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## ENFORCEMENT DECREE OF THE PROTECTION OF PUBLIC INTEREST REPORTERS ACT

[Enforcement Date 01. Nov, 2018.] [Presidential Decree No.29269, 30. Oct, 2018., Amendment by Other Act]

국민권익위원회 (보호보상정책과) , 044-200-7752

### CHAPTER I GENERAL PROVISIONS

**Article 1 (Purpose)** The purpose of this Decree is to provide for matters mandated by the Protection of Public Interest Reporters Act and matters necessary for the enforcement of the aforesaid matters.

**Article 2** Deleted. <by Presidential Decree No. 26934, Jan. 22, 2016>

**Article 3 (Scope of Administrative Measures)** "Administrative measures prescribed by Presidential Decree, such as the revocation or suspension of approval or permission" in subparagraph 1 (b) of Article 2 of the Protection of Public Interest Reporters Act (hereinafter referred to as "Act") means any of the following measures: <Amended by Presidential Decree No. 26934, Jan. 22, 2016>

1. Measures to revoke, withdraw, or cancel permission, authorization, patent, license, approval, designation, examination, certification, confirmation, attestation, registration, etc.;
2. Measures to suspend operation, business affairs, effect, qualification, etc.;
3. Measures to issue an order to do a specific act against the intention of a person who has a duty, such as a corrective order, an order to improve facilities, an order for relocation, an order for closure, an order for removal, or an order to publish an offense;
4. Measures to impose an obligation to pay money on the grounds of an offense, such as a penalty surcharge or an administrative fine.

**Article 3-2 (Scope of Internal Public Interest Reporters)** "Persons prescribed by Presidential Decree" in subparagraph 7 (c) of Article 2 of the Act means any of the following persons: <Amended by Presidential Decree No. 29269, Oct. 30, 2018>

1. A person who receives or received education or training, such as on-the-job training or field placement, in a public institution, enterprise, corporation, organization, etc. which is an accused organization, before he or she belongs to and works at the public institution, enterprise, corporation, organization, etc., which is the accused organization;

2. A person who belongs or belonged to and works or worked at an organization related to public service designated pursuant to Article 3-2 of the Public Service Ethics Act, which is under the supervision of a public institution which is an accused organization;
3. A person who belongs or belonged to and works or worked at any of the following enterprises or corporations:
  - (a) An enterprise or corporation which has a relationship of affiliation under subparagraph 3 of Article 2 of the Monopoly Regulation and Fair Trade Act with an enterprise or corporation, which is an accused organization;
  - (b) An enterprise or corporation which has a parent-subsidary relationship under subparagraph 3 of Article 2 of the Act on External Audit of Stock Companies and Article 3 (1) of the Enforcement Decree of the aforesaid Act with an enterprise or corporation, which is an accused organization;
4. A person who is under the direction, control or supervision of a public institution, enterprise, corporation, organization, etc. which is an accused organization, who may be given disadvantageous measures by the public institution, enterprise, corporation, organization, etc. which is an accused organization due to a public interest report.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

**Article 4 (Formulation and Implementation of Policies)**(1) The Anti-Corruption and Civil Rights Commission (hereinafter referred to as "Commission") shall formulate and implement the mid-term and long-term basic policies and annual action plans to protect and support public interest reporters, etc. pursuant to Article 4 (1) of the Act. [<Amended by Presidential Decree No. 26934, Jan. 22, 2016>](#)

(2) The Commission shall include matters concerning the education and public relations of a public interest reporter protection system for administrative agencies, organizations, enterprises, etc. (hereinafter referred to as "administrative agencies, etc.") in the mid-term and long-term basic policies and annual action plans under paragraph (1).

(3) Where it is necessary to formulate and implement the mid-term and long-term basic policies and annual action plans under paragraph (1), the Commission may organize and operate a consultative body with administrative agencies, etc.

(4) The Commission may recommend administrative agencies, etc. to formulate and execute a detailed implementation policy in accordance with the mid-term and long-term basic policies and annual action plans under paragraph (1).

(5) The Commission may support education and public relations activities concerning a public interest reporter protection system of administrative agencies, etc.

**Article 4-2 (Fact-Finding Survey)**(1) The Commission may conduct a fact-finding survey on the following with respect to institutions falling under the subparagraphs of Article 6 of the Act, pursuant to Article 4 (2) of the Act:

1. Current status of the receipt and handling of public interest reports;
2. Current status of the implementation of decisions, etc. to take protective measures and decisions, etc. to take special protective measures by the Commission on public interest reporters, etc.;

3. Current status of monetary rewards, monetary awards, or relief funds paid to public interest reporters, etc. pursuant to other statutes and regulations;
4. Current status of the filing for administrative appeals or administrative litigation related to the handling of public interest reports;
5. Current status of education and public relations in relation to the system for the protection of persons making public interest reports;
6. Other matters related to the operation of the public interest reporter protection system.

(2) The Commission may conduct a fact-finding survey by requiring a public official under its jurisdiction to make a visit or in writing pursuant to paragraph (1).

(3) Where a public official under the jurisdiction of the Commission makes a visit to conduct a fact-finding survey pursuant to paragraph (2), he or she shall notify a person subject to the fact-finding survey of the date and time, purpose, and place of fact-finding survey, personal information on the surveyor, etc. no later than three days before the fact-finding survey.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

## CHAPTER II PUBLIC INTEREST REPORTS

**Article 5 (Agencies to Which Public Interest Reports Are Made)**(1) "Persons prescribed by Presidential Decree" in subparagraph 5 of Article 6 of the Act means any of the following persons:

1. A member of the National Assembly of the Republic of Korea;
2. A public organization, such as a public corporation, established pursuant to Acts related to acts detrimental to the public interest.

(2) Upon receipt of a public interest report, a member of the National Assembly of the Republic of Korea or a public organization (hereinafter referred to as "member of the National Assembly, etc.") under paragraph (1) 2 shall send such public interest report to a person falling under any of subparagraphs 2 through 4 of Article 6 of the Act: Provided, That where the public interest report falls under any of the subparagraphs of Article 10 (2) of the Act, he, she or it need not send such public interest report.

(3) A member of the National Assembly, etc. shall notify a public interest reporter of measures he, she or it has taken (where he, she or it has not sent a public interest report, including the reason why he, she or it has not sent such report) under paragraph (2).

**Article 6 (Handling of Public Interest Reports by Representatives)**(1) A representative or employer (hereinafter referred to as "representative, etc.") who has received a public interest report pursuant to subparagraph 1 of Article 6 of the Act shall confirm the details thereof, and, where it is necessary, he or she shall formulate and implement measures for the elimination, prevention, etc. of acts detrimental to the public interest.

(2) The representative, etc. shall notify a public interest reporter of the results of measures taken under paragraph (1).

(3) Where a public interest reporter makes a request or gives his or her consent, as necessary for the elimination, prevention, etc. of acts detrimental to the public interest, a representative, etc. may send a public interest report to a person falling under any of subparagraphs 2 through 4 of Article 6 of the Act: Provided, That where a public interest report falls under any of the subparagraphs of Article 10 (2) of the Act, the representative, etc. need not send it; and in

such cases, the representative, etc. shall notify the public interest reporter of such fact and reasons therefor.

(4) Where it is necessary to formulate and implement measures for the elimination, prevention, etc. of acts detrimental to the public interest pursuant to paragraph (1), the representative, etc. may request cooperation from the Commission, and in such cases, the Commission shall provide cooperation unless there is a compelling reason not to do so.

**Article 7 (Confirmation of Details of Public Interest Reports)**(1) If necessary to specify the details of a public interest report pursuant to Article 9 of the Act, the Commission may identify the following and where a public interest reporter fails to provide matters necessary to specify the details of the public interest report, the Commission may require him or her to complement the details thereof within a properly fixed period. In such cases, the Commission shall not inspect and verify the materials sealed and kept pursuant to Article 8-2 (3) of the Act without the consent of the public interest reporter himself or herself: [<Amended by Presidential Decree No. 29239, Oct. 16, 2018>](#)

1. Personal information, such as the name, resident registration number, address, occupation, workplace, and contact details of a public interest reporter (including the attorney-at-law of a public interest reporter where the public interest reporter has the attorney-at-law file a public interest report on his or her behalf, without disclosing his or her personal information, pursuant to Article 8-2 (1) of the Act);
2. Particulars about, purpose of and reasons for filing the public interest report;
3. Details of the public interest report and its relationship with acts detrimental to the public interest;
4. Relationship between the public interest reporter and an accused organization;
5. Whether the public interest reporter secures a person for reference or evidential data which can prove the details of the public interest report;
6. Whether the public interest reporter has filed a public interest report with other agencies, such as an inspection agency (hereinafter referred to as "inspection agency") under subparagraph 2 of Article 6 of the Act, in the same details before he or she files the public interest report with the Commission;
7. Whether the public interest reporter agrees to disclose or imply his or her identity (hereinafter referred to as "identity disclosure") in the course of confirmation by the Commission and an inspection or investigation by an inspection agency or investigative agency (hereinafter referred to as "inspection agency, etc.").

(2) Where the Commission confirms whether a public interest reporter consents to the disclosure of his or her identity pursuant to paragraph (1) 7, it shall explain to him or her the procedures for handling and disclosing his or her identity by an inspection agency, etc.

**Article 8 (Handling of Public Interest Reports)**(1) The Commission shall confirm the details of a public interest report and refer such details to an inspection agency, etc. within 60 days from the date of receiving the public interest report: Provided, That where the public interest report falls under any of the subparagraphs of Article 10 (2) of the Act, it need not refer the public interest report to the inspection agency, etc.

(2) Where it is deemed necessary to complement the details of a public interest report, the Commission may extend the period prescribed under paragraph (1) by up to 30 days.

(3) Where the Commission does not refer a public interest report pursuant to the proviso to paragraph (1), it shall notify a public interest reporter of such fact and the reasons therefor.

**Article 9 (Referral of Public Interest Reports)**(1) Where the Commission refers a public interest report to an inspection agency, etc. pursuant to Article 9 (3) of the Act, it shall refer the public interest report in accordance with the following classification:

1. Where direction, supervision, regulation or inspection is deemed necessary: An inspection agency;
2. Where there is a suspicion that a crime has been committed or an investigation is deemed necessary: An investigative agency.

(2) Where the details of a public interest report are related to several agencies, the Commission may refer the public interest report after designating an agency which is in charge of the public interest report. In such cases, the agency in charge of the public interest report and related agencies shall cooperate with one another to handle public interest reports one at a time.

(3) Where the Commission refers a public interest report pursuant to Article 9 (3) of the Act, it shall refer matters under the subparagraphs of Article 8 (1) of the Act along with evidential data, etc. submitted by the public interest reporter: Provided, That in any of the following cases, the Commission shall not refer the relevant materials: [<Amended by Presidential Decree No. 29239, Oct. 16, 2018>](#)

1. Where a public interest reporter does not consent to the disclosure of his or her identity, personal information about the public interest reporter himself or herself under Article 8 (1) 1 of the Act;
2. Where a public interest reporter has an attorney-at-law file a public interest report on his or her behalf, without disclosing his or her personal information, pursuant to Article 8-2 (1) of the Act (excluding where a public interest reporter consents to the disclosure of his or her identity), materials sealed and kept pursuant to paragraph (3) of the same Article.

**Article 10 (Sending to Public Institutions)**(1) Where it is not clear whether matters reported as a public interest report (hereinafter referred to as "reported matters") are acts detrimental to the public interest and where it is deemed appropriate that a public institution (hereinafter referred to as "public institution") under subparagraph 1 of Article 2 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission handles the reported matters, the Commission may send such reported matters to the public institution. In such cases, the Commission shall notify the public interest reporter of the fact.

(2) Where reported matters are confirmed as acts detrimental to the public interest, a public institution which has received the reported matters pursuant to paragraph (1) shall notify the Commission of the fact, and the Commission shall refer the reported matters to an inspection agency, etc. according to the standards under Article 9 (1): Provided, That where the public institution which has received reported matters is an inspection agency, etc. for the relevant

acts detrimental to the public interest, the reported matters shall be deemed referred and the inspection agency, etc. shall handle acts detrimental to the public interest.

**Article 11 (Handling by Inspection Agencies)**(1) Where an inspection agency, etc. to which a public interest report has been referred pursuant to Article 9 (3) of the Act deems that it is appropriate for another inspection agency, etc. to handle the public interest report, it may refer the public interest report to another inspection agency, etc. in consultation with the Commission.

(2) An inspection agency, etc. to which a public interest report has been referred pursuant to Article 9 (3) of the Act shall notify the Commission of the outcome of inspection or investigation within ten days after the conclusion of inspection or investigation.

(3) Notification under paragraph (2) shall be given in writing, including the following:

1. Results of, particulars about, and reasons for handling reported matters, such as a criminal punishment and administrative measures;
2. Direction for handling reported matters after the conclusion of inspection or investigation;
3. Where a public interest report is or is expected to be subject to the payment of monetary rewards under Articles 26 (1) of the Act and relief funds under Articles 27 (1) of the Act, such fact;
4. Where it is deemed necessary to improve the system in relation to public interest reports, the outline thereof;
5. Other matters the Commission or a public interest reporter has to know in relation to public interest reports.

(4) The Commission may request an inspection agency, etc. to provide data concerning the current status of the handling of reported matters, which have been referred to the inspection agency, etc. In such cases, the inspection agency, etc. shall notify the Commission of the current status of handling unless there is a compelling reason not to do so.

**Article 11-2 (Presentation of Opinions)**Where the Commission presents its opinion pursuant to Article 9 (5) of the Act, it shall present its opinion in writing, specifying matters concerning the details of the opinion, the deadline for replying to the results of the handling of its opinion presented, etc.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

**Article 11-3 (Filing Objections and Requesting Reinspection or Reinvestigation)**(1) Where a public interest reporter intends to file an objection pursuant to Article 9 (6), he or she shall file an objection in writing, stating the purpose of and reasons for filing an objection, along with related data within seven days from the date he or she is notified of the summary of inspection or investigation results.

(2) Where the Commission requests an inspection agency to conduct a reinspection or an investigative agency to conduct a reinvestigation pursuant to Article 9 (7) of the Act, it shall make such request within the period based on the following classification:

1. Where it deems that the inspection by the inspection agency or the investigation by the investigative agency is not satisfactory: 60 days from the date it is notified of the results of the inspection or investigation;

2. Where it deems that an objection under Article 9 (6) of the Act filed by a public interest reporter is reasonable: 60 days from the date it receives such objection.

(3) The Commission shall notify a public interest reporter of the results of the handling of an objection filed, such as whether it has requested an inspection agency to conduct a reinspection or an investigative agency to conduct a reinvestigation pursuant to paragraph (2) 2 within 60 days from the date it receives an objection under paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

**Article 11-4 (Guidance on Protection and Support)**(1) Persons subject to guidance on protection and support under Article 9-2 of the Act shall be a public interest reporter, a person who has applied for protective measures under Article 19 (2) 1 of the Act (excluding a public interest reporter; hereafter referred to as "applicant" in this Article), and a person for reference under subparagraph 3 of the aforesaid paragraph (hereafter referred to as "person for reference" in this Article).

(2) Where the Commission falls under any of the following, it shall inform a public interest reporter of matters under the subparagraphs of Article 9-2 (1) of the Act: Provided, That the foregoing shall not apply where it has already informed him or her of such matters:

1. Where it receives a public interest report under Article 8 of the Act;
2. Where it notifies a public interest reporter of the fact that it has referred the public interest report to an inspection agency or investigative agency pursuant to Article 9 (3) of the Act or the fact that it has sent the public interest report to a public institution pursuant to the proviso to Article 10 (1) of the Act;
3. Where it notifies a public interest reporter of the summary of inspection results by an inspection agency or investigation results by an investigative agency pursuant to the latter part of Article 9 (4) of the Act or the summary of reinspection results by the inspection agency or reinvestigation results by the investigative agency pursuant to the latter part of paragraph (8) of the aforesaid Article.

(3) Where the Commission requests an applicant and a person for reference to submit related data pursuant to Article 19 (2) of the Act or to attend the Commission to hear their statements or to submit written statements pursuant to paragraph (3) of the aforesaid Article, it shall inform them of matters under the subparagraphs of Article 9-2 (1) of the Act.

(4) Where the Commission provides information under paragraphs (2) and (3), it shall provide information in writing (including an electronic document): Provided, That where a person subject to guidance gives his or her consent, it may provide information verbally or by phone.

(5) The Commission shall post a notice of matters under the subparagraphs of Article 9-2 (1) of the Act on its website.

[This Article Newly Inserted by Presidential Decree No. 28393, Oct. 17, 2017]

**Article 12 (Cases Where Inspection Is Not Needed)**"Cases prescribed by Presidential Decree" in Article 10 (2) 7 of the Act means any of the following cases:

1. Where the details of a public interest report are not related to acts detrimental to the public interest;
2. Where there is no evidence that may prove acts detrimental to the public interest;

3. Where it provides that the relevant acts detrimental to the public interest may not be inspected pursuant to other statutes and regulations or the delegation therefrom.

**Article 12-2 (Construction and Operation of Integrated Information System for Public Interest Report)**

(1) Where the Commission requests institutions under the subparagraphs of Article 6 of the Act to provide data or information pursuant to Article 10-2 (2) of the Act, it shall specifically specify the scope of, the purpose of possessing or using, and the method of providing such data or information.

(2) Where it is necessary to complement data or information provided by institutions under the subparagraphs of Article 6 of the Act, the Commission may request the heads of institutions that have provided data or information to complement such data or information.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

## CHAPTER III PROTECTION OF PUBLIC INTEREST REPORTERS

**Article 13 (Confidentiality of Identity of Public Interest Reporters)** A representative, etc., the Commission, an inspection agency, etc. and a member of the National Assembly, etc. shall prepare necessary measures to ensure that the identity of a public interest reporter, etc. will not be revealed without his or her consent in the course of the receipt, referral, sending, inspection, investigation, etc. of the public interest report.

**Article 14 (Personal Protection Measures)** (1) Any person who requests the Commission to take measures necessary for personal protection (hereinafter referred to as "personal protection measures") pursuant to the former part of Article 13 (1) of the Act shall submit to the Commission documents stating personal information on the person who requests personal protection measures and a person who needs personal protection (hereinafter after referred to as "person subject to protection"), reasons for request, etc.: Provided, That where there are emergency reasons, he or she may make a request verbally or by phone, and in such cases, he or she shall submit the documents without delay.

(2) Where there is no time to wait for a decision by the Commission because it is urgently necessary to take personal protection measures for a person subject to protection, the Chairperson of the Commission may request the head of a police agency to take personal protection measures.

(3) The head of a police agency requested to take personal protection measures pursuant to the latter part of Article 13 (1) of the Act shall determine necessary measures among personal protection measures under Article 7 of the Enforcement Decree of the Act on Protection of Specific Crime Informants in consultation with the Commission, and when he or she has taken personal protection measures, he or she shall notify the Commission of the fact.

(4) Where the head of a police agency deems it unnecessary to take personal protection measures, he or she may terminate personal protection measures under paragraph (3) in consultation with the Commission.

(5) The Commission shall without delay notify the person who has requested personal protection measures and the person subject to protection, of the decision of personal protection measures under paragraph (3), the fact that personal protection measures under paragraph (4) have been terminated, and the fact that the period of personal protection measures has expired.



**Article 15 (Application for and Inspection of Protection Measures)**(1) Where a public interest reporter, etc. applies for the restoration to the original state or other necessary measures (hereinafter referred to as "protection measures") pursuant to Article 17 (1) of the Act, the public interest reporter, etc. shall submit documents stating personal information on the applicant, reasons to file an application, the details contained in an application, etc. to the Commission.

(2) Where the Commission requests persons falling under Article 19 (2) 1 through 3 of the Act to attend pursuant to Article 19 (3) of the Act, it shall notify them in writing, stating the date, time, place, etc. of attendance no later than seven days prior to the date of attendance: Provided, That in emergency cases or where prior notification is likely to undermine the purpose of inspection, it need not give prior notification in writing.

(3) Deleted. <by Presidential Decree No. 28849, Apr. 30, 2018>

**Article 16 (Decision to Take Protection Measures)**(1) Where the Commission receives an application for protection measures pursuant to Article 17 (1) of the Act, it shall make a decision to take protection measures under Article 20 (1) of the Act and make a recommendation to take protection measures (hereinafter referred to as "decision, etc. to take protection measures") under paragraph (2) of the aforesaid Article within 60 days from the date of receiving such application: Provided, That where it is necessary, it may extend the period by up to 30 days.

(2) The Commission may recommend the head, etc. of an institution, to which a person who has given disadvantageous measures to a public interest reporter, etc. belongs, to take necessary measures, such as the direction, supervision, etc. over him or her, to ensure that protection measures may be taken for the public interest reporter, etc. who has been given disadvantageous measures in accordance with a decision, etc. to take protection measures.

(3) Where there are special circumstances under which it is deemed difficult to take protection measures based on a decision, etc. to take protection measures, the Commission may recommend the head, etc. of an institution to which a public interest reporter, etc. belongs to take measures corresponding to protection measures, such as transfer to any other office.

(4) The Commission shall notify a recommendation under paragraph (2) or (3) to a person who has applied for protection measures.

**Article 17 (Criteria for Paying Wages in Arrears)**(1) Wages, etc. under Article 20 (1) 2 of the Act shall be earned income under Article 20 (1) of the Income Tax Act, and interest shall be overdue interest under Article 37 of the Labor Standards Act.

(2) The period of calculation of wages and interest under paragraph (1) shall be the period from the date wages are paid differentially or unpaid to the date the Commission makes a decision under Article 20 (1) of the Act.

(3) Where it is necessary to confirm wages, etc. under paragraph (1), the Commission may request related institutions, organizations or enterprises to submit related data pursuant to Article 19 (2) of the Act.

**Article 17-2 (Verification of Compliance with Decision to Take Protection Measures)**Pursuant to Article 20 (5) of the Act, the Commission shall verify and confirm whether protective measures

have actually been taken by a person who took disadvantageous measures (including the institution, organization, enterprise, etc. to which a person who took disadvantageous measures belongs) and for a person who applied for protective measures and whether any additional disadvantageous measures have been taken against the relevant person, every six months for two years since the relevant decision to take protective measures was made.

[This Article Newly Inserted by Presidential Decree No. 28849, Apr. 30, 2018]

**Article 17-3 (Criteria for Imposing Charges for Compelling Compliance)**The criteria for imposing charges for compelling compliance under Article 21-2 (1) of the Act (including where the aforesaid paragraph is applied mutatis mutandis in Article 20-2 (2)) shall be as specified in attached Table 1-2.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

**Article 18 (Prohibition of Disadvantageous Measures)**(1) Where a public interest reporter, etc. files an application for prohibition of disadvantageous measures under Article 22 (1) of the Act, he or she shall submit documents stating personal information on the applicant, reasons to file the application, the details contained in the application, etc. to the Commission.

(2) Where the Commission receives an application for prohibition of disadvantageous measures under paragraph (1), it shall make a decision under Article 22 (4) of the Act within 60 days from the date of receiving such application: Provided, That, if necessary, it may extend the period by up to 30 days.

(3) Where the Commission recommends an organization to prohibit disadvantageous measures pursuant to paragraph (2), it may recommend the head, etc. of an institution, to which a person who intends to give disadvantageous measures belongs, to take necessary measures, such as the direction, supervision, etc. over the person who intends to give disadvantageous measures, in order to implement its recommendation. In such cases, the Commission shall notify such recommendation to a person who has filed an application for prohibition of disadvantageous measures.

**Article 19 (Notification of Results of Measures Taken)**Any person who has received a decision to take protection measures under Article 20 (1) of the Act, a recommendation under paragraph (2) of the aforesaid Article, a request for disciplinary action under paragraph (4) of the aforesaid Act, or a recommendation to prohibit disadvantageous measures under Article 22 (4) of the Act shall notify the Commission of the results of measures taken or reasons why he or she has failed to take measures within 30 days from the date he or she is requested or recommended.

**Article 20 (Request for Cooperation)**The Commission may request related administrative agencies, counseling centers, medical institutions, and other related organizations to provide the following cooperation and support pursuant to Article 25 (1) of the Act:

1. Submission of data, documents, etc. or explanations;
2. Attendance and the presentation of opinions;
3. Dispatch of their employees, joint inspection and provision of advice and suggestions;
4. Medical support for the counseling for psychological stability, the treatment of disease, and the health management of public interest reporters, etc.;

5. Legal aid for damage recovery and relief of rights, such as legal counseling or advice and filing litigation for others;
6. Providing opportunities to receive vocational training for public interest reporters, etc. and helping them find jobs;
7. Other matters necessary to protect public interest reporters, etc.

**Article 20-2 (Filing Objections against Instructions to Participate in Political Campaigns)(1)**

Where a state public official, etc. is instructed to do an act falling under any of the subparagraphs of Article 25-2 (1) of the Act (hereafter referred to as "political campaign, etc." in this Article) pursuant to the aforesaid paragraph, he or she may file an objection with any of the following persons:

1. A person who has instructed him or her to participate in a political campaign, etc.;
2. The head of an agency to which the person under subparagraph 1 belongs.

(2) An objection under paragraph (1) shall be filed in writing (including an electronic document; hereinafter the same shall apply): Provided, That in emergency cases or where there are extenuating circumstances, a person may first file an objection orally and submit an objection in writing later on.

(3) The following shall be specifically mentioned in documents under paragraph (2):

1. Personal information, such as the name, post, position of a person who has raised an objection;
2. Personal information, such as the name, post, position of a person who has instructed a state public official, etc. to participate in a political campaign, etc.;
3. Date and time when and place where a person has given instructions to participate in a political campaign, etc.;
4. Details of instructions to participate in a political campaign, etc.;
5. Purpose of and reasons for raising an objection.

(4) Where the person with whom an objection is filed pursuant to paragraph (1) deems an objection filed reasonable, he or she shall immediately take corrective actions according to the details of the objection filed and notify in writing the person who has filed such objection of corrective actions taken; and where he or she deems the objection filed unreasonable, he or she shall specifically notify the person who has filed the objection of such fact and the reasons therefor in writing.

[This Article Newly Inserted by Presidential Decree No. 25300, Apr. 8, 2014]

## **CHAPTER IV MONETARY REWARDS, MONETARY AWARDS AND RELIEF FUNDS**

**Article 21 (Reasons to Pay Monetary Rewards)**"Measures or decisions prescribed by Presidential Decree" in Article 26 (1) 5 of the Act means any of the following measures or decisions:

1. Imposition of national tax or local tax;
2. Measures, such as imposition of monetary burdens and additional charges;
3. Decisions on compensation for damages or restitution of unjust enrichment.

**Article 22 (Standards for Computing Monetary Rewards)(1)** The standards for computing monetary rewards shall be as specified in attached Table 2: Provided, That the Commission may reduce the amount of monetary rewards to be paid or need not pay monetary rewards in

consideration of the following reasons and where a public official who is or was engaged in the inspection or investigation of acts detrimental to the public interest has made a public interest report in relation to matters concerning the inspection or investigation, the Commission shall not pay monetary rewards: [<Amended by Presidential Decree No. 26934, Jan. 22, 2016>](#)

1. Accuracy of the details of the public interest report and credibility of evidential data;
2. Whether acts detrimental to the public interest reported have already been disclosed by the media, such as newspapers and broadcasting;
3. Whether an internal public interest reporter has committed an illegal act related to the public interest report;
4. Level of contribution made by an internal public interest reporter to the elimination, prevention, etc. of acts detrimental to the public interest;
5. Whether an internal public interest reporter has an obligation to report to a related administrative agency, etc. or has made a public interest report in relation to his or her duties.

(2) The payment limit of monetary rewards shall be three billion won, and monetary rewards computed less than thousand won shall not be paid. [<Amended by Presidential Decree No. 26934, Jan. 22, 2016; Presidential Decree No. 28849, Apr. 30, 2018>](#)

(3) Where monetary rewards computed due to an individual act detrimental to the public interest is not more than 200,000 won, the amount thereof shall not be paid. [<Amended by Presidential Decree No. 25586, Sep. 2, 2014>](#)

(4) The Chairperson shall determine and publicly notify the detailed standards, methods, procedures, etc for paying monetary rewards through a resolution adopted by the Commission. [<Newly Inserted by Presidential Decree No. 25586, Sep. 2, 2014>](#)

**Article 23 (Decision to Pay Monetary Rewards)**(1) The Commission shall decide whether to pay monetary rewards and the amount of monetary rewards to be paid based on matters deliberated and decided by the Reward Deliberative Committee (hereinafter referred to as "Reward Deliberative Committee") under Article 69 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission, and where it decides to pay monetary rewards, it shall send the authentic copy of a written decision and a decision notice to an applicant without delay.

(2) Where the Commission decides to pay monetary rewards pursuant to paragraph (1), in which case the recovery or increase of revenue has not commenced yet after legal relations, bringing the direct recovery or increase of revenue to the State or a local government, are finalized at the time it decides to pay monetary rewards or the amount of revenue recovered or increased is less than 50 percent of monetary rewards computed pursuant to Article 22 (1), it may decide to first pay monetary rewards within 50 percent and to pay the remainder where the amount of recovery or increase of revenue of the State or a local government exceeds monetary rewards already paid.

**Article 24 (Determination of Monetary Rewards When Applications for Compensation Are Competing)**(1) Where at least two persons make public interest reports on the same act detrimental to the public interest, respectively, such reports shall be deemed one public

interest report when the value subject to monetary rewards under attached Table 2 is computed.

(2) In cases of public interest reports under paragraph (1), the Commission shall allocate the amount of monetary rewards to each internal public interest reporter by comprehensively taking into account the levels, etc. of contributions to the elimination and prevention of the act detrimental to the public interest, when it determines the amount of monetary rewards for internal public interest reporters. In such cases, when the proviso to Article 22 (1) is applied, the Commission shall determine monetary rewards in consideration of reasons given by each internal public interest reporter. [<Amended by Presidential Decree No. 26934, Jan. 22, 2016>](#)

**Article 25 (Timing for Paying Monetary Rewards)** Monetary rewards shall be paid after the direct recovery or increase of revenue is brought to the State or a local government in accordance with procedures for imposition, etc. falling under any of the subparagraphs of Article 26 (1) of the Act or after legal relations relating thereto is finalized. In such cases, where the period of filing an objection to the imposition thereof, etc. has not expired or the remedial procedures for disobedience are in progress, monetary rewards shall be paid after the period expires and the procedures are completed.

**Article 25-2 (Grounds for Paying Monetary Awards)** "Grounds prescribed by Presidential Decree" in Article 26-2 (1) 4 of the Act means any of the following cases:

1. Where an administrative fine or penalty surcharge has been imposed;
2. Where a public interest report has contributed to the prevention of a social disaster and the prevention of the spread thereof.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

**Article 25-3 (Criteria for Paying Monetary Awards)**(1) The Commission shall differentially pay a monetary award (hereinafter referred to as "monetary award") under Article 26-2 (1) of the Act in consideration of the following. In such cases, the payment limit shall be 200 million won:

1. Article 26-2 (1) 1 of the Act: Whether the suspension of prosecution, or the suspension of the sentence or execution of punishment was granted, the kind and severity of punishment;
2. Article 26-2 (1) 2 of the Act: Details of administrative measures, the number of persons issued with administrative measures, or the period of administrative measures;
3. Article 26-2 (1) 3 of the Act: Details of the improvement of the system, such as the enactment or amendment of statutes and regulations, the level of contribution thereto, or the level of promoting the public interest;
4. Subparagraph 1 of Article 25-2: Amount of an administrative fine or penalty surcharge imposed;
5. Subparagraph 2 of Article 25-2: Details of the prevention of a social disaster, the prevention of the spread thereof, etc., or the level of promoting the public interest.

(2) The Commission may reduce the amount of a monetary award paid or need not pay a monetary award in consideration of the following reasons, and where a person who is or was engaged in the inspection or investigation of acts detrimental to the public interest makes a public interest report in relation to matters concerning the inspection or investigation thereof, the Commission shall not pay the monetary award:

1. Accuracy of the details of a public interest report or the credibility of evidential data;

2. Whether acts detrimental to the public interest reported have already been disclosed by the media, such as newspapers, broadcasting, etc.;
3. Whether a public interest reporter has committed an illegal act related to the public interest report;
4. Level of contribution made by a public interest reporter to the elimination, prevention, etc. of acts detrimental to the public interest;
5. Whether a public interest reporter has an obligation to report to a related administrative agency, etc. or has made a public interest report in relation to his or her duties.

(3) The Commission shall select a person eligible for payment of a monetary award, from among persons who have brought remarkable capital gains to the State or a local government, prevented losses, or promoted the public interest on the grounds falling under any of the subparagraphs of Article 26-2 (1) of the Act due to a public interest report, etc. under the aforesaid paragraph, through recommendations from a person or institution falling under subparagraphs 1 through 3 of Article 6 of the Act and Article 5, or ex officio.

(4) Where the Commission selects a person eligible for payment of a monetary award pursuant to paragraph (3), it shall decide whether to pay a monetary award and the amount of the monetary award to be paid based on the deliberation and decision by the Reward Deliberative Committee; and where it decides to pay the monetary award, it shall send the authentic copy of a written decision and a decision notice to the person eligible for payment of the monetary award without delay.

(5) Matters necessary for the detailed standards, procedures, etc. for payment of a monetary award shall be prescribed by the Commission.

[This Article Newly Inserted by Presidential Decree No. 26934, Jan. 22, 2016]

**Article 26 (Standards for Computing Relief Funds)**(1) Where the Reward Deliberative Committee or the Commission computes relief funds under the subparagraphs of Article 27 (1) of the Act pursuant to the main sentence or proviso of paragraph (2) of the same Article, it shall consider the following: [<Amended by Presidential Decree No. 28849, Apr. 30, 2018>](#)

1. Expenses incurred in medical examination, hospitalization, medication, operation, etc. for physical or mental treatment;
2. Expenses actually incurred in moving due to job change, secondment, personal protection, etc.;
3. A fee for an attorney-at-law, certified labor attorney, etc. appointed for a lawsuit related to the restoration to the original state;
4. Average monthly amount of wages or actual income for three months (hereinafter referred to as "average monthly amount") before disadvantageous measures are taken: Provided, That where the average monthly amount cannot be proved or is less than the average wage, the average wage;
5. Amount deemed lost or spent by the Reward Deliberative Committee due to a public interest report, etc.

(2) No average monthly amount shall exceed double the average wage, and the period of computing the amount of wage loss under Article 27 (1) 4 of the Act shall not exceed 36 months.

(3) The average wage under the proviso to paragraph (1) 4 shall be in accordance with the daily wage based on the statistics of male or female general workers on a nationwide scale surveyed by a wage survey institution which regularly publishes wage statistics at least six times a year.

(4) The proviso to Article 22 (1) shall apply mutatis mutandis to a reduction of the amount of relief funds or the non-payment of relief funds. <Newly Inserted by Presidential Decree No. 25586, Sep. 2, 2014>

**Article 27 (Decision to Pay Relief Funds)**(1) The Commission shall decide whether to pay relief funds and the amount of relief funds based on the deliberation and decision by the Reward Deliberative Committee: Provided, That in cases of relief funds under the proviso to Article 27 (2) of the Act, the Commission shall preferentially pay relief funds, and then the Reward Deliberative Committee shall deliberate and decide on whether to pay relief funds and the appropriateness of the amount of relief funds. <Amended by Presidential Decree No. 28849, Apr. 30, 2018>

(2) The Commission shall decide whether to pay relief funds and the amount of relief funds within 90 days from the date an application for payment of relief funds under Article 27 (1) of the Act is filed, unless there is a compelling reason not to do so.

(3) Where the Commission pays relief funds pursuant to the main sentence or proviso to Article 27 (2) of the Act (including where the Commission preferentially pays relief funds pursuant to the proviso to the same paragraph, and then whether to pay relief funds or the amount of relief funds is changed according to deliberation and decision by the Reward Deliberative Committee), it shall send an authentic copy of the relevant written decision and a decision notice to the applicant for payment of relief funds without delay. <Newly Inserted by Presidential Decree No. 28849, Apr. 30, 2018>

**Article 27-2 (Procedures for Subrogating Right to Claim for Damages)**Where the Commission pays relief funds to a public interest reporter, etc., his or her relative or cohabitant, it shall promptly decide whether to exercise the right of indemnity by subrogating the right to claim for damages under Article 27 (5) of the Act.

[This Article Newly Inserted by Presidential Decree No. 25586, Sep. 2, 2014]

**Article 28 (Construction and Operation of Information System)**(1) The Commission may construct and operate the information system for the prohibition, etc. of duplicate payments of monetary rewards and relief funds under Article 28 of the Act.

(2) The Commission may request administrative agencies, etc. to provide information concerning the payment, etc. of monetary rewards, monetary awards, and relief funds for constructing and operating the information system under paragraph (1).

(3) The Commission may develop and supply a standard program to ensure that administrative agencies, etc. may use the information system under paragraph (1).

## CHAPTER V SUPPLEMENTARY PROVISIONS

**Article 29 (Management of Personally Identifiable Information)**(1) Where it is inevitable to conduct the affairs concerning public interest reports under Article 8 of the Act, a person falling under any of the subparagraphs of Article 6 of the Act may manage data including

resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, passport numbers under subparagraph 2 of the aforesaid Article, or alien registration numbers (hereafter referred to as "resident registration numbers, etc." in this Article) under subparagraph 4 of the aforesaid Article.

(2) Where it is inevitable to conduct the following affairs, the Commission may manage data including resident registration numbers, etc.: [<Amended by Presidential Decree No. 26934, Jan. 22, 2016; Presidential Decree No. 29239, Oct. 16, 2018>](#)

1. Affairs concerning the receipt, confirmation, referral, etc. of the details of public interest reports under Articles 8, 8-2, and 9 of the Act;
2. Affairs concerning confidentiality of public interest reporters, etc. under Article 12 of the Act;
3. Affairs concerning personal protection measures under Article 13 of the Act;
4. Affairs concerning the reduction of or exemption from responsibility under Article 14 of the Act;
5. Affairs concerning protection measures under Articles 17 through 20 of the Act;
6. Affairs concerning the prohibition of disadvantageous measures under Article 22 of the Act;
7. Affairs concerning monetary rewards under Article 26 of the Act;
- 7-2. Affairs concerning monetary awards under Article 26-2 of the Act;
8. Affairs concerning relief funds under Article 27 of the Act.

(3) Where it is inevitable to conduct affairs concerning the handling, etc. of a public interest report under Article 10 of the Act, an inspection agency to which the public interest report has been referred pursuant to Article 9 of the Act may process data including resident registration numbers, etc.

[This Article Wholly Amended by Presidential Decree No. 25300, Apr. 8, 2014]

**Article 30 (Imposition and Collection of Administrative Fines)**The criteria for imposing administrative fines under Article 31 (1) and (2) of the Act shall be as specified in attached Table 3. [<Amended by Presidential Decree No. 26934, Jan. 22, 2016>](#)

[ADDENDA <Presidential Decree No. 23845, Jun. 7, 2012>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDA <Presidential Decree No. 23964, Jul. 20, 2012>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDA <Presidential Decree No. 23965, Jul. 20, 2012>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDA <Presidential Decree No. 24097, Sep. 7, 2012>](#)

[Article 1 \(Enforcement Date\)](#)

[ADDENDUM <Presidential Decree No. 25300, Apr. 8, 2014>](#)

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

[ADDENDA <Presidential Decree No. 25522, Jul. 28, 2014>](#)

[Article 1 \(Enforcement Date\)](#)



ADDENDA <Presidential Decree No. 25586, Sep. 2, 2014>  
Article 1 (Enforcement Date)

ADDENDA <Presidential Decree No. 26934, Jan. 22, 2016>  
Article 1 (Enforcement Date)

ADDENDUM <Presidential Decree No. 28393, Oct. 17, 2017>

This Decree shall enter into force on October 19, 2017.

ADDENDA <Presidential Decree No. 28849, Apr. 30, 2018>  
Article 1 (Enforcement Date)

ADDENDUM <Presidential Decree No. 29239, Oct. 16, 2018>

This Decree shall enter into force on October 18, 2018.

ADDENDA <Presidential Decree No. 29269, Oct. 30, 2018>  
Article 1 (Enforcement Date)

This Decree shall enter into force on November 1, 2018.

Articles 2 through 11 Omitted.