

CODE OF CONDUCT FOR PUBLIC OFFICIALS

Presidential Decree No. 19165, Dec. 9, 2005
Amended by 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
Presidential Decree No. 26980, Feb. 12, 2016
Presidential Decree No. 27518, Sep. 27, 2016
Presidential Decree No. 28587, Jan. 16, 2018
Presidential Decree No. 29430, Dec. 24, 2018

Article 1 (Purpose)

The purpose of this Decree is to prescribe the standards of conduct that public officials must obey in accordance with Article 8 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 2 (Definitions)

The terms used in this Decree shall be defined as follows: *<Amended by Presidential Decree No. 26980, Feb. 12, 2016; Presidential Decree No. 27518, Sep. 27, 2016; Presidential Decree No. 28587, Jan. 16, 2018>*

1. The term "duty-related person" means an individual (deemed to be an individual if the public official is a private person), corporation, or organization that is related to the official duties of a public official and falls under any of the following categories:
 - (a) An individual, corporation, or organization that is filing or is clearly seeking to file any of the following civil petitions:
 - (b) An individual, corporation, or organization that directly enjoys benefits or

- suffers disadvantages from cancellation of an authorization, permission, etc., suspension of business, imposition of a penalty surcharge or administrative fine, etc.;
- (c) An individual, corporation, or organization subject to investigation, auditing, supervision, inspection, enforcement, administrative guidance, etc.;
 - (d) An individual, corporation, or organization that directly enjoys benefits or suffers disadvantages from an adjudication, decision, examination, appraisal, test, assessment, mediation, arbitration, etc.;
 - (e) An individual, corporation, or organization subject to conscription, call, mobilization, etc.;
 - (f) An individual, corporation, or organization that enters into, or is clearly entering into a contract with the State or a local government;
 - (g) An individual, corporation, or organization that directly enjoys benefits or suffers disadvantages from decisions or execution of policy, business, etc.;
 - (h) Other individuals, corporations, or organizations related to the official duties to prevent corruption determined by the head of a central administrative agency (including the head of an agency under the governance of the President or the Prime Minister), the head of a local government, or a superintendent of education (hereinafter referred to as the “head of a central administrative agency, etc.”);
2. The term "duty-related public official" means any other public official who directly enjoys benefits or suffers disadvantages (if an agency receives such benefits or disadvantages, it refers to a public official responsible for the relevant work of the agency) in relation to the performance of the duties of a public official and who falls under any of the following categories:
- (a) A subordinate who takes an official order in connection with the duties of a public official;
 - (b) A public official who belongs to the same agency as a person in charge of duties such as personnel management, budget, auditing, granting of awards and decorations, evaluation or assessment, etc.; or a public official responsible for the relevant work and any other public official concerned with other related agency;
 - (c) In case of delegating or entrusting duties, the public official who delegates or entrusts the duties, and the public official who is delegated

- or entrusted with the duties;
- (d) Other public officials determined by the head of a central administrative agency, etc.;
3. The term "money or other valuables" means any of the following:
- (a) All economic interests such as money, securities, real estate, goods, accommodation vouchers, membership, tickets, discount tickets, complimentary tickets, admission tickets, property license, etc.;
- (b) Treat or entertainment such as food, liquor, golf, etc., and provision of convenience such as transportation, accommodation, etc.;
- (c) Other tangible or intangible economic benefits such as debt relief, employment offer, grant of interest, etc.;
4. Deleted. *<by Presidential Decree No. 27518, Sep. 27, 2016>*

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 3 (Scope of Application)

This Decree shall apply to national public officials (excluding national public officials belonging to the National Assembly, the courts, the Constitutional Court, and the election commissions) and local public officials (excluding local council members). *<Amended by Presidential Decree No. 27518, Sep. 27, 2016>*

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

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

- (1) When a superior public official gives an instruction that significantly impairs the fair performance of duties for the unfair benefit to him/herself or a third party, a subordinate may not comply with the instruction after notifying the superior of the cause thereof or consult with an official who is in charge of duties related to the code of conducts for public officials designated under Article 23 (hereinafter referred to as "Code of Conduct Official").
- (2) If a public official is repeatedly asked to follow the same instruction notwithstanding his/her non-compliance under paragraph (1), he/she shall consult with the Code of Conduct Official immediately.
- (3) The Code of Conduct Official who received a consultation request under paragraph (1) or (2) shall confirm the details of the instruction and report it to the head of the agency to which he/she belongs, if it is found necessary to cancel or change the instruction: Provided, That, if the superior public official who gave the unjust instruction him/herself cancels or changes the instruction in the process of confirming the instruction, the Code of Conduct Official need not

report to the head of the agency to which he/she belongs.

- (4) The head of an agency who received a report under paragraph (3) shall take appropriate measures, such as canceling or changing the instruction, when it is deemed necessary. In such a case, the superior public official who repeated the same instruction that impairs fair performance of duties notwithstanding the subordinate's non-compliance under paragraph (1), may be subject to disciplinary action or other necessary measures.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 5 (Declaration of Private Interests, etc.)

- (1) In the following cases, a public official shall declare the relevant fact to the head of the agency to which he/she belongs in writing (including electronic documents; hereinafter the same shall apply): Provided, That this shall not apply where a public official performs simple civil petition affairs prescribed by the head of a central administrative agency, etc.:
1. If the public official him/herself is a duty-related person;
 2. If a relative (which means a relative as defined in Article 767 of the Civil Act) within the fourth degree of relationship of the public official is a duty-related person;
 3. If the corporation or organization in which the public official him/herself has served within two years is a duty-related person;
 4. If the corporation or organization in which the public official him/herself or his/her family member (which means a family member as defined in Article 779 of the Civil Act) currently serves as an officer, employee, or outside director is a duty-related person;
 5. If the public official or his/her family member acts on behalf of a duty-related person; provides advice or consultancy to a duty-related person; or belongs to a corporation or organization that acts as a proxy, adviser, or consultant for a duty-related person;
 6. If the corporation or organization in which the public official or his/her family member owns stocks, shares, capital, etc. of a certain percentage or more as prescribed by the head of a central administrative agency, etc. (hereinafter referred to as "related business entity") is a duty-related person;
 7. If the person determined by the head of a central administrative agency, etc. to be in a relationship difficult to fairly fulfill the public official's duties is a duty-related person.

- (2) Any person who has an interest in relation to the performance of duties of a duty-related person or a public official may apply for a measure stipulated in the subparagraphs of paragraph (4) to the head of the agency to which the public official belongs, if the public official falls under any subparagraph of paragraph (1).
- (3) A public official may also apply for a measure stipulated in the subparagraphs of paragraph (4) to the head of the agency to which he/she belongs, if he/she acknowledges that he/she has a private interest other than those specified in the subparagraphs of paragraph (1) with a duty-related person.
- (4) The head of the agency who has received a declaration under the main sentence of paragraph (1) or an application under paragraph (2) or (3) may take the following measures, if he/she deems that it is likely to impede the fair performance of the public official concerned:
 1. Suspension of work participation;
 2. Designation of a delegate or co-worker;
 3. Reassignment of duties;
 4. Transfer.
- (5) Notwithstanding the provisions of paragraph (4), in either of the following cases, the head of an agency may allow the public official concerned to perform the relevant duties. In such a case, the head of the agency shall direct the Code of Conduct Official to confirm and check the fair performance of the duties:
 1. If it is extremely difficult to replace the public official who performs the duties;
 2. If the need to perform the duties is greater due to the promotion of public benefits such as national security and economic development.
- (6) The head of a central administrative agency, etc. shall record and manage declarations made under the main sentence of paragraph (1); applications filed under paragraphs (2) and (3); measures taken under paragraph (4); and confirmations and checks under the latter part of paragraph (5).
- (7) Matters necessary for reporting on private interests of public officials, in addition to the matters stipulated in paragraphs (1) through (6), shall be determined by the head of a central administrative agency, etc.

[This Article Wholly Amended by Presidential Decree No. 28587, Jan. 16, 2018]

Article 5-2 (Submission of Details of Private Sector Business Activities by Senior

Officials)

- (1) Any of the following persons (hereinafter referred to as "senior official") shall submit the details of his/her business activities in the private sector for the period prior to his/her appointment or commencement of service (which means three years' history prior to the appointment or commencement of service) to the head of the agency for which he/she works (which means the Code of Conduct Official, if the person obliged to submit is the head of the agency concerned), within 30 days from the date of appointment to his/her position or the commencement of his/her service:
 1. A public official having a rank equivalent to or higher than a Vice Minister;
 2. The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, a Do Governor, the Special Self-Governing Province Governor, a superintendent of education, or the head of a Si/Gun/Gu (which means the head of an autonomous Gu).
- (2) The details of private sector business activities provided for in paragraph (1) shall include the following information:
 1. Name of the corporation or organization in which the senior official has served, and the job description;
 2. Contents of the business or commercial activity that the senior official managed or operated;
 3. Other matters determined by the head of a central administrative agency, etc.
- (3) The head of an agency concerned shall keep and manage the details of business activities in the private sector submitted under paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018]

Article 5-3 (Prohibition of Duty-Related Commercial Activities, etc.)

- (1) A public official shall not engage in any of the following activities in relation to his/her duties: Provided, That this shall not apply where it is permitted under the State Public Officials Act or other statutes:
 1. Providing personal service, advice, or consultancy to a duty-related person and receiving compensation;
 2. If the agency to which he/she belongs becomes a party to a litigation, etc, or his/her duty has a direct interest to the agency to which he/she belongs, representing the other party to the agency or providing advice, consultancy, or information to the other party;
 3. Acting on behalf of a foreign government, institution, corporation, or

- organization: Provided, That this shall not apply where he/she obtains permission from the head of the agency to which he/she belongs;
4. Holding other positions related to his/her duties: Provided, That this shall not apply where he/she obtains permission from the head of the agency to which he/she belongs;
 5. Other duty-related activities determined by the head of a central administrative agency, etc. as having the risk of impairing the fair and ethical performance of his/her duties.
- (2) If an activity of a public official falls under any subparagraph of paragraph (1), the head of the agency to which he/she belongs shall order the public official to suspend or terminate the activity.

[This Article Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018]

Article 5-4 (Restrictions on Employment of Family Members)

- (1) A senior official shall not exercise any undue influence, such as directing his or her family member to be employed by the agency to which he/she belongs, or its subordinate or affiliated institution (which means a public service-related organization defined in Article 3-2 (1) of the Public Service Ethics Act and a public institution defined in Article 4 (1) of the Act on the Management of Public Institutions: hereinafter the same shall apply).
- (2) A public official in charge of personnel management (including a public official who can substantively influence personnel management) shall not exercise any undue influence, such as directing his or her family member to be employed by the agency to which he/she belongs.
- (3) A public official in charge of directing, supervising, regulating, or supporting an affiliated institution shall not exercise any undue influence, such as directing his/her family member to be employed by the institution affiliated with the agency to which he/she belongs.

[This Article Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018]

Article 5-5 (Restrictions on Execution of Negotiated Contracts)

- (1) A senior official shall not execute a negotiated contract for goods, service, construction, etc. (hereinafter referred to as “negotiated contract”) with the agency to which he/she belongs, or its subordinate or affiliated institution, and shall not allow his/her family member or any related business entity to execute a negotiated contract with the agency to which he/she belongs, or its subordinate or affiliated institution.

- (2) A public official in charge of contract management shall not execute a negotiated contract with the agency to which he/she belongs, or allow his/her family member to execute a negotiated contract with the agency.
- (3) A public official in charge of directing, supervising, regulating, or supporting an affiliated institution shall not execute a negotiated contract with the institution affiliated with the agency to which he/she belongs and shall not allow his/her family member to execute a negotiated contract with the affiliated institution.

[This Article Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018]

Article 5-6 (Reporting Personal Contact with Retirees)

- (1) A public official shall report to the head of the agency to which he/she belongs, if he/she has personal contact with a retired employee of the agency (only applicable to a retiree for whom two years have not elapsed from the date of retirement) who is a duty-related person, for a golf tour, travel, gambling entertainment, etc.: Provided, That this shall not apply where it is permitted under other statutes or social rules.
- (2) The types of private contact, details and methods of reporting, etc. under paragraph (1) shall be determined by the head of a central administrative agency, etc.

[This Article Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018]

Article 6 (Exclusion of Privileges)

A public official shall not give preferential treatment to a specific person or discriminate against a specific person on the grounds of regionalism, kinship, school relations, religion, etc. when performing his/her duties.

[This Article Wholly Amended by Presidential Decree No. 21107, Nov. 5, 2008]

Article 7 (Prevention of Budget Use for Other Purposes)

A public official shall not use budget appropriated for official business activities, such as budget for travel expenses and business promotion expenses, for purposes other than those designated, and shall not inflict damage on the property of the agency to which he/she belongs.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 8 (Handling of Unjust Requests by Politicians, etc.)

- (1) If a public official is forced or asked to perform unfair duties from a politician, political party, etc., he/she shall handle such request after reporting to the head of the agency to which he/she belongs or consulting with the Code of Conduct Official.

- (2) The head of the agency who has received a report or the Code of Conduct Official who has consulted with a public official under paragraph (1) shall take appropriate measures to enable the public official to perform his/her duties fairly.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 9 (Prevention of Job Solicitation, etc.)

- (1) A public official shall not cause other persons to solicit a person in charge of personnel management in order to have undue influence on his/her appointment, promotion, transfer, etc.
- (2) A public official shall not unfairly intervene with personnel affairs such as appointment, promotion, or transfer of another official using his/her position.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 10 (Prevention of Influence Peddling, etc.)

A public official shall not directly use his/her position to take unjust benefits or allow other persons to take unjust benefits.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 10-2 (Prohibition of Private Use of Position)

A public official shall not use, or allow other persons to use, the name of the agency to which he/she belongs or his/her title by means of publishing or posting it, for private interest outside the scope of his/her duties.

[This Article Newly Inserted by Presidential Decree No. 21238, Dec. 31, 2008]

Article 11 (Prohibition of Intercession, Solicitation, etc.)

- (1) A public official shall not make an intercession or solicitation that harms the fair performance of duties of other government officials (which means officials defined in subparagraph 3 (a) and (b) of Article 2 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-corruption and Civil Rights Commission) for the unjust benefit to him/herself or a third party.

<Amended by Presidential Decree No. 28587, Jan. 16, 2018>

- (2) A public official shall not introduce a duty-related person to another duty-related person or government official in relation to the performance of his/her duties, for the unjust benefit to him/herself or a third party. *<Amended by Presidential Decree No. 28587, Jan. 16, 2018>*
- (3) A public official shall not make any of the following intercession or solicitation to a person other than a government official by exercising his/her authority for the unjust benefit to himself/herself or a third party or exercising substantive

influence derived from his/her position or office: <Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018>

1. Causing the person to intervene with or influence a specific individual, corporation, or organization to invest, deposit, lend, contribute, fund, donate, support, sponsor, etc.;
2. Causing the person to intervene in or influence personnel affairs, such as employment, promotion, and transfer, or disciplinary affairs;
3. Causing the person to disclose confidential business secrets concerning bids, auctions, research and development, testing, patents, etc.;
4. Causing the person to intervene in or influence the selection of a contracting party, execution of a contract, etc.;
5. Causing the person to sell, exchange, use, profit from, possess, or provide goods or services to a specific individual, corporation, or organization outside the ordinary course of business;
6. Causing the person to intervene in or influence entrance, grading, performance evaluation, etc. of schools at various levels;
7. Causing the person to intervene in or influence the selection of awards, grants and prizes, high-performing authorities or individuals, scholarships, etc.;
8. Causing the person to make a specific individual, corporation, or organization selected or excluded from audits or investigations, to manipulate the results of audits or investigations, or to overlook such violations;
9. Other acts determined by the head of a central administrative agency, etc. to be an intercession or solicitation that harms the fair performance of duties of a person who is not a government official.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 12 (Restrictions on Transactions, etc. Using Duty-Related Information)

- (1) A public official shall not engage in financial transactions or investments related to securities, real estate, etc. using information obtained in the performance of his/her duties, or provide such information to any other person to assist him/her with financial transactions or investments.
- (2) The head of a central administrative agency, etc. shall establish detailed standards for the restriction of transactions using duty-related information for each jurisdiction in accordance with paragraph (1).

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 13 (Prohibition of Private Use of or Profiting from Public Goods)

A public official shall not, without justifiable reasons, use or profit from public goods such as official vehicles, vessels, and aircraft and supplementary services such as airline mileage and loyalty points provided by budget, for private purposes.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 13-2 (Prohibition of Solicitation of Private Labor)

A public official shall not accept, solicit, or promise to receive private labor from duty-related persons or duty-related public officials by exercising his/her own authority or exercising substantial influence derived from his/her position or office: Provided, That this shall not apply where it is permitted under other statutes or social rules.

[This Article Newly Inserted by Presidential Decree No. 28587, Jan. 16, 2018]

Article 13-3 (Prohibition of Improper Exercise of Public Authority and Etc.)

A public official shall not exercise his/her own authority or de facto influence derived from his/her position or office to conduct any of the following unjust acts:

1. Acts of unfairly delaying or rejecting the receipt of an application by a public official in charge authorization or permission, in an attempt to give a disadvantage to the applicant or to give an advantage or disadvantage to a third party;
2. Acts of giving duty-related public officials unjust instructions or requests that are unrelated to duties or outside of the scope of duties;
3. Acts of unfairly passing obligations or burdens of the agency to which he/she belongs, on to duty-related persons, or unduly delaying the execution of the works that should be done by the agency, in relation to the contracts of goods, services, constructions, or etc. executed by the agency;
4. Acts of unfairly passing tasks of the agency to which he/she belongs or the burden of paying the expenses and human resource costs required to perform such tasks, on to the affiliated institutions of the agency to which he/she belongs or institutions under agency's jurisdiction;
5. Other acts of unfairly restricting rights and authorities of or demanding un-obligated tasks from duty-related persons, duty-related public officials, or affiliated institutions of the agency to which he/she belongs or institutions under agency's jurisdiction.

[This Article Newly Inserted by Presidential Decree No. 29430, Dec. 24, 2018]

Article 14 (Prohibition of Receipt of Money or Other Valuables)

- (1) A public official shall not accept, solicit, or promise to receive money or other valuables exceeding one million won at one time or more than three million won in a fiscal year from the same person for any reason whatsoever, such as donation, sponsorship, or gift.
- (2) A public official shall not accept, solicit or promise to receive money or other valuables not exceeding the amount prescribed in paragraph (1) in relation to his/her duties, regardless of whether it is to return a favor.
- (3) An honorarium for a guest lecture, etc. under Article 15 or any of the following money or other valuables shall not constitute money or other valuables, the receipt of which is prohibited under paragraph (1) or (2):
 1. Money or other valuables that the head of a central administrative agency, etc. pays to the public officials or dispatched officials under his/her governance, or that a superior public official gives to his/her subordinates for comfort, encouragement, reward, etc.;
 2. Money or other valuables in the form of food, cash gift, gift, etc. not exceeding the amount determined by the head of a central administrative agency, etc., which is provided for the purpose of smooth job performance, or social intercourse, ritual, or aid;
 3. Money or other valuables provided from a legitimate source of right such as payment of debts (excluding donation) incurred in a private transaction;
 4. Money or other valuables provided by relatives (which means relatives as defined in Article 777 of the Civil Act) of a public official;
 5. Money or other valuables provided by a mutual aid association, affinity group, alumni association, hometown association, friendship club, religious group, social organization, etc. related to public officials to their members in accordance with their respective rules; and money or other valuables provided to public officials in difficult situations due to a disease, disaster, etc. by a person who has a special long-term and lasting relationship with such public officials;
 6. Money or other valuables of customary amount uniformly provided in an official event related to the duties of a public official by the organizer to the attendants in the form of transportation, accommodation, food, etc.;
 7. Souvenirs or promotional items for distributing to an unspecified number of people; and rewards or prizes given in a contest, lottery, etc.;

8. Money or other valuables otherwise permitted under social rules.
- (4) Notwithstanding paragraph (3) 5, a public official shall notify the head of the agency to which he/she belongs of the receipt of money or other valuables, if the person who has a special long-term and lasting relationship with him/her provided such money or other valuables, as a duty-related person or duty-related public official.
- (5) A public official shall make sure that his/her spouse, lineal ascendants, or lineal descendants do not accept, demand, or promise to receive money or other valuables, the receipt of which is prohibited for public officials in connection with their duties under paragraph (1) or (2) (hereinafter referred to as “prohibited money or other valuables”).
- (6) A public official shall not offer, promise to offer, or express any intention to offer prohibited money or other valuables to other public officials or their spouses, lineal ascendants, or lineal descendants.

[This Article Wholly Amended by Presidential Decree No. 27518, Sep. 27, 2016]

Article 14-2 (Prohibition of Unjust Requests by Supervisory Agency)

- (1) A public official of an agency which conducts supervision, inspection, investigation, or assessment (hereinafter referred to as “supervisory agency”) shall not make any of the following unjust requests in relation to the agency’s business trips, events, training, etc. to agencies which are supervised, inspected, investigated, or assessed (hereinafter referred to as “supervised agency”):
1. Demanding the provision of money, goods, etc. that are not legally grounded under Acts or that do not meet the purpose or usage for budget;
 2. Demanding honorable treatment and protocol beyond the normal practice for public officials who belong to the supervisory agency.
- (2) A public official of the supervised agency, when receiving unjust requests under paragraph (1), shall refuse such unjust requests. Despite the refusal, if the same request is received from the public official of the supervisory agency, he/she shall notify the fact to the Code of Conduct Officer of his/her agency (if the supervised agency is a public service-related organization under Article 3-2 (1) of the Public Service Ethics Act, the employee in charge of code of conducts. Hereinafter the same applies in this Article.). The Code of Conduct Officer shall then report the case to the head of his/her agency without delay, if the request falls under any subparagraph of paragraph (1).
- (3) The head of the supervised agency, in receipt of the report under the latter part

of paragraph (2), shall notify thereof to the head of the supervisory agency if the reported case falls under any subparagraph of paragraph (1). The head of the supervisory agency shall then take necessary measures such as disciplinary measures against the public official of his agency who made the unjust request concerned.

[This Article Newly Inserted by Presidential Decree No. 29430, Dec. 24, 2018]

Article 15 (Restrictions on Acceptance of Honoraria for Guest Lectures, etc.)

- (1) A public official shall not accept an honorarium exceeding the amount prescribed by the head of a central administrative agency, etc. as a compensation for a lecture, speech, contribution, etc. (hereinafter referred to as “guest lecture, etc.”) at a workshop, promotional event, debate, seminar, public hearing, or other meetings requested in relation to his/her duties or by exercising substantive influence derived from his/her position or office.
- (2) A public official shall make a written declaration that includes a lecture request form, etc. to the head of the agency to which he/she belongs in advance, when giving a guest lecture, etc.: Provided, That this shall not apply where the person who requested a guest lecture, etc. is the State or a local government.
- (3) If it is difficult to make a written declaration concerning a guest lecture, etc. in advance in accordance with the main sentence of paragraph (2), a public official shall make the written declaration within two days from the completion of the lecture, etc.
- (4) The head of an agency concerned may restrict a guest lecture, etc. when he/she judges that the guest lecture, etc. declared by a public official under paragraph (2) may hinder the fair performance of duties.
- (5) If a public official receives an honorarium exceeding the amount referred to in paragraph (1), he/she shall declare it to the head of the agency to which he/she belongs and return the excess amount to the provider of the honorarium without delay.
- (6) If a public official has returned the excess amount pursuant to paragraph (5), he/she may request with supporting documentation that the head of the agency to which he/she belongs reimburse for the cost of return.
- (7) The head of a central administrative agency, etc. may set the maximum limit on the number of guest lectures, etc. that pay an honorarium to public officials so that they do not hinder their duties due to excessive guest lectures, etc.
- (8) A public official shall obtain approval from the head of the agency to which

he/she belongs, if he/she wishes to give a paid guest lecture, etc. in excess of the maximum number of times referred to in paragraph (7).

[This Article Wholly Amended by Presidential Decree No. 27518, Sep. 27, 2016]

Article 16 (Reporting of Duty-Related Person Transactions)

- (1) A public official shall report to the head of the agency to which he/she belongs in advance, if the public official him/herself, his/her spouse, lineal ascendant or lineal descendant (only applicable where such person cohabits with the public official; hereafter the same shall apply in this Article), or a related business entity directly engages in any of the following acts (including acts done gratuitously) with a duty-related person or duty-related public official of the public official:
1. Borrowing or lending money or trading in securities: Provided, That borrowing money or trading in securities on ordinary terms from a financial company, etc. as defined in subparagraph 1 of Article 2 of the Act on Real Name Financial Transactions and Confidentiality shall be excluded;
 2. Trading in real estate, automobiles, ships, aircraft, construction machinery, or other similar property: Provided, That trading through public auction, auction, bidding, or public lottery (hereinafter referred to as "public auction, etc.") shall be excluded;
 3. Concluding contracts for goods (excluding daily necessities), services, or construction, other than the transactions specified in subparagraphs 1 and 2: Provided, That the conclusion of contracts through public auction, etc. and the conclusion of contracts repeatedly carried out with unspecified individuals in the trading practice shall be excluded.
- (2) A public official shall report to the head of the agency to which he/she belongs in advance, if the public official him/herself, his/her spouse, lineal ascendant or lineal descendant, or a related business entity engages in any activity specified in the subparagraphs of paragraph (1) with his/her former duty-related person or duty-related public official: Provided, That this shall not apply where two years have passed from the date of cessation of the relevant duties of the duty-related person or duty-related public official.
- (3) Notwithstanding the provisions of paragraphs (1) and (2), if a duty-related person or duty-related public official, or a former duty-related person or duty-related public official is a relative as defined in Article 777 of the Civil Act, such person shall be excluded from reporting.

- (4) If it is difficult to make a prior report under paragraph (1) or (2), a public official shall make a report within five days from the date of completion of the relevant transaction, etc.: Provided, That if it is not a public official's own transaction, etc., or if a third party brokered or acted as a proxy and it is difficult for a public official to know and report it in advance, the public official shall make the report within five days from the date when he/she knows of the transaction, etc.
- (5) The head of an agency concerned may, if it is determined that an activity reported by a public official under paragraph (1) or (2) may hinder the fair performance of his/her duties, take measures specified in Article 5 (4) and (5) against the relevant official.

[This Article Wholly Amended by Presidential Decree No. 28587, Jan. 16, 2018]

Article 17 (Restrictions on Notification of Family Events)

- (1) A public official shall not notify a duty-related person or a duty-related public official of his/her family events: Provided, That notification is allowed in any of the following cases: *<Amended by Presidential Decree No. 28587, Jan. 16, 2018>*
1. Notification to his/her relatives (which means relatives as defined in Article 767 of the Civil Act);
 2. Notification to employees of the agency for which he/she currently works or previously worked;
 3. Notification through newspapers, broadcasting, or internal communication networks that are only allowed to be viewed by the employees referred to in subparagraph 2;
 4. Notification to members of his/her own religious group, friendship club, etc.

[This Article Wholly Amended by Presidential Decree No. 27518, Sep. 27, 2016]

Article 18 (Consultation on Violations)

If it is not clear about whether intercession, solicitation, acceptance of money or other valuables, acceptance of honoraria for guest lectures, etc. or notification of family events, etc. violates this Decree, a public official shall deal with the issue after consulting the Code of Conduct Official. *<Amended by Presidential Decree No. 27518, Sep. 27, 2016>*

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 19 (Notification and Verification of Violations)

- (1) When any person becomes aware that a public official violates this Decree, he/she may notify the head of the agency to which the public official belongs,

the Code of Conduct Official of that agency, or the Anti-Corruption and Civil Rights Commission, of such violation.

- (2) A person who gives notification under paragraph (1) shall present the personal details of the person him/herself and the violator, and the details of the violation.
- (3) The head of the agency concerned and the Code of Conduct Official who have received notification of a violation under paragraph (1) shall keep the identification of the notifying person and the contents of the notification confidential, and ensure that the notifying person will not be disadvantaged as a result of the notification.
- (4) The Code of Conduct Official shall, after verifying a violation notified under paragraph (1), report to the head of the agency to which he/she belongs, with explanatory materials provided by the relevant public official.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 20 (Disciplinary Action, etc.)

The head of an agency who has received a report under Article 19 (4) may take necessary measures, such as disciplinary action against the public official concerned.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 21 (Reporting and Handling of Prohibited Money or Other Valuables)

- (1) In either of the following cases, a public official shall report in writing to the head of the agency to which he/she belongs without delay:
 1. If the public official him/herself receives prohibited money or other valuables, or receives a promise or intention to offer prohibited money or other valuables;
 2. If the public official is informed that his/her spouse, lineal ascendant, or descendant has received prohibited money or other valuables, or received a promise or intention to offer prohibited money or other valuables.
- (2) If a public official falls under either of the subparagraphs of paragraph (1), he/she shall, without delay, return or cause to be returned money or other valuables to the person who offered it (hereafter referred to as "offeror" in this Article), or manifest or cause to be manifested the intention of refusal.
- (3) If a public official has returned money or other valuables under paragraph (2), he/she may charge the return cost to the head of the agency to which he/she belongs with the proof of return.
- (4) If money or other valuables that must be returned or caused to be returned

under paragraph (2) falls under any of the following, a public official shall deliver or cause to be delivered such money or other valuables to the head of the agency to which he/she belongs:

1. If it is likely to be destroyed, decomposed, or deteriorated;
2. If the offeror or the offeror's address is unknown;
3. If there are other circumstances that make it difficult to return to the offeror.

[This Article Wholly Amended by Presidential Decree No. 27518, Sep. 27, 2016]

Article 22 (Training)

- (1) The head of a central administrative agency, etc. shall establish and implement a training plan for the compliance of this Decree for the public officials under his/her governance and shall train them at least once a year.
- (2) The head of a central administrative agency, etc. shall provide a training of this Decree when a new public official is employed.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 23 (Designation of the Code of Conduct Official)

- (1) The head of a central administrative agency, etc. shall designate a Code of Conduct Official for his/her agency and each of its subordinate institutions whose head is a public official of Grade IV or higher (including members in general service of the Senior Executive Service) or a public official equivalent thereto: Provided, That this shall not apply where it is not appropriate to designate the Code of Conduct Official in consideration of the size, nature, and geographical characteristics of the institution concerned.
- (2) The Code of Conduct Official shall be responsible for the training and counseling of the public officials of the agency to which he/she belongs for the compliance of this Decree; inspection of compliance with this Decree; receipt of notification of violations; processing of inquiries; and other necessary tasks for operating the code of conduct of the agency concerned. *<Amended by Presidential Decree No. 27518, Sep. 27, 2016>*
- (3) The Code of Conduct Official shall not disclose any details of consultation regarding this Decree.
- (4) For an agency where the Code of Conduct Official is not designated under paragraph (1), the Code of Conduct Official of the higher authority shall be responsible for the code of conduct for the public officials of that agency.

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

Article 24 (Operation, etc. of the Code of Conduct for Each Agency)

- (1) The head of a central administrative agency, etc. shall establish a detailed code of conduct for public officials for each agency that matches the characteristics of the agency within the scope necessary for the enforcement of this Decree.
<Amended by Presidential Decree No. 22471, Nov. 2, 2010>
- (2) The head of a central administrative agency, etc. shall inform the Anti-Corruption and Civil Rights Commission when enacting or amending the code of conduct for public officials for each agency under paragraph (1).
- (3) If the code of conduct for public officials for an agency informed in accordance with paragraph (2) is inappropriate or unfair, the Anti-Corruption and Civil Rights Commission may provide a recommendation for correction to the agency.
- (4) The Anti-Corruption and Civil Rights Commission may recommend matters relating to the operation of the code of conduct for public officials for each agency under paragraph (1).

[This Article Wholly Amended by Presidential Decree No. 21238, Dec. 31, 2008]

ADDENDUM <Presidential Decree No. 29430, Dec. 24, 2018>

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