

ACT ON THE PREVENTION OF CORRUPTION AND THE ESTABLISHMENT AND MANAGEMENT OF THE ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION

Act No. 8878, Feb. 29, 2008
Amended by Act No. 9342, Jan. 7, 2009
Act No. 9402, Feb. 3, 2009
Act No. 9968, Jan. 25, 2010
Act No. 11327, Feb. 17, 2012
Act No. 11690, Mar. 23, 2013
Act No. 12717, May 28, 2014
Act No. 12844, Nov. 19, 2014
Act No. 14145, Mar. 29, 2016
Act No. 14609, Mar. 21, 2017
Act No. 14831, Apr. 18, 2017
Act No. 15024, Oct. 31, 2017
Act No. 15617, Apr. 17, 2018
Act No. 16324, Apr. 16, 2019
Act No. 16827, Dec. 10, 2019

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to handle civil petitions for grievances, improve irrational administrative systems related thereto, prevent corruption and effectively

regulate acts of corruption by establishing the Anti-Corruption and Civil Rights Commission so as to protect the basic rights and interests of the people, ensure appropriate public service and serve to create a clean climate in the civil service sector and in society.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended by Act No. 9402, Feb. 3, 2009; Act No. 14145, Mar. 29, 2016; Act No. 14831, Apr. 18, 2017; Act No. 16324, Apr. 16, 2019>

1. The term "public institution" means any of the following institutions and organizations: Provided, That in the case of item (e), any institution and organization shall be deemed public institutions only in cases where Chapter V is applicable:
 - (a) The administrative agencies at various levels under the Government Organization Act and the executive organs and local councils of local governments under the Local Autonomy Act;
 - (b) Educational administrative agencies under the Local Education Autonomy Act;
 - (c) The National Assembly under the National Assembly Act, the courts at various levels under the Court Organization Act, the Constitutional Court under the Constitutional Court Act, the election commissions at various levels under the Election Commission Act, and the Board of Audit and Inspection under the Board of Audit and Inspection Act;
 - (d) Public service-related organizations under Article 3-2 of the Public Service Ethics Act (hereinafter referred to as "public service-related organization);
 - (e) Private schools at various levels established under the Elementary and Secondary Education Act, the Higher Education Act, the Early Childhood Education Act and other statutes, and school juristic persons under the Private School Act to which the State or a local government provides contributions or subsidies;
2. The term "administrative agency, etc." means a central administrative agency, local government, institution under Article 4 of the Act on the Management of Public Institutions, and a corporation and organization having, or having been commissioned or entrusted with, the authority of the administrative agencies under statutes, or such institution or individual;
3. The term "public official" means any of the following persons: Provided,

That in the case of item (c), any person shall be deemed a public official only in cases where Chapter V is applicable:

- (a) A public official under the State Public Officials Act and the Local Public Officials Act, and any other person who is recognized by other Acts as a public official in terms of qualifications, appointments, education and training, services, remuneration, guarantees of status, etc.;
 - (b) The head and employees of public service-related organization;
 - (c) The head and personnel of a private school at various levels, and the executive officers and employees of a school juristic person as referred to in subparagraph 1 (e);
4. The term "act of corruption" means any of the following acts:
- (a) The act of any public official's abusing his/her position or authority or violating statutes in connection with his/her duties to seek gains for himself/herself or any third party;
 - (b) The act of inflicting damages on the property of any public institution in violation of statutes, in the process of executing the budget of the relevant public institution, acquiring, managing, or disposing of the property of the relevant public institution, or entering into and executing a contract to which the relevant public institution is a party;
 - (c) The act of coercing, urging, proposing and inducing any act referred to in items (a) and (b) or act of covering it up;
5. The term "civil petition for grievance" means a civil petition for the redress of a grievance pertaining to matters that infringe the rights of the people, or give any inconvenience or burden to people, due to unlawful, irrational, or passive disposition (including factual act and omission) of an administrative agency, etc., or the irrational administrative system (including grievance petitions of active-duty soldiers and persons serving mandatory military service);
6. The term "petitioner" means a person, corporation, or organization that files a civil petition for grievance with the Anti-Corruption and Civil Rights Commission or the Local Ombudsman under this Act;
7. The term "disadvantageous measure" means any of the following measures:
- (a) Dismissal, release from office, discharge, or other disadvantageous measures equivalent to the loss of status;
 - (b) Disciplinary punishment, suspension from office, curtailment of salary,

- demotion, restrictions on advancement, or other unfair personnel measures;
- (c) Transference of position, transference of office, withholding duties, reassignment of duties, or other personnel measures against the intention of the person himself/herself;
 - (d) Discrimination in performance evaluation, peer evaluation, etc., and discriminative payment of wages, bonuses, etc. thereon;
 - (e) Cancellation of opportunities for self-development, such as education or training, restrictions on or removal of available resources, such as budgets or human resources, suspension of the use of or cancellation of qualifications for dealing with security information or classified information, or other discrimination or measures that have a negative effect on the working conditions, etc.;
 - (f) Preparation of a list of persons subject to surveillance, or disclosure of such a list, bullying, violence or threatening language, or other acts that cause physical or mental harm;
 - (g) An unjust audit and inspection or investigation of duties, or disclosure of the result thereof;
 - (h) Cancellation of approval or permission, or other acts that give administrative disadvantage;
 - (i) Cancellation of a commodity or service contract, or other measures that give economic disadvantage;
8. The term "civil society organization" means a non-profit, non-governmental organization registered with the competent Minister or a Mayor/Do Governor under Article 4 of the Assistance for Non-Profit Non-Governmental Organizations Act;
9. The term "Local Ombudsman" means an institution established under Article 32 for the redress of civil petition for grievances with respect to a local government and an agency thereof (including any corporation or organization that is commissioned or entrusted with the authority of a local government or an agency thereof pursuant to statutes, or such institution or individual; hereinafter the same shall apply) as well as improvement of related systems.

Article 3 (Responsibilities of Public Institutions)

- (1) A public institution shall assume the responsibility to strive to prevent corruption to create sound social ethics.

- (2) Where a public institution deems it necessary to eliminate legal, institutional, or administrative inconsistencies or to improve other matters for the prevention of corruption, it shall promptly improve or rectify the foregoing.
- (3) A public institution shall make strenuous efforts to raise the consciousness of its employees and citizens to eradicate corruption, based on such reasonable means as education and publicity.
- (4) A public institution shall endeavor to promote international exchanges and cooperation for the prevention of corruption.

Article 4 (Responsibilities of Political Parties)

- (1) A political party that is registered in accordance with the Political Parties Act and a member affiliated therewith shall endeavor to create a clean and transparent culture of politics.
- (2) A political party and a member affiliated therewith shall ensure that the right election culture is proliferated and shall operate the party and raise and spend political funds in a transparent manner.

Article 5 (Duties of Enterprises)

An enterprise shall establish a sound trade order as well as business ethics and take necessary measures to prevent any corruption.

Article 6 (Duties of Citizens)

Every citizen shall fully cooperate with policy measures taken by public institutions to prevent corruption.

Article 7 (Public Official's Obligation of Integrity)

A public official shall abide by statutes, perform his/her duties fairly and hospitably, and refrain from committing any act of corrupting himself/herself or losing his/her dignity.

Article 7-2 (Prohibition against Using Confidential Information)

No public official shall use any confidential information learned while conducting his/her duties to obtain, or to have a third party obtain, goods or property gains.

[This Article Newly Inserted by Act No. 9342, Jan. 7, 2009]

Article 8 (Code of Conduct for Public Officials)

- (1) The code of conduct that public officials must observe in accordance with Article 7 shall be prescribed by Presidential Decree, the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the internal regulations of the public service-related organizations.

- (2) The code of conduct for public officials referred to in paragraph (1) shall prescribe the following matters:
1. Matters concerning the prohibition and limitation of any public official's receiving entertainment, money, goods, etc. from any person related to his/her duties;
 2. Matters concerning the prohibition and limitation of any public official's intervening in personnel affairs, influence peddling, doing good offices, or soliciting another person for his/her good offices, taking advantage of his position;
 3. Matters that public officials need to observe in order to create a sound climate of the civil service, such as a fair personnel affairs;
 4. Other matters necessary to prevent corruption and maintain the integrity and dignity of public officials when they perform their duties.
- (3) If any public official violates the code of conduct for public officials referred to in paragraph (1), a disciplinary action may be taken against him/her.
- (4) Kinds, procedures, effect, etc. of disciplinary actions referred to in paragraph (3) shall be governed by statutes or the internal regulations that prescribe matters concerning the disciplinary actions of administrative agencies or organizations to which the relevant public officials belong.

Article 9 (Guarantee of Livelihood for Public Officials)

The State and local governments shall endeavor to guarantee the livelihood of public officials in order for them to devote themselves to the civil service and shall take necessary measures to improve their remuneration and treatments.

Article 10 (Request for Cooperation to Civil Rights Remedy Agencies)

The Anti-Corruption and Civil Rights Commission or the Local Ombudsman may, when it is deemed necessary for performing its duties, request cooperation from administrative agencies, such as the National Human Rights Commission, or corporations or organizations that aim to remedy any violation of civil rights in accordance with the law, or improve statutes and systems for enhancement of social justice and public interests.

CHAPTER II ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION

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

The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the

"Commission") shall be established under the Prime Minister to improve irrational administrative systems pertaining to the processing of civil petitions for grievances, prevent corruption and effectively regulate acts of corruption.

Article 12 (Functions)

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

1. Establishing and implementing policies for protection of the rights of people, remedy of violated rights, and prevention of corruption;
2. Examining and processing civil petitions for grievances and recommending rectification or expressing opinions related thereto;
3. Making recommendations or expressing opinions when it is deemed necessary to improve an administrative system that may result in a civil petition for grievances and the operation of such system;
4. Investigating and evaluating the results of processing civil petitions for grievances by the Commission and improvement of administrative systems;
5. Establishing and recommending policy measures to prevent corruption in public institutions and matters concerning institutional improvements, and investigating the actual status of the public institutions for such establishment and recommendation;
6. Investigating the actual status and evaluating the progress of the policy measures taken by public institutions to prevent corruption;
7. Establishing and implementing a plan for education and publicity for the prevention of corruption and remedy of violated rights;
8. Cooperating with and supporting individuals, corporations, or organizations related to the activities of the Commission, including supporting anti-corruption activities conducted by nonprofit, non-governmental organizations;
9. Promoting international cooperation in connection with the activities of the Commission;
10. Providing information and consultation about, as well as receiving, reports with respect to acts of corruption;
11. Protecting and rewarding whistleblowers;
12. Examining statutes, etc. that could be abused as factors causing corruption;
13. Collecting, managing, and analyzing materials pertaining to prevention of corruption and remedy of violated rights;

14. Implementing and operating the code of conduct for public officials, receiving and processing reports on violations of it, and protecting whistleblowers;
15. Providing information and consultation about civil petitions, ascertaining the actual status of the processing of civil petitions, and providing guidance on such processing;
16. Operating online civil participant portals in an integrated manner and installing and operating government call centers for civil petitions;
17. Providing cooperation, support, and education with respect to the activities of the Local Ombudsman;
18. Mediating and coordinating conflicts involving multiple parties, and surveying and processing corporate petitions for grievances in order to redress hardships of enterprises;
19. Matters concerning the management of the Central Administrative Appeals Commission referred to in the Administrative Appeals Act;
20. Matters under the jurisdiction of the Commission as provided for by other statutes;
21. Other matters that the Prime Minister submits to the Commission to enhance the rights and interests of the people.

Article 13 (Composition of Commission)

- (1) The Commission shall be comprised of 15 members (including three vice-chairpersons and three standing members), including one chairperson. In such cases, each of the vice-chairpersons shall assist the chairperson by taking charge of civil petitions for grievances, anti-corruption, and the management of the Central Administrative Appeals Commission, respectively: Provided, That matters concerning the composition of the Central Administrative Appeals Commission shall be governed by the provisions of the Administrative Appeals Act. *<Amended by Act No. 9968, Jan. 25, 2010>*
- (2) The chairperson, vice-chairpersons, and members shall be persons acknowledged as capable of conducting duties related to civil petitions for grievances and anti-corruption fairly and independently and shall be appointed or commissioned from among any of the following persons:
 1. A person who holds or has held an associate professorship or higher position, or other position equivalent thereto, for at least eight years at a university or authorized research institution;

2. A person who serves, or has served, as a judge, prosecutor, or attorney for at least ten years;
 3. A person who serves, or has served, as a public official of Grade III or higher, or a public official who belongs, or has belonged, to the Senior Civil Service;
 4. A person who has the qualification of certified architect, tax accountant, certified public accountant, technician, or patent attorney and has or had been engaged, in such job field for at least ten years;
 5. A person who was commissioned as a member of the Local Ombudsman pursuant to Article 33 (1) and has served for at least four years;
 6. A person who is well respected in society with profound knowledge and experience in public administration and who is recommended by a civic organization.
- (3) The chairperson and vice-chairpersons shall be appointed by the President upon recommendation of the Prime Minister, and the standing members shall be appointed by the President upon recommendation of the chairperson, and non-standing members shall be appointed or commissioned by the President. In such cases, three non-standing members shall be appointed or commissioned upon recommendation of the National Assembly and another three non-standing members, upon recommendation of the Chief Justice of the Supreme Court.
<Amended by Act No. 11327, Feb. 17, 2012>
- (4) The chairperson and vice-chairpersons shall be appointed from among officials in political service, and the standing members shall be appointed from among public officials in general service belonging to the Senior Civil Service Corps who are also public officials in a fixed-term position under Article 26-5 of the State Public Officials Act. <Amended by Act No. 12717, May 28, 2014>
- (5) If the post of any member becomes vacant, a new member shall be appointed or commissioned without delay. In such cases, the term of office of the newly appointed or commissioned member shall begin anew.

Article 14 (Chairperson)

- (1) The chairperson shall represent the Commission.
- (2) When the chairperson is unable to perform his/her duties due to unavoidable reasons, a vice-chairperson designated by the chairperson shall act on his/her behalf.

Article 15 (Grounds for Disqualification of Members)

- (1) Any of the following persons shall not be qualified as a member:
 1. A person who is not a citizen of the Republic of Korea;
 2. A person who falls under any subparagraph of Article 33 of the State Public Officials Act;
 3. A person who is affiliated with a political party as a member;
 4. A person who is registered as a candidate to run in an election held in accordance with the Public Official Election Act.
- (2) Each member shall, when falling under any subparagraph of paragraph (1), rightly resign from office.

Article 16 (Independence of Work and Guarantee of Position)

- (1) The Commission shall independently perform the duties within its authority.
- (2) The terms of office for the chairperson and the members shall each be three years and they may be reappointed or recommissioned only once.
- (3) No member shall be dismissed or de-commissioned against his/her will except in any of the following cases:
 1. Where he/she falls under any subparagraph of Article 15 (1);
 2. Where he/she has significant difficulty in performing his/her duties on the grounds of mental or physical trouble;
 3. Where he/she violates the prohibition against holding concurrent offices as provided for in Article 17.
- (4) Where a member falls under paragraph (3) 2, the President or the Prime Minister shall dismiss or decommission such member upon recommendation of the chairperson after a resolution thereof with the consent of at least 2/3 of the total members.

Article 17 (Prohibition against Holding Concurrent Offices)

Any member may not concurrently hold the following positions during his/her term of office:

1. A member of the National Assembly or a local council;
2. An executive officer or employee of an administrative agency, etc. and any individual, corporation or organization having a special interest as provided for by Presidential Decree.

Article 18 (Exclusion, Recusal and Refrainment of Members)

- (1) Any member who falls under any of the following cases shall be excluded from deliberation and resolution of the Commission, subcommittees under Article 20, and working groups under Article 21: *<Amended by Act No. 16827, Dec. 10,*

2019>

1. Where a member or his/her current or former spouse is a party, joint right holder, or joint obligor with respect to the relevant matter;
 2. Where a member is or was a relative of a party for the relevant matter;
 3. Where a member conducted testimony, appraisal, legal counsel or damage assessment with respect to the relevant matter;
 4. Where a member has participated in an inspection, investigation or research with respect to the relevant matter before he/she becomes a member;
 5. Where a member is or was involved in the relevant matter as an agent of the party.
- (2) Where a party having an interest in the deliberation and resolution of the Commission, subcommittees under Article 20, and working groups under Article 21 has a ground to believe that he/she can hardly expect impartiality from a member, the party may make an application for recusal of the member.
<Amended by Act No. 16324, Apr. 16, 2019>
- (3) If a member finds that he/she is subject to exclusion or recusal on the ground referred to in paragraph (1) or (2), he/she may voluntarily refrain from the deliberation on and resolution of the relevant matter.
- (4) Paragraphs (1) through (3) shall apply *mutatis mutandis* to public officials belonging to the Commission who are involved in administrative affairs on deliberation and resolution of the Commission, subcommittees under Article 20, and working groups under Article 21 (including dispatched public officials or employees under Article 25) and members under Article 20. <Newly Inserted by Act No. 16324, Apr. 16, 2019>

Article 19 (Resolution of Commission)

- (1) A meeting of the Commission shall be convened with the attendance of a majority of registered members and shall pass resolutions with the approval of a majority of the members present: Provided, That the matters prescribed in Article 20 (1) 4 shall be decided with the approval of a majority of registered members.
- (2) No member who fails to participate in the deliberation and resolution pursuant to Article 18 shall be counted in the number of registered members under Article 19 (1).
- (3) Other matters necessary for the duties and management of the Commission shall be provided for by Presidential Decree.

Article 20 (Subcommittees)

- (1) The Commission may establish a subcommittee consisting of three members in order to have it deliberate and make decisions on matters that do not fall under any of the following subparagraphs with respect to processing civil petitions for grievances (hereinafter referred to as "subcommittee"):
 1. Matters provided for by Presidential Decree, including cases related to the interests of multiple persons among the matters of which rectification is recommended pursuant to Article 46;
 2. Matters of recommending institutional improvements pursuant to Article 47;
 3. Matters concerning making decisions on requests for audit and inspection pursuant to Article 51;
 4. Matters requiring change in precedent resolutions of the Commission;
 5. Matters decided by a subcommittee to be handled directly by the Commission;
 6. Other matters that the chairperson deems necessary to be dealt with by the Commission.
- (2) A meeting of a subcommittee shall pass resolutions with the attendance of all members of the subcommittee and the approval of all members present.
- (3) Other matters necessary for the duties and operation of subcommittees shall be provided for by Presidential Decree.

Article 21 (Working Groups)

The Commission may establish working groups for each field within it in order to perform its duties efficiently.

Article 22 (Expert Members)

- (1) The chairperson may appoint experts from academia and social organizations and other experts in related fields as expert members of the Commission, if deemed necessary to efficiently support the Commission's duties and conduct specialized research and studies.
- (2) The expert members prescribed in paragraph (1) shall be appointed or commissioned by the chairperson.

Article 23 (Establishment of Secretariat)

- (1) The Commission shall establish a secretariat to deal with administrative affairs of the Commission.
- (2) The secretariat shall have one secretary general, who is designated by the chairperson from among the vice-chairpersons to serve as the head of the

secretariat concurrently, and the head of the secretariat shall take charge of dealing with administrative affairs of the Commission under the direction of the chairperson and supervise and direct the employees of the secretariat.

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

Article 24 (Advisory Organization)

- (1) The Commission may have an advisory organization to seek advice on matters necessary to perform its duties.
- (2) The organization and operation of the advisory organization under paragraph (1) shall be provided for by Presidential Decree.

Article 25 (Dispatch of Public Officials, etc.)

- (1) The Commission may, if deemed necessary to perform its duties, request State agencies, local governments, institutions referred to in Article 4 of the Act on the Management of Public Institutions, or related corporations or organizations to dispatch public officials or employees under their control.
- (2) The head of a State agency, local government, institution referred to in Article 4 of the Act on the Management of Public Institutions, or related corporation or organization that has dispatched a public official or an employee to the Commission pursuant to paragraph (1), shall devise preferential measures for dispatched persons in personnel management, treatment, etc.

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

- (1) The Commission shall report to the President and the National Assembly and publicly announce the operational status of the Commission with respect to civil petitions for grievances every year.
- (2) When it is deemed necessary, the Commission may submit a special report to the President and the National Assembly in addition to the report under paragraph (1).

Article 27 (Recommendation for Institutional Improvements)

- (1) The Commission may, if deemed necessary, recommend the heads of public institutions to make institutional improvements to prevent corruption.
- (2) The head of a public institution shall, upon receipt of the recommendation on institutional improvements under paragraph (1), reflect such recommendation in its efforts to make the institutional improvements and inform the Commission of the result of the measures taken according to the recommendation. The

Commission may confirm and inspect the actual status of improvement.

- (3) Where the head of a public institution who has been recommended to make institutional improvements under paragraph (1) finds it impracticable to take measures as recommended by the Commission, he/she shall ask the Commission to re-deliberate on the recommendation, and in such cases, the Commission shall do so.

Article 27-2 (Investigation and Evaluation of Corruption of Public Institutions)

- (1) The Commission shall develop fair and objective evaluation indexes to quantitatively measure the corruption of public institutions.
- (2) The Commission may conduct an investigation and evaluation of the corruption of public institutions by utilizing the evaluation indexes referred to paragraph (1), and publish the results of such investigation and evaluation.
- (3) The Commission may give necessary support such as consultation for the prevention of corruption on the basis of the results of an investigation and evaluation referred to in paragraph (2).

[This Article Newly Inserted by Act No. 14145, Mar. 29, 2016]

Article 27-3 (Publication of Results of Investigation and Evaluation)

- (1) The head of a public institution undergoing an investigation and evaluation by the Commission pursuant to Article 27-2 shall publish the results of such investigation and evaluation on its website.
- (2) Matters necessary for publication of the results of an investigation and evaluation referred to in paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14145, Mar. 29, 2016]

Article 28 (Examination of Statutes, etc. that Could Be Abused as Factors Causing Corruption)

- (1) The Commission may analyze and examine the following statutes, etc. for corruption-causing factors, and then may recommend the heads of competent institutions having jurisdiction thereof to make improvement thereon; *<Amended by Act No. 16324, Apr. 16, 2019>*
1. Acts, Presidential Decrees, Ordinances of the Prime Minister, Ordinances of the Ministries;
 2. Administrative rules such as directives, established rules, public notices, or publications made under delegation by statutes;
 3. Municipal ordinances and Rules;

4. Internal rules of public institutions designated under Article 4 of the Act on the Management of Public Institutions and local government-invested public corporations and local public agencies established under Articles 49 and 76 of the Local Public Enterprises Act, respectively.
- (2) Matters necessary for the procedures and methods for examining the factors for inducing corruption referred to in paragraph (1) shall be prescribed by Presidential Decree.

Article 29 (Hearing Opinions, etc.)

- (1) In performing the duties provided for in subparagraphs 5 through 14 of Article 12, the Commission may take any of the following measures, if necessary:
 1. Requesting any public institution to provide explanations, materials, documents, etc., and conducting a survey of the actual status thereof;
 2. Requesting any interested person, reference witness, or public official involved to appear before the Commission and state his/her opinion.
- (2) The Commission shall be prohibited from taking measures provided for in paragraph (1) with respect to any of the following matters:
 1. Matters concerning the confidential information of the State;
 2. Matters concerning the appropriateness of an investigation, trial, and execution of sentence (including any security measure, security surveillance measure, protective detention measure, probation measure, protective internment measure, custodial treatment measure, and community service order), or matters on which an audit and inspection has been launched by the Board of Audit and Inspection;
 3. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, a constitutional petition, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy in progress under other Acts;
 4. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, in progress under statutes;
 5. Matters made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters on which the Audit and Inspection Commission has resolved in accordance with the Board of Audit and Inspection Act.
- (3) The measures referred to in each subparagraph of paragraph (1) shall be taken

within the scope necessary for the Commission to perform its duties provided for in each subparagraph of Article 12 and attention shall be paid not to hamper the performance of duties by any public institution.

- (4) The head of any public institution shall sincerely comply with the request for submission of materials and cooperate in surveying the actual status under paragraph (1), and where he/she fails to comply with the request or to cooperate, he/she shall clarify the reasons therefor.
- (5) The head of any public institution may require officials under his/her jurisdiction or relevant experts to be present at the Commission to state their opinions or to submit relevant materials in connection with institutional improvements, etc.

Article 30 (Confidentiality)

No incumbent or former members, expert members, or employees of the Commission and any other person who is or has been seconded to the Commission or commissioned by the Commission to perform its duties shall divulge any confidential information they have acquired in performing the duties of the Commission.

Article 31 Deleted <Apr. 16, 2019>

CHAPTER III LOCAL OMBUDSMAN

Article 32 (Establishment of Local Ombudsman)

- (1) In order to process civil petitions for grievances and improve administrative systems, etc. with respect to local governments and institutions belonging thereto, each local government may set up and operate a Local Ombudsman.
- (2) Each Local Ombudsman shall perform the following duties:
 1. Investigating and processing civil petitions for grievances with respect to a local government and any institution belonging thereto;
 2. Recommending rectification or expressing opinions in connection with civil petitions for grievances;
 3. Making recommendation or expressing opinions on the improvement of the pertinent administrative systems and the operation thereof, if deemed necessary for the process of handling civil petitions for grievances;
 4. Surveying and evaluating the actual status with respect to the results of civil petitions for grievances processed by the Local Ombudsman and the

- improvement of administrative systems;
5. Providing information and consultation about civil petitions and supporting the processing of civil petitions;
 6. Providing education and conducting public relations with respect to the activities of the Local Ombudsman;
 7. Interacting and cooperating with international organizations or foreign institutions for remedy of violated rights that are related to the activities of the Local Ombudsman;
 8. Providing cooperation and support to individuals, corporations, or organizations that are related to the activities of the Local Ombudsman;
 9. Other matters entrusted to the Local Ombudsman under other statutes.

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

- (1) Members of the Local Ombudsman shall be those who are deemed to be capable of conducting the duties of processing civil petitions for grievances fairly and independently and shall be commissioned by the head of a local government from among any of the following persons with the consent of the local council:
 1. A person who holds or has held an associate professorship or higher position, or other position equivalent thereto at a university or authorized research institution;
 2. A person who serves, or has served, as a judge, prosecutor or attorney;
 3. A person who serves, or has served, as a public official of Grade IV or higher;
 4. A person who has the qualification of certified architect, tax accountant, certified public accountant, technician, or patent attorney and is involved or was involved, in such job field for at least five years;
 5. A person who is well respected in society with profound knowledge and experience in public administration and who is recommended by a civic organization.
- (2) The term of office of a member of each Local Ombudsman shall be four years and may not be extended nor renewed.
- (3) Where the term of office of a member of each Local Ombudsman expires, or a post becomes vacant during the term of office, the head of a local government shall commission a successor within 30 days from the expiry date or the day when the post becomes vacant.

- (4) The term of office of a new member of each Local Ombudsman who is commissioned to fill its vacant post shall begin anew.

Article 34 (Financial Support)

The head of the local government in which the Local Ombudsman has been established shall provide financial support necessary for the Local Ombudsman to perform its duties referred to in Article 32 (2).

Article 35 (Application Mutatis Mutandis of Provisions on Commission)

The provisions of Articles 15, 16 (3), 17, 18, 25 and 83-2 (1) shall apply *mutatis mutandis* to the Local Ombudsman.

Article 36 (Administrative Organization)

- (1) The head of a local government shall establish an administrative organization to support the affairs of the Local Ombudsman.
- (2) The administrative organization shall have one head and other employees as needed.

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

- (1) The Local Ombudsman shall report to the head of the local government and the local council and publicly announce the operational status of the Local Ombudsman every year.
- (2) If deemed necessary, the Local Ombudsman may submit a special report to the head of the local government and the local council in addition to the report under paragraph (1).

Article 38 (Structure and Operation of Local Ombudsman)

Except the matters prescribed in this Act, matters necessary for the organization and operation of the Local Ombudsman shall be provided for by Municipal Ordinance issued by the local government concerned.

CHAPTER IV PROCESSING CIVIL PETITIONS FOR GRIEVANCES

Article 39 (Filing and Receipt of Civil Petitions for Grievances)

- (1) Any person (including foreigners residing in the Republic of Korea) may file a civil petition for grievance with the Commission or the Local Ombudsman (hereafter referred to as "civil rights committee" in this Chapter). In such cases, any person who has filed a civil petition for grievance with a civil rights committee may also file a civil petition for grievance with another civil rights committee.

- (2) Any person who intends to file a civil petition for grievance with a civil rights committee shall file such petition in writing (including electronic documents; hereinafter the same shall apply) stating each of the following matters: Provided, That in extenuating circumstances wherein a document cannot be submitted, an oral statement may be presented in its stead:
1. The name and address of the petitioner (the title, the location of the main office, and the name of the representative if the petitioner is a corporation or organization);
 2. The purport and reason of filing and the factual description of the cause inducing the civil petition for grievance;
 3. Other matters provided for by Presidential Decree, including the title of the relevant administrative agencies.
- (3) Any petitioner may appoint any of the following persons as an agent in addition to his/her legal representative. In such cases, the qualification of the agent shall be clarified in writing:
1. The spouse, lineal descendant or ascendant, or brother or sister of the petitioner;
 2. An executive officer or employee of the corporation which is the petitioner;
 3. An attorney-at-law;
 4. A person who can file a civil petition for grievance on behalf of the petitioner pursuant to the provisions of other Acts;
 5. A person who does not fall under above subparagraphs 1 through 4, but who has obtained permission from a civil rights committee.
- (4) No civil rights committee may withhold or refuse to accept a civil petition for grievance except when there are specific provisions in other statutes, nor it may return a civil petition for grievance that has been received without justifiable grounds: Provided, That when a civil rights committee withholds, refuses, or returns a civil petition for grievance, the reason therefor shall be notified to the petitioner without delay.

Article 40 (Mutual Notification of Same Civil Petition for Grievances)

Where a person files the same civil petition for grievance with more than one civil rights committees, respectively under the latter part of Article 39 (1), each civil rights committees shall notify thereof to the others without delay. In such cases, the civil rights committees shall process the civil petition for grievance through mutual cooperation or transfer the petition in accordance with Article 43.

[This Article wholly Amended by Act No. 16324, Apr. 16, 2019]

Article 41 (Investigation of Civil Petitions for Grievances)

- (1) Upon receipt of a civil petition for grievance, a civil rights committee shall conduct necessary investigations into the details thereof without delay: Provided, That it may not conduct any investigation if the petition falls under any of the following subparagraphs:
 1. A case falling under any subparagraph of Article 43 (1);
 2. A case where the details of the civil petition for grievance are deemed to be false or without justifiable grounds;
 3. A case deemed to be inappropriate for a civil rights committee to investigate, including cases that cannot be categorized as civil petitions for grievances.
- (2) Even after commencing an investigation, a civil rights committee may halt or suspend the investigation where it is deemed unnecessary to continue the investigation, including cases falling under any of the subparagraphs of paragraph (1).
- (3) Where a civil rights committee does not conduct an investigation into a civil petition received, or it halts or suspends such investigation, it shall notify the petitioner of the reasons therefor without delay.

Article 42 (Method of Investigation)

- (1) A civil rights committee may take the following measures if they are deemed necessary to conduct investigations under Article 41:
 1. Requesting any relevant administrative agency, etc. to provide explanations, pertinent materials, documents, etc.;
 2. Requesting any employee of any relevant administrative agency, etc., petitioner, interested person, or reference witness to appear before the committee state his/her opinion;
 3. Conducting an on-site investigation of the place, facilities, etc. that are deemed to be related to the investigation;
 4. Requesting appraisals.
- (2) Where an employee of a civil rights committee conduct an on-site investigation or hears an oral statement under paragraph (1), he/she shall have a proof substantiating his/her authority and show it to any party concerned.
- (3) The head of any relevant administrative agency, etc. shall faithfully comply with and cooperate with the requests or investigations of a civil rights committee under paragraph (1).

Article 43 (Transfer, etc. of Civil Petitions for Grievances)

- (1) Any civil rights committee may transfer a civil petition for grievance to a relevant administrative agency, etc., if the received civil petition for grievance falls under any of the following subparagraphs. Provided, that when deemed inappropriate to transfer the civil petition for grievances to a relevant administrative agency, etc., the civil petition may be **rejected**: *<Amended by Act No. 16324, Apr. 16, 2019>*
1. Matters requiring highly sophisticated political judgement, or matters concerning the confidential information of the State or public service;
 2. Matters pertaining to the National Assembly, courts, the Constitutional Court, Election Commissions, the Board of Audit and Inspection, or local councils;
 3. Matters concerning investigations and execution of sentences which are deemed appropriate to be processed by the competent authorities, or matters on which an audit and inspection has been launched by the Board of Audit and Inspection;
 4. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy that are in process under other Acts;
 5. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, in progress under statutes;
 6. Matters concerning relationships of rights and interests made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters which the Board of Audit and Inspection has requested for disposition;
 7. Matters concerning relationships of rights and interests between individuals or privacy of individuals;
 8. Matters concerning the acts of personnel administration for employees of administrative agencies, etc.;
 9. Other matters deemed reasonable to be handled by a relevant agency, etc. directly;
- (2) Where a civil rights committee transfers or rejects a civil petition for grievance under paragraph (1), it shall notify the petitioner of such fact, along with the grounds thereof without delay. In such cases, if deemed necessary, it may

provide information about the procedures and measures necessary for a remedy of violated rights of the petitioner. *<Amended by Act No. 16324, Apr. 16, 2019>*

- (3) Where the head of an administrative agency, etc. becomes aware of the fact that a civil petition for grievance on which an investigation of a civil rights committee has begun falls under paragraph (1) 1 through 8, he/she shall notify the civil rights committee of such fact without delay.
- (4) If requested by a civil rights committee, the head of the relevant administrative agency, etc. that has received the transferred civil petition for grievance under paragraph (1) 9 shall notify the processing result thereof to the civil rights committee. *<Newly Inserted by Act No. 16324, Apr. 16, 2019>*
- (5) A civil rights committee may directly process a civil petition for grievance that has been transferred by the head of a relevant administrative agency, etc. on the ground that it is deemed reasonable for the civil rights committee to process it. In such cases, the transferred civil petition for grievance shall be regarded as having been received by the civil rights committee on the day of the referral. *<Newly Inserted by Act No. 16324, Apr. 16, 2019>*

[This Title Amended by Act No. 16324, Apr. 16, 2019]

Article 44 (Recommendation of Settlement)

Any civil rights committee may present measures necessary for fair resolution of a civil petition for grievance on which an investigation is underway or has been completed, and recommend a settlement to the parties concerned.

Article 45 (Mediation)

- (1) If deemed necessary for prompt and fair resolution of a civil petition for grievance which involves multiple persons or is deemed to have a significant impact on society, a civil rights committee may mediate the petition on the request of the parties concerned or ex officio.
- (2) Mediation shall be constituted when the details agreed by the parties concerned are entered in a written mediation on which the parties concerned affix their signatures and seals or put their signatures, and the civil rights committee confirms it. *<Amended by Act No. 15617, Apr. 17, 2018>*
- (3) Mediation under paragraph (2) shall have the same effect as the reconciliation under the Civil Act.

Article 46 (Recommendation of Rectification and Expression of Opinions)

- (1) Where a reasonable ground exists to believe that a disposition, etc. taken as a result of an investigation into a civil petition for grievance is unlawful or

unfair, a civil rights committee may recommend the head of a relevant administrative agency, etc. to rectify it.

- (2) Where, as a result of an investigation into a civil petition for grievance, it is deemed that the argument of a petitioner is based on reasonable grounds, a civil rights committee may express its opinion to the head of a relevant administrative agency, etc.

Article 47 (Recommendation for Institutional Improvements and Expression of Opinions)

Where deemed necessary to improve statutes, systems, policies, etc. in the course of investigating and processing civil petitions for grievances, a civil rights committee may recommend the head of a relevant administrative agency, etc. to make rational improvements or may express its opinions to him/her.

Article 48 (Opportunities to Present Opinions)

- (1) Before it issues recommendations or expresses its opinions to the heads of the relevant administrative agencies, etc. under Article 46 or 47, a civil rights committee shall provide an opportunity to the heads of the administrative agencies, etc. and the petitioner or interested persons to present their opinions in advance. *<Amended by Act No. 16324, Apr. 16, 2019>*
- (2) Employees of the relevant administrative agencies, etc., or the petitioner or interested persons may attend a meeting held by a civil rights committee to present their opinions or submit necessary materials.

Article 49 (Notice of Decision)

A civil rights committee shall serve a notice on the petitioners and the heads of the relevant administrative agencies, etc. of its decision on the civil petitions for grievances without delay.

Article 50 (Notification, etc. of Processing Result)

- (1) The head of any relevant administrative agency, etc. that has received a recommendation or an opinion under Article 46 or 47 shall respect such recommendation or opinion, and shall notify the civil rights committee concerned of the processing result within 30 days from the date when such recommendation or opinion is received.
- (2) Where the head of any relevant administrative agency, etc. that has received a recommendation under paragraph (1) fails to comply with the recommendation, the reason therefor shall be notified to the civil rights committee concerned in writing.

(3) Upon receipt of a notification under paragraph (1) or (2), a civil rights committee shall notify the petitioner of such fact without delay.

Article 51 (Request for Audit and Inspection)

Where the Commissions finds, in the course of investigating and processing civil petitions for grievances, that an employee of a relevant administrative agency, etc. has performed his/her duties unlawfully or unfairly by intention or gross negligence, it may request the Board of Audit and Inspection, the Local Ombudsman and the local government concerned to conduct an audit and inspection.

Article 52 (Confirmation and Inspection of Actual Status of Compliance with Recommendations, etc.)

A civil rights committee may confirm and inspect the actual status of compliance with the recommendations or opinions given under Article 46 or 47.

Article 53 (Publication)

A civil rights committee may publish the following matters: Provided, That this shall not apply where publication is restricted by the provisions of other Acts, or it is likely to infringe on the privacy of individuals:

1. Details of the recommendations made or opinions expressed under Articles 46 and 47;
2. The processing results under Article 50 (1);
3. The reasons for noncompliance with the recommendations made under Article 50 (2).

Article 54 (Mutual Relationship between Civil Rights Committees)

- (1) The Commission and each Local Ombudsman shall perform its duties independently of each other and, upon receipt of a request for mutual consultation or support, shall comply with such request, unless a justifiable reason exists to the contrary.
- (2) The Commission shall actively support the activities of the Local Ombudsman.

CHAPTER V REPORTING ACTS OF CORRUPTION AND PROTECTION OF WHISTLEBLOWERS, ETC.

Article 55 (Whistleblowing of Corruption)

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

Article 56 (Obligation of Public Officials to Report Acts of Corruption)

Where a public official learns an act of corruption committed by another public official in performing his/her duties or is forced or proposed by another public official to commit an act of corruption, he/she shall without delay report such fact to any investigative authority, the Board of Audit and Inspection, or the Commission.

Article 57 (Duty of Good Faith of Whistleblowers)

Where a person made a report of corruption under Article 55 and 56 (herein this chapter referred to as “whistleblowing” and “whistleblower”) although he/she knew or should have known that the details of such reports were false, he/she shall not be entitled to protection under this Act. *<Amended by Act No. 16324, Apr. 16, 2019>*

Article 57-2 (Responsibilities of Government and Local Governments)

The head of central administrative government agencies and local government agencies shall make efforts to provide protection for and prevent disadvantages against whistleblowers.

[This Article Newly Inserted by Act No. 16324, Apr. 16, 2019]

Article 58 (Methods of Whistleblowing)

Any person who is about to make a report, shall do so in a document stating matters concerning his/her personal information, the purport of whistleblowing, and the reasons therefor, and shall present the subject matter of whistleblowing and evidence attesting the act of corruption along with such document. *<Amended by Act No. 16324, Apr. 16, 2019>*

Article 59 (Processing of Whistleblowing)

- (1) The Commission may, upon receipt of a report, verify the following matters from whistleblowers:
 1. Matters necessary to specify the details of reports of whistleblowing, such as the personal information of whistleblowers, and the reason for and purport of whistleblowing;
 2. Matters concerning whether the details reported fall under any subparagraph of Article 29 (2).
- (2) The Commission may request any whistleblower to submit necessary materials to the extent necessary for ascertaining the truth of the matters specified in paragraph (1).
- (3) The Commission shall, if deemed necessary to audit, investigate, or inspect any reported matter received, refer such matter to the Board of Audit and Inspection, any investigative authority, or the supervisory body of the relevant

public institution (where the supervisory body does not exist, referring to the relevant public institution; hereinafter referred to as "investigative agency investigative agency"): Provided, That where whistleblowing falls under any of the following cases, the case may be terminated without being referred to investigative agencies. *<Amended by Act No. 16324, Apr. 16, 2019>*

1. Where the details of the whistleblowing are expressly untrue;
 2. Where personal information about the whistleblower is unknown;
 3. Where the whistleblower fails to supplement the written report or evidentiary materials, etc. within the period of supplementation set by the Commission, although he/she has received a request for supplementation on two or more occasions;
 4. Where the whistleblower files a further report on the matters already notified of the results of processing the whistleblowing without good cause;
 5. Where details of the whistleblowing fall under those disclosed through news media, etc. and no new evidence is found other than the one already disclosed;
 6. Where an audit, investigation or inspection on the act of corruption concerned has been started or already completed according to other statutes;
 7. Other cases where audit, investigation or inspection on an act of corruption is not required, which is prescribed by Presidential Decree.
- (4) Where a person suspected of committing an act of corruption regarding which the Commission has received a report is any of the following high-ranking public officials and details of his/her suspected act of corruption require an investigation for criminal punishment and an institution of prosecution, the Commission shall file an accusation with the prosecution against him/her in its name: *<Amended by Act No. 14609, Mar. 21, 2017; Act No. 16324, Apr. 16, 2019>*
1. A public official with the rank of Vice Minister or higher;
 2. The Special Metropolitan City Mayor, Metropolitan City Mayor, or Do Governor and Special Self Governing Province Governor;
 3. A police officer with the rank of superintendent general or higher;
 4. A judge or a prosecutor;
 5. A military officer with the rank of general;
 6. A member of the National Assembly.
- (5) The prosecution shall, upon receipt of an accusation filed under paragraph (4), notify the Commission of the findings of its investigation. The same shall also

apply where the case on which the Commission has filed an accusation is already under investigation or related with another case under investigation.

- (6) The Commission shall resolve any reported matter received within 60 days from the date of receipt. In such cases, if supplementation is deemed necessary to verify matters referred to in paragraph (1) 1, the period may be extended by up to 30 days. *<Amended by Act No. 16324, Apr. 16, 2019>*
- (7) The Commission shall handle reported matters containing state secrets as prescribed by Presidential Decree. *<Newly Inserted by Act. No. 16324, Apr. 16, 2019>*

Article 60 (Handling of Findings of Investigation)

- (1) An investigative agency shall complete its inspection, investigation, or examination of a case within 60 days from the date it is referred a report thereon: Provided, That if a justifiable reason exists, the period may be extended and the investigative agency shall notify the Commission of the reason of such extension and the extended period.
- (2) An investigative agency to which a report is referred under Article 59 (including an investigative agency to which other investigative agency referred, re-referred, or asked for audit on, transmitted, asked for investigation or filed an accusation on a report it was referred. Herein this Article applies the same) shall notify the Commission of the findings of an inspection, investigation, or examination within 10 days from the date it completes such inspection, investigation, or examination. In such cases, the Commission shall, upon receipt of such notification, immediately serve a notice on the relevant whistleblower of a summary of the findings of the inspection, investigation, or examination. *<Amended by Act No. 16827, Dec. 10, 2019>*
- (3) The Commission may, if deemed necessary, request an investigative agency to explain the findings on which the agency has made notification under paragraph (2).
- (4) When an inspection, investigation, or examination conducted by an investigative agency is deemed inadequate, the Commission may request the investigative agency to launch again the inspection, investigation, or examination by presenting reasonable grounds, such as the submission of new evidential materials, within 30 days from the date it is notified of the findings thereof. Any whistleblower who receives a notice of a summary of the findings of the inspection, investigation, or examination under the latter part of paragraph (2)

may file an objection to such findings with the Commission.

- (5) An investigative agency that is requested to launch again an inspection, investigation, or examination shall notify the Commission of the findings thereof within seven days from the date it completes the inspection, investigation, and examination. In such cases, the Commission shall, upon receipt of the notification, immediately serve a notice on the whistleblower of a summary of the findings of such inspection, investigation, or examination that has been launched again.

Article 61 (Application for Adjudication)

- (1) Where a person suspected of committing an act of corruption under Article 59 (4) falls under Articles 129 through 133 and 355 through 357 of the Criminal Act (including cases of aggravated punishment under other Acts) and the Commission directly files an accusation with the prosecution against him/her, if the same case as the one against which the accusation is filed is already under investigation or is related to another case under investigation and the relevant prosecutor notifies the Commission that he/she will not institute a prosecution against either of the two cases, the Commission may file an application for an adjudication on the right or wrong thereof with the High Court corresponding to the High Prosecutors' Office to which the relevant prosecutor belongs. *<Amended by Act No. 16827, Dec. 10, 2019>*
- (2) Articles 260 (2) through (4), 261, 262, 262-4, 264 and 264-2 of the Criminal Procedure Act shall apply to the application for an adjudication referred to in paragraph (1).
- (3) With respect to the application for an adjudication referred to in paragraph (1), if the prosecutor has not instituted a prosecution by ten days prior to the date the statute of limitation for prosecution thereof expires, it shall be deemed that the prosecutor has served a notice on the Commission that he/she does not institute such prosecution at that time; and with respect to an accusation which the Commission filed with the prosecution under Article 59 (4), if the prosecutor has not instituted such prosecution by three months after the date the Commission filed such accusation, it shall be deemed that the prosecutor has served such notice on the Commission at the time the three months lapsed, respectively.

Article 62 (Prohibition of Disadvantageous Measures, etc.)

- (1) No person shall take disadvantageous measures against a whistleblower, etc. by

reason of whistleblowing, or any statement or materials, etc. thereon (herein referred to as “whistleblowing, etc.”);

- (2) No person shall interfere with filing a whistleblowing report, etc., or compel a whistleblower, etc. to cancel a report, etc.

[This Article Wholly Amended by Act No. 16827, Dec. 10, 2019]

Article 62-2 (Requests for Measures of Guarantee of Status, etc.)

- (1) Where a whistleblower, etc. faced or will face disadvantageous measures by reason of whistleblowing, etc., as prescribed by Presidential Decree, he/she may request the Commission to take measures necessary to revoke the disadvantageous measures (hereinafter referred to as "measures of status guarantee, etc.").
- (2) A whistleblower, etc. shall request measures of status guarantee, etc. within 1 year from the date when disadvantageous measures are taken (where the disadvantageous measures continue, referring to the date of the termination thereof): Provided, That where a whistleblower, etc. could not request measures of status guarantee, etc. within 1 year due to a natural disaster, war, accident, or other force majeure events, he/she may request the same within 14 days (in cases of a request for measures of status guarantee, etc. from abroad, referring to 30 days) from the date when such a reason ceases to exist.
- (3) Where a request for measures of status guarantee, etc. falls under any of the following cases, the Commission may reject such **request by decision**: In such cases, the Commission shall inform the fact in writing to a person who requested the measure of status guarantee, etc. (hereinafter referred to as “applicant for status guarantee, etc.”), and the head of the institution, organization, company, etc., to which he/she belongs, or the head of a relevant institution, organization, company, etc. (hereinafter referred to as “the head of the institution, etc. to which the applicant belongs”).
 1. Where a request for measures of status guarantee, etc., is filed after the request period prescribed in paragraph (2);
 2. Where a person who is not a whistleblower, etc. or not an agent prescribed in Article 12 (1) of the Administrative Procedures Act makes a request;
 3. Where a whistleblower makes a request again for taking measures of status guarantee, etc. against the same disadvantageous measures on which he/she has received a decision of rejection, a decision to take measures of status guarantee, etc. prescribed in paragraph (1) of Article 62-3, a decision of

- recommendation of measures of status guarantee, etc. under paragraph (2) of the same Article, or a decision to dismiss the request for measures of status guarantee, etc. under paragraph (3) of the same Article;
4. Where a whistleblower has already been granted relief according to the procedure for relief prescribed in other statutes;
 5. Where it is deemed that measures of status guarantee, etc. are unnecessary because the case falls under any of the subparagraphs of Article 59 (3), and therefore does meet the requirement for the request for measures of status guarantee, etc.
- (4) the Commission shall examine the request made under paragraph (1) (excluding cases of decision of rejection under paragraph (3)). In such cases, the Commission may request those who fall under any of the following items to appear before the Commission to make a statement, or request them to write a statement, submit documents, or check facts and information. Those who receive such request shall faithfully follow it.
1. An applicant for status guarantee, etc;
 2. A person who has taken disadvantageous measures;
 3. A person for reference;
 4. A relevant institution, organization, enterprise, etc.
- (5) The Commission shall give the head of the institution, etc. to which the applicant belongs, sufficient opportunities for vindication in the course of inspection.

[This Article Newly Inserted by Act No. 16827, Dec. 10, 2019]

[Previous Article 62-2 Moved to Article 62-5, Dec. 10, 2019]

Article 62-3 (Decision of Measures of Status Guarantee, etc.)

- (1) Where the Commission deems that, as a result of inspection, an applicant for status guarantee, etc. has been or is expected to be subjected to disadvantageous measures (excluding any disadvantageous measure falling under subparagraphs 7 (h) and (i) of Article 2) due to a whistleblowing, etc. it shall make a decision to request the head of the institution, etc. to which the applicant belongs, to take the following measures of status guarantee, etc. (hereinafter referred to as "decision of measures of status guarantee, etc.") within a fixed period not exceeding 30 days. The head of the institution, etc. to which the applicant belongs, shall then follow the decision of measures of status guarantee, etc. unless there is a justifiable reason.

1. Measures of reinstatement;
 2. Payment of differentiated wages paid, wages in arrears, etc. (including interest). In such cases, standards for payment thereof and the methods for computation thereof, etc. shall be prescribed by Presidential Decree;
 3. Cancellation or prohibition of disadvantageous measures;
 4. Transfer, or other necessary measures
- (2) Where the Commission deems that, as a result of inspection, an applicant for status guarantee, etc. has been or will be subjected to disadvantageous measures falling under subparagraph 7 (h) or (i) of Article 2 due to a whistleblowing, etc., it may recommend the head of the institution, etc. to which the applicant belongs, to take necessary measures of status guarantee, etc., such as maintaining the validity of authorization, permission, or contract, (hereinafter referred to as "recommendation of measures of status guarantee, etc.") within a fixed period not exceeding 30 days.
- (3) Where the Commission deems that the applicant has not been, or will not be subjected to disadvantageous measures due to the whistleblowing, etc. it shall make a decision to dismiss the request for measures of status guarantee, etc. (hereinafter referred to as "dismissal decision")
- (4) Where the Commission makes a decision of measures of status guarantee, etc., it may require a relevant disciplinary officer to take disciplinary action against the person who has taken disadvantageous measures by reason of whistleblowing.
- (5) Where an applicant for status guarantee, etc., who is a public officer, requests the Commission to take measures concerning personnel affairs involving the shift of job, transfer, occupancy, secondment, etc., the Commission, when it deems the request to be reasonable, may request the Minister of Personnel Management or the head of a relevant institution to take necessary measures. In such cases, the Minister of Personnel Management or the head of a relevant institution shall, upon receiving the request from the Commission, give preferential consideration to the request and notify the Commission of the results thereof.
- (6) Where the Commission makes a decision of, recommendation on, or dismissal of measures of status guarantee, etc. it shall inform thereof in writing to the applicant for status guarantee, etc. and the head of the institution, etc. to which the applicant belongs, respectively.

[This Article Newly Inserted by Act. No. 16324, Apr. 16, 2019]

Article 62-4 (Filing Administrative Litigation, etc.)

- (1) If the head of the institution, etc. to which the applicant belongs, intends to file for an administrative litigation against a decision of measures of status guarantee, etc. pursuant to the Administrative Litigation Act, he/she shall do so within 30 days from the date of notification of the decision of measures of status guarantee, etc. notwithstanding Article 20 (1) of the same Act.
- (2) The head of the institution, etc. to which the applicant belongs, shall not file an administrative appeal against the decision of measures of status guarantee, etc. under the Administrative Appeals Act.

[This Article Newly Inserted by Act. No. 16324, Apr. 16, 2019]

Article 62-5 (Temporary Suspension of Procedures for Disadvantageous Disposition)

- (1) Where it is deemed that any of the following circumstances exists, which, if neglected, is likely to cause unrecoverable damage, and that there is no time to wait for the Commission to make a determination on an application for a status guarantee measure, etc., the chairperson of the Commission may, at the request of the applicant or ex officio, demand the head of the institution, etc. to which the applicant belongs, to take a temporary measure for suspending a disadvantageous disposition for a fixed period not exceeding 45 days: *<Amended by Act No. 16324, Apr. 16, 2019>*
 1. Where procedures for a disadvantageous disposition against the applicant for status guarantee are planned or already under way, due to whistleblowing;
 2. Where a disadvantageous disposition against the applicant for status guarantee measures was taken and procedures for an additional disadvantageous disposition are planned or already under way, due to whistleblowing.
- (2) The head of the institution, etc. to which the applicant for status guarantee, etc. belongs, in receipt of a demand under paragraph (1) shall comply with such demand unless there is a compelling reason not to do so. *<Amended by Act No. 16324, Apr. 16, 2019>*

[This Title Amended by Act No. 16324, Apr. 16, 2019]

Article 62-6 (Charges for Compelling Compliance)

- (1) The Commission shall impose a charge for compelling compliance of up to 30 million won on a person who fails to take measures of status guarantee, etc. by the due date after he/she receives a decision of measures of status guarantee, etc.: Provided, That the foregoing shall not apply to the State or local

governments.

- (2) Provisions of Article 21-1 (2) through (6) of the Protection of Public Interest Reporters Act shall apply *mutatis mutandis* to the procedures of imposition of a charge for compelling compliance under paragraph (1). In such cases, “decision to take protective measures” shall be deemed “decision of measures of status guarantee, etc.”, “protective measures” shall be deemed “measures of status guarantee, etc.”, and “a person who has taken unfavorable measures” shall be deemed “the head of the institution, etc. which the applicant belongs”, respectively.
- (3) Matters necessary for the standards for imposition, procedures for collection, etc. of charges for compelling compliance under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act. No. 16324, Apr. 16, 2019]

Article 63 (Presumption of Disadvantages)

Where any whistleblower, after whistleblowing, applies for measures of status guarantee, etc. to the Commission pursuant to Article 62 (1), or files a lawsuit with the court for reinstating his/her advantages to the original state, he/she shall be presumed to have suffered disadvantages in connection with whistleblowing.

<Amended by Act No. 16324, Apr. 16, 2019>

Article 63-2 (Recommendation for Reconciliation, etc.)

- 1) Where the Commission receives an application for measures of status guarantee, etc., it may recommend reconciliation on measures of status guarantee, etc. or make a proposal for reconciliation ex officio or at the request of the persons concerned until it makes, recommends, or dismisses a decision to take measures of status guarantee, etc. In such cases, recommendation or proposals for recommendation shall not include matters on disciplinary actions on public officials or conditions that violate the purpose of this Act.
- (2) Provisions of Article 24 (2) through (4) of the Protection of Public Interest Reporters Act shall apply *mutatis mutandis* to drafting of a proposal for reconciliation, drafting of reconciliation protocol, and its force and effect.

[This Article Newly Inserted by Act. No. 16324, Apr. 16, 2019]

Article 64 (Confidentiality of Whistleblowers)

- (1) No person shall inform, disclose, or report to others, personal information on a whistleblower or any facts from which the identity of a whistleblower can be inferred, while knowing that he/she is the whistleblower prescribed in this Act:

Provided, That this shall not apply where the whistleblower under this Act consents thereto.

- (2) When personal information on a whistleblower or any fact from which his/her identity can be inferred is disclosed or reported in violation of paragraph (1), the Commission may examine how such information or fact is disclosed or reported.
- (3) If deemed necessary to examine the circumstances referred to in paragraph (2), the Commission may request relevant agencies to submit related materials or to state their opinions. In such cases, upon receipt of any such request, the relevant agencies shall cooperate therein, unless there is any compelling reason not to do so.
- (4) Where a person informs, discloses, or reports to others, personal information on a whistleblower or any fact from which the identity of a whistleblower can be inferred in violation of paragraph (1), the Commission may request the person having disciplinary authority over him/her to take necessary measures, such as disciplinary actions.

[This Article Wholly Amended by Act No. 15024, Oct. 31, 2017]

Article 64-2 (Measures to Protect Personal Safety)

- (1) A whistleblower may request the Commission to take measures to protect personal safety, if such act of whistleblowing endangers his/her physical safety, or that of his/her relatives or cohabitants. In such cases, the Commission may, if deemed necessary, request the Commissioner General of the Korean National Police Agency, the commissioner of the competent district police agency, or the chief of the competent police station to take measures to protect personal safety.
- (2) Upon receipt of a request to take measures to protect personal safety under paragraph (1), the Commissioner General of the Korean National Police Agency, the commissioner of the competent district police agency, or the chief of the competent police station shall immediately do so, as prescribed by Presidential Decree.
- (3) Where a reasonable ground exists to believe that a whistleblower has suffered, or is likely to suffer, any harm due to whistleblowing, the provisions of Articles 7 (Omission of Personal Information) and 9 (Inspection of Identity Management Card) through 12 (Consultation on Progress of Litigation) of the Act on Protection of Specific Crime Informants, Etc. shall apply mutatis mutandis to investigation and criminal procedures related to the relevant

whistleblowing.

[This Article Newly Inserted by Act No. 15024, Oct. 31, 2017]

Article 65 (Protection of Cooperators)

The provisions of Articles 62, 62-2 through 62-6, 63, 63-2, 64, 64-2, 66 and 66-2 shall apply *mutatis mutandis* to the guarantee of status and physical protection of any person, other than a whistleblower, who has cooperated in inspection, investigation, or examination of the details of reports by methods such as stating his/her opinion, making statements, or submitting materials in connection with whistleblowing. <Amended by Act No. 15024, Oct. 31, 2017, Amended by Act No. 16324 Apr. 16, 2019>

Article 66 (Mitigation of Culpability, etc.)

- (1) If any act in relation to whistleblowing, etc. leads to detection of a crime perpetrated by the whistleblower, the punishment of such whistleblower may be mitigated or remitted. <Amended by Act No. 16324, Apr. 16, 2019>
- (2) The provision of paragraph (1) shall apply *mutatis mutandis* to any disciplinary measure taken by any public institution. <Amended by Act No. 16324, Apr. 16, 2019>
- (3) Even where classified information in respect of a person's duties is included in the details of whistleblowing etc., the relevant whistleblower shall be deemed not to have violated his/her confidentiality obligation on duties, notwithstanding the provisions of other statutes, collective agreements, or the employment rules, etc. <Amended by Act No. 16324, Apr. 16, 2019>

Article 66-2 (Request for Cooperation)

Where it is necessary for inspecting and processing the details of a whistleblowing or taking measures of status guarantee, etc., the Commission may request the administrative agencies concerned, counseling centers or medical institutions, and other related organizations, etc. to provide cooperation and assistance. In such cases, the public organizations that received such request shall comply with such request, unless there is good cause, and other related organizations, etc. shall provide cooperation as much as possible. <Amended by Act No. 16324, Apr. 16, 2019>

Article 67 (Provisions Applicable Mutatis Mutandis)

The provisions of Articles 57, 58, 62, 62-2 through 62-6, 63, 63-2, 64, 64-2, 65, 66 and 66-2 shall apply *mutatis mutandis* to each of the following: <Amended by Act No. 14145, Mar. 29, 2016; Act No. 15024, Oct. 31, 2017; Act No. 16324, Apr. 16, 2019 >

1. Where a whistleblower reports corruption to a public institution to which the accused person belongs;
2. Where a whistleblower reports corruption to a public institution that guides and supervises an institution, organization, or company to which the accused person belongs;
3. Where a whistleblower reports any act committed in violation of the code of conduct for public officials.
4. Where a whistleblower testifies before the National Assembly or a court, or files a criminal complaint or accusation with investigation agencies on acts of corruption or violation of the Code of Conduct for Public Officials.

Article 68 (Monetary Awards and Rewards)

- (1) If any whistleblowing on corruption to the Commission or a public agency has caused property gains of public institutions, prevents damage to such property, or enhances the public interest, the Commission may recommend that the relevant whistleblower be granted a monetary award under the provisions of the Awards and Decorations Act and may grant a monetary reward, as prescribed by Presidential Decree: Provided, That if whistleblowing on corruption was filed with a public agency, this applies only when the concerned public agency recommends or requests provision of monetary reward.
- (2) If a whistleblower due to whistleblowing has contributed directly to recovery or increase of revenues or cutdown of costs to a public institution, or the legal relationship thereon is confirmed, the relevant whistleblower may apply to the Commission for payment of monetary rewards therefor. *<Amended by Act No. 16324, Apr. 16, 2019>*
- (3) If a whistleblower and cooperators under Article 65, his/her relative or cohabitant suffers a loss or pays any of the following expenses due to a whistleblowing, they may file an application for payment of relief money with the Commission:
 1. Expenses incurred in physical or mental treatment;
 2. Expenses incurred in transference, dispatched service, etc.;
 3. Expenses incurred in the procedure for controversy related to reinstatement;
 4. The amount of wages lost during the period of disadvantageous measures;
 5. Other serious economic losses (excluding losses under Article 2 (h) and (i)).
- (4) If an application for payment of monetary rewards under paragraph (2) or of relief money is filed under paragraph (3), the Commission shall pay the

petitioner such rewards or relief money through a deliberation and resolution by the Reward Deliberation Board established in accordance with Article 69, as prescribed by Presidential Decree: Provided, That with respect to whistleblowing by any public official in connection with his/her duties, such rewards can be reduced or not paid. <Amended by Act No. 16324, Apr. 16, 2019>

- (5) The application for payment of monetary rewards under paragraph (2) shall be filed within two years from the date when the whistleblower became aware of the confirmation of legal relationship of the recovery or increase of revenues or the retrenchment of costs of the public institution: Provided That, the application for rewards can not be filed five years after the legal relationship thereof was confirmed. <Amended by Act No. 16324, Apr. 16, 2019>
- (6) Article 27 (3) through (5) of the Protection of Public Interest Reporters Act applies *mutatis mutandis* to inspections, etc. on the provision of relief money under paragraph (3). In such cases, “public interest reporting person, etc.” is deemed “whistleblower and cooperator”. <Newly Inserted by Act No. 16324, Apr. 16, 2019>

Article 69 (Reward Deliberation Board)

- (1) The Commission shall establish a Reward Deliberation Board to deliberate and resolve matters concerning applications for payment of monetary awards, monetary rewards, and relief money as provided for by Article 68.
- (2) The Reward Deliberation Board shall deliberate and resolve the following matters:
 1. Matters concerning requirements for payment of monetary awards, monetary rewards, and relief money;
 2. Matters concerning the amount of monetary awards, monetary rewards, and relief money to be paid;
 3. Other matters concerning payment of monetary awards, monetary rewards, and relief money.
- (3) The Reward Deliberation Board shall be comprised of seven members including one chairperson. <Newly Inserted by Act No. 16324, Apr. 16, 2019>
- (4) The chairperson of the Reward Deliberation Board shall be appointed by the chairperson of the Commission from among the members of the Commission through resolution of the Commission. The members of the Reward Deliberation Board shall be comprised of the following persons: Provided, That those who are not citizens of the Republic of Korea or fall under any of the

subparagraphs of Article 33 of the State Public Officials Act can not become a member of the Reward Deliberation Board. *<Newly Inserted by Act No. 16324, Apr. 16, 2019>*

1. A person belonging to the Commission who is appointed by the chairperson of the Commission among public officials in the position of heads of bureaus;
 2. Five members commissioned by the chairperson of the Commission among experts in law, accounting, or appraisal who have academic knowledge and experience in prevention of corruption and rewards, the persons recommended by non-profit, non-governmental organizations defined in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act, and other experts in relevant fields, subject to resolution by the Commission.
- (5) The terms of office of the members under paragraph (4) 2 shall be two years and may be renewable only once. *<Newly Inserted by Act No. 16324, Apr. 16, 2019>*
- (6) Matters necessary for the composition and operation of the Reward Deliberation Board, other than matters specified in paragraphs 1 through 5, shall be prescribed by Presidential Decree. *<Amended by Act No. 16324, Apr. 16, 2019>*

Article 70 (Decision on Payment of Rewards, etc.)

- (1) The Commission shall, upon receipt of an application for rewards filed under Article 68, determine whether to pay such rewards and the amount of the rewards to be paid, within 90 days from the date of the application therefor, unless any special reason exists to the contrary.
- (2) If the Commission determines to pay rewards under paragraph (1), it shall immediately serve a notice on the applicant thereof.

Article 70-2 (Reimbursement and Return of Monetary Rewards, etc.)

- (1) Where the Commission paid a whistleblower monetary rewards under Article 68 (4), the Commission may require the relevant public institution (excluding administrative agencies at each level under the Government Organization Act as prescribed in Article 2 (1) (a) and organizations as prescribed in subparagraph (c) of the same Article) to reimburse an amount equivalent to the paid monetary rewards to the Commission within three months. In such cases, the public institution required for the reimbursement shall pay the amount to the Commission.

- (2) Where any of the following facts is found, the Commission shall notify the amount to be returned to the person who received the monetary rewards or relief money, and the person who received monetary rewards or relief funds shall pay such amount:
1. Where the monetary rewards or relief money were falsely or fraudulently claimed;
 2. Where the monetary rewards or relief money were provided in violation of Article 71 (2) or (3);
 3. Where the monetary rewards or relief money were provided incorrectly.
- (3) Where the person who is required to reimburse or return the monetary rewards or relief money pursuant to paragraph (1) or (2) fails to pay the amount by the due date, the Commission may collect the amount in the same manner as delinquent national taxes or local taxes are collected. *<Newly Inserted by Act No. 16324, Apr. 16, 2019>*

Article 71 (Prohibition of Overlapping Payment of Monetary Rewards and Relief Funds, etc.)

- (1) Any person entitled to monetary rewards or relief money under the Act shall not be prohibited from applying for monetary rewards or relief money in accordance with other statutes. *<Amended by Act No. 16324, Apr. 16, 2019>*
- (2) Where any person entitled to monetary rewards or relief money under Article 68 (2) or (3) (herein this Article referred to as “rewards, etc by the Commission”) has been paid monetary awards for the same cause under subparagraph (1) of the same Article, or monetary rewards or relief money for the same cause under other statutes, if the amount of the monetary awards, monetary rewards, or relief money received exceeds the amount to be paid by the Commission, the rewards by the Commission shall not be paid; and when the amount of the monetary awards, monetary rewards, or relief money received is smaller than the amount of the rewards by the Commission, the amount of the rewards shall be determined by deducting the amount of monetary rewards or relief money paid under the other statutes. *<Amended by Act No. 16324, Apr. 16, 2019>*
- (3) If any person entitled to rewards pursuant to other statutes has received monetary awards, monetary rewards, or relief money for the same cause, the amount of rewards to be provided under other statutes shall be determined by deducting the amount of monetary rewards or relief money paid under this Act.

<Amended by Act No. 16324, Apr. 16, 2019>

CHAPTER VI NATIONAL REQUESTS FOR AUDITS AND INSPECTIONS

Article 72 (Right to Request Audits and Inspections)

- (1) Where dealing with administrative affairs by a public institution seriously harms public interest because it violates statutes or is involved in an act of corruption, any citizen aged 19 or over may request an audit and inspection from the Board of Audit and Inspection by presenting a petition signed by at least a specified number of citizens prescribed by Presidential Decree: Provided, That with respect to the administrative affairs dealt with by the National Assembly, courts, the Constitutional Court, Election Commissions, or the Board of Audit and Inspection, such request shall be made to the Speaker of the National Assembly, the Chief Justice of the Supreme Court, the President of the Constitutional Court, the Chairperson of the National Election Commission, or the Chairperson of the Board of Audit and Inspection (hereinafter referred to as the "head of a relevant public institution"). <Amended by Act No. 9342, Jan. 7, 2009>
- (2) Notwithstanding the provisions of paragraph (1), the any of the following matters shall be excluded from the subject of a request for an audit and inspection:
 1. Matters pertaining to the confidential information and security of the State;
 2. Matters pertaining to investigations of, trials on, and execution of penalties (including any security measure, any security surveillance measure, any protective detention measure, any probation measure, any protective internment measure, any custodial treatment measure, and any community service order);
 3. Matters pertaining to private relationships of rights and duties or individual privacy;
 4. Matters that have been or are under audit and inspection by other public institutions: Provided, That this shall not apply where a new matter is discovered or an important matter is omitted in such audit and inspection already conducted;
 5. Other matters over which it is reasonably deemed inappropriate to conduct an audit and inspection, as prescribed by Presidential Decree.

- (3) Notwithstanding the provisions of paragraph (1), any audit and inspection request pertaining to dealing with the administrative affairs under the jurisdiction of local governments and their heads shall be governed by the provisions of Article 16 of the Local Autonomy Act.

Article 73 (Method of Requesting Audits and Inspections)

Any person who intends to request an audit and inspection shall make such request in the form of a signed document stating his/her personal details and the purport of and reasons for requesting such audit and inspection, as prescribed by Presidential Decree.

Article 74 (Decision on Conducting Audit and Inspection)

- (1) With respect to an audit and inspection request made in accordance with the main sentence of Article 72 (1), the National Audit and Inspection Request Deliberation Commission prescribed by the Regulations of the Board of Audit and Inspection shall determine whether to conduct such audit and inspection.
- (2) If the head of a relevant public institution receives an audit and inspection request under the proviso to Article 72 (1), he/she shall determine, within 30 days, whether to conduct such audit and inspection in accordance with the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.
- (3) If the Board of Audit and Inspection or the head of a relevant public institution deems that an audit and inspection request is groundless, such board or head shall dismiss the request and notify the applicant of such dismissal within ten days from the date of the decision of dismissal.

Article 75 (Audit and Inspection on Request)

- (1) The Board of Audit and Inspection or the head of a relevant public institution shall complete an audit and inspection within 60 days from the date of the determination to conduct such audit and inspection: Provided, That the period may be extended if any justifiable ground therefor exists.
- (2) The Board of Audit and Inspection or the head of a relevant public institution shall notify an applicant for an audit and inspection of the findings of such audit and inspection within ten days from the date such audit and inspection is completed.

Article 76 (Operation)

Matters necessary for national requests for audits and inspections, except as

otherwise provided for in this Act, shall be governed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

Article 77 (Suggestion, etc. of Institutional Improvements)

- (1) Where the Commission identifies an irrational system in the process of dealing with civil petitions for grievances and corruption prevention, or a matter is deemed to be in need of improvement, it may offer its opinion with respect thereto to the President or the National Assembly.
- (2) Where a relevant Act or Municipal Ordinance is deemed substantially irrational in the process of handling civil petitions for grievances and corruption prevention, the Commission or the Local Ombudsman may offer its opinion with respect to the amendment to or abolition of such Act or Municipal Ordinance to the National Assembly or the local council.

Article 78 (Protection of Information concerning Civil Petitions for Grievances)

The Commission or the Local Ombudsman as well as the relevant administrative agencies, etc. shall endeavor to prevent infringement of interests of the petitioners and the interested persons which may be incurred from a leak of information pertaining to civil petitions for grievances.

Article 79 (Public Notice, etc. of Civil Petitions for Grievances)

- (1) The Commission or the Local Ombudsman as well as the heads of the relevant administrative agencies, etc. shall provide every possible convenience to help file civil petitions for grievances, including posting notices on the matters necessary for filing civil petitions for grievances or keeping a pertinent manual for the public.
- (2) The Commission or the Local Ombudsman shall, in handling civil petitions for grievances, make efforts for the convenience of petitioners by such means as requiring the officials in charge of civil petitions for grievance to take the procedures necessary for the confirmation of materials that can be done autonomously or cooperation with relevant administrative agencies, etc.

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

- (1) The Commission or the Local Ombudsman may request relevant administrative agencies, etc. to provide cooperation, when it is deemed necessary for performing its duties.
- (2) The relevant administrative agencies, etc. requested by the Commission or the

Local Ombudsman to provide cooperation shall comply with such request faithfully unless a justifiable reason exists to the contrary.

Article 81 (Education, Publicity, etc.)

- (1) The Commission or the Local Ombudsman may conduct necessary education and public relations to ensure that the public becomes aware of their rights and seeks remedies if their rights are violated.
- (2) The Commission or the Local Ombudsman may consult with the Minister of Education to support education on the processing of civil petitions for grievances, remedies of violated rights, and anti-corruption at schools. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) The Commission or the Local Ombudsman may consult with the heads of relevant administrative agencies, etc. to ensure that the details of the system of civil petitions for grievances and anti-corruption are included in educational and training courses for public officials.

Article 81-2 (Anti-Corruption Education for Public Officials)

- (1) The head of a public institution shall offer anti-corruption education and submit the results of such education to the Commission.
- (2) The Commission shall check up on whether anti-corruption education referred to in paragraph (1) was offered.
- (3) The Commission may request the heads of the relevant institutions or organizations to reflect the results of check-ups referred to in paragraph (2) in the following evaluations:
 1. Self-evaluations by central administrative agencies and local governments referred to in Articles 14 (1) and 18 (1) of the Framework Act on Public Service Evaluation, and joint evaluations by local governments referred to in Article 21 (1) of that Act;
 2. Evaluation on management performance of public corporations and quasi-governmental institutions referred to in Article 48 (1) of the Act on the Management of Public Institutions;
 3. Evaluation on management of local public corporations referred to in Article 78 (1) of the Local Public Enterprises Act;
 4. Evaluation on the offices of education of a City or Do referred to in Article 9 (2) of the Elementary and Secondary Education Act.
- (4) Content, methods, and submission of results, of education referred to in paragraph (1) and check-ups, etc. referred to in paragraph (2) shall be

prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14145, Mar. 29, 2016]

Article 81-3 (Rewards for Improving Rights and Interests of People)

The Commission may provide rewards to individuals or organizations that have provided meritorious service in protecting and improving the rights and interests of the people as prescribed by President Decree.

[This Article Newly Inserted by Act No. 16324, Apr. 16, 2019]

Article 82 (Restrictions on Employment of Public Officials Dismissed for Corruption)

(1) A person dismissed for corruption, etc. means any of the following persons:

<Amended by Act No. 14145, Mar. 29, 2016>

1. Any public official who mandatorily retires or is dismissed or discharged from office for committing an act of corruption in connection with his/her duties while in office;
2. A former public official who is sentenced by a court to a fine of three million won or severer punishment for committing an act of corruption in connection with his/her duties while in office.

(2) No person dismissed for corruption, etc. may be employed in any of the following institutions subject to restriction on employment of a person dismissed for corruption for five years, from the date he/she retires if he/she mandatorily retires or is dismissed or discharged from office, or from the date his/her punishment is completely executed (including where his/her punishment is deemed to be completely executed) or the non-execution of his/her punishment becomes finally confirmed if he/she is sentenced by a court to a fine of three million won or severer punishment: *<Newly Inserted by Act No. 14145, Mar. 29, 2016>*

1. A public institution;
2. An institution involved in an act of corruption prescribed by Presidential Decree;
3. For-profit private enterprise, etc. (including the following juristic persons) which has close relations with the business affairs of the department or institution to which he/she belonged for not less than five years before he/she retires:
 - (a) A law firm under Article 40 of the Attorney-at-Law Act, a law firm (limited liability) under Article 58-2 of that Act, a law firm partnership

- under Article 58-18 of that Act, and a law office under Article 89-6 (3) of that Act;
- (b) An accounting corporation under Article 23 (1) of the Certified Public Accountant Act;
 - (c) A tax accounting corporation under 16-3 (1) of the Certified Tax Accountant Act;
 - (d) A foreign legal consultant office under subparagraph 4 of Article 2 of the Foreign Legal Consultant Act;
 - (e) A market-type public corporation under Article 5 (3) 1 (a) of the Act on the Management of Public Institutions;
 - (f) A public-service related organization performing the affairs prescribed by Presidential Decree such as affairs for supervising safety, affairs for regulating authorization and permission, or affairs for procurement;
 - (g) An educational foundation establishing and managing a school referred to in each subparagraph of Article 2 of the Higher Education Act, and a private school established and managed by an educational foundation: excluding, however, the educational foundation or private school in which a person subject to review of employment will be employed as a teacher prescribed by Presidential Decree;
 - (h) A general hospital under Article 3-3 of the Medical Service Act, and a medical corporation under Article 33 (2) 3 of that Act and a non-profit corporation establishing a general hospital under Article 33 (2) 4 of that Act;
 - (i) A social welfare foundation under subparagraph 3 of Article 2 of the Social Welfare Services Act and a non-profit corporation operating a social welfare facility under subparagraph 4 of that Article;
4. A corporation or organization (hereinafter referred to as the "association") established for the purpose of pursuing common interests and mutual cooperation with a for-profit private enterprise, etc.
- (3) In determining whether or not employment referred to in paragraph (2) occurs, if any person deals with any business affairs of an institution subject to restriction on employment or provides assistance thereto, such as advice and counsel, and receives wages, salaries, etc. in return for such service on a regular basis or during a specified period, such person shall be deemed to be employed, regardless of his/her position or duties, such as an outside director,

consultant, or advisor prescribed in the Commercial Act, and regardless of the type of contract. <Newly Inserted by Act No. 14145, Mar. 29, 2016>

- (4) The provisions of Article 17 (2), (3), (5) and (8) of the Public Service Ethics Act shall apply mutatis mutandis to the scope of close relations between the business affairs of the department or institution to which a public official belonged prior to his/her retirement and a for-profit private enterprise, etc. under paragraph (2) 3. <Amended by Act No. 14145, Mar. 29, 2016>

Article 82-2 (Request for Submission of Materials)

The Commission may request the submission of materials prescribed by Presidential Decree such as materials on criminal records under subparagraph 5 (a) of Article 2 of the Act on the Lapse of Criminal Sentences to confirm whether or not there occurs any violation of restriction on employment under Article 82. In this case, the head of the relevant public institution in receipt of a request shall comply therewith unless there is a compelling reason not to do so.

[This Article Newly Inserted by Act No. 14145, Mar. 29, 2016]

Article 83 (Demand for Dismissal of Employed Persons)

- (1) Where a person is employed in a public institution in violation of the provisions of Article 82 (2), the Commission shall demand that the head of the public institution concerned dismiss him/her, and the head of the public institution concerned in receipt of such demand shall comply therewith unless there is a compelling reason not to do so. <Amended by Act No. 14145, Mar. 29, 2016>
- (2) Where a person is employed in an institution involved in an act of corruption prescribed by Presidential Decree, a for-profit enterprise, etc. or the association in violation of the provisions of Article 82 (2), the Commission shall demand the head of the public institution concerned to take measures to cancel his/her employment, and the head of the public institution concerned in receipt of such demand, demand the head of such institution involved in an act of corruption, for-profit enterprise, etc., or association as has employed the above-mentioned person to dismiss him/her. In this cases, the head of such institution involved in corruption practices, for-profit enterprise, etc., or association shall without delay comply with the demand of dismissal unless there is a compelling reason not to do so. <Amended by Act No. 14145, Mar. 29, 2016>

Article 83-2 (Legal Fiction of Public Officials in Application of Penalty Provision)

- (1) Members of the Commission who are not public officials, expert members under

Article 22, and dispatched employees under Article 25 shall be deemed public officials when applying the Criminal Act or penalty provisions under other statutes in relation to the work of the Commission.

- (2) Any member of the Reward Deliberation Board under Article 69 who is not a public official shall be deemed a public official when applying the provisions of Articles 129 through 132 of the Criminal Act in relation to the work of the Reward Deliberation Board.

[This Article Newly Inserted by Act No. 16324, Apr. 16, 2019]

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

The National Assembly, courts, the Constitutional Court, the National Election Commission, or the Board of Audit and Inspection shall independently perform the duties provided for in subparagraphs 5 through 8 of Article 12 conscientiously to prevent internal corruption.

Article 85 (Relationship to other Acts, etc.)

- (1) Matters concerning administrative appeals, with the exception of matters prescribed by this Act, shall be governed by the Administrative Appeals Act.
- (2) Matters necessary for the enforcement of this Act, with the exception of matters prescribed by this Act, shall be prescribed by Presidential Decree, the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

Article 86 (Offense of Exploiting Confidential Information)

- (1) If any public official violates the provisions of Article 7-2, he/she shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 70 million won. *<Amended by Act No. 9342, Jan. 7, 2009; Act No. 12717, May 28, 2014>*
- (2) In cases of paragraph (1), the imprisonment with labor and fine may be imposed concurrently.
- (3) The goods or property gains acquired by a person committing an offense referred to in paragraph (1) or knowingly acquired by a third party by means of such offense shall be confiscated or additionally collected.

Article 87 (Offense of Divulging Professional Secrets)

Any person who has divulged confidential information learned in performing his/her duties of preventing corruption in violation of Article 30 shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding

50 million won. <Amended by Act No. 15024, Oct. 31, 2017>

Article 88 (Violation of Prohibition of Publishing Personal Information, etc.)

Any person who violates the provisions of Article 64 (1) (including cases applicable *mutatis mutandis* under Articles 65 and 67) shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won. <Amended by Act No. 15024, Oct. 31, 2017; by Act No. 16324, Apr. 16, 2019; by Act No. 16827, Dec. 10, 2019>

Article 89 (Violation of Restrictions on Employment of Public Officials Dismissed for Corruption)

Where a person dismissed for corruption, etc. referred to in Article 82 (1) is employed in an institution subject to restriction on employment referred to in paragraph (2) of that Article, he/she shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won. <Amended by Act No. 14145, Mar. 29, 2016>

Article 90 (Offense of Failing to Implement Disadvantageous Measures and Status Guarantee Measures)

- (1) A person who falls under any of the following items shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:
 1. A person who has imposed any disadvantageous measure provided for in Article 2 7. (a) in violation of Article 62 (1) (including cases applicable *mutatis mutandis* under Articles 65 and 67);
 2. A person who has not implemented decision of measures of status guarantee, etc. as provided for in Article 62-3 (1) (including cases applicable *mutatis mutandis* under Articles 65 and 67)
- (2) A person who falls under any of the following items shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won;
 1. A person who has imposed any disadvantageous measure provided for in Article 2 7. (b) through (f) in violation of Article 62 (1) (including cases applicable *mutatis mutandis* under Articles 65 and 67);
 2. A person who has interfered with whistleblowing, etc. or forced to cancel whistleblowing in violation of Article 62 (2)
- (3) A person who has failed to implement a temporary measure for suspending a disadvantageous disposition under Article 62 (5) (including cases applicable

mutatis mutandis under Articles 65 and 67) shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won. <Amended by Act No. 16827, Dec. 10, 2019>

[This Article Wholly Amended by Act No. 16324, Apr. 16, 2019]

Article 91 (Administrative Fines)

- (1) A person who refuses to submit materials, attend a meeting, make a statement, or check facts or information in violation of Article 62-2 (4) (including cases *mutatis mutandis* in Article 65 and 67), shall be subject to an administrative fine not exceeding 30 million won. <Amended by Act No. 16324, Apr. 16, 2019>
- (2) If the head of an institution who took restrictive measures on employment refuses a demand under Article 83 (1) and (2) without any justifiable reason, he/she shall be subject to an administrative fine not exceeding 10 million won.
- (3) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended by Act No. 14145, Mar. 29, 2016; Act No. 16324, Apr. 16, 2019>
 1. A person who interrupts, refuses, or evades, or intentionally delays the performance of duties under Article 42 without any justifiable reason;
 2. The head of a public institution who refuses a demand for submission of materials referred to in Article 82-2 without any justifiable reason.
- (4) Administrative fines prescribed in paragraphs (1) and (3) shall be imposed and collected by the Commission, as prescribed by Presidential Decree.

ADDENDUM <Act No. 16827, Dec. 10, 2019>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 77 (1) and (2) shall enter into force on the date of its promulgation.