26-5 of the State Public Officials Act on the date of enforcement of this Act. In this case, his/her term shall be the same as the remaining period of his/her original term as a standing commissioner.

ENFORCEMENT DECREE OF THE ACT ON ANTI-CORRUPTION AND THE ESTABLISHMENT AND OPERATION OF THE ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION

Contents

CHAPTER I GENERAL PROVISIONS 47

CHAPTER II THE ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION 48

CHAPTER III HANDLING OF COMPLAINTS 60

CHAPTER IV REPORTING OF ACTS OF CORRUPTION AND PROTECTION OF INFORMANTS 67

CHAPTER V REWARD AND AWARD FOR DISCLOSURE OF CORRUPT ACTS 73

CHAPTER VI CITIZEN'S REQUEST FOR INSPECTION 77

CHAPTER VII SUPPLEMENTARY PROVISIONS 78

[Appendix 1] Criteria for Paying Rewards [refer to Article 77, Paragraph (1)] 84

[Appendix 2] Criteria for Imposing Negligence Fines [refer to Article 91] 85

ENFORCEMENT DECREE OF THE ACT ON ANTI-CORRUPTION AND THE ESTABLISHMENT AND OPERATION OF THE ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION

Presidential Decree No.20737, Feb. 29, 2008
Amended by Presidential Decree No.21513, May. 28, 2009
Presidential Decree No.22837, Apr. 4, 2011
Presidential Decree No.23231, Oct. 17, 2011
Presidential Decree No.24317, Jan. 16, 2013
Presidential Decree No.24418, Mar. 23, 2013

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to decide matters delegated thereto by Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission and matters necessary for the enforcement of the Act.

Article 2 (Definitions)

The term "complaint" under Article 2. 5 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as "the Act") means a complaint on any matter as defined in any of the following subparagraphs:

1. Requesting resolution of any matter concerning any illegal, unjustifiable action (including an actual act) or omission by an administrative agency which violates a citizen's rights or interests or causes inconvenience or burden to a citizen;

2. Requesting resolution of any matter concerning any passive administrative action or nonperformance by an administrative agency, including non-transparent standards or procedures in handling complaints, or delayed handling by a public official in charge that cause inconvenience or burden to a citizen;

3. Requesting correction of any matter regarding any unreasonable administrative system, Acts or subordinate statutes, or policies that violate a citizen's rights or interests or cause inconvenience or burden to a citizen;

4. Requesting correction of any other violations of a citizen's rights or interests or an unjustifiable treatment of a citizen associated with administration.

Article 3 (Support for Ethical Management of Private Enterprises)

The Anti-Corruption & Civil Rights Commission (hereinafter referred to as "the Commission") may provide support for private enterprises and cooperate with them regarding ethical management to help them effectively achieve their responsibilities to establish sound business ethics as stipulated in Article 5 of the Act.

Article 4 (Code of Conduct for Public Organization Employees)

The Commission may request the National Assembly, the Supreme Court, the Constitutional Court, the National Election Commission or the public organization as defined by Article 2 subparagraph 1 item (d) of the Act to inform the Commission that they establish or revise the code of conduct in accordance with Article 8 of the Act.

Article 5 (Holding Consultative Meetings)

The Chairperson of the Commission (hereinafter referred to as "the Chairperson") may hold consultative meetings with relevant institutions responsible for protecting citizens' rights and interests or the relevant administrative agencies, if deemed necessary, to swiftly resolve complaints and improve the administrative system in accordance with Article 10 and Article 80 of the Act and to operate citizen participation portals in accordance with Article 12 (1).

CHAPTER II THE ANTI-CORRUPTION & CIVIL RIGHTS COMMISSION

Article 6 (Formulation of Civil Rights Protection & Anti-corruption Policy)

(1) The Commission shall develop mid- and long-term basic policies and yearly implementation plans to protect people's rights, remedy people's rights and interests, and combat corruption of public organizations.

(2) The Commission may recommend that a public organization develop and implement a detailed set of policies in accordance with the mid- and long-term basic policies and yearly implementation plans as set out by Paragraph (1) herein.

Article 7 (Review & Evaluation of Current State)

The Commission may, as specified in Article 12 (4) through (6) of the Act, conduct an investigation of the current state of affairs and evaluate a public organization for the implementation of policies by commissioning outside experts or research groups to conduct an analysis of data or to handle other necessary affairs or by forming and operating an evaluation working group which includes members of the Commission and the public organization.

Article 8 (Remedy of Rights & Interests and Anti-Corruption Education)

The Commission may consult with the Minister of Education with a view to reflecting issues regarding remedy of rights & interests and anti-corruption in the curriculum as established in Article 23 of the Elementary and Secondary Education Act, and recommend that lifelong education organizations as defined by the Lifelong Education Act include remedy of rights & interests and anti-corruption issues in their education programs. <Amended by Presidential Decree No. 24418, Mar. 23, 2013>

Article 9 (Implementation and Management of Code of Conduct)

The Commission may draw up and enforce guidelines for the implementation and management of the code of conduct in accordance with Article 12. 14 of the Act, and review and assess the degree to which the public organization is working to ensure the implementation and enforcement of the code of conduct.

Article 10 (Report on Violation of Code of Conduct and Handling of Report)

(1) If the Commission receives a report on violation of the code of conduct, it may follow the procedure (e.g. the procedure for hearing opinions) as prescribed by Article 29 of the Act. In that case, if a public organization employee is found to have violated the code of conduct, it may communicate the matter to the head of the public organization to which he or she belongs, or to the head of the supervisory organization concerned.

(2) If penalty codes are not applicable to the public organization employee who is found to have violated the code of conduct under Paragraph (1) herein, the Commission may communicate the matter to the person who has the authority to appoint and dismiss the public organization employee or to the head of the supervisory organization concerned.

(3) The organization head or the person in authority who was informed according to Paragraph (1) and/or (2) herein shall notify the Commission of the results of actions taken.

Article 11 (The Establishment and Operation of the Government Call Center)

(1) The government call center shall be established and operated at the Commission to provide guidance and counseling related to the filing of complaints as specified in Article 12. 16 of the Act and to analyze and manage the results of handling.

(2) The Commission may request the relevant administrative agency to provide assistance to collect materials necessary for the operation of the government call center. In this case, the administrative agency concerned shall comply with the request unless there are special circumstances.

(3) The Commission may develop standard models on work and technology and support their utilization to render support and assistance to the relevant administrative agencies when the latter provides guidance and counseling on the filing of complaints by phone.

(4) The relevant administrative agencies shall designate a department which deals exclusively with complaints under their jurisdiction that are passed to them for action via the government call center.

(5) The Commission may outsource to the private sector part of the government call center's work, including receiving of complaints and providing guidance, to efficiently carry out the duties of the government call center in accordance with Article 6 (3) of the Government Organization Act.

Article 12 (Integrated Operation of Online Citizen Participation Portals)

(1) The Commission shall oversee the operation of online citizen participation portals (hereinafter referred to as "participation portals") in accordance with Article 12. 16 of the Act.

(2) The Commission shall perform the following duties to ensure integrated operation of participation portals:

1. Operation and management of participation portals' homepages and systems;

2. Classification and reclassification of complaints, public suggestions, and policy participation received by participation portals;

3. Analysis and assessment of complaints, public suggestions and policy participation received by participation portals and follow-up management of handling results;

4. Educational and promotional activities related to the operation of participation portals;

5. Drawing up of standards for the integrated operation of participation portals;

6. Other matters necessary for the integrated operation of participation portals.

(3) The Chairperson shall decide on matters related to the filing, receiving, classifying, and handling of complaints and public suggestions received by participation portals and matters related to the operation of policy participation, after consulting with the relevant administrative agencies.

(4) The relevant administrative agencies shall designate departments which exclusively manage complaints, public suggestions, and policy participation received by participation portals.

(5) The Commission may request the relevant administrative agencies to provide assistance with the collection and sharing of materials necessary for the integrated operation of participation portals, common use of administrative information, and linkages of information and technology networks. In this case, administrative agencies shall comply with the request, unless there are special circumstances.

Article 13 (Responsibilities of Chairperson)

(1) The Chairperson shall hold responsible for the affairs of the Commission.

(2) The Chairperson shall convene and preside over meetings of the Board of the Commission.

Article 14 (Prohibition against Holding More Than One Office)

"An individual, a corporation or an organization having a special interest provided for by Presidential Decree" as defined in Article 17. 2 of the Act refers to any of the following individuals, corporations or organizations, with the exception of education and research institutions and academic organizations:

1. An individual, a corporation or an organization that exercises administrative authority or to which such authority is delegated or entrusted in accordance with Acts and statutes;

2. An individual, a corporation or an organization which receives financial support from the state or local government;

3. A corporation or an organization that requires agreement or approval of the state or local government on appointment or dismissal of its executive members or employees in accordance with Acts and statutes or articles of association.

Article 15 (Challenge to and Evasion of Member)

(1) Any party that wishes to make a request to challenge a member in accordance with Article 18 (2) of the Act may do so by clearly stating the reason to the Chairperson. In this case, the Chairperson shall decide on whether to challenge.

(2) The reason for the challenge shall be explained in writing within three days from the day of making a request to challenge.

(3) The member who receives the request for challenge shall submit his/her opinion on the challenge request to the Chairperson without delay.

(4) If a member voluntarily evade from deliberation or decision as defined by Article 18 (3) of the Act, he/she shall obtain the permission of the Chairperson.

Article 16 (Resolutions of the Commission)

(1) The Commission shall deliberate and pass resolutions on matters pertaining to the following subparagraphs at board meetings: <Amended by Presidential Decree No.23231, Oct. 17, 2011>

1. Matters concerning major decision-making and operation of the Commission;

2. Matters that fall into subparagraphs of Article 18 among recommendations for rectification under Article 46 of the Act;

3. Matters with respect to which institutional improvements are recommended under Article 47 of the Act;

4. Matters concerning decisions on requests for audit and inspection under Article 51 of the Act;

5. Matters with respect to which the previous decision-making practices of the Commission need to be changed;

6. Matters that the Commission has to deal with directly by resolution of a small committee;

7. Matters that the Chairperson decides with respect to prevention of corruption or reports of corruptive acts;

8. Matters that the Chairperson decides with respect to public interest whistleblowing according to the Act on the Protection of Public Interest Whistleblowers;

9. Other matters which the Chairperson deems necessary to be dealt with by the Commission.

(2) Board meetings shall be held on a regular basis, yet the Chairperson may call for a meeting at any time when it is deemed necessary.

Article 17 (Small Committees)

(1) The Commission may establish small committees by area to deliberate and decide on complaints in the areas listed in the following subparagraphs in accordance with Article 20 (1) of the Act, excluding those matters that fall under any of the subparagraphs of Article 20 (1) of the Act: <Amended by Presidential Decree No.21513, May. 28, 2009>

1. Complaints regarding general administrative and social areas, including administration, education, culture, welfare, labor, transportation and roads;

2. Complaints regarding economy-related areas, including taxation, agriculture and forestry, fisheries, the environment and finance;

3. Complaints regarding construction-related areas, including housing, construction and urban planning;

4. Complaints regarding the areas of national defense, military service matters, and veterans' affairs (including complaints raised by soldiers in active service or those who perform mandatory service related to the military);

5. Complaints regarding police-related areas, such as action and investigation by police agencies (including coast guard organizations);

(2) The Chairperson may designate the chair and members of small committees and, if deemed necessary, may change their members.

(3) In cases where a member of any small committee has a ground that falls into exclusion, challenge, or abstention by the member under Article 18 of the Act on a specific matter, the Chairperson may instruct another small committee to deliberate and decide on the matter, or may designate a member of another small committee to become a member of the small committee confined to the specific matter.

Article 18 (Complaints Involving Multiple Number of Persons)

"Matters provided for by Presidential Decree, including those of interest to many persons" as defined in Article 20 (1) 1 refers to the following subparagraphs:

1. Among matters involving many persons, matters in which the interests of the persons are in sharp conflict or matters that are closely related to the public interest or national policy;

2. Matters involving a multiple number of administrative agencies or interested parties that require in-depth deliberations due to the complexity of interest or handling procedures;

3. Matters with far-reaching social impact, or with serious psychological and physical damage to the complainant.

Article 19 (Composition & Operation of Subcommittees)

(1) Under the Article 21 of the Act, a subcommittee shall be composed of three members including its chair.

(2) The Chairperson may designate the chair and members of a subcommittee and change members of it when deemed necessary.

(3) A subcommittee shall explore, adjust, examine and study the issues that will be tabled at the Board meeting, and handle affairs delegated by the Commission.

Article 20 (Disclosure of Meetings)

(1) Investigations and mediation of complaints by the board meeting and small committees shall, in principle, be disclosed. Yet, matters that fall under any of the following subparagraphs may not be disclosed by a resolution of either of the committees:

1. In cases where there is a request by the complainant not to disclose the case;
2. When protection of the privacy of the complainant is deemed necessary;
3. Matters that are closely related to national policy, including complaints involving a multiple number of interested parties and are deemed to undermine impartial investigation and meditation by the Commission or small committees;
4. Matters that are closely related to national defense and security or investigation and are deemed to undermine impartial investigation and mediation by the board meeting or small committees; and
5. Other matters that are deemed to undermine impartial investigation and mediation by the board meeting or small committees, if disclosed.

(2) Deliberation and decision-making process of complaints by the board meeting and small committees shall not be disclosed. Yet, in cases where it is deemed not to undermine impartial deliberation and decision-making to disclose such processes, it may be disclosed by a resolution of the board meeting or a small committee.

(3) Meetings of the Commission, except for matters specified in Paragraphs 1 and 2, shall be disclosed. Yet, if it is deemed necessary not to disclose the meetings to protect the complainant, the meetings shall not be disclosed by a resolution of the board meeting.

Article 21 (Recruitment of Employees of Secretariat)

The Commission shall appoint persons with required expertise, integrity and morality for handling of complaints, anti-corruption, and administrative appeals duties as its expert members and employees, and may establish and apply detailed criteria to that end.

Article 22 (Code of Conduct for the Commission)

(1) The Commission shall establish and enforce a code of conduct so that its employees and expert members can maintain high level of integrity.

(2) The Commission shall take necessary measures to ensure that its employees and expert members dedicate themselves to their handling of complaints, anti-corruption, and administrative appeals duties ethically and impartially.

Article 23 (Advisory Body)

(1) Members of the advisory organ under Article 24 of the Act shall be commissioned by the Chairperson from among those who have expert knowledge and experience in such areas as welfare, industry, construction, urban issues, roads, military, police, labor, the environment, and civil/criminal cases.

(2) The term in office of the advisory member under Paragraph 1 shall be two years, which may be renewed.

(3) The Commission may request advisory opinions on any of the following subparagraphs in accordance with Article 24 of the Act:

1. Matters concerning policy and operation of the Commission;
2. Matters necessary for handling of complaints and institutional improvements;
3. Matters necessary for prevention of corruption and protection of informants;
4. Other matters deemed necessary by the Chairperson or chairs of small committee or subcommittee;

Article 24 (Commissioning of Specialized Counselors)

(1) The Chairperson may commission experts in pertinent areas, including lawyers and tax accountants as specialized counselors to provide advice to citizens on complaint submission.

(2) The term in office of specialized counselors shall be two years, which may be renewed.

Article 25 (Provision of Allowances)

Allowances, traveling expenses or other necessary expenses may be paid to members who are not public officials or those who fall under any of the following subparagraphs with budgetary limits. Yet, if a public official is present at the Commission's meeting in his/her official capacity, this shall not apply:

1. Experts commissioned in accordance with Article 22 (2) of the Act;
2. Advisory members of the advisory organ under Article 24 of the Act;
3. Employees seconded in accordance with Article 25 of the Act;

4. An interested person, reference person, appraiser or public organization employee concerned under Article 29 (1) 2, Article 42 (1) 2 and 42 (1) 4 of the Act;

5. Specialized counselors under Article 24;

6. Advisory members of advisory organ under Article 31;

7. Members of the Reward Board under Article 74; and

8. Those to whom Subparagraphs 1 through 7 apply (except for public officials) and who are present at the meeting of the Commission.

Article 26 (Secondment of Public Officials)

(1) The head of an organization that is requested to second its public official or employee (hereinafter referred to as "seconded employee") to the Commission in accordance with Article 25 (1) of the Act shall select and second a person who meets the standards under Article 21 among from those who fall under any of the following subparagraphs:

1. For a public official who is Grade VI (6) or lower (including corresponding special public officials), those who have worked as a public official for five years or more;

2. For an employee of a related corporation or organization, those who are in a position of department head or higher; and

3. Persons who have considerable career experience and expertise in their duties;

4. Persons approved by the Commission, including those who are responsible, competent, friendly, and faithful in performing their duties.

(2) The heads of organizations which have seconded public officials or employees belonging thereto to the Commission under Article 25 (1) of the Act shall seek favorable measures for those who return after secondment in terms of assignment to positions, etc. If the seconded employee has worked for the Commission for more than one year, the heads may offer them favorable treatment in evaluation, including giving career advantage points.

Article 27 (Position Assignment of Seconded Employees)

The Chairperson shall assign appropriate duties and positions to seconded employees in consideration of their positions and careers.

Article 28 (Status of Operation)

The Commission’s status of operation under Article 26 of the Act shall include matters falling under any of the following subparagraphs:

1. Status of complaints received and the outcomes of their processing;

2. Matters the Commission recommended or expressed opinions about with regard to complaints;

3. Matters that are deemed important by the Commission among those that are not accepted by administrative agencies concerned with respect to the Commission's recommendations or opinions on complaints;

4. Other matters the Commission deems necessary for institutional improvements with respect to complaints.

Article 29 (Institutional Improvement Recommendation Process for Corruption Prevention)

(1) If and when the Commission makes recommendations for institutional improvement to the head of a public organization in accordance with Article 27 (1) of the Act, it shall send him or her a report which provides its opinions thereon and inform him or her of the deadline for actions to be taken.

(2) The organization head who is notified of the recommendation under Paragraph (1), shall notify the results in accordance with Article 27 (2) in writing to the Commission within 1 month from the deadline under Paragraph (1).

(3) If the head of a public organization requests the Commission to deliberate again on the recommendations for institutional improvement in accordance with Article 27 (3) of the Act, he or she shall do so in a written statement with reasons within one month of the notification under Paragraph (1).

(4) If and when the Commission re-deliberates on the recommendations for institutional improvement in accordance with Article 27 (3) of the Act, it shall report the results in a written statement to the organization head who made a request for re-deliberation.

(5) The organization head who is notified of the re-deliberation results under Paragraph (4) shall notify the outcome of steps he or she has taken in accordance with Paragraph (2) when the results includes recommending institutional improvement.

Article 30 (Review of Corruption-Causing Factors)

(1) In accordance with Article 28 of the Act, if and when the Commission analyzes and reviews the act, presidential decree, prime ministerial decree or ordinance of ministry, and the directive, regulation, announcement, notice, ordinance or rule delegated by them (hereinafter referred to as "the acts and subordinate statutes") for the purpose of seeking out and removing potential factors which will likely correlate with corruption in the future (hereinafter referred to as "Corruption Impact Assessment"), it shall consider any of the following:

1. Likelihood of corruption

(a) Whether there is room for the misuse of discretionary power that contributes to corruption

(b) Whether the criteria for application of the acts and subordinate statutes and the procedure for the use of public office are clarified and unbiased

(c) Whether a proper anti-corruption mechanism is in place to control the misuse of discretionary power

2. Ease of observance of the acts and subordinate statutes

(a) Whether there are provisions with which ordinary citizens, enterprises, associations, etc. are hard to comply

(b) Whether the kind and severity of sanctions for violation of the acts and subordinate statutes are appropriate

(c) Whether there is a probability that preferential treatment will be given, and whether preferential treatment, if any, is given in a proper and fair manner

3. Transparency of administrative procedure

(a) Whether opportunities, where necessary, are given for involvement in the administrative procedure and related information is disclosed sufficiently

(b) Whether it is possible to predict what must be prepared for public administrative service; what procedure must be followed; how long it will take to complete the procedure; what outcomes will be; etc.

4. Other matters on the possibility of corruption occurring

(2) The Commission may draw up guidelines on the subjects of and criteria, methods and plans for the Corruption Impact Assessment to ensure its effectiveness, and it may communicate the guidelines to the head of a public organization as prescribed by Article 2.1.(a) and 2.1.(b) of the Act.

(3) If the Commission carries out the Corruption Impact Assessment on the acts and subordinate statutes in accordance with Paragraph (1) herein, it may ask the head of a public organization to submit materials necessary for the assessment pursuant to Article 29 (1) of the Act. In that case, the organization head shall cooperate as prescribed by Article 29 (4) of the Act.

(4) In case the Commission recommends pursuant to Article 28 (1) of the Act that the head of a public organization take action to remove factors which will likely contribute to corruption, it shall give him or her written notification with the deadline for actions to be taken.

(5) If the head of a public organization is advised pursuant to Paragraph (4) herein to follow the recommendations for institutional improvement and yet finds it difficult to take necessary actions as recommended, he or she shall give the Commission written notification of the reasons within the deadline for actions to be taken.

(6) If the Commission finds it necessary to conduct the Corruption Impact Assessment of the acts, which a central government agency or local government wants to enact or revise, it may request materials for the assessment from the agency or local government. In that case, the head of the agency or local government shall cooperate in good faith and the Commission shall give the head of the agency or local government written notification of the assessment findings without delay.

(7) If a local government enacts or revises an ordinance or a rule, the head of the local government may, where necessary, request the Commission to conduct the Corruption Impact Assessment in accordance with Paragraph (1) herein.

(8) If the Commission is asked to conduct the Corruption Impact Assessment in accordance with Paragraph (7) herein, it shall immediately send a written report on the results to the head of the local government.

(9) When deemed necessary, the head of an public service organization under Article 2. 1. (d) of the Act may request the Commission to carry Corruption Impact Assessment on their organization's internal rules and bylaws (including rules and bylaws they want to enact or revise). The Commission shall give the head of the organization a written notification of the assessment findings as soon as it conducts Corruption Impact Assessment.

Article 31 (Advisory Group on the Corruption Impact Assessment)

(1) The Commission may form and run an advisory group on the Corruption Impact Assessment to ensure the professionalism and objectiveness of the assessment and to seek its advice on the assessment.

(2) Matters on the organization and operation of the advisory group shall be determined by the Chairperson following the resolution of the Board.

Article 32 (Notification of the Results of Corruption Impact Assessment to an organization)

(1) In cases where the results of Corruption Impact Assessment are related to the Regulatory Impact Analysis undertaken under Article 7 of the Framework Act on Administrative Regulations, the Commission may communicate the matter to the Regulatory Reform Committee so that it can use the results as a means of assessing and reviewing regulations.

(2) In cases where the results of Corruption Impact Assessment serve as a reference to deliberation of proposed acts and subordinate statutes and to amendment and improvement of acts and subordinate statutes pursuant to Article 21 and 24 of Rules on Legal Work Operation, the Commission may communicate the matter to the Ministry of Government Legislation so that it can use the results in its legal works.

Article 33 (Request for Public Organization's Explanation)

(1) When requesting a public organization to explain any reason or submit materials and/or documents pursuant to Article 29 (1) 1 of the Act, the Commission shall deliver a written notice to the public organization concerned.

(2) When conducting a diagnostic survey of a public organization pursuant to Article 29 (1) 1 of the Act, the Commission shall give advance notification to the public organization as to why, when, where and by whom the survey will be conducted; provided, however, that if there is an urgent reason or a concern that the purpose of the survey might be undermined, the foregoing shall not apply.

(3) The employee of the Commission responsible for the survey pursuant to Paragraph (2) shall present the certificate of authority to the person concerned.

Article 34 (Request for Attendance of Interested Parties)

(1) If the Commission is to demand that an interested party, a reference person or a public official concerned make appearance and statement before the Commission in accordance with Article 29 (1) 2, it shall give them written notification till and including seven days before their appearance.

(2) An interested party, a reference person or a public official concerned, who received written notification in accordance with Paragraph (1) herein, may express their opinions either by appearing before the Commission or in writing until the day before they are supposed to appear.

CHAPTER III HANDLING OF COMPLAINTS

Article 35 (Filing of a Complaint)

(1) When any person files a complaint orally with the Commission or Local Ombudsman (hereinafter in this chapter referred to as "the Ombudsman") in accordance with the provisory clause of Article 39 (2) of the Act, the public official receiving the complaint shall fill in the form and request the complainant to confirm the content and sign or place a seal on it.

(2) "Other matters provided for by Presidential Decree" in Article 39 (2) 3 of the Act refers to any of the matters specified in the following subparagraphs:

1. Name of the administrative agency concerned;

2. Whether the complainant has applied for filing of litigation or objection and/or remedy procedure under any other Act;

3. In cases where the complaint is filed with another Ombudsman, the name of the Ombudsman and complaint description;

4. In the case of an agent filing a complaint on a person's behalf, the personal information of the agent and his/her relationship with the complainant;

5. Personal details of the representative (limited to cases where the representative is selected); and

6. In cases where the person who is in military service (including those serving in the military service who have been seconded as a security guard of a correctional institution, riot police officer, or obligatory fire fighter in accordance with the Military Service Act), his unit, rank and service number.

Article 36 (Selected Representatives of a Complaint)

(1) In cases where a multiple number of complainants jointly file a complaint, three or less representatives may be selected from among the complainants.

(2) If complainants do not select representative(s) in accordance with Paragraph 1, the Ombudsman may recommend complainants to select a representative(s), when deemed necessary.

(3) The selected representative(s) may conduct all acts concerning the matter for different complainants. Yet, in order to withdraw from the complaint, he/she shall obtain the consent of the other complainants, and in such cases the fact that consent has been obtained shall be certified in writing.

(4) When the representative(s) is selected, the other complainants may take action concerning the matter only via the representative(s).

(5) Complainants who have selected the representative(s) may dismiss or change the representative(s), if deemed necessary. In such cases, the complainants shall notify the Ombudsman thereof without delay.

Article 37 (Permission of the Agent)

(1) If the complainant wishes to appoint an agent under Article 39.(3).5 of the Act, the complainant shall request permission from the Ombudsman in writing including the details shown in the following subparagraphs:

1. Personal information of the agent;

2. The reason for appointing the agent;

3. The relationship between the complainant and the agent.

(2) If the Ombudsman receives a request under Paragraph 1, the Ombudsman shall, without delay, deliberate it and decide on whether to grant permission and notify the complainant of the result.

Article 38 (Correction of the Administrative Agency Concerned)

If the complainant mistakenly designates the administrative agency concerned or it is necessary to add administrative agencies concerned, upon request by the complainant or ex officio, the Ombudsman may correct the administrative agency concerned or additionally designate it.

Article 39 (Supplementation of the Complaint Filing Form)

(1) If there are matters to be supplemented in the complaint-filing form, the Ombudsman should set an adequate period of time and request the complainant to supplement the document.

(2) If the complainant fails to supplement the document despite the request under Paragraph 1, the Ombudsman should set an adequate period of time and request supplementation of the document again.

(3) If the complainant who was requested to provide the document supplementation under Paragraph 2 fails to supplement the document within the requested period and it is impossible to handle the complaint without the supplementation, the Ombudsman may conclude the case according to its decision.

Article 40 (Withdrawal of the Complaint)

The complainant may withdraw his/her filing of a complaint in writing at any time before the Ombudsman makes a decision.

Article 41 (Notification of Administrative Appeals, etc.)

(1) If it is found that a petition received in accordance with objection or remedy procedures under other Acts, including administrative appeals, is the same complaint on which the investigation has been initiated by the Ombudsman under Article 41 of the Act, the heads of administrative agencies concerned shall immediately notify the Ombudsman of this fact.

(2) If a complaint received is one that was already handled by another Ombudsman, the Ombudsman shall, without delay, notify the other Ombudsman that handled the case, of the fact that the complaint was already received.

(3) The Ombudsman that is notified of the receipt of the complaint under paragraph 2 may submit the handling result of the complaint and its opinion on the handling to the Ombudsman that has received the complaint.

Article 42 (Handling Period of the Complaint)

(1) The Ombudsman shall handle the complaint received within 60 days from the date of receipt. Yet, if it is impossible to handle the complaint within the period due to unavoidable reasons including the necessity for mediation, the Ombudsman may extend the handling period by within no more than 60 days.

(2) If the handling period is extended in accordance with the proviso clause of Paragraph 1, the Ombudsman shall, without delay, notify the relevant complainant of the reason for extension of the handling period and the expected processing completion date.

(3) As for the period which is not included in the period of complaint-handling under Paragraph 1, then Article 11 of the Enforcement Decree of the Administrative Procedures Act shall apply.

Article 43 (Handling of Repetitive Complaints)

(1) In the case of a complaint with identical issues repetitively filed three times or more by the complainant without any justifiable cause, the Ombudsman may conclude the case which is filed after the handling result is notified twice or more.

(2) The Ombudsman may conclude a complaint filed by a person whose name or address is not clear.

Article 44 (Methods of Investigation)

(1) If the Ombudsman requests the administrative agency concerned to give an explanation or submit relevant materials and documents under Article 42 (1) 1 of the Act, the Ombudsman shall do so in writing that states the purpose, submission date, and requirements, etc. Yet, if the matter is urgent or an explanation on simple matters is requested, it may do so orally or by phone, telegram, facsimile message or the Internet.

(2) If the administrative agency concerned which is requested to give an explanation or submit materials under Paragraph 1 delays or disobeys giving an explanation or submitting materials, the Ombudsman may issue a letter of reminder for prompt handling of the complaint.

(3) Request for appraisal under Article 42 (1) 4 of the Act shall be made in writing that states the appraiser or appraising institution, appraisal period, the purpose and content of appraisal.

Article 45 (Request for Attendance and Submission of Opinions)

(1) If the Ombudsman requests a person to attend and state his/her opinions under Article 42 (1) 2 of the Act, the name of the relevant person, the purpose of the request, attendance date and place shall be notified in advance.

(2) The head of an organization to which the person belongs, who is requested to attend and state opinions under Paragraph 1 shall approve an official trip or official leave of the relevant person.

Article 46 (On-site Inspection of Ombudsman Employees)

(1) If the Ombudsman instructs its employee to conduct on-site inspection under Article 42 (1) 3 of the Act or to listen to a statement by the complainant, the Ombudsman shall notify, in advance, the administrative agency concerned or the relevant complainant of the purpose, details, date and place of the investigation or visit. Yet, concerning matters on state confidential information that has a serious impact on safeguarding national security or investigation into serious crimes, including crimes related to drugs, the Ombudsman may consult, in advance, with the administrative agency concerned on the date and place of the on-site inspection.

(2) When the employee of the Ombudsman conducts an on-site inspection under Paragraph 1, if deemed relevant, investigation by methods listed in any of the following subparagraphs may be conducted. In this case, he/she may be accompanied by a relevant expert:

1. Listening to a statement by the employee of the administrative agency concerned or by the complainant;

2. Requesting the submission of documents, books, or other materials possessed by the administrative agency concerned or the relevant complainant; and

3. Confirming relevant facts, persons, places or other situations.

Article 47 (Recommendation for Compromise and Mediation Procedures)

(1) If a compromise is reached between the parties involved upon the proposal of a compromise under Article 44 of the Act or voluntarily, a written agreement shall be produced. After the parties involved sign and seal the agreement, the Ombudsman shall check and confirm the agreement.

(2) The Commission may hold a mediation meeting to initiate the mediation procedure under Article 45 of the Act.

(3) The mediation meeting shall be presided over by the Chairperson or member of the Ombudsman.

(4) In order to ensure smooth proceeding of the mediation meeting, the Ombudsman may request the complainant who files the complaint and the responsible employee of the administrative agency concerned to attend the meeting. If there is a request by the complainant or if deemed necessary for efficient mediation, the Ombudsman may request persons of interest or a reference person to attend the mediation meeting and submit their opinions.

Article 48 (Methods of Recommendation and Expression of Opinions)

(1) Recommendations for corrective measures or expression of opinions under Article 46 of the Act shall be made in writing, stating the details listed in the following subparagraphs:

1. Description of the complaint;

2. Description of the recommendation of corrective measures or expression of opinions;

3. Matters deemed necessary by the Ombudsman, including reply deadline of the administrative agency concerned.

(2) Recommendations for corrective measures or expression of opinions under Article 47 of the Act shall be made in writing, stating the details listed in the following subparagraphs:

1. Current state and problems of related Acts and statutes, systems and policies;

2. Content of the recommendation of corrective measures or expression of opinions;

3. Matters deemed necessary by the Ombudsman, including reply deadline of the administrative agency concerned.

Article 49 (Provision of Opportunity to Submit Opinions)

If an opportunity to submit opinions is provided under Article 48 (1) of the Act, the date and place of the meeting shall be notified, in advance, to the administrative agency concerned, the complainant or persons of interest.

Article 50 (Notification of handling progress)

(1) If a complaint is filed with the Ombudsman by the complainant, the Ombudsman shall designate an employee to be placed in charge of the handling and notify the complainant of the receipt of the complaint and department, name, and contact information of the employee in charge.

(2) If 30 days have lapsed after the receipt of the complaint or there is a request by the complainant, the Ombudsman shall notify the relevant complainant of handling progress and scheduled date for completion of the processing thereof.

(3) Notification under Paragraphs 1 and 2 may be conducted by phone, telegraph, facsimile message, or the Internet. If there is a request by the complainant, the relevant document shall be issued without delay.

Article 51 (Notification of Results of Handling)

(1) If there is a special circumstance that makes it difficult to comply with the recommendation or opinion of the Ombudsman, the head of the administrative agency concerned shall notify the Ombudsman of the reasons. In this case, the Ombudsman may redeliberate the pertinent matter.

(2) If the administrative agency concerned resolved or is able to resolve the complaint differently from the recommendation or opinion presented by the Ombudsman, the head of the administrative agency concerned shall notify the Ombudsman accordingly.

Article 52 (Request to Submit Documentation to Confirm and Review Implementation of Recommendations)

(1) If it is deemed necessary to confirm and review implementation of recommendations under Article 52 of the Act, the Ombudsman may request the administrative agency subject to such review to comply with the requirements stated in any of the following subparagraphs:

1. To submit relevant documents;

2. To submit a written statement or written confirmation;

3. For the relevant public official or employee concerned to present himself/herself and submit opinions;

4. Other measures deemed necessary by the Ombudsman to efficiently perform confirmation and review.

(2) The administrative agency concerned that receives requests under Paragraph 2 shall comply with them, unless there is a justifiable cause.

Article 53 (Support for Activities of the Local Ombudsman)

The Commission shall support activities of the Local Ombudsman in accordance with any of the following subparagraphs under Article 54 (2) of the Act:

1. Activities aimed to promote the establishment of the Local Ombudsman;

2. Activities for linkages and exchanges among the Local Ombudsmen, including the formation of the national council of the Ombudsman;

3. Operation of programs and educational support to improve complaint handling and counseling capacity of the Local Ombudsman.

CHAPTER IV REPORTING OF ACTS OF CORRUPTION AND PROTECTION OF INFORMANTS

Article 54 (Selection of Representative among Informants)

In case two or more informants intend to report an act of corruption in their joint names, the Commission may advise them to select the representative among them.

Article 55 (Checks on Corruption Reports)

(1) For the purpose of handling corruption reports pursuant to Article 59 of the Act, the Commission may check the following details:

1. The personal information of the informant including his or her name, national identification number, address, occupation, workplace and contact number;
2. The background to, purport of and reason for making the disclosure;
3. Whether the contents of the report fall under the definition of corrupt acts;
4. The relationship between the informant and the alleged offender;
5. Whether reference persons or evidential materials are secured;
6. Whether the informant filed any report, suit, complaint or petition regarding his or her disclosure with other authorities before reporting corruption to the Commission; and
7. Whether the informant allows the Commission and the investigative agency concerned to disclose or suggest his or her identity (hereinafter referred to as the “Disclosure of Identity”) when the Commission handles the disclosure and the investigative agency is involved in inspection, investigation or examination.

(2) When the Commission asks the informant whether he or she agrees to the Disclosure of Identity pursuant to Paragraph (1) 7 herein, it shall explain to the informant the procedure for the Disclosure of Identity and how the case in question is to be handled by investigative agencies.

Article 56 (Supplements to Report)

If the informant does not sufficiently provide the Commission with his or her personal information or other materials necessary to check the details on the corruption report as established in Article 59 (1) 1 of the Act, it may require the informant to supplement the original report.

Article 57 (Referral of Cases)

(1) When referring a case to investigative agencies pursuant to Article 59 (3) of the Act, the Commission shall do so on the basis of the following criteria:

1. When inspection under the Board of Audit and Inspection Act is deemed necessary, the case shall be referred to the Board of Audit and Inspection;

2. When a suspicion of a crime or necessity of investigation is deemed to exist, the case shall be referred to investigative agencies; or

3. When referral to the Board of Audit and Inspection or investigative agencies is inappropriate, the case shall be referred to the supervisory authority of the public organization concerned or the public organization concerned in the absence of such authority.

(2) When a case involves multiple authorities, the Commission may designate the primary authority and refer the case thereto. In this event, the primary authority shall handle the case in cooperation with all authorities involved.

(3) When referring a case pursuant to Paragraph (1), the Commission shall furnish details as referred to in Article 55 (1) and evidence materials submitted by the informant; provided, however, that his or her personal information shall not be furnished unless he or she agrees to the Disclosure of Identity.

(4) When the Commission took such measures as a referral pursuant to Paragraph (1) through (3) herein, it shall give notification to the informant without delay.

Article 58 (Cases Not to Be Referred)

(1) The Commission may close a case of corruption without referral when:

1. The contents of the report is obviously false;

2. The informant does not comply with supplement request as referred to in Article 56 within a certain time frame and thus his/her statement thereof fails to be confirmed;

3. The same report has been repeatedly filed concerning the same matter without justifiable reasons and the informant has already been informed of the result thereof;

4. Two or more reports have been filed concerning the same matter and the inspection, investigation or examination, initiated by the earlier report is being conducted or has been completed by appropriate authorities and there is no further evidence thereof;

5. The case has been already exposed to the public by the media and the lack of further evidence led to a conclusion that no further inspection, examination, or investigation is needed; or

6. Besides, the confirmation of the statement written in the report form and the informant leads to a conclusion that no further inspection, examination, or investigation is needed.

(2) When closing a corruption case without referral pursuant to Paragraph (1) herein, the Commission shall inform the informant of such closure without delay.

Article 59 (Referral to Public Organization)

(1) If the Commission finds it difficult to determine whether it shall, pursuant to Article 57 (1) or Article 58 (1) of this Decree, refer or drop allegations of corruption made under Article 55 of the Act, and if the Commission considers it appropriate that the public organization concerned deals directly with the allegations, then it may refer the matter to the public organization. In that case, it shall ask permission from the informant before disclosing or suggesting his or her identity in the course of referral. If the informant does not agree to the Disclosure of Identity, it shall take measures to ensure confidentiality.

(2) If the Commission is to refer the allegations of corruption to the public organization concerned in accordance with Paragraph (1) herein, it shall give immediate notification to the person who reported corruption. In that case, if the public organization finishes processing the case referred, it shall inform him or her of the results. However, in case the informant did not agree to the Disclosure of Identity, the public organization shall notify the Commission of the results and in turn the Commission shall report them back to him or her.

(3) If and when the public organization concerned substantiates the case of corruption that was sent by the Commission, it shall inform the Commission of the results in accordance with Article 61 (1) hereof.

Article 60 (Handling of Case by Investigative Agency and Public Organization)

(1) If an informant does not agree to the Disclosure of Identity, the investigative agency or public organization concerned shall take necessary measures to conceal his or her identity during its inspection, investigation or examination.

(2) The investigative agency shall not refer the case of corruption it received to any other investigative agency; provided, however, that when the investigative agency considers it inappropriate to handle the case by itself, it may handle the case in consultation with the Commission.

Article 61 (Notification of Investigation Results)

(1) When notifying the Commission of the results from inspection, investigation or examination pursuant to the first sentence of Article 60 (2) of the Act, the investigative agency concerned shall do so in a written statement containing the following:

1. The resulting penal measure or disciplinary measure;

2. How the case is to be dealt with after the completion of inspection, investigation or examination;

3. Facts related to a case, if any, which falls under or is expected to fall under any one of the subparagraphs of Article 71 (1) hereof, or any one of the subparagraphs of Article 72 (1) hereof;

4. A summary of any institutional improvement which is deemed necessary as the result of the disclosure; and

5. Other matters regarding the disclosure that the Commission or the informant needs to know.

(2) The provisions of Paragraph (1) herein shall apply *mutatis mutandis* to the notification of results by the Public Prosecutor's Office in accordance with Article 59 (5) of the Act.

Article 62 (Handling of Investigation Results)

(1) Upon the receipt of the results of inspection, investigation or examination from any investigative agency concerned, the Commission shall determine whether to ask for reinvestigation or whether there is a need for recommendations for institutional improvement.

(2) If there are any matters that interested persons need to know or that require disciplinary action to be taken against the persons involved and they concern the results of inspection, investigation or examination, the Commission shall give notification to the interested persons or agencies.

Article 63 (Filing Objection)

(1) When the Commission notifies the person who made the disclosure of the summary results of inspection, investigation or examination pursuant to the latter sentence of Article 60 (2) of the Act, it shall also make him or her know the methods and deadline for the filing of an objection.

(2) When filing an objection pursuant to the latter sentence of Article 60 (4) of the Act, the informant shall do so within 7 days from the date of receiving the summary results of inspection, investigation or examination.

Article 64 (Procedure for Filling Adjudication)

(1) Where the Commission finds it necessary to decide pursuant to Article 61 of the Act whether to file adjudication, it may request a public prosecutor or a public official in charge of investigation who refrains from bringing public action against the case to submit his or her opinion regarding such measure.

(2) With a view to filing adjudication, the Commission may ask interested persons, reference persons, etc. to submit evidence or may hear their opinions with regard to the case subject to the filing of adjudication.

Article 65 (Request for Guarantee of Position, etc.)

A person, who intends to make a request for the guarantee of his or her public position, for the temporary maintenance of a permit, license or contract, or for the implementation of other necessary measures (hereinafter referred to as “the Guarantee and Other Necessary Measures”) pursuant to Article 62 (2) and (3) of the Act, shall do so in a written statement containing personal information and the reasons for and contents of such request.

Article 66 (Examination of Detrimental Practices)

(1) If and when the Commission requests a person to appear before the Commission, give an oral statement or submit a written statement or other related materials, or inquires about facts or information pursuant to Article 62 (5) of the Act, it shall give him or her an advance notice of the title of the case as well as the date, time and venue for his or her appearance before the Commission; provided, however, that the title of the case may be excluded when considered necessary for the examination.

(2) When the employee of the Commission hears opinions of reference persons in a place other than the Secretariat, he or she shall present certificate of authority to an associated person.

Article 67 (Decision to Take Guarantee and Other Measures)

(1) If the Commission receives a request for the implementation of the guarantee and other necessary measures under Article 62 (2) and (3) of the Act, it shall, within the ensuing 60 days, decide whether to demand or recommend the head of an association, organization or enterprise, or its affiliated group, to which the requester belongs (hereinafter referred to as “the requester’s organization”) to answer the request by taking appropriate steps. In this case, the period may be extended, where necessary, through the resolution of the Board.

(2) In deciding “whether to demand or recommend…” under Paragraph (1) herein, the Commission may require that the head of the requester’s organization make appearance before the Commission to state his or her opinions; provided, however, that with the approval of the Commission the head of the organization, if he or she deems it necessary, may substitute a written statement for his or her appearance before the Commission.

(3) The Commission, according to its decision made under Paragraph (1) herein, may demand the head of the requester’s organization to implement the Guarantee and Other Necessary Measures.

(4) If and when there are specific reasons that hinder the implementation of the Guarantee and Other Necessary Measures referred to in Paragraph (3) herein, the Commission may demand or recommend that the head of the requester's organization take appropriate measures equivalent to the Guarantee and Other Necessary Measures such as the transfer of the requester's job.

(5) If the Commission demands or recommends the head of the requester's organization to implement the Guarantee and Other Necessary Measures under Paragraph (3) or (4) herein, it shall give notification to the requester without delay.

Article 68 (Notification of the Measures Taken)

(1) The head of an organization, who was requested by the Commission under Article 67 (3) or (4) to take appropriate measures, shall notify the Commission of the results of the measures taken within 30 days of the request.

(2) If the head of an organization, who was requested by the Commission under Article 62 (7) of the Act to take appropriate measures, does not do as requested, he or she shall explain the reason to the Commission.

(3) If the Minister of Security and Public Administration or the head of the organization concerned is asked by the Commission under Article 62 (8) of the Act to transfer the requester elsewhere or take other personnel management action in favor for the requester, then he or she shall inform the Commission of the results of action taken within the ensuing 60 days. In that case, if the Minister or the organization head cannot take appropriate action as requested, he or she shall inform the Commission of the reasons. <Amended by Presidential Decree No.24418, Mar. 23, 2013>

Article 69 (Guarantee of Confidentiality for Informants)

(1) Where the identity of an informant is disclosed without his or her consent in the process of handling allegations of corruption, the Commission shall examine how such disclosure occurred.

(2) Where examination under Paragraph (1) herein confirms that Article 64 (1) of the Act is deemed to be violated, the Commission may take such measures as necessary to request the person in authority to take disciplinary action against persons involved.

(3) If the personal information of an informant or his or her relatives or cohabitant is disclosed to some or the public, the Commission may examine how such disclosure happened. In that case, if a person is found to have violated Article 64 (5) of the Act, it may take necessary measures, for example, by lodging complaints against the violator or requesting the person in authority to take disciplinary action against the violator.

Article 70 (Physical Protection)

(1) Request for physical protection under the first sentence of Article 64 (2) of the Act shall be made in a written statement containing personal information of an informant and persons subject to such protection as well as the reasons for such request; provided, however, that oral or telephone request is allowed in case of emergency on condition that a written statement shall be submitted without delay.

(2) The Commissioner General of the Korean National Police Agency, the chief of a local police agency or the chief of the competent police station requested to provide physical protection under the latter sentence of Article 64 (2) of the Act shall take steps in consultation with the Commission in accordance with Article 7 of the Enforcement Decree of the Protection of Reporters, etc. of Specific Crimes Act.

(3) If there is an urgent need for physical protection so it is hard to wait for the Commission to take any decision on physical protection, the Chairperson may ask the Commissioner General of the Korean National Police Agency, the chief of a local police agency or the chief of the competent police station to take relevant protective steps.

(4) The Commissioner General of the Korean National Police Agency, the chief of a local police agency or the chief of the competent police station may discontinue the protective steps taken in consultation with the Commission in case the requested period expires or no necessity for such protection can be found.

(5) The Commission shall notify the informant of the measure taken under Paragraph (2) or the discontinuation of such measure under Paragraph (4) without delay.

CHAPTER V REWARD AND AWARD FOR DISCLOSURE OF CORRUPT ACTSArticle 71 (Grounds for Paying Award)

(1) Award may be payable pursuant to Article 68 (1) of the Act in any one of the following cases:

1. A case in which there was prosecution, stay of prosecution, exemption of prosecution, noticed disposition, imposition of negligence fine or additional collection, disciplinary action or corrective measures against the person who committed corruption;

2. A case that results in institutional improvement, for example, in the form of the enactment or revision of the acts and subordinate statutes;

3. A case in which the disclosure contributes to preventing a public organization from bearing economic costs to be otherwise incurred by improving a related policy, or suspending or ending the implementation of such a policy;

4. A case in which a person comes forward to make a good faith disclosure of his or her receiving pecuniary benefits; and

5. Other cases in which the Reward Deliberation Board of the Commission, pursuant to the Article 69 (1) of the Act, (hereinafter referred to as the "Reward Board") deems it appropriate to pay award.

(2) In case of Paragraph (1), Subparagraph 1 through 3 and 5 herein, the amount of award shall be not more than KRW 100 million. <Amended by Presidential Decree No.21513, May. 28, 2009>

(3) In case of Paragraph (1), Subparagraph 4 herein, the amount of award shall be less than a fifth of the pecuniary benefits disclosed but not more than KRW 200 million.

(4) The provisions of Article 77 (2), 80 and 83 shall apply *mutatis mutandis* to the payment of award.

(5) If there are two or more grounds for payment of award as provided for in Paragraph (1), the case which may guarantee the biggest amount of award shall serve as a criterion for the payment of award.

Article 72 (Grounds for Paying Reward)

(1) If a person's disclosure of corruption results in any of the following cases, thereby contributing directly to increasing or recovering revenues of a public organization or to preventing it from bearing economic costs to be otherwise incurred, or legal relations in that matter are established, then financial reward may be offered to him or her pursuant to the provisions of Article 68 (3) of the Act.

1. Imposition of confiscation or additional collection;

2. Imposition of national tax or local tax;

3. Recovery of capital through the compensation for damages or the return of ill-gotten gains;

4. Decrease in economic costs which comes from changes in a contract; and

5. Other measures or court decisions taken, except for the statutory notification or imposition of fines, penalties, surcharges or negligence fines.

(2) The imposition, recovery, etc. falling under any of the subparagraphs of Paragraph (1) herein shall be directly related to the allegations of corruption and evidential materials.

(3) The expenses spent to restore the informant's situation to a state prior to his or her suffering discriminatory action as prescribed in the latter sentence of Article 68 (2) of the Act may include expenses for medical treatment, change of residence, loss of job, job transfer, etc.

Article 73 (Designation of Representative among Reward Claimers)

If two or more informants, who reported an act of corruption in their joint names, intend to file claims for reward, the Commission may request them to select a representative among them.

Article 74 (Composition of Reward Deliberation Board)

(1) The Reward Board shall be composed of one head (hereinafter referred to as "the head of Reward Board"), one mandatory member and five designated members.

(2) The Chairperson shall appoint a Board Member as the head of the Reward Board through the resolution of the Board.

(3) The Chairperson shall nominate the mandatory member among public officials of the Commission with the rank of Director General.

(4) The Chairperson shall designate persons with education or experience in corruption prevention and reward who are experts in law, accounting, appraisal or who are recommended by non-profit non-governmental organizations under Article 2 of the Assistance for Non-Profit Non-Governmental Organizations Act or who are experts in other relevant fields to the Reward Board through the resolution of the Board.

(5) The term in office of the designated member shall be two years and may be renewed only once.

Article 75 (Head of the Reward Board)

(1) The head of the Reward Board shall be in charge of the business of the Reward Board and represent it.

(2) When the head of the Reward Board is unable to perform his or her duties for unavoidable reasons, his or her designee among the members of the Reward Board shall act on his or her behalf.

Article 76 (Meetings of the Reward Board)

(1) Meetings of the Reward Board shall be convened and presided over by the head of the Reward Board.

(2) Meetings shall begin by the attendance of a majority of registered members and resolve with the concurrent vote of a majority vote of those present.

(3) The Reward Board may request the beneficiaries of award, the reward claimer, interested persons, public officials from the agencies related to the award or reward, or officials from investigative agencies to appear before the Reward Board or to submit necessary materials.

(4) The provisions of Article 18 of the Act shall apply *mutatis mutandis* to exclusion and evasion of and challenge to the members of the Reward Board.

Article 77 (Determination of Reward Amount)

(1) Criteria for reward payment shall be as listed in Appendix 1.

(2) When determining the amount of reward under the criteria in Appendix 1, the Reward Board may reduce the amount considering one of the following:

1. How accurate and reliable the report of corruption and related evidential materials are;
2. Whether the informant's disclosure has been already covered by the media;
3. Whether the informant was involved in the corrupt act exposed by the report; and
4. The extent to which the disclosure contributes to settling the corruption case.

(3) The maximum amount of reward shall be KRW 2 billion, and odds and ends below KRW 1,000 of the final amount shall not be paid.

Article 78 (Restrictions of Payment of Reward for Public Officials)

If a public official, who remains or was involved in inspection, investigation or examination of allegations of corruption, reports corruption in connection with his or her current or former duties, reward shall not be paid to him or her.

Article 79 (Determination of Reward Payment)

(1) The Commission shall determine, based on the consideration and resolution by the Reward Board, whether to pay award and reward and how much to be paid.

(2) When reaching a determination to pay reward pursuant to Paragraph (1) herein, the Commission shall keep the original of a written determination and deliver the officially certified copy thereof and the notice of reward determination to the claimer without delay.

Article 80 (Determination of Reward for Competing Claims)

(1) If two or more persons file competing claims for the same corrupt act, which is not subject to Article 58 (1) 4, the case shall be deemed to be a single corruption case for the calculation of the benefits incurred as listed in Appendix 1.

(2) The Commission, when calculating the amount of reward for the corruption case referred to in Paragraph (1), shall ensure that the amount of reward is proportioned to the degree of contributions made by each claimant to settling the case. If the Commission is to reduce the amount of reward pursuant to Article 77 (2) hereof, it shall decide to do so considering their respective reasons.

Article 81 (Time of Payment of Reward)

(1) Reward shall be paid in accordance with the procedures for imposition or withdrawal prescribed in any one of the subparagraphs of Article 72 (1) after the recovery or increase of revenues or the reduction of costs of public organizations materialized or legal relations in the matter are established. In case the period for filing an appeal against such imposition or withdrawal does not expire or remedial procedure therefor is under way, the payment shall await the expiration of the period and the completion of the procedure.

(2) In case reward shall be paid according to the establishment of legal relations as prescribed in Paragraph (1) herein, less than half of the amount of reward determined by Article 79 (1) may not be paid until the public organization concerned begins recovering or increasing its revenues.

(3) If and when revenues recovered or increased exceed the reward already paid, then the reward not paid under Paragraph (2) herein shall be paid to the informant until he or she receives the total amount of reward determined in accordance with Article 79 (1).

Article 82 (Procedures for Payment of Award and Reward)

Necessary matters concerning the procedure for payment of award and reward shall be decided by the Chairperson through the resolution of the Board.

Article 83 (Withdrawal of Reward Money)

The organization which paid reward money pursuant to acts and subordinate statutes other than the Act and this Decree or the Commission may withdraw partial or entire amount of what was paid in any of the following cases where:

1. A claimant received a reward under false pretenses or by using other unjust methods;
2. A reward was paid in violation of Article 71 (2) and/or (3) of the Act; or
3. A reward was paid for any mistake or error.

CHAPTER VI CITIZEN'S REQUEST FOR INSPECTION

Article 84 (Requester of Inspection)

“Certain number of citizens as prescribed in the Presidential Decree” in Article 72 (1) of the Act means three hundred (300).

Article 85 (Exceptions to Inspection Request)

"Other matters as prescribed by the Presidential Decree" in Article 72 (2) 5 mean one of the following:

1. Matters on an administrative appeal or litigation, a ruling of the Constitutional Court, a constitutional petition, a review by the Board of Audit and Inspection or other appeal or remedy procedures that are in process under other Acts;

2. Matters on mediation of interests among parties concerned-including settlement, mediation, conciliation, and arbitration-which is being in process under Acts and subordinate statutes; and

3. Matters made definite by a judgment, decision, ruling, settlement, mediation, arbitration, etc.

Article 86 (Methods of Inspection Request)

Persons who intend to request inspections pursuant to Article 72 of the Act shall do so in a written statement containing their personal information such as name, telephone number, date of birth, address and occupation with their signature or seal (hereinafter called the "Written Request for Inspection") and the requesting persons shall designate five or less representatives among themselves and include their personal information. <Amended by Presidential Decree No.24317, Jan. 16, 2013>

Article 87 (Rejection of the Written Request for Inspection)

When two or more inspection requests of the same content are filed to the same authority or the request is filed to two or more authorities, the authority concerned may reject the latter request.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 88 (Methods of Submitting Proposals for Complaint-related Institutional Improvements)

Submission of opinions on proposals for institutional improvements under Article 77 of the Act and submission of opinions on amendment or repeal of related Acts or municipal ordinances shall be made in writing that states the information listed in the following subparagraphs:

1. Current state and problems of the institutional system, Acts, or municipal ordinances that require improvement;

2. Content of a proposal for reasonable institutional improvements;

3. If there is an opinion on the revision or abolition of related Acts and statutes or ordinances, its content;

4. Opinions of the administrative agency concerned on Subparagraph 2 or 3;

5. Other matters deemed necessary by the Commission or the Local Ombudsman for institutional improvements or revision and/abolition of Acts and statutes or ordinances.

Article 89 (Request for Confirmation on the Possible Application of Employment Restriction and Confirmation)

(1) When those subject to employment restrictions under Article 82 (1) of the Act seek an employment with profit-seeking private organization or corporations in less than 5 years after the termination of their previous employment as defined in the same paragraph, they may request the heads of the competent public organizations through their previous employers at the time of such termination (the heads of its successor organizations or agencies if the organizations or agencies were abolished, herein after the same shall apply) to confirm whether the private organizations or corporations in question are subject to the restrictions or not.

(2) The previous employers who received written requests for confirmation as referred to in Paragraph (1) shall examine and confirm the matters as prescribed in Article 82 of the Act and deliver the result attaching their opinions to the heads of the competent public organizations.

(3) The heads of the competent public organizations shall review the written requests for confirmation delivered to themselves pursuant to Paragraph (2) whether new employments with the foregoing profit-seeking private organizations or corporations are subject to the restrictions established in Article 82 of the Act and inform the requesters through their previous employers of the result of the reviews. When informing the requesters of the confirmed restriction, the reasons therefore shall be stated.

Article 90 (Monitoring of Re-employment of Public Officials Dismissed for Corruption)

(1) The heads of public organizations shall monitor for the five years since the termination of employments therewith whether the retirees subject to employment restrictions set forth in Article 82 (1) of the Act get new employments with other public organizations, or profit-seeking private organizations or corporations under the same paragraph by inquiring directly or indirectly related authorities and report the result to the Commission more than once a year.

(2) The heads of public organizations, with a view to monitoring the matters referred to in Paragraph (1) and Article 89 (2) and (3), may request the previous employers of the retirees to submit related materials and the heads of the requested organizations shall do as requested without delay unless there are exceptional provisions governed by other laws and regulations.

Article 90-2 (Handling of Identification Information)

The Commission or the head of a public organization may handle materials containing national identification number under Article 19. 1 of the Enforcement Decree of the Personal Information Protection Act, passport number under subparagraph 2 of the same article and foreigner registration number under subparagraph 4 of the same article to perform the following duties, in unavoidable circumstances.

1. Affairs on surveying the actual state and evaluating the progress of policy steps, which public organizations have taken to prevent corruption in accordance with Article 12. 6 of the Act;

2. Affairs on collecting, managing and analyzing data and materials regarding the prevention of corruption in accordance with Article 12. 13 of the Act;

3. Affairs on receiving and processing reports on violation of the Code of Conduct for Public Organization Employees, and protecting those who submitted such reports in accordance with Article 12. 14 of the Act;

4. Affairs on operating integrated on-line citizen participation portals in accordance with Article 12. 16 of the Act;

5. Affairs on hearing opinions in accordance with Article 29 of the Act;

6. Affairs on receiving, handling and investigating of complaint in accordance with Article 39 through 41 of the Act;

7. Affairs on reporting acts of corruption, handling of reports in accordance with Article 58 and 59 of the Act;

8. Affairs on guarantee of public position in accordance with Article 65 and 67 of the Act (including the case of application under Article 65 and 67 of the Act);

9. Affairs on personal protection in accordance with Article 64 of the Act (including the case of application under Article 65 and 67 of the Act);

10. Affairs on award and reward in accordance with Article 68 of the Act;

11. Affairs on demand for dismissal of employed persons in accordance with Article 83 of the Act.

<Newly Inserted by Presidential Decree No. 23231, Oct. 17, 2011>

Article 91 (Imposition and Collection of Fine for Negligence)

The criteria for imposing fines for negligence under Article 91, (1) and (2) of the Act are specified in Appendix 2. <Amended by Presidential Decree No. 21513, May 28. 2009>

Article 92 (Operation Regulations)

Matters necessary for the operation of the Commission, other than those specified in this Decree shall be decided by the Chairperson following the resolution of the Commission.

ADDENDA

<Presidential Decree No.20737, Feb. 29, 2008>

Article 1 (Enforcement Date)

This decree shall enter into force on the date of promulgation.

Article 2 (Repeal of Other Acts and Subordinate Statues)

The following Acts and subordinate statutes shall be repealed.

1. Enforcement Decree of the Anti-Corruption Act
2. Enforcement Decree of the Act on the Establishment and Operation of the Ombudsman of Korea

Article 3 (Transitional Measures concerning Members of the Reward Board)

The designated members of the Reward Board of the Korea Independent Commission Against Corruption at the time of enforcement of this Decree are regarded to be designated as members of the Reward Board of the Anti-Corruption & Civil Rights Commission. In this case, the term of office is the remaining period.

Article 4 (Amendment to Other Acts and Subordinate Statutes)

Code of Conduct for Public Officials shall be amended in part as follows: “Anti-Corruption Act” as referred to in Article 1 shall be amended to “Act on Anti-Corruption and the Establishment and Operation of Anti-Corruption & Civil Rights Commission.”

“Article 2 (2) of Anti-Corruption Act” as referred to in Article 11 (2) of the Act shall be modified to “Article 2 (3) of Act on Anti-Corruption and the Establishment and Operation of Anti-Corruption & Civil Rights Commission.”

“Korea Independent Commission Against Corruption” as referred to in Article 19 and 24 (2) through (4) shall be amended to “Anti-Corruption & Civil Rights Commission,” respectively.

Article 5 (Relationship with Other Acts and Subordinate Statutes)

(1) When this Decree enters into force, if the term ‘Korea Independent Commission Against Corruption’ or ‘Ombudsman of Korea’ is cited in other Acts and subordinate statutes, it is regarded that ‘Anti-Corruption & Civil Rights Commission is cited.

(2) When this Decree enters into force, if the term ‘Enforcement Decree of the Act on the Establishment and Operation of Ombudsman of Korea’ or 'Enforcement Decree of the Anti-Corruption Act' is cited in other Acts and subordinate statutes, this Decree or the corresponding provision of this Decree is regarded to be cited.

ADDENDA

<Presidential Decree No.21513, May. 28, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation. However, the amendment to the Article 91 and Appendix 2 shall take effect from Jul. 8, 2009.

Article 2 (Applicability)

The amendment to Article 71 (2) shall be applied to the first report received after enforcement of the amendment to Article 71 (2) under the main sentence of Addenda Article 1.

ADDENDA

<Presidential Decree No.22837, Apr. 4, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation.

Article 2 (Transitional Measures concerning Fines)

When the criteria for imposing fines are applied to any offenses committed before this decree enters into force, the previous criteria shall apply to them notwithstanding the amendment to Appendix 2.

ADDENDUM

<Presidential Decree No.23231, Oct. 17, 2011>

This Decree shall enter into force on the date of promulgation.

ADDENDUM

<Presidential Decree No.24317, Jan. 16, 2013>

This Decree shall enter into force on the date of promulgation. <Proviso is omitted>

ADDENDUM

<Presidential Decree No.24418, March 23, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation.

Article 2 omitted

Article 3 (Amendment of other Acts)

(1) The Enforcement Decree of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission shall be partially amended as follows;

"The Minister of Education, Science and Technology" mentioned in Article 8 shall be amended to "the Minister of Education."

"The Minister of Public Administration and Security" mentioned in Article 68(3) shall be amended to "the Minister of Security and Public Administration."

(2) omitted

[Appendix 1]

Criteria for Paying Rewards [Refer to Article 77, Paragraph (1)]

Benefits Incurred	Criteria
KRW100 million or less	20%
Over KRW100 million and not more than KRW500 million	KRW20 million + 14% for the amount exceeding KRW100 million
Over KRW500 million and not more than KRW2 billion	KRW76 million + 10% for the amount exceeding KRW500 million
Over KRW2 billion and not more than KRW4 billion	KRW226 million + 6% for the amount exceeding KRW2 billion
Over KRW4 billion	KRW346 million + 4% for the amount exceeding KRW4 billion

※ Benefits Incurred: The value of the recovered or increased revenues or the reduced costs of a public organization incurred by the imposition, withdrawal, etc. (or such value in time of the establishment of legal relations related to that matter) as referred to in any subparagraph of Article 72 (1).

[Appendix 2] <amended April 4, 2011>

Criteria for Imposing Negligence Fines [Refer to Article 91]

1. General Criteria

(1) The Commission may reduce the amount of the fine pursuant to paragraph (2) within the range of 50% for any person who falls into one of the following categories provided that he/she is not in arrears of fine for negligence.

1) A person who falls into one of the categories of Article 2-2 paragraph 1 of 「Enforcement Decree of the Act on the Regulation of Violations of Public Order」

2) A person who committed the violation for the first time and whose outstanding work performance is recognized including receiving a prize or award pursuant to 「the Awards and Decorations Act」 within the last five years, provided that s/he does not fall into the categories of subparagraphs 1, 2, 3 of paragraph 2.

3) A person who has corrected or addressed the consequences of his or her violation

4) A person whose violation is the result of the causes attributable to a person who required protection measures, etc. pursuant to Article 62 of the Act (The matters falling into subparagraph 1 of paragraph (2) shall be excluded); and

5) When there is a reasonable ground for the reduction of a fine for negligence considering the gravity, motive and consequences of the violation

(2) The imposition criteria for fine for negligence by the number of violations pursuant to subparagraphs 1 and 3 of paragraph 2 shall be applicable to a person who has been imposed a fine for negligence for the same violation within the last one year. In this case, the date of imposition of fines for negligence and the number of violations shall be determined on the date of imposition of the initial fine for negligence and the date of exposure of the second violation.

(3) In case there occurred two or more violations subject to subparagraph 2 of paragraph 2 or subparagraph 4 of paragraph 2, the heavier one shall be the basis for determination.

2. Specific Criteria

Type of Violations	Applicable Provision	Amount (KRW)		
		1st	2nd	from 3rd
1. In case of disturbance, reject, avoid or intentionally delay the performance of work pursuant to Article 42 without any justifiable reason	Article 91 (2)	2 million	3 million	5 million
2. In case of detrimental practices against position or discriminations in working conditions subject to Article 62(1) (including provisions applied *mutatis mutandis* in Article 67)	Article 91 (1) 1			
1) Dismissal, discharge and other corresponding detrimental practices		10 million		
2) Removal from obligation, demotion, promotion limitation, and other corresponding detrimental practices		7 million		
3) Transfer to a position of the same status, transfer to other positions and other corresponding detrimental personnel practices		5 million		
4) Discriminations in terms of working conditions such as income discrimination, non-assignment of jobs and bullying		3 million		
3. In case of not following requests, inquiries, and measures pursuant to Article 62 (5) for violations in Article 62 (6) (including provisions applied *mutatis mutandis* in Article 67)	Article 91 (1) 2	3 million	5 million	10million
4. In case of not following the ACRC's requests to take necessary measures pursuant to Article 62 (7) (including provisions applied *mutatis mutandis*) except detrimental practices against position or discriminations in terms of working condition pursuant to Article 62 (1)	Article 91 (1) 3			

Type of Violations	Applicable Provision	Amount (KRW)		
		1st	2nd	from 3rd
1) In case of not taking measures the ACRC requested on dismissal, discharge and other corresponding detrimental practices		10 million		
2) In case of not taking measures the ACRC requested on removal from obligation, demotion, promotion limitation, and other corresponding detrimental practices		7 million		
3) In case of not taking measures the ACRC requested on economic and administrative detrimental practices including cancellation of permit and license or contract		7 million		
4) In case of not taking measures the ACRC requested on transfer to a position of the same status, transfer to other positions and other corresponding detrimental personnel practices		5 million		
5) In case of not taking measures the ACRC requested on discriminations in terms of working conditions such as income discrimination, non-assignment of jobs and bullying		3 million		

CODE OF CONDUCT FOR PUBLIC OFFICIALS

Contents

CHAPTER I GENERAL PROVISIONS ····· 93

CHAPTER II FAIR PERFORMANCE OF DUTIES ····· 95

CHAPTER III PROHIBITION OF GIVING AND RECEIVING UNFAIR PROFITS ····· 97

CHAPTER IV CREATION OF HEALTHY CLIMATE OF CIVIL SERVICE ·· 99

CHAPTER V MEASURES AGAINST VIOLATION ····· 100

CHAPTER VI SUPPLEMENTARY PROVISIONS ····· 101

CODE OF CONDUCT FOR PUBLIC OFFICIALS

Presidential Decree No. 17906, Feb. 18, 2003
Amended by Presidential Decree No. 18965, Jul. 26, 2005
Presidential Decree No. 19165, Dec. 9, 2005
Presidential Decree No. 19513, Jun. 12, 2006
Presidential Decree No. 20737, Feb. 29, 2008
Presidential Decree No. 21107, Nov. 5, 2008
Presidential Decree No. 21238, Dec. 31, 2008
Presidential Decree No. 22471, Nov. 2, 2010

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to prescribe the standards of conduct to be observed by public officials in accordance with Article 8 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission.

Article 2 (Definitions)

The definitions of terms as used in this Decree shall be as follows:

1. The term “duty-related party” means an individual (including a public official who acts in his/her private capacity) or an organization whose business is related to a public official’s duties and who falls under one of the following:

(a) Any individual or organization that has filed or is sure to file a civil petition under Article 2 (2) 1 and 4 of the Enforcement Decree of the Civil Petitions Procedure Act;

(b) Any individual or organization that will get advantages or disadvantages as a direct result of the cancellation of authorization or permission, business suspension, imposition of surcharge or fine for negligence;

(c) Any individual or organization that is subject to investigation, audit, supervision, inspection, control or administrative guidance;

(d) Any individual or organization that will get advantages or disadvantages as a direct result of adjudication, decision, official approval, appraisal, examination, assessment, mediation or arbitration;

(e) Any individual or organization that is subject to conscription, muster or mobilization;

(f) Any individual or organization that has concluded or is sure to conclude a contract with the State or a local government;

(g) Any individual or organization that will get advantages or disadvantages as a direct result of decision or implementation of government policies or public projects; and

(h) Any other individual or organization that is related to anti-corruption duties assigned by the head of a central administrative agency (including the head of an entity which is answerable to the President or the Prime Minister); the executive organ of a local government; the head of a local council; and the superintendent of education and the head of board of education of a special metropolitan city, a metropolitan city or a local province (hereinafter referred to as the "Agency Head").

2. The term "duty-related public official" means a public official who gets advantages or disadvantages as a direct result of other public official's performance of duties (in case of a government agency to get such advantages or disadvantages, a public official in charge of the affairs concerned within the agency), and who falls under any one of the following:

(a) A public official who receives orders related to his or her duties;

(b) A public official (of the same government agency or other relevant agency) who handles or is related to affairs concerning personnel management, budget, audit, award/decoration or evaluation/ assessment;

(c) A public official who entrusted his or her affairs to other public official and the public official who was entrusted with the affairs; and

(d) Any other public official who the Agency Head considers a duty-related public official.

3. The term "gift" means goods, marketable securities, lodging tickets, membership cards, admission tickets or other equivalents which are offered without solicitation of any favors (including the favor whose value is much lower than its prevailing value in the market or the price at which it is traded).

4. The term "gift of entertainment" means treatment including cuisine and a golf trip, or a convenience including transportation and an accommodation facility.

Article 3 (Scope of Application)

This Decree shall apply to state public officials (except for public officials under the control of the National Assembly, the Court, the Constitutional Court and the National Election Commission), and local public officials.

CHAPTER II FAIR PERFORMANCE OF DUTIES

Article 4 (Handling of Instructions that Hinder Fair Performance of Duties)

(1) If and when a public official gives his or her subordinate the instructions that may hamper fair performance of public duties in order to pursue his or her own private interests or the interests of any third party, the subordinate public official may refuse to follow the instructions by communicating the reason to the superior official or consult with the officer in charge of the Code of Conduct for Public Officials designated by the provisions of Article 23 hereof (hereinafter referred to as the "Code of Conduct Officer").

(2) If a public official is repeatedly asked to fulfill the same instruction notwithstanding his or her refusal under paragraph (1), he or she shall immediately consult with the Code of Conduct Officer.

(3) The Code of Conduct Officer, when requested to provide consultation under paragraph (1) and (2), shall check the details of such an instruction. In case the Code of Conduct Officer deems it necessary to change or cancel the instruction, he or she shall give notification to the head of the agency concerned; provided, however, that this shall not apply when the superior public official, who gave the wrongful instruction, changes or cancels it while the Code of Conduct Officer is checking its details.

(4) The head of agency, who received notification in accordance with paragraph (3), shall take a proper measure including, but not limited to, the cancellation or change of the instruction, where deemed necessary. In that case, disciplinary or other necessary actions may be taken against the superior public official who repeated the instructions that may harm fair performance of duties notwithstanding the provisions of paragraph (1) herein.

Article 5 (Prevention of Conflict of Interest)

(1) When a public official's duty falls under any of the following subparagraphs, he or she shall consult the immediate senior official or the Code of Conduct Officer about avoiding such duty and then handle the matter; provided, however, that this shall not apply if the duty concerned is one of the simple civil petition services designated by the Agency Head on the ground that their fair performance may not be hampered:

(a) Where the duty concerned is directly related to the public official's own financial interests; or those of certain other persons, such as his/her lineal ascendants/descendants and spouse; and the spouse's lineal ascendants/descendants;

(b) Where a duty-related party is his/her relative within the relationship of third degree (defined by Article 767 of the Civil Act, hereinafter the same shall apply);

(c) Where a duty-related party is the agency or the representative of the agency for which he or she used to work within the past 2 years; and

(d) Where a duty-related party is defined by the Agency Head as a person with whom a public official may not perform his/her duties in an impartial manner.

(2) The immediate senior official or the Code of Conduct Officer, who received a request for consultation in accordance with paragraph (1), shall give notification to the head of the agency concerned if it is deemed inappropriate that the public official concerned continues to perform the duties; provided, however, that the senior official may temporarily reassign the public official to other duties without giving notification to the head of the agency if he or she has the authority to do so.

(3) The head of the agency who received notification under paragraph (2) shall take necessary measures to ensure fair performance of duties, including, but not limited to, the reassignment of duties.

Article 6 (Exclusion of Preferential Treatment)

While performing his/her duties, a public official shall not give any preferential treatment to a specific person on the grounds of kinship, religion, regional or academic ties.

Article 7 (Prohibition of Use of Budget for Unspecified Purposes)

A public official shall not make his or her agency bear economic costs by using its budget (including travel and business promotion expenses) for unspecified purposes.

Article 8 (Handling of Unjust Request from Politicians)

(1) If a politician or a political party forces or requests a public official to perform his or her duties in a biased and improper way, he or she shall either give notification to the head of his/her agency or consult with the Code of Conduct Officer before handling the matter.

(2) Having received notification under paragraph (1), the head of the agency concerned shall take necessary measures so that the public official may fairly perform his/her duties. The same shall apply to the Code of Conduct Officer who consulted with the public official in accordance with paragraph (1).

Article 9 (Prohibition of Illegal Solicitation for Personnel Affairs)

(1) A public official shall not ask any third party to solicit a public official who handles affairs on his or her appointment, promotion, job transfer and any other personnel management for the purpose of getting undue personal benefits.

(2) A public official shall not use his or her public position to unduly influence the decisions on personnel management for other public officials, especially decisions on their appointment, promotion and job transfer.

CHAPTER III PROHIBITION OF GIVING AND RECEIVING UNFAIR PROFITS

Article 10 (Prohibition of Influence Peddling)

A public official shall not directly use his or her public position to unduely benefit him/herself or other people.

Article 10-2 (Prohibition of the Improper Use of Public Position)

A public official shall not use or allow other people to use his/her position or the title of the agency in the way that they appear on public announcement or notice for personal gains other than official duties.

Article 11 (Prohibition of Illegal Solicitation)

(1) A public official shall not use any good office or make solicitation to hinder other public officials from performing their duties in a fair and proper manner for the purpose of unduely benefiting him/herself or another person.

(2) A public official shall not introduce a duty-related party to any other duty-related party or to a public official as defined by Article 2. 3 of the Act on Anti-Corruption and the Establishment of the Anti-Corruption & Civil Rights Commission, for the purpose of unduely benefiting him/herself or another person.

Article 12 (Restriction of Use of Duty-related Information for Financial Transactions)

(1) A public official shall not involve in transactions of or make investment in marketable securities, real estate and other financial instruments by using information he or she obtained in the course of performing his or her public duties; nor shall he or she give such information to any other person in order to help them make such financial transactions or investment.

(2) Concerning the provision of paragraph (1), the Agency Head shall draw up a detailed set of standards for restricting the use of duty-related information for financial transactions, depending on specific area of public duty.

Article 13 (Prohibition of Personal Use of Public Property)

A public official shall not benefit himself or herself by using public properties including public-owned vehicles, vessels and airplanes; and additional services provided as a result of budget expenditure including frequent flyer miles and reward points without justifiable grounds.

Article 14 (Restriction of Receiving Money or Other Valuables)

(1) A public official shall not receive money, valuables, real estates, gifts or gifts of entertainment (hereinafter referred to as “money or other valuables”); provided, however, that this provision shall not apply to one of the following:

1. Money or other articles provided by a lawful ground of claim such as the payment of debt;

2. Foods or convenience provided within the scope of conventional practices;

3. Transportation, accommodation or foods uniformly provided by a sponsor to all participants in an official event related to duties;

4. Souvenirs or promotional goods distributed to many and unspecified persons;

5. Money or other valuables publicly provided to a public official in need who is afflicted with a disease or suffers other kind of disaster; and

6. Money or other valuables provided to a public official to facilitate the performance of his or her duties within the limit set by the Agency Head.

(2) A public official shall not receive money or other valuables from a duty-related public official, provided, however, that this provision shall not apply to one of the following when:

1. any subparagraph of paragraph (1) herein is applied;

2. a small gift is offered according to common practices;

3. a friendly society publicly offers money or other valuables; and

4. a superior public official offers money or other valuables to his or her subordinates to promote their morale or to console, encourage or reward them.

(3) A public official shall not receive money or other valuables from an individual who was a duty-related party or a duty-related public official in connection with his or her current public duties; provided, however, that this shall not apply to the money or other valuables that fall under paragraph (1) or (2) above.

(4) A public official shall prevent his/her spouse or lineal ascendants/descendants from receiving money or other valuables prohibited under paragraph (1) or (3) above.

Article 14-2 (Prohibition of Giving Money or Other Valuables)

A public official shall not give money or other valuables to a public official prohibited from receiving money or other valuables under Article 14 (2); provided, however, that this shall not apply to the money or other valuables that fall under Article 14 (2) above.

CHAPTER IV CREATION OF HEALTHY CLIMATE OF CIVIL SERVICE

Article 15 (Report on Outside Lecture or Conference)

(1) If a public official intends to give a lecture, a presentation or advice or to participate in a discussion, discourse, examination, assessment or resolution, at a seminar, public hearing, forum, symposium, training course, conference, etc. (hereinafter referred to as the "outside lecture or conference") which pays an honorarium, he or she shall notify the head of his/her agency of (a) who made a request for the outside lecture or conference, (b) reasons for such request, (c) the venue, date and time for the outside lecture or conference and (d) the amount of an honorarium; provided, however, that he or she may not report it if the request for the outside lecture or conference is made by the State or a local government (including an entity which belongs to a local government).

(2) The total amount of an honorarium under paragraph (1) shall not exceed ordinary standard conventionally applied by the party who made a request for such outside lecture or conference.

Article 16 (Prohibition of Borrowing Money)

(1) A public official shall not borrow money from, lend money to or rent real estate from a duty-related party or a duty-related public official (excluding a relative within the third degree; hereafter the same shall apply in this Article) without compensation (including cases where such compensation is insignificant compared to the market value or customary transaction value; hereafter the same shall apply in this Article). Provided, however, this shall not apply when a loan is made on ordinary terms and conditions from a financial institution under Article 2 of the Act on Real Name Financial Transactions and Guarantee of Secrecy.

(2) Notwithstanding the provisions of paragraph (1), a public official, who intends to borrow money from, lend money to or rent real estate from a duty-related party or a duty-related public official without any compensation for unavoidable reasons, shall give notification to the head of his/her agency.

Article 17 (Restriction on Notification of Festivities and Funerals and on Receipt of Money Thereof)

(1) A public official shall not notify a duty-related party or a duty-related public official of festivities and funerals except as expressly provided by the following:

1. Notification of festivities and funerals given to relatives;

2. Notification of festivities and funerals given to current or former colleagues;

3. Notification of festivities and funerals through newspapers, broadcasting or intranet to which only his/her current or former colleagues pursuant to subparagraph 2 above have access; and

4. Notification of festivities and funerals given to the members of a religious organization or a social gathering to which he or she belongs.

(2) A public official shall not give or take money or other valuables for festivities and funerals whose worth exceeds the standards, which the Agency Head set within the scope of common practices and after collecting opinions from the employees of the government agency, except as expressly provided by one of the following cases:

1. where money or other valuables are given or taken between a public official and his/her relatives for festivities and funerals;

2. where money or other valuables for festivities and funerals are given to a public official by a religious organization or a friendly society to which he or she belongs, in accordance with its articles of association or regulations; and

3. where money or other valuables are given for festivities and funerals determined by the Agency Head.

CHAPTER V MEASURES AGAINST VIOLATION

Article 18 (Consultation on Legality)

When a public official deem it unclear whether his/her performance of duties violates this Decree, he or she shall handle the duties after consulting the code of conduct officer.

Article 19 (Report and Confirmation of Violation)

(1) Any one who should become aware that a public official violates this Decree may report such fact to the head of an agency to which the public official belongs, the code of conduct officer in that agency or the Anti-Corruption and Civil Rights Commission.

(2) The person who files a report in accordance with paragraph (1) shall specify in the report the personal details of him/herself as well as of the violator including name, address, etc., and the details of violation.

(3) The head of an agency to which the public official in question belongs or the code of conduct officer at the agency, should he or she receive a report of violation under paragraph (1), shall guarantee the confidentiality for the informant and the report details and shall take necessary measures so that the informant may not receive any detrimental treatment due to the report.

(4) The code of conduct officer shall confirm the violation reported under paragraph (1) and then report it to the head of the agency, attaching a vindication submitted by the public official concerned.

Article 20 (Disciplinary Action)

The head of the agency, should he or she has received a report under Article 19 (4), may take necessary measures including disciplinary actions against the public official concerned.

Article 21 (Disposal of Money or Other Articles Prohibited)

(1) A public official who has received money or other valuables in violation of Article 14 or 17 (2) shall immediately return the money or other valuables received in excess of or in violation of the prescribed standards to the offering party. In which case, the public official concerned may request the expenses for return thereof from the head of the agency to which he or she belongs, by attaching documentary evidence.

(2) If the money or other valuables to be returned under paragraph (1) are subject to loss, decay or deterioration, if it is difficult to return them because the name or address of the offering party is not obvious or if there are other unavoidable reasons for not returning them, the public official concerned shall immediately report such fact to the head of his or her agency or the Code of Conduct Officer and then dispose them according to the decisions by the head of the agency.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 22 (Education)

(1) The Agency Head shall provide a schedule for education of public officials under his or her control to guarantee their compliance with this Decree and conduct education as set in the schedule at least once a year.

(2) The Agency Head shall give education under this Decree to newly appointed public officials under his or her control.

Article 23 (Designation of Code of Conduct Officer)

(1) The Agency Head shall designate a code of conduct officer at the agency and agencies under his or her control whose head is a public official of Grade IV or higher or of other equivalent position (including a general public official who is a member of Senior Executive Service): Provided that this shall not apply when it is not appropriate to designate a code of conduct officer at the agency under his control in the light of its scale, character, and geographic position.

(2) The Code of Conduct Officer shall provide education and counseling to the public officials in his or her agency on the Code of Conduct for Public Officials, check and assess their level of compliance with this Decree, and receive the reports of and conduct the investigation of violation.

(3) The Code of Conduct Officer shall not disclose any secrets learned in the process of counseling under this Decree.

(4) For an agency that has not designated a code of conduct officer under paragraph (1), the code of conduct officer responsible for its superior agency shall conduct the affairs of such agency with regard to the Code of Conduct for Public Officials.

Article 24 (Operation of Code of Conduct by Agency)

(1) The Agency Head shall establish a detailed code of conduct for public officials for the said agency in consideration of the character of the said agency within the scope of necessity for the enforcement of this Decree. <Amended by Presidential Decree No. 22471, Nov. 2, 2010>

(2) The Agency Head, when establishing or amending the agency specific code of conduct for public officials under paragraph (1), shall notify the Anti-Corruption and Civil Rights Commission thereof.

(3) Should the Anti-Corruption and Civil Rights Commission deem that the agency specific code of conduct for public officials notified under paragraph (2) is inappropriate or partial, it may recommend remedial actions to the agency concerned.

(4) The Anti-Corruption and Civil Rights Commission may advise matters necessary to operate the agency specific code of conduct for public officials under paragraph (1).

ADDENDA

<Presidential Decree No. 17906, Feb. 18, 2003>

Article 1 (Enforcement Date)

This Decree shall enter into force 3 months after the date of promulgation.

Article 2 (Applicable Cases concerning Report on Outside Lecture, etc.)

Provisions under Article 15 hereof shall be applied to the first case of outside lecture, etc. after the enforcement date of this Decree.

Article 3 (Applicable Cases concerning Ban on Borrowing Money, etc.)

Provisions under Article 16 hereof shall be applied to the first case of borrowing money or renting real estate property after the enforcement date of this Decree.

ADDENDA

<Presidential Decree No. 18965, July 26, 2005>

(Organization of the Korea Independent Commission Against Corruption)

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation.

Article 2 (Amendment of Other Acts and Subordinate Statues)

Paragraphs (1) and (2) Omitted.

(3) Code of Conduct for Public Officials shall be partially amended as follows:

"Korea Independent Commission against Corruption" (Bu-pae-bang-ji-wi-won-hoe in Korean) in Article 19 (1) proviso shall be amended to "Korea Independent Commission against Corruption" (Guk-ga-cheong-nyeom-wi-won-hoe in Korean).

"Korea Independent Commission against Corruption" (Bu-pae-bang-ji-wi-won-hoe in Korean) in Article 24 (2) through (4) shall be amended to "Korea Independent Commission against Corruption" (Guk-ga-cheong-nyeom-wi-won-hoe in Korean).

Paragraph (4) Omitted.

ADDENDUM

<Presidential Decree No. 19165, Dec. 9, 2005>

This Decree shall enter into force on Jan. 1, 2006.

ADDENDA

<Presidential Decree No. 19513, June 12, 2006>

(Regulations on Personnel Management of the Senior Executive Service)

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2006.

Articles 2 through 3 Omitted.

Article 4 (Amendment of Other Acts and Subordinate Statues)

Paragraphs (1) through (15) Omitted.

(16) Code of Conduct for Public Officials shall be partially amended as follows:

"A public official of Grade Ⅳ or higher" in Article 23, Paragraph (1), shall be amended to "a public official of Grade Ⅳ or higher (including a general public official who is a member of Senior Executive Service)".

Paragraphs (17) through (241) Omitted.

ADDENDA

<Presidential Decree No. 20737, Feb. 29, 2008>

(Enforcement Decree of the Act on Anti-Corruption and the Establishment and the Operation of the Anti-Corruption and Civil Rights Commission)

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation.

Articles 2 through 3 Omitted.

Article 4 (Amendment of Other Acts and Subordinate Statues)

Code of Conduct for Public Officials shall be partially amended as follows:

"The Anti-Corruption Act" in Article 1 shall be amended to "the Act on Anti-Corruption and the Establishment and the Operation of the Anti-Corruption and Civil Rights Commission".

"Article 2 (2) of the Anti-Corruption Act" in Article 11 (2) shall be amended to "Article 2 (3) of the Act on Anti-Corruption and the Establishment and the Operation of the Anti-Corruption and Civil Rights Commission".

"Korea Independent Commission Against Corruption" in Article 19 (1), Paragraphs (2) through (4) of Article 19 shall be respectively amended to "Anti-Corruption and Civil Rights Commission".

Article 5 Omitted.

ADDENDUM

<No.21107, November 5, 2008>

This Decree shall enter into force on the date of promulgation.

ADDENDA

<No. 21238, December 21, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force from February 1, 2009.

Article 2 (Applicable Cases concerning Report on Outside Lecture or Conference)

Notwithstanding permission granted under Article 15 (1) prior to the revision of this Decree, an outside lecture or conference on and after the enforcement date of this Decree shall be reported under the revised provisions of Article 15 hereof.

ADDENDA

<Presidential Decree No. 22471, Nov. 2, 2010>

(Code of Conduct for Local Councilmen)

Article 1 (Enforcement Date)

This Decree shall enter into force 3 months after the date of promulgation.

Article 2 (Amendment of Other Acts and Subordinate Statues)

Code of Conduct for Public Officials shall be partially amended as follows:

The latter part of Article 24 (1) shall be deleted.

ACT ON THE PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS

Contents

CHAPTER I GENERAL PROVISIONS ····· 111

CHAPTER II PUBLIC INTEREST WHISTLEBLOWING ····· 113

CHAPTER III PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS, ETC. ····· 116

CHAPTER IV REWARDS AND RELIEF MONEY ····· 123

CHAPTER V PENAL PROVISIONS ····· 126

[Attached Table] Acts related to the violation of the public interest (refer to Article 2.1) ····· 128

ACT ON THE PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS

Act No. 10472, Mar. 29, 2011
Amended by Act No. 12265, Jan. 14, 2014

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purposes of this Act are to contribute to the stability of people's livelihoods and to a more transparent and ethical social climate by protecting and supporting people who report violations of the public interest and others.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "violation of the public interest" means an act that infringes on the health and safety of the public, the environment, consumer interests and fair competition, and falls under any of the following items:

a. An act that is subject to any penal provisions defined in the Acts listed in an attached table;

b. An act that is subject to an administrative action determined by Presidential Decree, including the cancellation or suspension of a permit or license in accordance with the Acts listed on the attached table.

2. The term "public interest whistleblowing" means reporting, petitioning, informing, accusing or complaining that a violation of the public interest has occurred or is likely to occur, or providing an investigation clue of a violation of the public interest to a person who falls under any of the Subparagraphs in Article 6. However, if a case falls under any of the following items, it shall not be deemed a case of public interest whistleblowing:

a. In the event that the public interest whistleblowing was performed even though the whistleblower had known or could know that the information was false;

b. In the event that the whistleblower demanded money, goods, or special privileges within the context of the employment relationship in return for the information, or that the whistleblowing was done for some other illegal purpose.

3. The term “public interest whistleblowing, etc.” means public interest whistleblowing and actions of making a statement, testifying, or providing information in an examination, investigation or lawsuit regarding a public interest whistleblowing case, or in an investigation, lawsuit, etc. concerning the protection of the public interest whistleblower.

4. The term “whistleblower” means a person who performed a public interest whistleblowing activity.

5. The term “public interest whistleblower, etc.” refers to public interest whistleblowers and persons who made statements, testified, or provided information in an examination, investigation or lawsuit regarding a public interest whistleblowing case, or in an investigation, lawsuit, etc. concerning the protection of the public interest whistleblower.

6. The term “disadvantageous measures” means an action that falls under any of the following items:

a. Removal from office, release from office, dismissal or any other unfavorable personnel action equivalent to the loss of status at work;

b. Disciplinary action, suspension from office, reduction in pay, demotion, restriction on promotion and any other unfair personnel actions;

c. Work reassignment, transfer, denial of duties, rearrangement of duties or any other personnel actions that are against the whistleblower’s will;

d. Discrimination in the performance evaluation, peer review, etc. and subsequent discrimination in the payment of wages, bonuses, etc.;

e. The cancellation of education, training or other self-development opportunities; the restriction or removal of budget, work force or other available resources, the suspension of access to security information or classified information; the cancellation of authorization to handle security information or classified information; or any other discrimination or measure detrimental to the working conditions of the whistleblower;

f. Putting the whistleblower’s name on a black list as well as the release of such a blacklist, bullying, the use of violence and abusive language toward the whistleblower, or any other action that causes psychological or physical harm to the whistleblower;

g. Unfair audit or inspection of the whistleblower’s work as well as the disclosure of the results of such an audit or inspection;

h. The cancellation of a license or permit, or any other action that causes administrative disadvantages to the whistleblower;

i. The termination of a contract for goods or services, or any other measure that causes economic disadvantages to the whistleblower.

Article 3 (Obligations of the Government)

The central and local governments shall strive to prevent as well as stop the proliferation of violations of the public interest and to protect public interest whistleblowers, etc.

Article 4 (The Establishment of Policy of the Anti-Corruption & Civil Rights Commission)

The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Commission") shall establish policies regarding each of the following Subparagraphs to protect and support public interest whistleblowers, etc.:

1. Matters concerning the reception, processing, etc. of public interest whistleblowing cases;

2. Matters concerning the protection of confidentiality and personal safety of public interest whistleblowers, etc.;

3. Matters concerning the prohibition of disadvantageous measures against public interest whistleblowers, etc. as well as the protection, etc. of these public interest whistleblowers, etc.;

4. Matters concerning the payment of rewards and relief to public interest whistleblowers, etc.;

5. Matters concerning the education, publicity, etc. of measures to protect public interest whistleblowers, etc.

Article 5 (Relation to other Acts)

In the event that the applications of this Act and other Acts are in concurrence with the protection of public interest whistleblowers, etc., this Act shall prevail. If the application of other Acts is advantageous to the public interest whistleblowers, etc., then such other Acts shall be applied.

CHAPTER II PUBLIC INTEREST WHISTLEBLOWING

Article 6 (Public Interest Whistleblowing)

Any person may report a violation of the public interest that had already occurred or is likely to occur to a person who falls under any of the following Subparagraphs:

1. The representative or employer of a person, institution, organization, company, etc. that may violate or has violated the public interest;

2. The administrative agency or supervisory body that has the authority to direct, supervise, regulate or investigate violations of the public interest (hereinafter referred to as “examination agency”);

3. Investigative agency;

4. The Commission;

5. Persons prescribed by Presidential Decree, to whom the reporting of public interest whistleblowing cases is deemed to contribute to preventing a violation of the public interest or to stopping the spread of the damages caused by a violation of the public interest.

Article 7 (Obligation of Public Officials to Report Public Interest Whistleblowing)

If any public official as described in Article 2, Paragraph 3 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as “public officials”), becomes aware of a violation of the public interest, he or she shall report it to an examination agency, investigative agency, or the Commission.

Article 8 (Method of Public Interest Whistleblowing)

(1) Any person who intends to file a public interest whistleblowing case shall submit a statement in writing (including electronic documents. Hereinafter referred to as the "written report"), with attachment of evidence on the acts of violation of the public interests to any person in the Article 6 Subparagraphs. The statement shall include the information described in each of the following Subparagraphs:

1. The name, resident registration number, address, contact numbers, etc. of the whistleblower;

2. The name of the person who violated public interest;

3. A factual description of the violation of the public interest;

4. The purport and reason of the public interest whistleblowing.

(2) Notwithstanding Paragraph 1, in the event that there are specific circumstances wherein a written report cannot be submitted, an oral statement may be presented in its stead. In this case, evidence, etc. shall be submitted as well.

(3) A person who receives an oral statement in pursuant to Paragraph 2 shall make a written report of what the public interest whistleblower has said, repeat the contents of the written report to the public interest whistleblower, and ensure that the public interest whistleblower signs or affixes his/her seal on the written report.

Article 9 (Confirmation and Transfer, etc. of Report)

(1) The Commission, upon receipt of a public interest whistleblowing case, may confirm any information necessary to specify the case, such as personal details of the whistleblower, and the details and purport of the public interest whistleblowing.

(2) The Commission may request the public interest whistleblower to submit necessary material insofar as it is needed for ascertaining the truth of the matters specified in Paragraph 1.

(3) The Commission shall transfer a public interest whistleblowing case to a relevant examination agency or investigative agency immediately after completing confirmation pursuant to Paragraph 2, and shall notify the public interest whistleblower of the said fact.

(4) The examination agency or investigative agency, to which the public interest whistleblowing case was transferred as described in Paragraph 3, shall notify the Commission of the results of the examination or investigation after the examination or investigation is completed. Then, the Commission shall provide the public interest whistleblower with a summary of the examination or investigation results.

Article 10 (Processing of Public Interest Whistleblowing Case)

(1) The examination agency, either upon direct receipt of a public interest whistleblowing case or receipt of a public interest whistleblowing case transferred from the Commission, shall conduct necessary examination about the details thereof.

(2) The examination agency may not launch or may discontinue the examination if the public interest whistleblowing case falls under any of the following Subparagraphs:

1. If the contents of the public interest whistleblowing case are clearly deemed to be false;

2. In the event that the personal information of the public interest whistleblower is not available;

3. In the event that the public interest whistleblower fails to supplement his/her written report or supporting materials within a preset period after receiving at least two requests to do so;

4. If a public interest whistleblower reports again, without any justifiable reason, a case for which he/she had already been notified of the processing result thereof;

5. In the event that the contents of the public interest whistleblowing case were publicized through the mass-media, etc., and that there was no new evidence other than the facts that had already been disclosed;

6. In the event that an examination into the violation of the public interest had already begun or had already been completed in accordance with some other Act(s) and subordinate statute(s);

7. In the event that there is no reason for examination as prescribed by Presidential Decree.

(3) In the event that an examination agency decides not to conduct an investigation under the provisions of Paragraph 2, or discontinue such an investigation, it shall notify the public interest whistleblower of the fact without delay.

(4) When an examination agency finishes an examination into a public interest whistleblowing case, it shall take all necessary measures depending on the investigation results and notify the public interest whistleblower of the results.

(5) Employees, etc. of institutions that received a public interest whistleblowing case under Article 6 shall not disclose the contents of the report, including personal information on the whistleblowee, until an investigation into the case reveals that a violation of the public interest has occurred.

(6) In the event that an examination agency has received, either directly, or indirectly through transfer or referral, a public interest whistleblowing case outside its jurisdiction, it shall transfer the case to a competent examination agency and shall notify the public interest whistleblower of the fact thereof.

CHAPTER III PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS, ETC.

Article 11 (Omission, etc. of Written Personal Information)

(1) Article 7 and Articles 9 through 12 of the Act on the Protection of Reporters, etc. of Specific Crimes shall apply *mutatis mutandis* to the investigation and criminal procedures in the event that justifiable reasons exist that the public interest whistleblower, etc., his/her relatives, or his/her cohabitants have suffered or could suffer damages because of the public interest whistleblowing, etc.

(2) The public interest whistleblower, etc., and/or his/her legal representatives may request the examination agency or investigative agency to take measures as stipulated in Paragraph 1. In this event, the examination agency or investigative agency shall comply with this request unless there are exceptional circumstances otherwise.

Article 12 (Confidentiality Obligation for Public Interest Whistleblower, etc.)

(1) No person with the knowledge of the fact that someone is a public interest whistleblower, etc., shall tell, disclose to or publicize to any third party personal information concerning the public interest whistleblower, etc., or other facts that infer the identity of the public interest whistleblower, etc. However, this provision shall not apply provided that the public interest whistleblower, etc., gives his/her consent to the revelation of such information.

(2) The Commission may request a relevant disciplinary officer to take disciplinary action against a person who has told, disclosed to or publicized to any third party personal information concerning the public interest whistleblower, etc., or other facts that infer the identity of the public interest whistleblower, etc., in violation of Paragraph 1.

Article 13 (Protection of Personal Safety)

(1) The public interest whistleblower, etc., his/her relatives or cohabitants may request the Commission to take protective measures for their personal safety (hereinafter referred to as "personal protection measures") in the event that the public interest whistleblower, etc., his/her relatives or cohabitants have faced or are likely to face serious danger to their lives or persons. In such an event, the Commission may, if deemed necessary, request the chief of the police station or agency to provide the necessary personal protection measures.

(2) The chief of the police station or agency who has received a request for the personal protection measures in accordance with Paragraph 1 shall provide said measures under the conditions as prescribed by Presidential Decree without delay.

Article 14 (Mitigation and Remission of Culpability, etc.)

(1) If public interest whistleblowing, etc. leads to the detection of a crime perpetrated by the public interest whistleblower, etc., the punishment of such person or persons may be mitigated or remitted.

(2) In the event the public interest whistleblower, etc. is subject to disciplinary measures for his/her illegal acts, etc. discovered in connection with the public interest whistleblowing, etc., the Commission may request the relevant disciplinary authority of the public interest whistleblower, etc. to mitigate or remit the punishment. In this case, the person who received such a request shall accept it unless there is any justifiable reason.

(3) In the event that the public interest whistleblowing, etc. contains confidential work-related information, the public interest whistleblower, etc. shall be deemed not to have violated his/her professional confidentiality obligation, notwithstanding the provisions of some other Act(s) and subordinate statute(s), collective agreements or the employment rules, etc.

(4) The whistleblowee cannot file a claim for damages caused by public interest whistleblowing, etc. against the public interest whistleblower, etc. If the case falls under Article 2, Subparagraph 2, Item a or b, the person may claim damages.

(5) The provisions prohibiting or restricting public interest whistleblowing, etc. in a collective agreement, employment agreement, supply contract, etc. shall be deemed invalid.

Article 15 (Prohibition of Disadvantageous Measures)

(1) No person shall implement any disadvantageous measure against the public interest whistleblower, etc. in retaliation for his/her public interest whistleblowing, etc.

(2) No person shall obstruct the act of the public interest whistleblowing, etc. or force the public interest whistleblower, etc. to rescind his/her case.

Article 16 (Preferential Consideration in Personnel Affairs)

In the event that the public interest whistleblower, etc. requests personnel action such as change of occupation, change of position, transfer out, transfer in, or temporary dispatch, then his/her employer or personnel authority shall give prior consideration to the requests if deemed reasonable.

Article 17 (Request for Protective Measures)

(1) When the public interest whistleblower, etc. is subjected to disadvantages measures as a result of his/her public interest whistleblowing, etc., (to include when the public interest whistleblowing was made after the whistleblower was subjected to disadvantages measures while preparing for the public interest whistleblowing by collecting evidence, etc.), the public interest whistleblower, etc. may request the Commission to take the necessary measures to recover his/her state of life or to invalidate discriminatory action against him/her (hereinafter referred to as “protective measures”).

(2) A request for protective measures shall be made within three months from the date the disadvantageous measures were taken (or the date when the disadvantageous measures ended if they remained in effect for a period). However, should the public interest whistleblower, etc. be unable to apply for protective measures within three months due to force majeure such as natural disasters, war, emergency or others, he/she may submit his/her request with in 14 days from the date on which the cause thereof no longer exists (in cases where the request is made in a foreign country, the period shall be 30 days).

(3) In the event that some other Act(s) and subordinate statute(s) prescribe administrative remedies for disadvantageous measures implemented in retaliation for public interest whistleblowing, etc., the public interest whistleblower, etc. may request a remedy in accordance with the proceedings of the Act(s) and subordinate statutes. However, this provision shall not apply provided that the public interest whistleblower, etc. has already requested protective measures in accordance with Paragraph 1 of this Article.

(4) Other matters concerning the method and procedures of request for protection measures shall be provided for by Presidential Decree.

Article 18 (Rejection of Request for Protection)

The Commission may decide to reject a request for protection that falls under any of the following Subparagraphs:

1. If the request was made by someone other than the public interest whistleblower, etc. or an agent pursuant to Article 12, Paragraph 1 of the Administrative Procedures Act;

2. If the relevant public interest whistleblowing falls under any of the Subparagraphs of Article 10, Paragraph 2;

3. If the request was made after the period prescribed in Article 17, Paragraph 2;

4. In the event that the applicant resubmitted a request for protective measures that the Commission had already dismissed, rejected, or decided to take under Article 20, Paragraph 1.

5. In the event that the request was made again in relation to a case to which the Commission had recommended protective measures be applied in accordance with Article 20, Paragraph 2;

6. In the event that a request for a remedy has been filed under some other Act(s) and subordinate statute(s);

7. In the event that a remedy was already provided in accordance with the remedy procedures under some other Act(s) and subordinate statute(s).

Article 19 (Examination into Request for Protective Measures)

(1) The Commission, upon receipt of a request for protective measures, shall immediately examine whether the public interest whistleblower, etc. was subjected to disadvantageous measures in retaliation for his/her public interest whistleblowing. In this event, the Commission may notify an examination agency of the fact that the public interest whistleblower, etc. had applied for protective measures.

(2) The Commission may request any person who falls under any of the following Subparagraphs to submit relevant material, if deemed necessary for the examination of the request:

1. The person who requested protective measures (hereinafter referred to as “applicant”);

2. The person who conducted the disadvantageous measures;

3. A reference person;

4. Relevant institutions, relevant organizations, or companies.

(3) The Commission may request persons who fall under Paragraph 2, Subparagraphs 1 through 3 to either appear before the Commission to make an oral statement or to submit a written statement.

(4) The Commission shall provide all relevant parties with sufficient opportunities to vindicate themselves during the processes of examination.

(5) The notified examination agency pursuant to the latter part of Paragraph 1 shall cooperate with the Commission in relation to the examination into the request for protective measures under provisions prescribed by Presidential Decree.

Article 20 (Decision to Take Protective Measures, etc.)

(1) In the event that an examination finds the applicant had been subjected to disadvantageous measures (excluding those described in Article 2, Subparagraph 6, Items h and i) for his/her act of public interest whistleblowing, etc., the Commission shall decide to require the person who implemented such disadvantageous measures to take each of the following protective measures within a period of 30 days (hereafter referred to as “decision to take protective measures”). In the event that the examination does not find that the applicant had been subjected to disadvantageous measures as a result of his/her public interest whistleblowing, etc., the Commission shall decide to dismiss the request for protective measures (hereafter referred to as “decision to dismiss”).

1. Measures to recover his/her state of life;

2. Payment of remuneration, etc. that has been delayed or has been paid discriminately, including interest;

3. The cancellation or prohibition of other disadvantageous measures.

(2) In the event that an examination finds the applicant had been subjected to disadvantageous measures described in Article 2, Subparagraph 6, Items h and i for his/her act of public interest whistleblowing, etc., the Commission may decide to recommend that the person who implemented the disadvantageous measures take the protective measures, within a period of 30 days, necessary to enable a permit, license, contract, etc. to remain in effect (hereafter referred to as “recommendation”).

(3) The decision to reject a request for protective measures under Article 18, the decision to take protective measures and decision to dismiss under Paragraph 1, and the recommendation under Paragraph 2 shall be made in writing, and both the applicant and the person who implemented disadvantageous actions shall be notified of such decisions or recommendations.

(4) In the event of a decision to take protective measures, the Commission may request a relevant disciplinary authority to take disciplinary action against the person who implemented disadvantageous actions against the public interest whistleblower, etc. as a result of his/her public interest whistleblowing, etc.

(5) All necessary matters with regard to the establishment of payment standards and calculation methods for delayed or discriminated remuneration, etc. under Paragraph 1, Subparagraph 2 shall be defined by Presidential Decree.

Article 21 (Confirmation of Decision to Take Protective Measures, etc.)

(1) The applicant and the person who was found to have implemented disadvantageous measures may file an administrative proceeding, under the conditions as prescribed in the Administrative Litigation Act, against the decision to take protective measures, decision to dismiss or decision to reject within 30 days from the day the notification of such decisions was received.

(2) The decision to take protective measures, decision to reject, or decision to dismiss is confirmed when an administrative proceeding is not filed within the period prescribed in Paragraph 1.

(3) An administrative appeal under the Administrative Appeals Act shall not be filed against a decision to take protective measures, decision to reject or decision to dismiss.

Article 22 (Request for the Prohibition of Disadvantageous Measures)

(1) A public interest whistleblower, etc. may request the Commission to take measures to prohibit disadvantageous measures in the event that it is highly likely that disadvantageous measures will be implemented in retaliation for his/her public interest whistleblowing, etc. (to include his/her preparations for the public interest whistleblowing such as collecting evidence of a violation of the public interest).

(2) When the Commission receives a request for the prohibition of disadvantageous measures, it shall begin an examination to determine whether the disadvantageous measures that the public interest whistleblower, etc. is likely to face are the result of his/her public interest whistleblowing, etc.

(3) Articles 18, 19 and 20, Paragraphs 1 through 3 shall apply *mutatis mutandis* to a request for the prohibition of disadvantageous measures.

(4) The Commission shall recommend that a person whom the examination has found to have an intention to implement disadvantageous measures against the public interest whistleblower, etc. for his/her public interest whistleblowing, etc. not implement such measures.

Article 23 (Presumption of Disadvantageous Measures)

Should any of the events described in the following Subparagraphs occur, it shall be presumed that the public interest whistleblower, etc. has been subjected to disadvantageous measures in retaliation for a result of his/her public interest whistleblowing, etc.:

1. In the event that there is an attempt to identify the public interest whistleblower, etc., obstruct his/her public interest whistleblowing, etc. or force him or her to rescind his/her case;

2. In the event that a disadvantageous measure was implemented within two years from the day the public interest whistleblowing, etc. was performed;

3. In the event that disadvantageous measures were implemented even after the recommendation not to implement disadvantageous measures under Article 22, Paragraph 4 was received.

Article 24 (Reconciliation Recommendation, etc.)

(1) In the event that the Commission receives a request for protective measures, it may recommend reconciliation or present a reconciliation proposal with regard to protective measures, compensation for damages, etc., either ex officio or upon request of the concerned parties, before it decides to take protective measures, reject the case or give a recommendation. In such an event, the reconciliation proposal shall not contain provisions that violate the purpose of this Act.

(2) The Commission shall listen sufficiently to the opinions of the concerned parties prior to making its reconciliation proposal.

(3) In the event that the concerned parties agree to accept the reconciliation proposal of the Commission, the Commission shall draw up a reconciliation protocol that shall be signed or sealed by the concerned parties and by all the members of the Commission who have been involved in the reconciliation process.

(4) In the event that a reconciliation protocol is written in pursuant to Paragraph 3, it is deemed that the concerned parties have reached an agreement, of which the content is equivalent to the protocol, and the protocol has the same effect as a judicial reconciliation under the Civil Procedure Act.

Article 25 (Request for Cooperation, etc.)

(1) An institution or the Commission that has received a case of public interest whistleblowing under Article 6 may request a relevant administrative agency, counseling center, medical institution and other relevant organizations for cooperation or assistance as needed for the examination or disposition of the case or for taking protective measures.

(2) The relevant administrative agency, counseling center, medical institution and other relevant organizations that have received a request for cooperation under Paragraph 1 shall accept it unless there is a justifiable reason for them to decline.

Article 25-2 (Special Cases on Reporting Regarding Political Activities, etc.)

(1) Any public official under the State Public Officials Act and the Local Public Officials Act (hereinafter "state public officials, etc. except the employees of the National Intelligence Service under Article 2 of the Act on the Employees of the National Intelligence Service) may make an appeal under the procedures as prescribed in the Presidential Decree when he or she was ordered to perform actions that fall into one of the following categories. If the appeal is not accepted, they may refuse to follow the order.

1. Political activities under Article 65 of the State Public Officials Act
2. Political campaigns under Article 57 of the Local Public Officials Act
3. Involvement in politics under Article 94(1) of the Military Criminal Act

(2) When state public officials, etc. make a report to an investigative agency of the fact that they were ordered to perform one of the actions prescribed in the each category of paragraph (1) above only for the purpose of public interest after their appeal was not accepted, Article 127 of the Criminal Act and Article 80 of the Military Criminal Act shall not be applied.

(3) Any person shall not take any disadvantageous measure against the person who made a report under paragraph (2) above in retaliation for the report.

<Newly Inserted by Act No. 12265, Jan. 14, 2014>

CHAPTER IV REWARDS AND RELIEF MONEY

Article 26 (Rewards)

(1) The public interest whistleblower may request the Commission to pay rewards if his/her public interest whistleblowing has resulted directly in the recovery of or increase in revenues for the central or local governments through any of the following Subparagraphs, or the legal relations in that matter are established.

1. Penalties or disposition of notification;
2. Confiscation or imposition of additional charges;
3. Imposition of fines for negligence or charges for compelling the compliance;
4. Imposition of penalty surcharges (including the cancellation or suspension of a permit, license, etc. when there is the possibility to pay a penalty surcharge in lieu of the cancellation or suspension of a permit, license, etc.);

5. Other dispositions or judgments as prescribed by Presidential Decree.

(2) In the event that the Commission is requested to pay rewards under Paragraph 1, it shall pay the rewards after undergoing a deliberation and resolution of the Reward Deliberation Board set up in accordance with Article 69 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereafter referred to as "Reward Deliberation Board") under the conditions as prescribed by Presidential Decree. However, in the event that the public interest whistleblowing case was filed by any person who is obliged to report a violation of the public interest to a relevant administrative agency or by any public official in connection with his/her duties, such rewards can be reduced or not paid.

(3) The application for the payment of rewards under Paragraph 1 shall be filed within two years from the date the applicant became aware of the establishment of the legal relations regarding the recovery of or increase in revenues for the central or local governments, or within five years from the date the legal relations in that matter are established. However, provided that a justifiable reason exists, this provision shall not apply.

(4) The Commission shall, upon receipt of an application for rewards filed under Paragraph 1, determine whether to pay such rewards and the amount of the rewards, if any, to be paid, within 90 days from the date that the application was made, unless there are exceptional circumstances otherwise.

(5) The Commission may request the applicant for rewards, reference persons, relevant agencies, etc. to attend the Commission, state their opinions or submit relevant material if the examination is deemed necessary with regard to the payment of rewards. The applicant for rewards, reference persons, relevant agencies, etc. shall comply with such a request from the Commission unless there are exceptional circumstances otherwise.

(6) If the Commission decides to pay the rewards under Paragraph 4, it shall immediately notify the applicant and relevant local governments (only when the rewards were paid on the grounds that the local governments recovered or increased their revenues or that the legal relationship thereon was confirmed) of the said fact.

Article 27 (Relief Money)

(1) The public interest whistleblower, etc., his/her relatives, or his/her cohabitants may request the Commission to pay relief money in the event that they have faced damages that fall under any of the following Subparagraphs or spent money on the grounds of his/her public interest whistleblowing, etc.

1. Expenses spent for physical or psychological treatment;

2. Moving expenses caused by change of occupation, change of position, or transfer of workplace or secondment;

3. Expenses spent for litigation procedures to reinstate his/her original state of life;

4. Losses in wages during the period the disadvantageous measures were in effect;

5. Other significant economic losses (excluding Items h and i in Article 2, Subparagraph 6).

(2) The Commission, upon the receipt of a request for relief money pursuant to Paragraph 1, may pay the relief money after undergoing a deliberation and resolution of the Reward Deliberation Board under the conditions as prescribed by Presidential Decree.

(3) The Commission may examine the applicant for relief money and some other interested party with regard to the payment of the relief money or refer to an administrative agency or some other related organization(s) regarding necessary matters. In this case, the administrative agency or related organization shall accept such an examination unless there are exceptional circumstances otherwise.

(4) In the event that the public interest whistleblower, etc., his/her relatives, or his/her cohabitants already obtained indemnity for damages or expenses that fall under any of Subparagraphs in Paragraph 1, the Commission shall not pay the relief money within the limit of the paid amount.

(5) In the event that the Commission has paid the relief money, it shall subrogate the claim, held by the person who has received the relief money, for damages or expenses that fall under any of Subparagraphs in Paragraph 1, within the limit of the paid amount.

Article 28 (Prohibition of Double Payment of Rewards and Relief Money, etc.)

(1) Any person who is to be paid rewards under Articles 26 and 27 shall not be prohibited from applying for rewards or relief money in accordance with some other Act(s) and subordinate statute(s).

(2) In the event that any person who is entitled to the payment of the rewards or relief money under this Act has been paid financial rewards pursuant to some other Act(s) and subordinate statute(s) for the same reason and the amount of the financial rewards was as large as or more than the amount of the rewards or relief money that has to be paid under this Act, the rewards or relief money shall not be paid; and when the amount of the financial rewards or relief money was smaller than the amount of the rewards or relief money that must be paid under this Act, the amount of the rewards or relief money shall be determined by deducting the difference.

(3) If any person who is to receive rewards or relief money pursuant to some other Act(s) and subordinate statute(s) has received rewards or relief money for the same reason pursuant to this Act, the amount of rewards or relief money, etc. to be provided under the other Act(s) and subordinate statue(s) shall be determined by deducting the amount of the rewards or relief money under this Act.

Article 29 (Restitution of Rewards and Relief Money, etc.)

(1) The Commission or an institution that has paid rewards or relief money under some other Act(s) and subordinate statute(s) shall notify the applicant for the rewards or relief money of the amount of money to be restituted in the event that a fact that falls under any of the following Subparagraphs is found, and the applicant shall repay the amount;

1. In the event that the applicant for the rewards or relief money received the rewards or relief money through falsehood or some other unjustifiable means;

2. In the event that the rewards or relief money was paid in violation of Article 28, Paragraph 2 or 3;

3. In the event that the rewards or relief money was paid by mistake, etc.

(2) The local government that was notified of the decision of payment of rewards by the Commission under Article 26, Paragraph 6 shall reimburse the Commission for the rewards that had been paid to the applicant by the Commission within three months from the date the notification was received.

(3) In the event that the applicant for rewards or relief money who is obliged to restitute the rewards or relief money or a local government that is obliged to reimburse the Commission in accordance with Paragraphs 1 and 2 does not submit the payment by the deadline, the Commission may collect the amount of money in the same way as that national or local taxes in arrears are collected.

CHAPTER V PENAL PROVISIONS

Article 30 (Penal Provisions)

(1) Any person who falls under any of the following Subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won:

1. A person who has disclosed the contents of a report, including personal information on the whistleblowee, in violation of Article 10, Paragraph 5;

2. Any person who has told, disclosed to or publicized to any third party personal information concerning the public interest whistleblower, etc., or other facts that infer the identity of the public interest whistleblower, etc. in violation of Article 12, Paragraph 1.

(2) Any person who falls under any of the following Subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won:

1. A person who implemented disadvantageous measures described in Article 2, Subparagraph 6, Item a against the public interest whistleblower, etc. in violation of Article 15, Paragraph 1;

2. A person who did not carry out the decision to take protective measures that had been confirmed under Article 21, Paragraph 2 or by an administrative proceeding.

(3) Any person who falls under any of the following Subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding 10 million won;

1. A person who implemented disadvantageous measures that fall under any of Items b through g in Article 2, Subparagraph 6 against the public interest whistleblower, etc. in violation of Article 15, Paragraph 1;

2. A person who obstructed the public interest whistleblowing, etc. or forced the public interest whistleblower to rescind his/her case, etc. in violation of Article 15, Paragraph 2.

Article 31 (Fine for Negligence)

(1) A person who refused to submit relevant materials, attend the Commission or state his/her opinions in violation of Article 19, Paragraph 2 or 3 (including when Article 22, Paragraph 3 is applied *mutatis mutandis*) is subject to a fine for negligence not exceeding 30 million won.

(2) The fine for negligence under Paragraph 1 is imposed and collected by the Commission under the conditions as prescribed by Presidential Decree.

ADDENDUM

<Act No. 10472, Mar. 29, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation

Article 2 (Applicability)

This act shall be applied to the first case of public interest whistleblowing filed after this Act enters into force.

ADDENDUM

<Act No. 12265, Jan. 14, 2014 >

This Act shall enter into force on the date of promulgation.

〔**Attached Table**〕

Acts related to the violation of the public interest (refer to Article 2.1)

1. Agricultural Products Quality Control Act
2. Special Act on the Safety Control of Public Structures
3. Food Sanitation Act
4. Natural Environment Conservation Act
5. Quality Control and Safety Management of Industrial Products Act
6. Wastes Control Act
7. Blood Management Act
8. Medical Service Act
9. Framework Act on Consumers
10. Monopoly Regulation and Fair Trade Act
11. Fair Transactions in Subcontracting Act
12. Other laws defined by Presidential Decree regarding health and safety of the public, environmental protection, protection of consumer interest, promotion of fair competition, etc.

ENFORCEMENT DECREE OF THE ACT ON THE PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS

Contents

CHAPTER I GENERAL PROVISIONS ····· 133

CHAPTER II PUBLIC INTEREST WHISTLEBLOWING ····· 134

CHAPTER III PROTECTION OF PUBLIC INTEREST WHISTLEBLOWER, ETC. ····· 139

CHAPTER IV REWARDS AND RELIEF MONEY ····· 143

CHAPTER V SUPPLEMENTARY PROVISIONS ····· 147

[Attached Table 1] Acts to related to the violation of the public interest(refer to Article 2) ····· 152

[Attached Table 2] Criteria for Payment of Rewards [refer to Article 22, Paragraph 1] ····· 158

[Attached Table 3] Criteria for Imposition of Fine for Negligence [refer to Article 30] ····· 159

ENFORCEMENT DECREE OF THE ACT ON THE PROTECTION OF PUBLIC INTEREST WHISTLEBLOWERS

Presidential Decree No. 23198, Sep. 30, 2011
Amended by Presidential Decree No. 23845, Jun. 7, 2012
Presidential Decree No. 23964, Jul. 20, 2012
Presidential Decree No. 23965, Jul. 20, 2012
Presidential Decree No. 24097, Sep. 7, 2012
Presidential Decree No. 25300, Apr. 8, 2014
Presidential Decree No. 25522, Jul. 28, 2014
Presidential Decree No. 25586, Sep. 2, 2014

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to prescribe such matters as delegated in the Act on the Protection of Public Interest Whistleblowers (hereinafter referred to as the "Act"), and those necessary for its enforcement.

Article 2 (Laws on Violation of the Public Interest)

"The laws defined by Presidential Decree regarding public health and safety, environmental protection, protection of consumer interests, and promotion of fair competition" in Table 12 of the Act, which refers to Article 2, Subparagraph 1, Item A of the Act, means the laws listed in Table 1 herein.

Article 3 (Scope of Administrative Disposition)

The "administrative action determined by Presidential Decree, including the cancellation and suspension of a permit or license" as provided by Article 2, Paragraph 1, Item B of the Act refers to disposition on any matter as defined in any of the following paragraphs:

1. Cancellation, withdrawal or elimination of permission, authorization, patent, license, approval, designation, examination & approval, certification, confirmation, authentication, registration, etc.;

2. Suspension of business, operation, validity, qualification, etc.;

3. Instruction of the responsible party to perform, involuntarily, some specific action such as taking corrective measures, repairing and/or renovating facilities, relocating facilities, closing facilities, dismantling facilities, and publicly disclosing some violation;

4. Imposition of a penalty surcharge, fine for negligence, or other obligatory financial payment for the violation.

Article 4 (Policy Establishment and Implementation, etc)

(1) The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Commission") shall establish and implement mid-/long-term basic policies as well as annual implementation plans to protect and support public interest whistleblowers, etc. in accordance with Article 4 of the Act.

(2) The Commission shall ensure that the mid-/long-term basic policies and annual implementation plans under Paragraph 1 include training on and the publicizing of the whistleblower protection program for administrative agencies, organizations, enterprises, etc. (hereinafter referred to as "administrative agencies, etc.").

(3) When necessary, the Commission may organize a consultative body together with administrative agencies, etc. to establish and implement mid-/long-term basic policies and annual implementation plans under Paragraph 1.

(4) The Commission may recommend administrative agencies, etc. to implement detailed action plans in accordance with the mid-/long-term basic policies and annual implementation plans under Paragraph 1.

(5) The Commission may support administrative agencies, etc. with the educational and promotional activities related to their whistleblower protection program.

CHAPTER II PUBLIC INTEREST WHISTLEBLOWING

Article 5 (Public Whistleblowing Agencies, etc.)

(1) The "persons prescribed by Presidential Decree" under Article 6, Subparagraph 5 of the Act refers to a person and/or entity that falls under one of the following Subparagraphs:

1. A member of the National Assembly; or

2. A public corporation, a state-owned enterprise and other public organization established in accordance with laws on public interest violations.

(2) When a member of the National Assembly or public organization under Paragraph 1, Subparagraph 2 (hereinafter referred to as “member of the National Assembly, etc.”) receives a public interest whistleblowing case, it shall be forwarded to a person and/or entity falling under any of the stipulations in Subparagraphs 2 through 4 of Article 6 of the Act. However, should the public interest whistleblowing case fall under any of the Subparagraphs of Article 10, Paragraph 2 of the Act, the member of the National Assembly, etc. may opt not to forward the report.

(3) The member of the National Assembly, etc. shall notify the public interest whistleblower of the measure(s) taken as prescribed in Paragraph 2 (to include the reason no action was taken).

Article 6 (Processing, etc. of the Public Interest Whistleblowing Case by Representative, etc.)

(1) The representative or employer who has received a public interest whistleblowing case as prescribed in Article 6, Paragraph 1 of the Act (hereinafter referred to as “representative, etc.”) shall verify the validity of the report, and, if necessary, devise and implement measures for the elimination and prevention of the violation of the public interest.

(2) The representative, etc. shall notify the public interest whistleblower of the results of the measures taken under Paragraph 1.

(3) The representative, etc. may forward the public interest whistleblowing case to any of the persons and/or entities that fall under Subparagraphs 2 through 4 of Article 6 of the Act after obtaining the consent of the public interest whistleblower should such action be deemed necessary to eliminate or prevent public interest violations or should the public interest whistleblower demand that it be forwarded. However, should the public interest whistleblowing case fall under any of the Subparagraphs in Article 10, Paragraph 2 of the Act, it may not be forwarded. In such an event, the public interest whistleblower shall be notified of the fact and the reason(s) thereof.

(4) The representative etc. may request the Commission for cooperation in devising and implementing measure(s) for eliminating and preventing violations of the public interest, as prescribed in Paragraph 1, and the Commission shall cooperate in such request unless there exist any special grounds for not doing so.

Article 7 (Confirmation of Details of Public Interest Whistleblowing)

(1) The Commission may confirm any of the following items, if necessary to specify the details of a public interest whistleblowing case in accordance with Article 9 of the Act. If the public interest whistleblower does not have what is required to specify the details of the case, the Commission may set a reasonable period for the public interest whistleblower to supplement the matters thereof:

1. Personal information of the public interest whistleblower, including the name, resident registration number, address, occupation, place of work and contact numbers;

2. Details, purport and reason of the public interest whistleblowing;

3. Relations between the details of the public interest whistleblowing case and violation of the public interest;

4. Relations between the public interest whistleblower and the person and/or entity reported in the case;

5. Whether the public interest whistleblower secured a witness or supporting materials that can prove the details of the public interest whistleblowing case;

6. Whether the public interest whistleblower had reported the same case to an examination agency under Article 6, Subparagraph 2 of the Act (hereinafter referred to as an "examination agency") before he/she reported to the Commission, and;

7. Whether the public interest whistleblower agrees to have his/her identity disclosed or implied (hereinafter referred to as "disclosure of identity") in the process of confirmation by the Commission or in the examination or investigation by an examination agency or investigative agency (hereinafter referred to as "examination agency, etc.").

(2) When the Commission confirms whether the public interest whistleblower agrees to disclosure of identity under Paragraph 1, Subparagraph 7, the Commission shall explain to the said person the procedures for processing the case and disclosing his/her identity on the part of the examination agency, etc.

Article 8 (Processing of a Public Interest Whistleblowing)

(1) The Commission shall confirm the details of a public interest whistleblowing case and refer the said case to an examination agency, etc. within sixty days from the date it received a report of a violation of the public interest. However, if the public interest whistleblowing case falls under any Subparagraphs of Article 10, Paragraph 2 of the Act, such a report may not be referred to an investigative agency, etc.

(2) The Commission may extend the period prescribed under Paragraph 1 by up to thirty days if it deems the extension thereof necessary to supplement the details of the public interest whistleblowing case.

(3) In the event that the Commission decides not to transfer a public interest whistleblowing case to an examination agency, etc. under the proviso of Paragraph 1, the Commission shall notify the public interest whistleblower of the said fact and the reason(s) thereof.

Article 9 (Referral of a Public Interest Whistleblowing Case)

(1) The Commission shall refer a public interest whistleblowing case to an examination agency, etc. as provided by Article 9, Paragraph 3 of the Act according to the following Subparagraphs:

1. To an examination agency should guidance, supervision, regulation or examination of the case be deemed necessary; or

2. To an investigative agency should there be suspicion that an offense has been committed or an investigation of the case be deemed necessary.

(2) Should a public interest whistleblowing case be related to multiple agencies, the Commission may designate a supervising organization and refer the case to the related agencies. In this event, the designated supervising organization and related agencies shall cooperate with one another in order to process the public interest whistleblowing case en masse.

(3) In the event that the Commission refers a public interest whistleblowing case in accordance with Article 9, Paragraph 3 of the Act, it shall include matters prescribed by Subparagraphs of Article 8, Paragraph 1 of the Act as well as supporting materials that were submitted by the public interest whistleblower. However, if the public interest whistleblower did not agree on disclosure of identity, all matters pertinent to personal information shall be excluded.

Article 10 (Forwarding to Public Institutions)

(1) When it is not obvious whether a report submitted to the Commission as a public interest whistleblowing case (hereinafter referred to as a “reported case”) constitutes a violation of the public interest and it is deemed reasonable for a public institution under Article 2, Paragraph 1 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission (hereinafter referred to as a “public institution”) to handle the case, the Commission may forward the case to a public institution. In this event, the Commission shall notify the public interest whistleblower of the fact.

(2) When a public institution that received a case as provided by Paragraph 1 identifies the reported case as a violation of the public interest, the public institution shall notify the Commission of the said fact, and the Commission shall refer the case to an examination agency, etc. in accordance with the standards as prescribed by Article 9, Paragraph 1. However, when the public institution that received the case is an examination agency, etc. that is responsible for processing the case, it is deemed that the referral of the case is conducted pursuant to Article 8, Paragraph 1, and the public institution shall process the case.

Article 11 (Processing on the Part of an Examination Agency, etc.)

(1) Should an examination agency, etc. to which a public interest whistleblowing case was referred under Article 9, Paragraph 3 of the Act deem it reasonable for another examination agency, etc. to process the case, the former examination agency, etc. may re-refer the case to the latter examination agency, etc. in consultation with the Commission.

(2) The examination agency, etc. to which a public interest whistleblowing case was referred pursuant to Article 9, Paragraph 3 of the Act shall notify the Commission of the examination or investigation results within ten days after the examination or investigation thereof is completed.

(3) The notification under Paragraph 2 shall be in writing and contain the following Subparagraphs:

1. The results of processing the case, such as criminal disposition and administrative disposition, and details and the reason(s) thereof;

2. The direction in which the processing of the case shall go after the examination or investigation thereof has been completed;

3. In the event the case is or is expected to be subject to the payment of a reward in accordance with Article 26, Paragraph 1 of the Act or of relief money in accordance with Article 27, Paragraph 1 of the Act, the fact thereof;

4. In the event that it is deemed necessary to make improvements in institutionalized practices, as identified by the public interest whistleblowing case, the summary thereof;

5. Other matters regarding public interest whistleblowing that the Commission or the public interest whistleblower needs to be aware of.

(4) The Commission may request an examination agency, etc. to submit information on the status of processing a public interest whistleblowing case referred to the examination agency, etc. In this event, the examination agency, etc. shall notify the Commission of the status thereof unless the examination agency, etc. has any special reason(s) not to do so.

Article 12 (When an Examination is Unnecessary)

"The event that there is no reason for examination as prescribed by Presidential Decree" under Article 10, Paragraph 2, Subparagraph 7 refers to a situation falling under any of the following Subparagraphs:

1. In the event that the details of the public interest whistleblowing case do not constitute a violation of the public interest;

2. In the event that no evidence exists to prove a violation of the public interest; or

3. In the event that other Acts or the authority delegated by such Acts may exempt the pertinent violation of the public interest from being subject to examination.

CHAPTER III PROTECTION OF PUBLIC INTEREST WHISTLEBLOWER, ETC.

Article 13 (Personal Confidentiality of Public Interest Whistleblower, etc.)

A representative, etc.; the Commission; an examination agency, etc.; and a member of the National Assembly, etc. shall offer necessary measures to ensure that the identity of the public interest whistleblower, etc. is not disclosed without his/her consent in the processes of receiving, referring, forwarding, examining and investigating the public interest whistleblowing case.

Article 14 (Protection of Personal Safety)

(1) Any person who requests the Commission to take protective measures for his/her personal safety under Article 13, Paragraph 1 of the Act (hereinafter referred to as “personal protection measures”) shall submit to the Commission a document specifying the personal information of the applicant and the person who needs to be provided with protective measures (hereinafter referred to as “person subject to protection”), and the reason(s) for the application. Should an urgent reason exist, however, the applicant may request personal protection measures verbally or by telephone. In this case, the applicant shall submit the above mentioned document without delay.

(2) In the event that the need for personal protection measures is too urgent to wait for the Commission’s decision to provide such measures, the Chairperson of the Commission may request the chief of a police station or agency to provide the person subject to protection with such measures.

(3) The chief of a police station or agency who received a request for personal protection measures under the latter part of Article 13, Paragraph 1 of the Act shall decide on, in consultation with the Commission, the necessary measures as prescribed in Article 7 of the Enforcement Decree of the Protection of Reporters, etc. of Specific Crimes Act, and if the personal protection measures are taken, shall notify the Commission of the said fact without delay.

(4) The chief of a police station or agency may cancel the implementation of personal protective measures under Paragraph 3 in consultation with the Commission if such measures are deemed unnecessary.

(5) The Commission shall notify the applicant and the person subject to protection without delay of such facts as the decision to provide personal protective measures as prescribed in Paragraph 3, the cancellation of such measures as prescribed in Paragraph 4, and the end of the period of protection.

Article 15 (Request for and Examination of Protective Measures)

(1) When a public interest whistleblower, etc. requests the Commission to take measures to recover his/her state of life or other necessary measures under Article 17, Paragraph 1 of the Act (hereinafter referred to as “protective measures”), the public interest whistleblower, etc. shall submit to the Commission a document specifying the personal information of the applicant, the reason(s) for the application and the details of the requested measures.

(2) When the Commission requests any person falling under any of Article 19, Paragraph 2, Subparagraphs 1 through 3 of the Act to appear before the Commission under Article 19, Paragraph 3 of the Act, the Commission shall give the said person a seven-day written notice specifying when and where to appear. Should there exist an urgent reason or the possibility that the written notification be detrimental to the examination objective, however, the Commission may not give the written notice prior to the appearance before the Commission.

(3) The Commission may request the cooperation of an examination agency that was notified of an application by the public interest whistleblower, etc. for protective measures under Article 19, Paragraphs 1 and 5 to provide the Commission with materials regarding the examination of the relevant violation of the public interest. In this event, the examination agency shall comply with the request unless there is a justifiable reason for them to decline.

Article 16 (Determination, etc. of Protective Measures)

(1) When the Commission receives an application for protective measures under Article 17, Paragraph 1 of the Act, the Commission shall decide to take protective measures as prescribed by Article 20, Paragraph 1 of the Act or to issue a recommendation as provided by Article 20, Paragraph 2 of the Act (hereinafter referred to as “decision, etc. to take protective measures”) within 60 days after the application was submitted. If necessary, the period may be extended by up to 30 days.

(2) The Commission may recommend that the head, etc. of an organization to which a person who had taken disadvantageous measures belongs implement measures such as guidance and supervision necessary to ensure the implementation of protective measures for a public interest whistleblower, etc. who underwent the disadvantageous measures in accordance with the decision, etc. to take protective measures.

(3) The Commission may recommend that the head, etc. of an organization to which the public interest whistleblower, etc. belongs take measures comparable to protective measures such as change of occupation, change of position or transfer of workplace should any special circumstance exist to believe that it would be difficult to implement the protective measures in accordance with the decision, etc. to take protective measures.

(4) The Commission shall notify the applicant for protective measures of the fact that the recommendation was issued under Paragraph 2 or 3.

Article 17 (Standard for the Delayed Payment of Wages, etc.)

(1) The remuneration, etc. prescribed in Article 20, Paragraph 1, Subparagraph 2 of the Act shall be the earned income under Article 20, Paragraph 1 of the Income Tax Act, and the interest shall be interest for delayed payment of wages as provided by Article 37 of the Labor Standard Act.

(2) The period for the calculation of the delayed payment of remuneration and interest under Paragraph 1 shall be from the date when the remuneration went in arrears or when discriminatory payment began to the date when a decision from the Commission is issued under Article 20, Paragraph 1.

(3) The Commission may request the related agencies, organizations or enterprises to submit the relevant materials under Article 19, Paragraph 2 of the Act, if they are deemed necessary to confirm the amount of remuneration, etc. as prescribed in Paragraph 1.

Article 18 (Prohibition of Disadvantageous Measures)

(1) A public interest whistleblower, etc. who requests the Commission to take measures to prohibit disadvantageous measures under Article 22, Paragraph 1 of the Act shall submit to the Commission a document specifying the personal information of the applicant, the reason(s) for the application and the details of the requested measures.

(2) When the Commission receives an application for the prohibition of disadvantageous measures under Paragraph 1, the Commission shall make a decision as provided by Article 22, Paragraph 4 of the Act within 60 days after the application was submitted. If necessary, however, the period may be extended by up to 30 days.

(3) When the Commission recommends an organization prohibit disadvantageous measures under Paragraph 2, the Commission may recommend the head, etc. of the organization to which a person who intends to take disadvantageous measures belongs implement necessary measures such as guidance and supervision over the said person. In this case, the Commission shall notify the applicant of prohibition of disadvantageous measures of the fact that the recommendation was issued.

Article 19 (Notification of Results for Implementing Measures, etc.)

A person who receives a request for protective measures under Article 20, Paragraph 1 of the Act, recommendation under Paragraph 2 of the same Article, request for disciplinary action under Paragraph 4 of the same Article, or recommendation for the prohibition of disadvantageous measures under Article 22, Paragraph 4 of the Act shall notify the Commission of the results of implementing the aforesaid measures or of the reason(s) of failure to take such measures within 30 days after the request or recommendation was received.

Article 20 (Request for Cooperation)

Under Article 25, Paragraph 1, the Commission may request a relevant administrative agency, counseling center or medical institution, and other relevant organizations for cooperation or assistance as needed for matters falling under the following Subparagraphs:

1. Presentation of materials, documents, etc. or explanation;
2. Appearing before the Commission and making statements;
3. Secondment, examination and consultation of employees belonging to the organization
4. Counseling to provide the public interest whistleblower, etc. with psychological comfort and medical support for illness treatment and healthcare;
5. Legal aid for the recovery of damages and relief of rights, including provision of legal consultation and advice, legal representation in a lawsuit, etc.;
6. Provision of vocational training opportunities and recommendation of new occupations for the public interest whistleblower, etc.;
7. Other matters necessary to protect the public interest whistleblower, etc.

Article 20-2 (Appeals to Order of Political Activities, etc.)

(1) Under Article 25-2 (1) of the Act, state public officials etc. may make an appeal to the person who falls into one of the following categories when they are ordered to perform actions that fall into one of the categories prescribed in Article 25-2 (1) of the Act:

1. The person who ordered political activities, etc.
2. The head of the agency to which the person prescribed in subparagraph 1 above belongs to

(2) An appeal pursuant to paragraph (1) shall be made in a written document (including electronic document, the same hereinafter). However, if it is deemed urgent or it has reasonable grounds, state public officials, etc. may first make an appeal with an oral statement and then submit a written document.

(3) The written document prescribed in paragraph (2) above shall include details of the following items:

1. Personal information including the name, association, and position of the person who makes the appeal

2. Personal information including the name, association, and position of the person who ordered political activities, etc.

3. The date and place where political activities, etc. were ordered

4. Contents of the order of political activities, etc.

5. The purport and reason of the appeal

(4) The person who received the appeal under paragraph (1) above shall immediately take corrective measures and make a notice to the person who made the appeal in a written document when the appeal is decided as grounded. If the appeal is decided as groundless, the decision and the reason shall be notified to the person who made the appeal in a written document.

<Amended by Presidential Decree No. 25300, Apr. 8, 2014>

CHAPTER IV REWARDS AND RELIEF MONEY

Article 21 (Ground for Payment of Reward)

The “dispositions or judgments as prescribed by Presidential Decree” in Article 26, Paragraph 1, Subparagraph 5 of the Act refers to disposition or judgment falling under any of the following Subparagraphs:

1. Imposition of national tax or local tax;

2. Disposition of imposing charges or additional charges, etc.;

3. Judgment to compensate damages or restitute unlawful gain.

Article 22 (Standards for the Payment of Rewards)

(1) The standard for calculating the amount of rewards is as specified in the Attached Table 2. However, the rewards may be reduced or not paid in consideration of the following Subparagraphs. In the event that a public official who is or was involved in the examination of or investigation into a violation of the public interest makes a report related to the examination or investigation, rewards shall not be paid:

1. Accuracy of the report or credibility of evidential materials;

2. Whether the reported violation of the public interest was already disclosed through newspapers, broadcast or other mass media;

3. Whether the public interest whistleblower committed any illegal act(s) related to his/her report;

4. The extent to which the public interest whistleblower contributes to the eradication and prevention of violations of the public interest;

5. Whether the public interest whistleblower has an obligation to report a violation of the public interest or whether the report is related to his/her duties.

(2) The maximum amount of rewards shall be KRW 1 billion, and any fraction under KRW 1,000 shall not be paid.

(3) In the event that the reward amount related to an individual public interest violation case is less than KRW 200,000, the reward shall not be paid. <Amended by Presidential Decree No. 25586, Sep. 2, 2014>

(4) The detailed criteria, method and procedures for the payment of the reward shall be decided and publicly announced by the Chairman on the resolution of the Committee. <Newly Inserted by Presidential Decree No. 25586, Sep. 2, 2014>

Article 23 (Determination of the Payment of Rewards)

(1) The Commission shall determine whether to pay rewards and the reward amount based on the deliberation and resolution by the Reward Deliberation Board under Article 69 of the Act on the Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as the “Reward Deliberation Board”). Should the Reward Deliberation Board decide to pay the reward, the Commission shall send the authentic copy of the written decision and the written notification thereof to the applicant without delay.

(2) At the time of the determination of reward by the Commission under Paragraph 1, after a legal relation that would result in the recovery of or increase in revenues to the State or local autonomous governments is established and if the aforementioned recovery of or increase in revenues has not begun or the amount of recovered or increased revenues is less than 50/100 of the reward amount calculated under Article 22, Paragraph 1, the Commission may determine that the payment of the reward would be first executed within the scope of 50/100 of the reward amount and the remaining part be paid after the amount of recovered or increased revenues to the State or local autonomous governments exceeds the amount of the reward already paid.

Article 24 (Determination of Reward Amounts for Concurrent Reward Applications)

(1) When two or more persons respectively file public interest whistleblowing cases for a single violation of the public interest, the cases are deemed a single case in the determination of the reward amount under the Attached Table 2.

(2) The Commission, in determining the respective amounts for individual public interest whistleblowers in the event of a public interest whistleblowing case prescribed in Paragraph 1, shall assign the rewards in comprehensive consideration of the contributions of the individuals to the eradication and prevention of the violation of the public interest and other factors. In this case, the Subparagraphs of Article 22, Paragraph 1 shall be applied to the individual public interest whistleblowers respectively.

Article 25 (Date of the Payment of Rewards)

The reward shall be paid after the recovery of or increase in revenues to the State or local autonomous governments occurred through such procedures as the imposition of charges provided by any of the Subparagraphs of Article 26, Paragraph 1 of the Act or a legal relation thereof is established. In this case, if the period of appeal regarding the procedures does not expire or the appeal proceedings for the relief thereof are in progress, the payment shall be executed after the expiration of the appeal period or the completion of the relief proceedings.

Article 26 (Standard to Calculate the Amount of Relief Money)

(1) The Reward Deliberation Board shall consider the following Subparagraphs in the calculation of relief money under Article 27, Paragraph 2 of the Act for such situations as prescribed in Subparagraphs of Article 27, Paragraph 1 of the Act:

1. Expenses incurred related to medical examination, hospitalization, medication, surgery, etc. for physical and psychological treatment;

2. Actual costs incurred to move the residence as a result of change of occupation, change of position or transfer of workplace, secondment, personal protection, etc.;

3. Fees incurred to hire a lawyer, certified public labor attorney, etc. for dispute over recovery of the original state of life;

4. Monthly average of wages or actual income during the three months prior to the date the disadvantageous measures were taken (hereinafter referred to as “monthly average”); or the average wage in the event that there exists no method to prove the amount of the monthly average or the calculated monthly average is below the average wage;

5. Other expenditures the Reward Deliberation Board recognizes as being incurred related to damages or costs as a result of the public interest whistleblowing, etc.

(2) The monthly average shall not exceed double the average wage, and the period of wage losses calculated under Article 27, Paragraph 1, Subparagraph 9 of the Act shall not exceed 36 months.

(3) The average wage as prescribed in Paragraph 1, Subparagraph 4 is specified by the average wage of daily workers based on nationwide statistics on the wages of the typical male or female laborer, which is conducted by a wage survey agency that regularly publishes wage statistics at least 6 times a year.

(4) The proviso of Article 22 (1) shall apply *mutatis mutandis* to deciding whether the amount of the reward shall be reduced or the reward shall not be paid. <Newly Inserted by Presidential Decree No. 25586, Sep. 2, 2014>

Article 27 (Decision on the Payment of Relief Money)

(1) The Commission shall determine whether to pay relief money and its amount based on the deliberation and resolution by the Reward Deliberation Board. Should the Reward Deliberation Board decide to pay the relief money, the Commission shall send the authentic copy of the written decision and the written notification thereof to the applicant without delay.

(2) The Commission shall determine whether to pay relief money and its amount within 90 days from the date on which the application for relief money was submitted under Article 27, Paragraph 1 of the Act unless there are exceptional circumstances otherwise.

Article 27-2 (Procedures to Exert Subrogation Rights to Claim Damages)

The Commission shall decide in a prompt manner whether it would exercise the right to indemnity with the subrogation of the claim under Article 27 (5) of the Act in the event that it had paid the relief money to the public interest whistleblower, his/her relatives or cohabitants. <Newly Inserted by Presidential Decree No. 25586, Sep. 2, 2014>

Article 28 (Establishment and Operation, etc. of Information System)

(1) The Commission may establish and operate an information system in order to prevent the double payment of rewards and relief money under Article 28 of the Act.

(2) The Commission may request the administrative agency, etc. to provide data regarding the payment of rewards, awards and relief money in order to establish and operate an information system under Paragraph 1.

(3) The Commission may develop and distribute a standardized program so as to enable the administrative agency, etc. to use the information system under Paragraph 1.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 29 (Handling of Personal Identification Number)

(1) The person who falls into one of the categories under Article 6 of the Act may handle data which includes resident registration numbers under Article 19, Subparagraph 1 of the Enforcement Decree of the Personal Information Protection Act, passport numbers under Subparagraph 2 of the same Article, and alien registration numbers under Subparagraph 4 of the same Article (hereinafter resident registration numbers, etc.) if deemed necessary to perform the affairs concerning public interest whistleblowing as prescribed in Article 8 of the Act on the Protection of Public Interest Whistleblowers.

(2) The Commission may handle the data which includes resident registration numbers, etc. if deemed necessary to perform one of the following affairs:

1. Affairs concerning confirmation of the details of a public interest whistleblowing case, referral, etc. under Article 9 of the Act;

2. Affairs concerning maintaining the confidentiality of the public interest whistleblower, etc. under Article 12 of the Act;

3. Affairs concerning personal protection measures under Article 13 of the Act;

4. Affairs concerning mitigation and remission of culpability, etc. under Article 14 of the Act;

5. Affairs concerning protective measures under Articles 17 through 20 of the Act;

6. Affairs concerning prohibition of disadvantageous measures under Article 22 of the Act;

7. Affairs concerning rewards under Article 26 of the Act;

8. Affairs concerning relief money under Article 27 of the Act.

(3) The investigative agency to which a public interest whistleblowing case was referred pursuant to Article 9 of the Act may handle the data which includes resident registration numbers, etc. if deemed necessary to perform the affairs concerning handling of public interest whistleblowing cases under Article 10 of the Act.

<Wholly Amended by Act No.25300, Apr. 8, 2014 >

Article 30 (Imposition and Collection of Fine for Negligence)

The standard for imposing a fine for negligence under Article 31, Paragraph 1 of the Act is as specified in the Attached Table 3.

ADDENDUM

<Presidential Decree No. 23198, Sep. 30, 2011>

This Decree shall enter into force on September 30, 2011. However, the Act 74 of the Attached table 1 shall take into force on April 29th 2012. The Act 144 of the same attached table shall come into effect on March 9th, 2012.

ADDENDA

<Presidential Decree No. 23845, Jun. 7, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 8, 2012.

Article 2 and 3 are omitted

Article 4 (Amendment of other Acts and Subordinate Statues)

(1) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 52 of Attached Table 1 shall be amended as follows:

52. Act on the Control of Narcotics, etc.

(2) through (9) are omitted

ADDENDA

<Presidential Decree No. 23964, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012.

Article 2 is omitted.

Article 3 (Amendment of other Acts and Subordinate Statues)

(1) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 85 of Attached Table 1 shall be amended as follows:

85. Quality Control of Agricultural and Fishery Products Act

Paragraphs (2) through (7) are omitted.

Article 4 is omitted.

ADDENDA

<Presidential Decree No. 23965, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012.

Article 2 and 3 are omitted.

Article 4 (Amendment of other Acts and Subordinate Statues)

(1) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 84 of Attached Table 1 shall be amended as follows:

84. Aquatic Life Disease Control Act

(2) is omitted

Article 5 is omitted.

ADDENDA

<Presidential Decree No. 24097, Sep. 7, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 10, 2012.

Article 2 and 3 are omitted.

Article 4 (Amendment of other Acts and Subordinate Statues)

Paragraphs (1) through (3) are omitted.

(4) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 34 of Attached Table 1 shall be amended as follows:

34. Fishing Management and Promotion Act

Article 5 is omitted.

ADDENDUM

<Presidential Decree No. 25300, Apr. 8, 2014>

This Decree shall enter into force on the date of promulgation.

ADDENDUM

<Presidential Decree No. 25522, Jul. 28, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 28, 2014.

Article 2 (Amendment of other Acts and Subordinate Statues)

Paragraph (1) is omitted.

(2) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 20 of Attached Table 1 shall be amended as follows:

20. Licensed Real Estate Agents Act

Paragraphs (3) through (7) are omitted.

Article 3 is omitted.

ADDENDA

<Presidential Decree No. 25586, Sep. 2, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation.

Article 2 (Applicability of the Decision on the Reduction or the Non-payment of the Reward)

The revised provision of Article 26 (4) shall be applied to the first case of the application of the reward after this Decree enters into force.

Article 3 (Transitional Measures concerning the Payment of the Reward)

The amended provision of Article 22 (3) shall not apply to the payment of the reward for the whistleblower who has reported violations of public interest before this Decree enters into force.

[**Attached Table 1**] <Amended by Presidential Decree No. 25522, Jul. 28, 2014>

Acts related to the violation of the public interest (refer to Article 2)

1. Fair Transactions in Franchise Business Act
2. Act on the Management and Use of Livestock Excreta
3. Act on the Prevention of Contagious Animal Diseases
4. Prevention of Contagious Diseases Act
5. Public Order in Open Ports Act
6. Framework Act on Health Examination
7. Functional Health Foods Act
8. Construction Machinery Management Act
9. Construction Technology Management Act
10. Framework Act on the Construction Industry
11. Construction Waste Recycling Promotion Act
12. Certified Architects Act
13. Quarantine Act
14. Security Services Industry Act
15. Measures Act
16. High-Pressure Gas Safety Control Act
17. Aggregate Extraction Act
18. Public Performance Act
19. Public Waters Management and Reclamation Act
20. Licensed Real Estate Agents Act
21. Tourism Promotion Act
22. Mining Safety Act
23. Mining Damage Prevention and Compensation Act
24. Traffic Safety Act
25. Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons

26. National Technical Qualifications Act
27. National Health Promotion Act
28. State Forest Administration and Management Act
29. Act on Combating Bribery of Foreign Public Officials in International Business Transactions
30. Tramway Transportation Act
31. Act on Water Management of and Resident Support in the Geum River Basin
32. Act on Prevention of Disasters in Steep Slope Lands
33. Act on Water Management and Resident Support in the Nakdong River Basin
34. Fishing Management and Promotion Act
35. Inland Water Fisheries Act
36. Act on Distribution and Price Stabilization of Agricultural and Fishery Products
37. Act on Country of Origin Labeling of Agricultural and Fishery Products
38. Agrochemicals Control Act
39. Act on Maintenance and Improvement of Road Networks in Agricultural and Fishing Villages
40. Act on Maintenance and Improvement of Agricultural and Fishing Villages
41. Farmland Act
42. Indoor Air Quality Control in Public Use Facilities etc. Act
43. Special Act on the Safety Control of Publicly Used Establishments
44. Clean Air Conservation Act
45. Act on Registration of Credit Business, etc. and Protection of Finance Users
46. Act on the Promotion of Collaborative Cooperation Between Large Enterprises and Small-Medium Enterprises
47. Act on Construction of Dams and Assistance, etc. to their Environs
48. Road Traffic Act
49. Urban Gas Business Act
50. Urban Railroad Act
51. Special Act on the Preservation of Ecosystem in Island Areas including Dokdo Island
52. Act on the Control of Narcotics, etc.
53. Horse Industry Promotion Act
54. Management of Drinking Water Act

55. Act on Preservation and Management of Uninhabited Islands
56. Cultural Heritage Protection Act
57. Price Stabilization Act
58. Door-to-Door Sales, etc. Act
59. Radioactive Waste Control Act
60. Baekdudaegan Protection Act
61. Act on Special Measures for the Control of Public Health Crimes
62. Insurance Business Act
63. Unfair Competition Prevention and Trade Secret Protection Act
64. Fertilizer Control Act
65. Control of Shooting and Shooting Range Act
66. Control of Livestock and Fish Feed Act
67. Forest Protection Act
68. Creation and Management of Forest Resources Act
69. Occupational Safety and Health Act
70. Industrial Standardization Act
71. Management of Mountainous Districts Act
72. Mutual Savings Banks Act
73. Community Credit Cooperatives Act
74. Asbestos Safety Management Act
75. Petroleum and Petroleum Substitute Fuel Business Act
76. Ship Safety Act
77. Special Act on the Pine Wilt Disease Control
78. Cattle and Beef Traceability Act
79. Fire-fighting System Installation Business Act
80. Installation, Maintenance, and Safety Control of Fire-fighting Systems Act
81. Small River Maintenance Act
82. Oil Pipeline Safety Control Act
83. Water Supply and Waterworks Installation Act

84. Aquatic Life Disease Control Act
85. Quality Control of Agricultural and Fishery Products Act
86. Fisheries Act
87. Fishery Resources Management Act
88. Water-related Leisure Activities Safety Act
89. Water Quality and Ecosystem Conservation Act
90. Wetlands Conservation Act
91. Elevator Safety Management Act
92. Plant Protection Act
93. Food Industry Promotion Act
94. Framework Act on Food Safety
95. Safety Control and Business of Liquefied Petroleum Gas Act
96. Protection of Wild Fauna and Flora Act
97. Pharmaceutical Affairs Act
98. Grain Management Act
99. Act on Safety Control of Children's Amusement Facilities
100. Special Act on Safety Control of Children's Dietary life
101. Fishing Ground Management Act
102. Fishing Villages and Fishery Harbors Act
103. Energy Use Rationalization Act
104. Specialized Credit Financial Business Act
105. Act on Establishment of Safe Laboratory Environment
106. Salt Management Act
107. Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins
108. Infant Care Act
109. Act on the Control, etc. of Manufacture of Specific Substances for the Protection of the Ozone Layer
110. Atomic Energy Act
111. Act on the Measures for the Protection of Nuclear Facilities, etc. and Prevention of Radiation Disasters
112. Act on the Regulation of Conducting Fund-Raising Business without Permission

113. Transboundary Movement, etc. of Living Modified Organisms Act
114. Toxic Chemicals Control Act
115. Emergency Medical Service Act
116. Medical Appliances Act
117. Medical Technicians, etc. Act
118. Ginseng Industry Act
119. Forestry and Mountain Villages Development Promotion Act
120. Framework Act on Qualifications
121. Natural Parks Act
122. Countermeasures against Natural Disasters Act
123. Persistent Organic Pollutants Control Act
124. Internal Organs, etc. Transplant Act
125. Reservoir and Dam Safety Control and Disaster Prevention Act
126. Electrical Construction Business Act
127. Electric Utility Act
128. Electrical Appliances Safety Control Act
129. Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles
130. Electric Technology Management Act
131. Act on Consumer Protection in Electronic Commerce, etc.
132. Act on Promotion of Traditional Liquor, etc. Industry
133. Act on the Protection of Information and Communications Infrastructure
134. Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City
135. Framework Act on Product Safety
136. Seed Industry Act
137. Earthquake Recovery Plans Act
138. Groundwater Act
139. Employment Security Act
140. Integrated Energy Supply Act
141. Railroad Safety Act

142. Juvenile Protection Act
143. Juvenile Activity Promotion Act
144. Special Act on Disaster Management of Skyscraper Linked Geo-Space Complex
145. Grassland Act
146. Livestock Products Sanitary Control Act
147. Act on the Land Survey, Hydrography and Cadastral Survey
148. Environment-Friendly Agriculture Fosterage Act
149. Soil Environment Conservation Act
150. Act on Fair Labeling and Advertising
151. Sewerage Act
152. River Act
153. School Health Act
154. Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the Han River System
155. Installment Transactions Act
156. Aviation Act
157. Aviation Safety and Security Act
158. Navigational Aids Act
159. Harbor Act
160. Harbor Transport Business Act
161. Conservation and Management of Marine Ecosystems Act
162. Development and Management of Deep Sea Water Act
163. Marine Environment Management Act
164. Cosmetics Act
165. Act on Special Measures for the Control of Environmental Offenses
166. Environmental Health Act
167. Environmental Examination and Inspection Act
168. Environmental Impact Assessment Act
169. Prevention of Acquired Immunodeficiency Syndrome Act
170. Protection of New Varieties of Plants Act

[**Attached Table 2**]

Criteria for Payment of Rewards [refer to Article 22, Paragraph 1]

Benefits Incurred	Criteria
KRW 100 million or less	20%
Over KRW 100 million and not more than KRW 500 million	KRW 20 million + 14% for the amount exceeding KRW 100 million
Over KRW 500 million and not more than KRW 2 billion	KRW 76 million + 10% for the amount exceeding KRW 500 million
Over KRW 2 billion and not more than KRW 4 billion	KRW 226 million + 6% for the amount exceeding KRW 2 billion
Over KRW 4 billion	KRW 346 million + 4% for the amount exceeding KRW 4 billion

※ Benefits Incurred: The value of the recovered or increased revenues of the central government or local autonomous governments by the imposition, etc. (or such value in time of the establishment of legal relations related to that matter) as referred to Article 26, Paragraph 1 of the Act and in any Subparagraph of Article 21 of the Enforcement Decree.

[Attached Table 3]

Criteria for Imposition of Fine for Negligence [refer to Article 30]

1. General Criteria

(1) The Criteria for imposition of fine for negligence corresponding to the number of violation are applied when a violator is fined for the same violation within a recent year. In this case, the number of violation shall be determined in accordance with both the date of imposition of fine for negligence and the date of re-commitment of the same violation.

(2) In case there occurred two or more violations, the heavier one shall be the basis for the determination.

(3) The Commission can reduce the amount of fines up to half, should a case falls under any of following conditions: Provided that this shall not apply to a violator who is in arrears of fine for negligence.

1) Where the violator falls under any of Subparagraph of Article 2-2, Paragraph 1 of the Enforcement Decree of the Act on the Regulation of Violations of Public Order;

2) Where the violation is deemed to make little damage to the Commission in carrying out its duties because the violation is minor in terms of type and seriousness;

3) Where the violator corrected or resolved the consequence of his/her violation; or

4) Other cases where it is deemed necessary to reduce the amount of fine for negligence, in consideration of the seriousness, the motive, and the consequence of the violation.

2. Specific Criteria

(Unit: KRW 10,000)

Violation	Applicable Provision	Amount of fine for negligence		
		First	Second	Third and more
(1) Where a person refused to submit relevant materials, attend the Commission or state his/her opinions in violation of Article 19, Paragraph 2 or 3 of the Act (including when Article 22, Paragraph 3 of the Act is applied *mutatis mutandis*)	Article 31, Paragraph 1 of the Act			
1) A person who takes disadvantageous measures		500	1,000	2,000
2) A reference person		200	400	800
3) An applicant		100	200	300
(2) Where a relevant agency, organization or enterprise refuses to submit the materials under Article 19, Paragraph 2 of the Act (including when Article 22, Paragraph 3 of the Act is applied *mutatis mutandis*)	Article 31, Paragraph 1 of the Act	400	700	1,000