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ENFORCEMENT DECREE OF THE IMPROPER SOLICITATION AND GRAFT ACT

[Enforcement Date 10. Sep, 2020.] [Presidential Decree No.31015, 10. Sep, 2020.,
Partial Amendment]

국민권익위원회 (청탁금지제도과)044-200-7704



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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Decree is to provide for matters delegated by the Improper Solicitation and Graft Act and matters necessary for enforcement of said Act.

Article 2 (Code of Ethics) (1) In order to create a public service culture as provided for in Article 3 (2) of the Improper Solicitation and Graft Act (hereinafter referred to as the "Act"), any of the following public institutions may formulate its own code of ethics (hereinafter referred to as "code of ethics") for its public servants to comply with:

1. As provided for in subparagraph 1 (d) of Article 2 of the Act, schools of each level, established under the Elementary and Secondary Education Act, the Higher Education Act, the Early Childhood Education Act, or any other statute; and educational foundations established under the Private School Act;
2. As provided for in subparagraph 1 (e) of Article 2 of the Act, press organizations defined by subparagraph 12 of Article 2 of the Act on Press Arbitration and Remedies, etc. for Damage Caused by Press Reports.

(2) A code of ethics shall include the following:

1. Matters relating to prohibiting or restricting any intervention in personnel management, intervention in rights and interests, influence peddling, or solicitation, engaged in by taking advantage of one's position;
2. Matters relating to prohibiting or restricting acceptance of money, goods, etc.;
3. Matters relating to reports and restriction on lectures, speeches, contributions, etc.;
4. Other matters necessary for maintaining integrity and dignity of public servants.

(3) When enacting or amending a code of ethics, heads of public institutions provided for in the subparagraphs of paragraph (1) may publish such fact on the Internet webpage of the relevant public institution.

(4) The Anti-Corruption and Civil Rights Commission may support the public institutions set forth in the subparagraphs of paragraph (1), so that they can efficiently enact or amend their code of ethics.

CHAPTER II PROHIBITION, ETC. OF IMPROPER SOLICITATION

Article 3 (Methods of Reporting Improper Solicitation, etc.) If a public servant, etc. intends to report that he/she has received an improper solicitation pursuant to Article 7 (2) of the Act, he/she shall submit, to the head of the relevant institution, documents (including electronic documents; hereinafter the same shall apply) containing the following:

1. Personal details of the reporting person:
 - (a) Name, resident registration number, address, department to which he/she belongs, and contact information;
 - (b) Other personal details identifying the reporting person;
2. Personal details of the person who has made an improper solicitation:
 - (a) Where the person is an individual: name, contact information, occupation, and other personal details identifying the person who has made the improper solicitation;
 - (b) Where the person is a representative of a juridical person or an organization: matters set forth in (a), above, and the name and location of the juridical person or the organization;
 - (c) Where the person is an agent, an employee, or any other worker employed by a juridical person, an organization, or an individual: matters set forth in (a); the name and location of the juridical person, the organization, or the individual; and the name of the representative;
3. Details and the purport of the reporting;
4. Date, time, location, and details of the improper solicitation;
5. Materials evidencing the details of the improper solicitation (this applies only if such materials are obtained).

Article 4 (Confirmation, etc. by Head of Relevant Institution of Report of Improper

Solicitation) (1) Upon receipt of a report pursuant to Article 7 (2) of the Act, the head of the relevant institution may confirm the following:

1. Details to specify the report, such as the matters set forth in the subparagraphs of Article 3;
2. Whether evidentiary materials, persons having information, etc. are found so that they can corroborate the report;

3. Whether the same case has been reported to any other institution.

(2) If a report made pursuant to Article 7 (2) of the Act does not fully provide details to specify the report as described in paragraph (1) 1 of this Article, the head of the relevant institution may have the reporting person supplement the report within a set period.

Article 5 (Action Taken by Head of Relevant Institution upon Report of Improper Solicitation, etc.)

Upon receipt of a report pursuant to Article 7 (2) of the Act, the head of the relevant institution shall conduct the necessary inspection relating to the details of the report and shall take necessary measures on the results of the inspection, as classified below:

1. Where a crime is suspected or criminal investigation is necessary: Notification to an investigative agency;
2. Where an administrative fine should be imposed: Notification to the court having jurisdiction over administrative fines;
3. Where disciplinary action should be taken: Initiation of disciplinary procedures.

Article 6 (Methods of Notification, etc. of Results of Inspection by Head of Relevant Institution)

(1) Upon receipt of a report pursuant to Article 7 (2) of the Act, the head of the relevant institution shall notify the reporting person of the results of inspection in writing within 10 days from the date the inspection is finished.

(2) Results of inspection notified by the head of a relevant institution pursuant to paragraph (1) shall include the following:

1. Action taken on the reported case and grounds therefor;
2. Matters that the reporting person should be aware of regarding the reported case.

Article 7 (Measures Taken by Head of Relevant Institution against Public Servant, etc. in Receipt of Improper Solicitation)

(1) If the head of a relevant institution cannot attain the desired objectives even after taking the measures set forth in Article 7 (4) 1, 2, or 4 of the Act, only then may the head of the relevant institution take the measures described in Article 7 (4) 3 of the Act.

(2) "Measure prescribed by ... Presidential Decrees" in Article 7 (4) 4 of the Act means the following:

1. Designation of a person who can jointly perform duties;
2. Modification of work scope.

Article 8 (Report, Confirmation, etc. by Supervisory Institution, etc. of Improper Solicitation)

(1) If a public servant, etc. intends to report that he/she has received an improper solicitation to a supervisory institution, the Board of Audit and Inspection, or an investigative agency pursuant to Article 7 (6) of the Act, Article 3 shall apply mutatis mutandis with regard to the details to be specified in the documents submitted.

(2) Article 4 shall apply mutatis mutandis where a supervisory institution, the Board of Audit and Inspection, or an investigative agency confirms a report of an improper solicitation or has the details of the report supplemented, upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act.

Article 9 (Measures, etc. Taken by Supervisory Institution, etc. on Report of Improper Solicitation)

Upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act, a supervisory institution, the Board of Audit and Inspection, or an investigative agency, shall conduct the necessary inspection, audit, or investigation (hereinafter referred to as "inspection, etc.") relating to the details of the report and take measures on the results of the inspection, etc. as classified below:

1. Measures taken by supervisory institutions or the Board of Audit and Inspection:

- (a) Where a crime is suspected or criminal investigation is necessary: Notification to an investigative agency;
- (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution;

2. Measures taken by an investigative agency:

- (a) Where a crime is suspected or criminal investigation is necessary: Initiation of a criminal investigation;
- (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution.

Article 10 (Methods of Notification, etc. by Supervisory Institution, etc. of Results of Inspection, etc.)

@Article 6 shall apply mutatis mutandis to the period, methods, etc. of notification where a supervisory institution, the Board of Audit and Inspection, or an investigative agency notifies the reporting person of the results of the inspection, etc., upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act.

Article 11 (Reporting and Confirmation, etc. of Improper Solicitation by the Anti-Corruption and Civil Rights Commission)

(1) If a public servant, etc. intends to report that he/she has received an improper solicitation to the Anti-Corruption and Civil Rights Commission pursuant to Article 7 (6) of the Act, Article 3 shall apply mutatis mutandis with regard to the details to be specified in the documents submitted.

(2) Article 4 shall apply mutatis mutandis where the Anti-Corruption and Civil Rights Commission confirms a report of an improper solicitation or has the details of the report supplemented, upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act.

Article 12 (Action Taken by the Anti-Corruption and Civil Rights Commission to Process Report of Improper Solicitation)

(1) Within 60 days from the date of receiving a report pursuant to Article 7 (6) of the Act (if the report needs to be supplemented, such date refers to when such supplementation is completed pursuant to Article 4 (2)), the Anti-Corruption and Civil Rights Commission shall confirm the matters set forth in the subparagraphs of Article 4 (1) and refer the case to the following institutions:

1. Where a crime is suspected or criminal investigation is necessary: An investigative agency;
2. Where it is deemed that audit in accordance with the Board of Audit and Inspection Act is necessary: The Board of Audit and Inspection;
3. Where subparagraphs 1 and 2 do not apply: The relevant institution or a supervisory institution.

(2) If several institutions are involved in the matters reported, the Anti-Corruption and Civil Rights Commission may designate a main institution from among a relevant institution, a supervisory institution, the Board of Audit and Inspection, and an investigative agency; and refer the case to the main institution. In such cases, the main institution shall ensure that the reported case is processed as a single unified case through mutual cooperation.

(3) The Anti-Corruption and Civil Rights Commission may forward a case, reported pursuant to Article 7 (6) of the Act, to the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency, if the reported case falls under both of the following:

1. Where it is unclear as to whether the reported case is subject to referral under paragraph (1);

2. Where it is unclear whether the reported case is subject to closure under Article 14 (1).
- (4) If the Anti-Corruption and Civil Rights Commission refers or forwards a reported case pursuant to paragraphs (1) through (3), the Anti-Corruption and Civil Rights Commission shall attach thereto the matters confirmed under the subparagraphs of Article 4 (1) and notify the reporting person of the referral or forwarding.

Article 13 (Handling, etc. of Referral or Forwarding) (1) The head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency shall complete the necessary inspection, etc. within 60 days from the date of receipt of a report of an improper solicitation, which is referred or forwarded pursuant to Article 12 (1) through (3): Provided, That the period may be extended where there is good cause, and the reasons and period for such extension shall be notified to the Anti-Corruption and Civil Rights Commission. <Amended on May 26, 2020>

(2) Article 5 shall apply mutatis mutandis to the measures, taken by the head of the relevant institution, on the results of the inspection conducted under paragraph (1); and Article 9 shall apply mutatis mutandis to the measures, taken by a supervisory institution, the Board of Audit and Inspection, or an investigative agency, on the results of the inspection, etc. conducted under paragraph (1).

(3) If a report of an improper solicitation is referred or forwarded, the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency shall notify the reporting person and the Anti-Corruption and Civil Rights Commission of the results of the inspection, etc., in writing, within ten days from the date the inspection, etc. is completed.

(4) The results of the inspection, etc., notified by the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency pursuant to paragraph (3), shall include the following:

1. Action taken on the reported case and grounds therefor;
2. Matters that the reporting person and the Anti-Corruption and Civil Rights Commission should be aware of regarding the reported case.

Article 14 (Closure of Case, etc.) (1) Notwithstanding Articles 5, 9, 12 and 13, the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigative agency, or the Anti-Corruption and Civil Rights Commission may close a case of an improper solicitation, reported, referred, or forwarded thereto, in any of the following

cases. In such cases, the head of the relevant institution, the supervisory institution, the Board of Audit and Inspection, the investigative agency, or the Anti-Corruption and Civil Rights Commission shall notify the reporting person of the closure of the case and grounds therefor:

1. Where the report is clearly false;
2. Where the reporting person fails to supplement the report within a required period, after supplementation is requested under Article 4 (2);
3. Where the case is re-reported without justified grounds, after the action taken on the case has already been notified, while no evidence is newly added;
4. Where the reported case is publicized through the media, etc. and inspection for the case is ongoing or completed, while no evidence is newly added;
5. Where another report with the same content has already been received and inspection for that case is ongoing or completed, while no evidence is newly added;
6. Other cases where it is deemed reasonable to close the case because inspection, etc. is not necessary as no violation of law is found, etc.

(2) A reporting person notified pursuant to paragraph (1) may re-report, by citing reasonable grounds such as submission of new evidence.

Article 15 (Disclosure of Details of Improper Solicitation and Corrective Measures) (1)

Pursuant to Article 7 (7) of the Act, the head of a relevant institution may disclose details of an improper solicitation and measures taken against it, considering the following cases:

1. Where an administrative fine is imposed for violation of Article 5 (1) of the Act;
2. Where a judgement of conviction or a suspension of indictment becomes final for a violation of Article 6 of the Act;
3. Other cases where the head of a relevant institution deems that disclosure is necessary to prevent improper solicitations.

(2) The details of an improper solicitation and measures taken against it, disclosed by the head of a relevant institution pursuant to Article 7 (7) of the Act, may include the following:

1. Date, time, purpose, type, and other details of the improper solicitation;
2. Measures and disciplinary action, taken by the head of a relevant institution, pursuant to the subparagraphs of Article 7 (4), Article 16, Article 21 of the Act;

3. Details of sanctions, such as imposition of penalties or administrative fines.

Article 16 (Preserving and Managing Records of Violations) (1) Pursuant to Article 7 (8) of the Act, the head of a relevant institution shall preserve and manage records of any report submitted, facts ascertained, and action taken under Articles 3, 4 (1), 5, 7 and 13 (1), in connection with the public officials of the relevant institution. In such cases, Article 26 of the Enforcement Decree of the Public Records Management Act shall apply mutatis mutandis to the period for preserving such records.

(2) The head of a relevant institution shall manage records described in paragraph (1), in electronically processable form, such as electronic media, microfilm, etc.

CHAPTER III PROHIBITION, ETC. OF ACCEPTANCE OF MONEY, GOODS, ETC.

Article 17 (Limits on Value of Food and Beverages, Congratulatory or Condolence Money, etc., Provided for Purposes of Social Relationships, Rituals, etc.) “Limits specified by Presidential Decree” in Article 8 (3) 2 of the Act shall be as described in attached Table 1.

Article 18 (Method of Reporting, etc. Prohibited Money, Goods, etc.) If a public servant, etc. intends to report prohibited money, goods, etc. pursuant to Article 9 (1) of the Act, he/she shall submit, to the head of the relevant institution, documents containing the following:

1. Personal details of the reporting person:
 - (a) Name, resident registration number, address, department to which he/she belongs, contact information;
 - (b) Other personal details identifying the reporting person;
2. Personal details of the person who has offered, promised to offer, or expressed an intention to offer prohibited money, goods, etc.:
 - (a) Where the person is an individual: name, contact information, occupation, and other personal details identifying the person who has offered, promised to offer, or expressed an intention to offer prohibited money, goods, etc.;
 - (b) Where the person is a representative of a juridical person or an organization: matters set forth in (a), above, and the name and location of the juridical person or the organization;
 - (c) Where the person is an agent, an employee, or any other worker employed by a juridical person, an organization, or an individual: matters set forth in (a); the name

and location of the juridical person, the organization, or the individual; and the name of the representative;

3. Details and the purport of the reporting;
4. Types and value of the money, goods, etc.;
5. Whether the money, goods, etc. are returned;
6. Materials evidencing the details of the report (this applies only if such materials are obtained).

Article 19 (Measures, etc. Taken by Head of Relevant Institution on Report of Prohibited

Money, Goods, etc.) (1) Article 4 shall apply mutatis mutandis where the head of a relevant institution confirms a report of prohibited money, goods, etc. or has the details of the report supplemented, upon receipt of the report pursuant to Article 9 (1) of the Act.

(2) The head of a relevant institution shall conduct the necessary inspection regarding the details of a report of prohibited money, goods, etc., upon receipt of a report pursuant to Article 9 (1) of the Act. In such cases, Article 5 shall apply mutatis mutandis to measures taken on the results of the inspection.

(3) Article 6 shall apply mutatis mutandis to the period and methods of notification of the results of inspection, conducted by the head of a relevant institution upon receipt of a report pursuant to Article 9 (1) of the Act.

(4) The head of a relevant institution shall preserve and manage records of reports of prohibited money, goods, etc., facts ascertained, and action taken, in connection with the public officials of the relevant institution. In such cases, Article 16 shall apply mutatis mutandis to the maintenance, management, and preservation of records.

Article 20 (Measures, etc. Taken by Supervisory Institutions, etc. on Report of Prohibited

Money, Goods, etc.) (1) If a public servant, etc. intends to report prohibited money, goods, etc. to a supervisory institution, the Board of Audit and Inspection, or an investigative agency pursuant to Article 9 (6) of the Act, Article 18 shall apply mutatis mutandis to the details to be specified in the documents submitted.

(2) Article 4 shall apply mutatis mutandis where a supervisory institution, the Board of Audit and Inspection, or an investigative agency confirms a report or has the details of the report supplemented, upon receipt of the report of prohibited money, goods, etc. pursuant to Article 9 (6) of the Act.

(3) A supervisory institution, the Board of Audit and Inspection, or an investigative agency shall conduct the necessary inspection regarding the details of a report of prohibited money, goods, etc., upon receipt of the report pursuant to Article 9 (6) of the Act. In such cases, Article 9 shall apply mutatis mutandis to measures taken on the results of the inspection.

(4) Article 6 shall apply mutatis mutandis to the period and methods of notification of the results of inspection, conducted by a supervisory institution, the Board of Audit and Inspection, or an investigative agency upon receipt of a report pursuant to Article 9 (6) of the Act.

Article 21 (Measures, etc. taken by the Anti-Corruption and Civil Rights Commission on

Report of Prohibited Money, Goods, etc.) (1) If a public servant, etc. intends to report prohibited money, goods, etc. to the Anti-Corruption and Civil Rights Commission pursuant to Article 9 (6) of the Act, Article 18 shall apply mutatis mutandis to the details to be specified in the documents submitted.

(2) Article 4 shall apply mutatis mutandis where the Anti-Corruption and Civil Rights Commission confirms a report or has the details of the report supplemented, upon receipt of the report of prohibited money, goods, etc. pursuant to Article 9 (6) of the Act.

(3) Article 12 shall apply mutatis mutandis to the methods for referring or forwarding a report, and notification of the results of the referral or forwarding, conducted by the Anti-Corruption and Civil Rights Commission in receipt of the report pursuant to Article 9 (6) of the Act.

Article 22 (Handling, etc. of Referral and Forwarding) @Article 13 shall apply mutatis

mutandis to measures taken on referral or forwarding and methods of notification, if a report of prohibited money, goods, etc. is referred or forwarded to the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency, pursuant to subparagraphs (1) through (3) of Article 12, which apply mutatis mutandis pursuant to Article 21 (3).

Article 23 (Closure of Case, etc.) @Article 14 shall apply mutatis mutandis where the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigative agency, or the Anti-Corruption and Civil Rights Commission can close a reported case.

Article 24 (Handling Delivered Money, Goods, etc.) (1) Where the money, goods, etc. is delivered to the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigative agency, or the Anti-Corruption and Civil Rights Commission pursuant to the proviso to Article 9 (2) or Article 9 (6) of the Act, such money, goods, etc. shall immediately be photographed, or video-recorded.

(2) If, upon receipt of money, goods, etc., delivered pursuant to Article 9 (6) of the Act, the Anti-Corruption and Civil Rights Commission refers or forwards the case pursuant to Article 12 (1) through (3), which apply mutatis mutandis pursuant to Article 21 (3), it shall attach the delivered money, goods, etc., and photographs or videos made under paragraph (1). In such cases, the Anti-Corruption and Civil Rights Commission shall notify the person who delivered the money, goods, etc. of such referral or forwarding.

(3) If it is found in the results of an inspection, etc. that the money, goods, etc., delivered, referred, or forwarded pursuant to the proviso to Article 9 (2) of the Act, Article 9 (6) of the Act, or paragraph (2) of the Article, do not constitute prohibited money, goods, etc., the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency shall return the money, goods, etc. to the person who has delivered them, unless otherwise expressly provided in other statutes.

(4) If it is deemed impracticable to take measures described in paragraph (2) or (3) because the delivered money, goods, etc. are subject to destruction, spoilage, decay, etc., the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigative agency, or the Anti-Corruption and Civil Rights Commission shall discard the money, goods, etc. with the consent of the person who delivered them.

Article 25 (Maximum Amount of Honoraria for Outside Lectures, etc., Acceptance of Which Is Restricted) "Limits specified by Presidential Decree" in Article 10 (1) of the Act shall be as described in attached Table 2.

Article 26 (Report of Outside Lectures, etc.) (1) A public servant, etc., intending to report outside lectures, etc. specified in Article 10 (1) of the Act (hereinafter referred to as "outside lecture, etc.") pursuant to the main sentence of Article 10 (2) of the Act, shall submit to the head of a relevant institution documents containing the following:
<Amended by Jan. 17, 2018; May 26, 2020>

1. Name, department, job class, and contact information of the reporting person;
 2. Date, time, duration, and venue of the outside lecture, etc.;
 3. Subject of the outside lecture, etc.;
 4. Total amount of the honorarium and detailed statements;
 5. The person/institution requesting the outside lecture, etc., name and contact information of a person in charge of the affairs regarding the outside lecture, etc.
- (2) If the details and total amount of the honorarium are unknown in advance, the report should first be made on the rest of the matters and subsequently be supplemented within five days from the date the relevant matters are known. <Amended by Jan. 17, 2018>

Article 27 (Methods of Reporting, etc. of Excess Honorarium) (1) If a public servant, etc. has received any honorarium exceeding the limits prescribed in Article 10 (1) of the Act (hereinafter referred to as "excess honorarium"), he/she shall report to the head of a relevant institution pursuant to Article 10 (5) of the Act within two days from the date he/she became aware of receipt thereof, in writing containing the following:

1. Matters to be reported under Article 26 (1);
 2. Amount of the excess honorarium and whether the excess honorarium is returned.
- (2) Upon receipt of a report described in paragraph (1), the head of the relevant institution shall confirm the report and, within seven days, calculate the amount of excess honorarium to be returned and notify the public servant, etc. who has not returned the excess honorarium.
- (3) Upon receipt of the notification described in paragraph (2), the public servant, etc. shall return the excess honorarium (if the reporting person has already partially returned the excess honorarium, this is limited to the rest of the excess) without delay to the provider and notify the head of the relevant institution of the return.

Article 28 (Claim for Expenses for Return and Delivery) If a public servant, etc. or his/her spouse has returned or delivered the money, goods, etc. pursuant to Article 9 (2) or (6) of the Act, or has returned the excess honorarium pursuant to Article 10 (5) of the Act, the public servant, etc. or his/her spouse may claim reimbursement of any expenses for the return from the head of the relevant institution, by providing materials evidencing the expenses.

CHAPTER IV SUPERVISION, ETC. OF AFFAIRS REGARDING PREVENTION OF IMPROPER SOLICITATION, ETC.

Article 29 (Report of Violation of the Act) Anyone intending to report any completed or ongoing violation of the Act pursuant to Article 13 (1) of the Act shall submit, to the public institution where such violation occurs, a supervisory institution, the Board of Audit and Inspection, an investigative agency (hereinafter referred to as "inspection agency") or the Anti-Corruption and Civil Rights Commission, documents containing the following:

1. Personal details of the reporting person;
 - (a) Name, resident registration number, address, occupation, contact information;
 - (b) Other personal details identifying the reporting person;
2. Personal details of the violator:
 - (a) Where the person is an individual: name, contact information, occupation, and other personal details identifying the violator;
 - (b) Where the person is a representative of a juridical person or an organization: matters set forth in (a), above, and the name and location of the juridical person or the organization;
 - (c) Where the person is an agent, an employee, or any other worker employed by a juridical person, an organization, or an individual: matters set forth in (a); the name and location of the juridical person, the organization, or the individual; and the name of the representative;
3. Details and the purport of the reporting;
4. Date, time, location, and details of the violation of the Act;
5. Materials evidencing details of the violation of the Act (this applies only if such materials are obtained).

Article 30 (Confirmation, etc. by Inspection Agency on Report of Violations of the Act) (1) An inspection agency in receipt of a report pursuant to Article 13 (1) of the Act shall confirm the following:

1. Details to specify the report, such as the matters set forth in the subparagraphs of Article 29;

2. Whether evidentiary materials, persons having information, etc. are found so that they can corroborate the report;
 3. Whether the same case has been reported to any other institution;
 4. Whether the reporting person consents to disclosure or implication of his/her identity (hereinafter referred to as "disclosure of identity") in the course of processing the report.
- (2) When an inspection agency confirms whether a reporting person consents to the disclosure of identity pursuant to paragraph (1) 4, the inspection agency shall explain to the reporting person the procedures for processing the report and disclosing the identity.
- (3) If a report made pursuant to Article 13 (1) of the Act does not fully provide details to specify the report as described in paragraph (1) 1 of this Article, the inspection agency may have the reporting person supplement the report within a set period.

Article 31 (Measures, etc. by Inspection Agency on Reported Violations of the Act) @Articles 5, 6, and 9 shall apply mutatis mutandis to measures taken by an inspection agency in receipt of a report described in Article 13 (1) of the Act, including inspection of the report of a violation of the Act, and the period, methods, etc. of notification.

Article 32 (Confirmation by the Anti-Corruption and Civil Rights Commission on Reported Violations of the Act) @Article 30 shall apply mutatis mutandis to matters to be confirmed by the Anti-Corruption and Civil Rights Commission with regard to any report received pursuant to Article 13 (1) of the Act, explanation to the reporting person, and supplementation of details of the report.

Article 33 (Handling, etc. by the Anti-Corruption and Civil Rights Commission of Reported Violations of the Act) (1) The Anti-Corruption and Civil Rights Commission in receipt of a report pursuant to Article 13 (1) of the Act shall confirm the matters set forth in the subparagraphs of Article 30 (1) within 60 days from the date of the receipt (where it is necessary to supplement details of the report, such date means when such supplementation is completed pursuant to Article 30 (3)), and refer the case to the following institutions:

1. Where a crime is suspected or criminal investigation is necessary: An investigative agency;
2. Where it is deemed that audit in accordance with the Board of Audit and Inspection Act is necessary: The Board of Audit and Inspection;

3. Where subparagraphs 1 and 2 do not apply: The relevant institution or a supervisory institution.

(2) If several institutions are involved in the details of a report, the Anti-Corruption and Civil Rights Commission may designate a main institution from among a relevant institution, a supervisory institution, the Board of Audit and Inspection, and an investigative agency; and refer the case to the main institution. In such cases, the main institution shall ensure that the reported case is processed as a single unified case through mutual cooperation.

(3) The Anti-Corruption and Civil Rights Commission may forward a case, reported pursuant to Article 13 (1) of the Act, to the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigative agency, if the reported case falls under both of the following:

1. Where it is unclear as to whether the reported case is subject to referral under paragraph (1);
2. Where it is unclear whether the reported case is subject to closure under Article 14 (1).

(4) If the Anti-Corruption and Civil Rights Commission refers or forwards a reported case pursuant to paragraphs (1) through (3), the Anti-Corruption and Civil Rights Commission shall attach thereto documents stating the matters confirmed under the subparagraphs of Article 30 (1) (excluding personal details if the reporting person disagrees to the disclosure of identity) and notify the reporting person of the referral or forwarding.

(5) Where the Anti-Corruption and Civil Rights Commission is notified by an inspection agency of the results of inspection, etc. pursuant to Article 34 (2), it shall notify the reporting person, who disagreed to disclosure of identity, of the results of the inspection, without delay.

Article 34 (Handling Referral or Forwarding by Inspection Agency) (1) An inspection agency shall complete the necessary inspection, etc. within 60 days from the date of receipt of a report of a violation of the Act, which is referred or forwarded pursuant to Article 33 (1) through (3), and take necessary measures on the results of the inspection, etc. as follows: Provided, That the period may be extended where there is good cause, and the reasons and period for such extension shall be notified to the Anti-Corruption and Civil Rights Commission: <Amended on May 26, 2020>

1. Measures taken by the head of a relevant institution:
 - (a) Where a crime is suspected or criminal investigation is necessary: Notification to an investigative agency;
 - (b) Where an administrative fine should be imposed: Notification to the court having jurisdiction over administrative fines;
 - (c) Where disciplinary action should be taken: Initiation of disciplinary procedures;
 2. Measures taken by a supervisory institution or the Board of Audit and Inspection:
 - (a) Where a crime is suspected or criminal investigation is necessary: Notification to an investigative agency;
 - (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution;
 3. Measures taken by an investigative agency:
 - (a) Where a crime is suspected or criminal investigation is necessary: Initiation of a criminal investigation;
 - (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution.
- (2) If a report of a violation of the Act is referred or forwarded to an inspection agency, the inspection agency shall notify the reporting person (this does not apply if the reporting person disagrees to the disclosure of identity and the report is referred or forwarded without any information on the reporting person) and the Anti-Corruption and Civil Rights Commission of the results of the inspection, etc., in writing, within 10 days from the date the inspection, etc. is completed.
- (3) The results of the inspection, etc. notified by an inspection agency pursuant to paragraph (2) shall include the following:
1. Action taken on the reported case and grounds therefor;
 2. Matters that the reporting person and the Anti-Corruption and Civil Rights Commission should be aware of regarding the reported case.

Article 35 (Closure of Case, etc.) @Article 14 shall apply mutatis mutandis where the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigative agency, or the Anti-Corruption and Civil Rights Commission can close a reported case.

Article 36 (Filing Appeals against Action Taken on Reports of Violations of the Act) (1) If a reporting person intends to file an appeal pursuant to Article 14 (5) of the Act, he/she may apply in writing by submitting an application stating the details and purport of the appeal along with necessary materials attached, within seven days from the date he/she was notified of the results of the inspection, etc., pursuant to Article 14 (3) or (4) of the Act.

(2) Upon receipt of an application for appeal pursuant to Article 14 (5) of the Act, an inspection agency or the Anti-Corruption and Civil Rights Commission shall give a notification of its decision on the appeal within thirty days from the date of the receipt of the application.

(3) No further appeal can be filed against the notification of decision on the application for appeal described in paragraph (2) and the notification of results of the reinspection described in Article 14 (7) of the Act.

Article 37 (Notification of Initiation and Completion of Investigation) When an investigative agency initiates an investigation, suspecting a crime upon a report of a violation of the Act, etc., and when it completes such investigation, the investigative agency shall notify within 10 days the public institution to which the relevant public servant, etc. belongs.

Article 38 (Measures, etc. to Protect Personal Details) If a person reports without agreeing to disclosure of identity, an inspection agency shall take measures necessary to prevent disclosure of identity of the reporting person in the course of inspection, etc.

Article 39 (Establishment and Operation of Integrity Consultation Committee) (1) The head of a public institution may establish an integrity consultation committee in order to review the following:

1. Matters regarding disclosure of improper solicitation as provided for in Article 7 (7) of the Act;
 2. Matters regarding action and measures taken on reports of an improper solicitation and the prohibited money, goods, etc., as provided for in Articles 7, 9, and 14 of the Act;
 3. Matters regarding recommendation of a person eligible for a monetary award as provided for in Article 40;
 4. Other matters the head of a public institution deems necessary for enforcing the Act.
- (2) Details necessary for organizing and operating the integrity consultation committee under paragraph (1) shall be determined by the head of the public institution.

- Article 40 (Recommendation, etc. of Persons Eligible for Monetary Awards)** (1) Where a person reporting violations of the Act is eligible for a monetary award as provided for in Article 15 (5) of the Act, an inspection agency may recommend such person to the Anti-Corruption and Civil Rights Commission.
- (2) When the inspection agency recommends pursuant to paragraph (1), it shall submit relevant materials so that the Anti-Corruption and Civil Rights Commission can verify grounds for the monetary award.
- (3) Upon receipt of a recommendation pursuant to paragraph (1), the Anti-Corruption and Civil Rights Commission may contact the inspection agency, persons having an interest therein, and persons having information, etc. and verify grounds for monetary awards, in order to determine on the payment of the monetary award.
- (4) If necessary, the Anti-Corruption and Civil Rights Commission may select and provide a person with a monetary award, without receiving a recommendation under paragraph (1).

- Article 41 (Establishment, Operation, etc. of Information System)** (1) The Anti-Corruption and Civil Rights Commission may establish and operate an information system to efficiently conduct the affairs described in Article 12 of the Act.
- (2) The Anti-Corruption and Civil Rights Commission may request the head of a public institution to enter data necessary for conducting affairs described in Article 12 of the Act, into the information system described in paragraph (1).

- Article 42 (Training, etc.)** (1) Pursuant to Article 19 (1) of the Act, the head of a public institution shall formulate annual plans for training on the prohibition of improper solicitations and acceptance of money, goods, etc.
- (2) Plans for training described in paragraph (1) shall contain information on the trainees, details, methods, etc. of the training.
- (3) Pursuant to Article 19 (1) of the Act, the head of a public institution shall provide training for public servants, etc. at least annually; and, when newly employing any public servants, shall receive from them signed pledges of compliance with statutes governing prohibition of improper solicitations and acceptance of money, goods, etc. <Amended by Jan. 17, 2018>
- (4) To provide support pursuant to Article 19 (3) of the Act, the Anti-Corruption and Civil Rights Commission may formulate and implement plans for support, such as training

professional lecturers; developing and distributing standard training materials and lecture programs; providing collective training at an integrity training institute, etc.

Article 43 (Criteria for Disciplinary Action) To take disciplinary action pursuant to Article 21 of the Act, the head of a public institution shall prepare detailed criteria, based on the types of violation, degree of violation, severity of negligence, etc.

Article 44 (Processing Personally Identifiable Information, etc.) The head of a public institution may process materials containing sensitive information provided for in Article 23 of the Personal Information Protection Act, resident registration numbers, passport numbers, and alien registration numbers provided for in subparagraphs 1, 2, and 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, only where it is essential for conducting the following:

1. Affairs relating to reporting, processing, etc. improper solicitations and prohibited money, goods, etc. pursuant to Articles 7 and 9 of the Act;
2. Affairs relating to reporting outside lectures, processing reports on outside lectures, etc. pursuant to Article 10 of the Act;
3. Affairs relating to reporting, processing, etc. violations of the Act pursuant to Articles 13 and 14 of the Act;
4. Affairs relating to protecting and rewarding a reporting person, etc. pursuant to Article 15 of the Act;
5. Affairs relating to recovering improper benefits pursuant to Article 17 of the Act.

Article 45 (Notification of Violations to Those Subject to Administrative Fines) Where the head of a relevant institution notifies a competent court having jurisdiction over cases of administrative fines of a violation committed by those subject to the administrative fines pursuant to Article 23 (7) of the Act, he/she shall notify them of such fact without delay. In such cases, where those subject to the administrative fines are the public servants, etc. who belong to other public institutions, the head of the relevant institution shall also notify such fact to the heads of the other relevant institutions.

[This Article Newly Inserted on May 26, 2020]