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**ACT ON THE PREVENTION OF CONFLICT OF INTEREST RELATED TO
DUTIES OF PUBLIC SERVANTS**

[Enforcement Date 19. May, 2022.] [Act No.18191, 18. May, 2021., New Enactment]

국민권익위원회 (행동강령과)044-200-7672



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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to prevent conflicts of interest that may arise while public servants perform their duties by prohibiting them from pursuing private interests in connection with the performance of their duties, thereby ensuring the fair performance of their public trust in public institutions.

Article 2 (Definitions) The terms used in this Act are defined as follows:

1. The term "public institution" means any of the following institutions or organizations:
 - (a) The National Assembly, courts, the Constitutional Court of Korea, election commissions, the Board of Audit and Inspection of Korea, the Corruption Investigation Office for High Ranking Officials, the National Human Rights Commission of Korea, central administrative agencies (including institutions under the authority of the President and those under the authority of the Prime Minister), and institutions affiliated therewith;
 - (b) Executive organs and local councils of local governments under the Local Autonomy Act;
 - (c) Educational administrative agencies under the Local Education Autonomy Act;
 - (d) Public service-related organizations under Article 3-2 of the Public Service Ethics Act;
 - (e) Public institutions under Article 4 of the Act on the Management of Public Institutions;
 - (f) National and public schools of various levels established under the Elementary and Secondary Education Act, the Higher Education Act, or other statutes or regulations;
2. The term "public servant" means any of the following persons:
 - (a) Public officials under the State Public Officials Act or the Local Public Officials Act and persons recognized as public officials under other statutes in terms of qualifications, appointment, education and training, service, remuneration, guarantee of status, etc.;

- (b) The heads of public institutions falling under subparagraph 1 (d) or (e), and executive officers and employees thereof;
 - (c) The heads and teachers and staff of national and public schools of various levels falling under subparagraph 1 (f);
3. The term "high-ranking public servant" means any of the following public servants:
- (a) The President, the Prime Minister, members of the State Council, members of the National Assembly, the Director and Deputy Directors of the National Intelligence Service, and any other public official in political service of the State;
 - (b) The heads of local governments, members of local councils, and any other public official in political service of local governments;
 - (c) State public officials of Grade I in general service (including members in general service of the Senior Executive Service who are appointed to a position of the highest duty grade assigned under Article 23 of the State Public Officials Act) and local public officials, and public officials in extraordinary civil service who receive remuneration equivalent to that of State public officials of Grade I or local public officials (including members in extraordinary civil service of the Senior Executive Service);
 - (d) Foreign service officials prescribed by Presidential Decree;
 - (e) Judges of at least the rank of presiding judge in high courts, and prosecutors of at least the rank of prosecutor in the Supreme Prosecutors' Office;
 - (f) General-grade officers of at least the rank of lieutenant general;
 - (g) Presidents and vice presidents of universities and colleges, deans (excluding deans of universities and colleges), presidents of junior colleges, heads of various schools equivalent to universities and colleges, superintendents of the offices of education of the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, Dos, and Special Self-Governing Provinces, among educational officials;
 - (h) Police officials of at least the rank of senior superintendent general, and commissioners of City/Do police agencies in the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, Dos, and Special Self-Governing Provinces;
 - (i) Firefighting officials of at least the rank of deputy fire commissioner;
 - (j) Commissioners of regional tax offices, public officials of Grade III, or the heads of customs offices who are members of the Senior Executive Service;

- (k) Public officials in a fixed term position prescribed in Article 26-5 of the State Public Officials Act and Article 25-5 of the Local Public Officials Act who are appointed to positions that make them eligible to be appointed as public officials under items (c) through (f), (h), and (j) or to positions equivalent thereto: Provided, That where positions are designated under items (d), (e), (h), and (j), the same shall apply only to public officials in a fixed term position prescribed in Article 26-5 of the State Public Officials Act and Article 25-5 of the Local Public Officials Act who are appointed to such positions;
 - (l) Heads, deputy heads, and standing auditors of public enterprises; the Governor, Senior Deputy Governor, and auditor of the Bank of Korea; recommended members of the Monetary Policy Board; the Governor, Senior Deputy Governors, deputy governors, and auditor of the Financial Supervisory Service; and the Chairpersons and standing auditors of the National Agricultural Cooperative Federation and National Federation of Fisheries Cooperatives;
 - (m) Other public officials of the Government and executive officers of public service-related organizations who are prescribed by Presidential Decree;
4. The term "conflict of interest" means a situation where public servants' private interests compromise or are likely to compromise the fair and disinterested performance of their duties;
5. The term "person related to duties" means a person who is related to the duties that public servants perform under statutes or regulations (including municipal ordinances and rules; hereinafter the same shall apply) and standards (including regulations, bylaws, standards, etc. of the public institutions prescribed in subparagraph 1 (d) through (f); hereinafter the same shall apply) and who falls under any of the following individuals, corporations, organizations, and public servants:
- (a) Individuals, corporations, or organizations that request a specific act or measure in connection with the performance of the duties of public servants;
 - (b) Individuals, corporations, or organizations that are directly given advantages or disadvantages in connection with the performance of the duties of public servants;
 - (c) Individuals, corporations, or organizations that conclude or are obviously likely to conclude a contract with the public institution with which a public servant is affiliated;
 - (d) Other public servants who are directly given advantages or disadvantages in relation to the performance of the duties of public servants: Provided, That where a public

institution is directly given advantages or disadvantages, it means a public servant who is affiliated with such public institution and is in charge of duties related to the relevant advantages or disadvantages;

6. The term "person related with private interests" means any of the following persons:
- (a) Public servants and their family members (referring to the family members under Article 779 of the Civil Act; hereinafter the same shall apply);
 - (b) Corporations or organizations for which public servants or their family members serve as executive officers, representatives, managers, or outside directors;
 - (c) Individuals, corporations, or organizations for which public servants or their family members act or to which they provide consulting or advisory services, etc.;
 - (d) Corporations or organizations for which public servants served within two years before employed or appointed as public servants;
 - (e) Individuals, corporations, or organizations for which public servants acted or to which they provided consulting or advisory services, etc., within two years before employed or appointed as public servants;
 - (f) Corporations or organizations of which public servants or their family members own stocks, shares, capital, etc. at a percentage equal to or higher than that prescribed by Presidential Decree;
 - (g) Persons who retired from public office recently within the last two years and had worked together with public servants who had performed a duty prescribed in any of the subparagraphs of Article 5 (1) within two years before the date of retirement, in a department within the scope prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree;
 - (h) Other persons who are related to the private interests of public servants and prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree;
7. The term "head of an affiliated institution" means the head of a public institution with which a public servant is affiliated.

Article 3 (Responsibilities of the State) (1) The State shall endeavor to create working conditions in which public servants can perform their duties in a fair and disinterested

manner.

(2) A public institution shall take measures to effectively identify and manage conflicts of interest to ensure that the private interests of public servants do not compromise the fair and disinterested performance of their duties.

(3) A public institution shall take appropriate protective measures to ensure that public servants are not subject to any disadvantage for filing a report on a violation or taking any other action pursuant to this Act.

Article 4 (Obligations of Public Servants) (1) A public servant shall perform his or her duties in a fair and disinterested manner without being influenced by his or her private interests.
(2) A public servant shall behave in an unbiased and impartial manner in connection with the performance of his or her duties and shall not give preferential treatment to or discriminate against any person related to his or her duties.
(3) Where a public servant deems it impracticable to perform his or her duties in a fair and disinterested manner due to his or her private interests, the public servant shall prevent conflicts of interests by recusing himself or herself from performing his or her duties or taking any other action.

CHAPTER II PREVENTION AND MANAGEMENT OF CONFLICTS OF INTEREST OF PUBLIC SERVANTS

Article 5 (Reporting on Persons Related with Private Interests and Applications for Recusal and Challenges) (1) Where a public servant who performs any of the following duties becomes aware that a person related to his or her duties (including the agent of such person; hereafter in this Article, the same shall apply) is a person related with private interests, he or she shall file a report on such fact with the head of the affiliated institution in writing (including electronic documents; hereinafter the same shall apply) within 14 days from the date of becoming aware of the fact, and shall apply for recusal of himself or herself:

1. Authorization, permission, license, patent, approval, examination, verification, testing, certification, confirmation, designation, registration, recording, recognition, authentication, reporting, review, protection, custody, compensation, or duties corresponding thereto;

2. Duties related to administrative guidance, regulation, audit and inspection, inspection, and supervision;
3. Duties related to draft physical examination, conscription, call-up, and mobilization;
4. Duties related to imposition of obligations by an act or omission with respect to the business, etc. of individuals, corporations, and organizations;
5. Duties related to inspection, imposition, and collection of taxes, charges, administrative fines, penalty surcharges, charges for compelling compliance, etc., or revocation, withdrawal, corrective orders, and any other disciplinary action;
6. Duties related to allotment, payment, disposal, and management of subsidies, incentives, contributions, investments, grants, and funds;
7. Duties related to contracts for, and inspection and examination of construction work, services, or procurement and purchase of goods, etc.;
8. Investigation, trials, adjudication, decision, conciliation, arbitration, reconciliation with regard to cases, or duties corresponding thereto;
9. Duties related to the sale, exchange, use, profit-making, and occupation of goods or services of public institutions;
10. Duties related to employment, promotion, transfer, reward, punishment, and evaluation with regard to public servants;
11. Duties related to administrative inspections conducted by public institutions;
12. Duties related to admission, grades, performance evaluation of national and public schools of various levels;
13. Duties related to various awards and rewards granted, and selection of outstanding institutions or persons administered, by public institutions;
14. Duties related to various assessments and determinations made by public institutions;
15. Duties related to hearings on activities conducted by members of the National Assembly or members of local councils for the competent committees, reviews of bills or petitions, inspections of state administration, inspections of administrative affairs of local governments, investigations of state administration, and investigations of administrative affairs of local governments;
16. Other duties prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

(2) Where a person related to duties or a person who has a direct interest in the performance of the duties of a public servant deems that the relevant public servant is obligated to file a report and recuse himself or herself under paragraph (1) or has a private interest likely to hinder the fair performance of his or her duties, the person may apply for a challenge to the public servant to the head of the institution with which the public servant is affiliated.

(3) Paragraphs (1) and (2) shall not apply in any of the following cases:

1. Where a statute or a Presidential Decree to which an unspecified number of persons are subject is enacted, amended, or repealed in connection with the duties prescribed in the subparagraphs of paragraph (1);
2. Where a civil petition is filed for the verification or certification of specific facts or legal relations and the relevant document is issued.

(4) Where a public servant complies with the procedures for preventing conflicts of interest, including exclusion, challenge, and recusal, as specified in other statutes, regulations, and standards related to the duties under the subparagraphs of paragraph (1), he or she shall be deemed to have fulfilled the obligation to file a report and recuse himself or herself under paragraph (1).

(5) Matter necessary for procedures and methods for, and recording and management of, reports, recusal, and challenges under paragraphs (1) and (2) and other matters shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 6 (Reporting on Possession or Purchase of Real Estate in Connection with Duties of Public Institutions)

(1) Where any of the following persons possesses or purchases real estate related to the duties of a public institution which directly handles real estate and is prescribed by Presidential Decree, a public servant affiliated with such public institution shall file a report on such fact in writing with the head of the affiliated institution:

1. The public servant himself or herself and his or her spouse;
2. A lineal ascendant or descendant who lives together with the public servant (including a lineal ascendant or descendant of the public servant's spouse who lives together with the public servant).

(2) Where a public institution other than that specified in paragraph (1) engages in duties related to real estate development prescribed by Presidential Decree, such as housing site development and district designation, and a person falling under any of the subparagraphs of paragraph (1) possesses or purchases the relevant real estate, a public servant affiliated with such public institution shall file a report on such fact in writing with the head of the affiliated institution.

(3) A report under paragraph (1) or (2) shall be filed within 14 days from the date of becoming aware of the fact that real estate is possessed or within 14 days from the date of completing registration of real estate after it is purchased.

(4) Matters necessary for the details, procedures, methods, etc. with respect to filing a report under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 7 (Measures regarding Reporting on Persons Related with Private Interests) (1) Upon receipt of a report or an application for recusal under Article 5 (1), an application for a challenge under Article 5 (2), or a report on possession or purchase of real estate under Article 6, the head of an affiliated institution shall take any of the following measures, where the performance of the duties of the relevant public servant is deemed compromised:

1. Ordering temporary suspension of the performance of duties;
2. Designating a person who performs duties on behalf of or jointly with the public servant;
3. Reassigning duties;
4. Transfer.

(2) Notwithstanding paragraph (1), the head of an affiliated institution may allow the relevant public servant to continue performing his or her duties in any of the following cases. In such cases, the head of the affiliated institution shall require a conflicts of interest prevention officer prescribed in Article 25 or other public servants to verify and check whether the public servant performs his or her duties in a fair manner:

1. Where it is highly impracticable to replace the public servant performing the duties;
2. Where it is more necessary for the public servant to perform his or her duties in order to enhance the public interest such as national security and economic development.

(3) Where the head of an affiliated institution takes any measure prescribed in paragraph (1) or (2), he or she shall notify the relevant public servant and the applicant for a

challenge of the results of such measure.

(4) Where the head of an affiliated institution upon receipt of a report on possession or purchase of real estate under Article 6 (1) or (2) suspects that such possession or purchase violates this Act or other statutes, he or she shall, without delay, file a report on or an accusation of such violation with an investigative agency, the Board of Audit and Inspection, a supervisory agency, or the Anti-Corruption and Civil Rights Commission.

(5) Matters necessary for recording and management of, and procedures and methods for, measures, verification, checks, notification, reports, and accusations under paragraphs (1) through (4) and other matters shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 8 (Submission and Disclosure of Details of High-Ranking Public Servants' Activities in Private Sector)

(1) Where a high-ranking public servant conducts activities in the private sector within three years before appointed to the relevant position or commencing his or her term of office, he or she shall submit the details of such activities to the head of the affiliated institution within 30 days from the date of such appointment or commencement.

(2) The details of activities under paragraph (1) shall include the following:

1. Name of the corporation, organization, etc. for which a high-ranking public servant has served, and the details of his or her duties;
2. Where a high-ranking public servant has served as an agent, a consultant, or an advisor, the details of his or her duties;
3. Details of the business or profit-making activities that a high-ranking public servant has managed or operated.

(3) The head of an affiliated institution shall retain and manage the details of activities submitted pursuant to paragraph (1).

(4) The head of an affiliated institution may disclose the details of activities under paragraph (2) to the extent that information disclosure is not prohibited pursuant to other statutes or regulations.

(5) Except as provided in paragraphs (1) through (4), matters necessary to submit, retain, manage, and disclose the details of activities shall be prescribed by Presidential Decree.

Article 9 (Reporting on Transactions with Persons Related to Duties) (1) Where a public servant becomes aware beforehand that the public servant himself or herself, his or her

spouse, lineal ascendant, or lineal descendant (including a lineal ascendant or descendant of the public servant's spouse who lives together with the public servant; hereafter in this Article, the same shall apply), or a specially related business entity (referring to a corporation or an organization of which the public servant himself or herself, or his or her spouse, lineal ascendant, or lineal descendant owns stocks, shares, etc. in a percentage equal to or higher than that prescribed by Presidential Decree; hereinafter the same shall apply) conducts any of the following acts with a person related to the duties of the public servant (excluding where such person is a relative under Article 777 of the Civil Act), he or she shall file a report on such fact with the head of the affiliated institution in writing within 14 days from the date of becoming aware thereof:

1. Borrowing or lending money or trading securities: Provided, That the same shall not apply to borrowing money under general terms and conditions from financial companies, etc. under the Act on Real Name Financial Transactions and Confidentiality, credit service providers or loan brokers under the Act on Registration of Credit Business and Protection of Finance Users, or other financial companies, or to trading securities;
2. Trading real estate, such as land or buildings: Provided, That the same shall not apply to property traded through sale in lots, public auction, auction, or bidding process by public invitation;
3. Concluding contracts for goods, services, construction work, etc., other than the transactions specified in subparagraphs 1 and 2: Provided, That the same shall not apply to contracts concluded through public auction, auction, or bidding process or those repeatedly concluded with regard to an unspecified number of persons based on transaction practices.

(2) Where a public servant becomes aware afterward that an act prescribed in the subparagraphs of paragraph (1) has been conducted, he or she shall also file a report on such fact with the head of the affiliated institution in writing within 14 days from the date of becoming aware thereof.

(3) Where the head of an affiliated institution deems that an act reported by a public servant under paragraph (1) or (2) may hinder the fair performance of the duties of the public servant, he or she may take a measure prescribed in the subparagraphs of Article 7 (1) or paragraph (2) of the same Article against the public servant.

(4) Except as provided in paragraphs (1) through (3), matters necessary for recording, management, etc. of reports on transactions shall be prescribed by Presidential Decree.

Article 10 (Restrictions on Outside Activities Related to Duties) No public servant shall conduct any of the following acts: Provided, That the same shall not apply where such acts are permitted under the State Public Officials Act, or other statutes, regulations, or standards:

1. Personally providing labor, counseling, or advisory services, or other services to a person related to his or her duties in return for consideration;
2. Providing a third party with knowledge or information related to the duties of the public institution with which the public servant is affiliated in return for consideration: Provided, That the same shall not apply where he or she is permitted to receive honoraria for outside lectures, etc. under Article 10 of the Improper Solicitation and Graft Act and where the head of the affiliated institution grants permission;
3. With regard to an issue to which the public institution with which the public servant is affiliated is the party or in which such institution has a direct interest, acting for the other party to such issue or providing it with counseling or advisory services or information;
4. Acting for a foreign institution, corporation, or organization, etc.: Provided, That the same shall not apply where the head of the affiliated institution grants permission;
5. Holding other positions related to his or her duties: Provided, That the same shall not apply where the head of the affiliated institution grants permission.

Article 11 (Restrictions on Employment of Family Members) (1) A public institution (including an affiliated public institution that receives a contribution, subsidy, etc. from a public institution or is entrusted with duties by a public institution pursuant to statutes or regulations and a subsidiary company under Article 342-2 of the Commercial Act) shall not employ a family member of any of the following public servants:

1. A high-ranking public servant who belongs to the public institution;
2. A public servant in charge of duties related to employment;
3. A high-ranking public servant belonging to the public institution which supervises the relevant affiliated public institution;
4. A high-ranking public servant belonging to the public institution which is the parent company of the relevant subsidiary company.

(2) Paragraph (1) shall not apply in any of the following cases:

1. Where a family member of a public servant passes an open competitive recruitment examination prescribed in the State Public Officials Act and other statutes or regulations (including the personnel management-related regulations of a public institution falling under subparagraph 1 (d) or (e) of Article 2; hereafter in this Article, the same shall apply) or a recruitment examination for multiple persons meeting the prescribed requirements such as work experience;
2. Where a public official is recruited through an examination that is not administered for multiple persons as it is inappropriate to administer such examination for multiple persons under the State Public Officials Act and other statutes or regulations and where any of the following cases is applicable:
 - (a) Where a person who has retired from office after serving as a public official is reappointed to the class that was occupied by him or her at the time of retirement (in the case of a member of the Senior Executive Service, referring to a position that requires the difficulty and responsibility similar to those of the position that such member occupied at the time of retirement; hereafter in this subparagraph, the same shall apply);
 - (b) Where a person, whose work experience in the same class and position as those to which he or she is to be reappointed is equal to or longer than the period prescribed by the applicable statutes or regulations, is reappointed;
 - (c) Where a State public official is appointed as a local public official to the same class and position or where a local public official is appointed as a State public official to the same class and position;
 - (d) Where it is impossible to administer an examination for multiple persons because the qualification requirements are required to be fulfilled only or there is no other person meeting the qualification requirements.
- (3) A public servant falling under any of the subparagraphs of paragraph (1) shall not order, induce, or connive at the employment of his or her family member in violation of paragraph (1).
- (4) Notwithstanding paragraphs (1) and (3), where other statutes prescribe that a public institution subject to this Act may employ a family member of a public servant falling under any of the subparagraphs of paragraph (1), the provisions of the relevant statute

shall apply.

- Article 12 (Restrictions on Conclusion of Negotiated Contracts)** (1) A public institution (including an affiliated public institution that receives a contribution, subsidy, etc. from a public institution or is entrusted with duties by a public institution pursuant to statutes or regulations and a subsidiary company under Article 342-2 of the Commercial Act) shall not conclude a negotiated contract for goods, services, construction work, etc. (hereinafter referred to as "negotiated contract") with any of the following persons: Provided, That the same shall not apply where there is any unavoidable reason prescribed by Presidential Decree, such as that only one person produces the relevant goods:
1. A high-ranking public servant who belongs to the public institution;
 2. A public servant in charge of duties related to the relevant contract effectively and legally;
 3. A high-ranking public servant belonging to the institution which supervises the relevant affiliated public institution;
 4. A high-ranking public servant belonging to the public institution which is the parent company of the relevant subsidiary company;
 5. Where the relevant public institution is under the authority of a Standing Committee under Article 37 of the National Assembly Act, a member of the National Assembly who is in charge of duties as a member of such Standing Committee;
 6. A local council member who audits and inspects or investigates a public institution, such as the relevant local government, pursuant to Article 41 of the Local Autonomy Act;
 7. The spouse, a lineal ascendant, or a lineal descendant of a public servant falling under any of subparagraphs 1 through 6 (including a lineal ascendant or descendant of the public servant's spouse who lives together with the public servant; hereafter in this Article, the same shall apply);
 8. A corporation or an organization which employs a person falling under any of subparagraphs 1 through 7 as an executive officer;
 9. A specially related business entity which is related to a person falling under any of subparagraphs 1 through 7.
- (2) A public servant falling under any of paragraph (1) 1 through 6 shall not order, induce, or connive at conclusion of a negotiated contract with a person falling under any of the subparagraphs of paragraph (1), in violation of paragraph (1).

Article 13 (Prohibition of Private Use of or Profit-Making from Goods of Public Institutions) A public servant shall not use or profit from goods, vehicles, ships, aircraft, buildings, land, facilities, etc. owned or leased by public institutions for personal purposes, or allow a third party to use or profit from them: Provided, That the same shall not apply where such use or profit-making is permitted under other statutes, regulations, standards, or social norms.

Article 14 (Prohibition of Use of Confidential Information in Course of Performing Duties) (1) No public servant (including a person in whose case three years have not passed since he or she ceased being a public servant, but where other statutes prescribe otherwise, the relevant statute shall apply; hereafter in this Article, and Article 27 (1), (2) 1, and (3) 1, the same shall apply) shall acquire, or allow a third party to acquire, goods or property gains, using the confidential information that he or she has learned in the course of performing his or her duties or the undisclosed information of the public institution with which he or she is affiliated (undisclosed information means any information that is not yet disclosed to an unspecified number of persons and may have a significant impact on determining whether a public servant acquires goods or property gains; hereinafter the same shall apply).

(2) A person who is provided with, or obtains by improper means, any information by or from a public servant while knowing that it is the confidential information the public servant has learned in the course of performing his or her duties or the undisclosed information of the public institution with which he or she is affiliated shall not acquire goods or property gains using such information.

(3) A public servant shall not use the confidential information that he or she has learned in the course of performing his or her duties or the undisclosed information of the public institution with which he or she is affiliated for personal benefits or allow a third party to use such information.

Article 15 (Reporting on Personal Contact with Retirees) (1) Where a public servant has personal contact (referring to any act done with a retiree, such as golf, travel, or speculative entertainment) with a retiree of the affiliated institution who is a person related to his or her duties (limited to a person in whose case two years have not passed since he or she ceased being a public servant), he or she shall file a report thereon with the head of the affiliated institution: Provided, That the same shall not apply where personal contact is

permitted by social norms.

(2) Matters necessary for the details and methods of filing a report, recording and management of reports, etc. under paragraph (1) shall be prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decree.

Article 16 (Restrictions on Acts Related to Public Duties Performed by Private Persons

Performing Public Duties) (1) Articles 5, 7, 14, 21 (limited to the matters under Articles 5 and 14; hereafter in this Article, the same shall apply), 22 (1) and (3), and 25 (1) shall apply mutatis mutandis to the performance of the public duties of any of the following persons (hereinafter referred to as "private person performing public duties"):

1. A member, who is not a public servant, of various committees established under the Act on the Establishment and Management of Councils, Commissions and Committees under Administrative Agencies, or other statutes or regulations;
2. An individual, a corporation, or an organization to which the authority of a public institution is delegated or entrusted pursuant to statutes or regulations (including executive officers and employees who belong to a corporation or an organization and perform duties related to the authority delegated or entrusted);
3. A person dispatched from the private sector to a public institution in order to perform public duties;
4. An individual, a corporation, or an organization that conducts deliberation, evaluation, etc. for public duties pursuant to statutes or regulations (including executive officers and employees who belong to a corporation or an organization and conduct deliberation, evaluation, etc.).

(2) Where Articles 5, 7, 14, 21, 22 (1) and (3), and 25 (1) apply mutatis mutandis to private persons performing public duties under paragraph (1), "public servant" shall be construed as "private person performing public duties" and "head of an affiliated institution" as any of the following persons:

1. A member of a committee prescribed in paragraph (1) 1: The head of the public institution where such committee is established;
2. An individual, a corporation, or an organization prescribed in paragraph (1) 2: The head of the supervisory agency or the public institution that delegates or entrusts its authority;

3. A person prescribed in paragraph (1) 3: The head of the public institution to which the person is dispatched;
4. An individual, a corporation, or an organization prescribed in paragraph (1) 4: The head of the public institution for which the relevant public duties are performed.

CHAPTER III GENERAL SUPERVISION OVER DUTIES RELATED TO PREVENTION OF CONFLICTS OF INTEREST

Article 17 (General Supervision over Duties Related to Prevention of Conflicts of Interest of Public Servants) The Anti-Corruption and Civil Rights Commission shall take charge of the following affairs under this Act:

1. Formulating and implementing a plan to improve systems, provide education, and conduct public relations with regard to the prevention of conflicts of interest of public servants;
2. Giving information or counseling services on, receiving, or processing reports, etc. filed under this Act;
3. Protecting and rewarding a person, etc. who files a report pursuant to Article 18 (1) (hereinafter referred to as "reporting person");
4. Conducting a fact-finding survey, and collecting, managing, and analyzing materials which are necessary to perform the affairs under subparagraphs 1 through 3.

Article 18 (Reporting on Violations) (1) Where any person becomes aware that a violation under this Act has occurred or is occurring, he or she may file a report on such violation with any of the following:

1. The public institution where a violation under this Act occurs or the agency which supervises such public institution;
2. The Board of Audit and Inspection or investigative agencies;
3. The Anti-Corruption and Civil Rights Commission.

(2) A reporting person shall be ineligible to be protected or rewarded under this Act in any of the following cases:

1. Where the person has filed the report even though he or she was aware or could have been aware that the details of such report are false;

2. Where the person has requested money and valuables or preferential treatment in labor relations with regard to the report;

3. Where the person has filed the report for other improper purposes.

(3) A person who intends to file a report pursuant to paragraph (1) shall submit the subject matter of the report, evidence, etc., along with a document specifying his or her personal details and the purport of, reasons for, and details of the report with his or her signature on it.

Article 19 (Processing of Reports on Violations) (1) Where an institution or agency prescribed in Article 18 (1) 1 or 2 (hereinafter referred to as "inspection agency") receives a report pursuant to Article 18 (1) or receives a report referred from the Anti-Corruption and Civil Rights Commission pursuant to Article paragraph (2) of this Article, it shall inspect, audit and inspect, or investigate the details of the report as necessary.

(2) Upon receipt of a report pursuant to Article 18 (1), the Anti-Corruption and Civil Rights Commission shall verify the factual relevance of its details with the reporting person, refer the report to an inspection agency as prescribed by Presidential Decree, and notify the reporting person of such referral.

(3) Where the Anti-Corruption and Civil Rights Commission is unable to determine whether to refer a report under paragraph (2) even after verifying its factual relevance with the reporting person under the same paragraph, it may provide the person against whom the report is filed an opportunity to present his or her opinion or materials to the extent necessary for such determination, only when this is not against his or her will;

(4) An inspection agency shall notify a reporting person and the Anti-Corruption and Civil Rights Commission of the results of an inspection, audit and inspection, or investigation conducted under paragraph (1) within 10 days from the date of completing such inspection, audit and inspection, or investigation (applicable only to where the relevant report is referred from the Anti-Corruption and Civil Rights Commission), and shall take necessary measures based on such results, including filing a prosecution, notifying a violation subject to an administrative fine, or taking a disciplinary action.

(5) Where the Anti-Corruption and Civil Rights Commission is notified by an inspection agency of the results of an inspection, audit and inspection, or investigation pursuant to paragraph (4), it shall notify the relevant reporting person of such results without delay.

(6) A reporting person who is notified of the results of an inspection, audit and inspection, or investigation pursuant to paragraph (4) or (5) may file an objection with an inspection agency, as prescribed by Presidential Decree, and a reporting person who is notified of the results of an inspection, audit and inspection, or investigation pursuant to paragraph (5) may file an objection also with the Anti-Corruption and Civil Rights Commission.

(7) Where the results of an inspection, audit and inspection, or investigation conducted by an inspection agency are deemed insufficient, the Anti-Corruption and Civil Rights Commission may request the inspection agency to conduct a re-inspection within 30 days from the date of being notified of such results, citing reasonable grounds such as submission of new evidence.

(8) Upon receipt of a request for a re-inspection under paragraph (7), an inspection agency shall notify the Anti-Corruption and Civil Rights Commission of the results of such re-inspection within seven days from the date of completion thereof. In such cases, the Anti-Corruption and Civil Rights Commission shall notify the relevant reporting person of the purport of such results immediately after receiving such notification.

Article 20 (Protection of and Rewards to Reporting Persons) (1) No person shall hinder the filing of any of the following reports, etc. (hereinafter referred to as "report, etc.") or force a person who has filed a report, etc. (hereinafter referred to as "reporting person, etc.") to withdraw such report, etc.:

1. A report under Article 18 (1);
2. Rendering assistance by providing a statement, a testimony, materials, etc. for an inspection, audit and inspection, investigation, or litigation regarding a report under subparagraph 1, or for an inspection, litigation, etc. regarding protective measures.

(2) No person shall take a disadvantageous measure (referring to the disadvantageous measures defined in subparagraph 6 of Article 2 of the Public Interest Whistleblower Protection Act; hereinafter the same shall apply) against a reporting person, etc. on grounds of his or her report, etc.

(3) Where a person who has violated this Act voluntarily files a report on his or her violation or such violation is revealed by a report, etc. filed by a reporting person, etc., criminal punishment, administrative fines, disciplinary actions, or other administrative dispositions imposed for the violation may be mitigated or remitted.

(4) Except as provided in paragraphs (1) through (3), Articles 11 through 13, 14 (2) through (8), 16 through 20, 20-2, 21, 21-2, and 22 through 25 of the Public Interest Whistleblower Protection Act shall apply mutatis mutandis to the protection, etc. of reporting persons, etc. In such cases, "whistleblower, etc." and "whistleblower" shall be construed as "reporting person, etc." and "reporting person"; "whistleblowing disclosure, etc." and "whistleblowing disclosure" as "report, etc." and "report"; and "act detrimental to the public interest" as "violation of this Act," respectively.

(5) Where a report filed under Article 18 (1) brings property gains to a public institution or prevents it from suffering financial loss or where such report advances the public interest, the Anti-Corruption and Civil Rights Commission may pay a monetary award to the relevant reporting person.

(6) Where a report filed under Article 18 (1) directly results in a recovery of or an increase in the revenues of a public institution or a reduction in its costs, the Anti-Corruption and Civil Rights Commission shall pay a monetary reward to the relevant reporting person at his or her request.

(7) Where a reporting person, etc. and his or her relative (referring to the relatives under Article 777 of the Civil Act) or cohabitant suffers or pays any of the following losses or expenses in relation to the report, etc., he or she may apply to the Anti-Corruption and Civil Rights Commission for payment of relief funds:

1. Expenses incurred in physical or mental treatment, etc.;
2. Expenses incurred in moving due to transfer to other office, dispatched service, etc.;
3. Expenses incurred in litigation procedures related to reinstatement;
4. The amount of wages lost during the period of disadvantageous measures;
5. Other significant economic losses (excluding the loss arising from an act under subparagraph 6 (h) and (i) of Article 2 of the Public Interest Whistleblower Protection Act).

(8) Except as provided in paragraphs (5) and (6), Articles 68 (1), (2), (4), and (5), 69, 70, 70-2, and 71 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission shall apply mutatis mutandis to an application for and payment of monetary awards and monetary rewards. In such cases, "report on an act of corruption filed with the Commission or public institutions" in the main clause of Article 68 (1) shall be construed as "report filed under Article 18 (1)";

"report on an act of corruption" in the proviso of the same paragraph as "report filed under Article 18 (1)"; "report on an act of corruption" in the proviso of the same paragraph as "report under Article 18 (1)"; and "administrative agencies at each level under the Government Organization Act among those defined in subparagraph 1 (a) of Article 2 and institutions prescribed in subparagraph 1 (c)" as "public institutions falling under subparagraph 1 (a) of Article 2", respectively.

(9) Article 27 (2) through (5) of the Public Interest Whistleblower Protection Act shall apply mutatis mutandis to payment, etc. of relief funds under paragraph (7). In such cases, "whistleblower, etc." shall be construed as "reporting person, etc."

Article 21 (Measures against Illegal Performance of Duties) The head of an affiliated institution who discovers that its public servant has violated Article 5 (1), 6, 8 (1) and (2), 9 (1) and (2), 10, 11 (3), 12 (2), 13, 14, or 15 shall order the public servant to rectify the relevant violation immediately, and shall take necessary measures against the public servant who continues not to comply with such order including suspension or revocation of his or her duties.

Article 22 (Recovery of Wrongful Gains) (1) Where it becomes definite that the duties performed by a public servant in violation of the obligation to file a report or recuse himself or herself under Article 5 or the obligation to file a report under Article 6 is illegal, the head of the affiliated institution shall recover the property gains earned by the public servant or a third party from such duties.

(2) Where a public servant violates the obligation not to use or profit from the goods, etc. of a public institution for personal purposes under Article 13, the head of the affiliated institution shall recover the property gains earned by the public servant or a third party.

(3) Notwithstanding paragraph (1) or (2), where other statutes prescribe the confiscation, recovery, etc. of the wrongful gains earned by public servants or third parties, the relevant statutes shall apply.

Article 23 (Prohibition of Divulging Confidential Information) A public servant who is performing or has performed any of the following duties shall not divulge the confidential information that he or she has learned in the course of performing such duties not only while in office but also after retirement: Provided, That the same shall not apply where the information that a public servant has learned in the course of performing the duty under

subparagraph 2 is disclosed pursuant to Article 8 (4):

1. Duties related to reports on persons related with private interests and applications for recusal or challenges, or processing of reports on possession or purchase of real estate under Articles 5 through 7;
2. Duties related to retention and management of the details of high-ranking public servants' activities under Article 8;
3. Duties related to reports on transactions with persons related to duties and measures under Article 9;
4. Duties related to reports on personal contact with retirees and measures under Article 15.

Article 24 (Education and Public Relations) (1) The head of a public institution shall provide public servants with education on the prevention of conflicts of interest on a regular basis at least once every year.

(2) The head of a public institution shall encourage the public to comply with this Act by such means as actively providing information on what is prohibited by this Act.

(3) The head of a public institution may request the Anti-Corruption and Civil Rights Commission to provide support, if necessary for education, public relations, etc. prescribed in paragraphs (1) and (2). In such cases, the Anti-Corruption and Civil Rights Commission shall fully cooperate therein.

Article 25 (Designation of Conflicts of Interest Prevention Officer) (1) The head of a public institution shall designate a conflicts of interest prevention officer who performs the following duties, from among its public servants:

1. Providing education and counseling services regarding the prevention of conflicts of interest of public servants;
2. Receiving and managing reports on persons related with private interests, and applications for challenges or recusal, reports on possession or purchase of real estate, or reports on transactions with persons related to duties;
3. Verifying and inspecting whether public servants perform their duties in a fair manner despite reports on persons related with private interests, applications for challenges or recusal, or reports on possession or purchase of real estate;

4. Managing and disclosing the details of high-ranking public servants' activities;
 5. Receiving and managing reports on personal contact with retirees;
 6. Receiving and processing reports on violations or applications under this Act, and examining the details thereof;
 7. Notifying courts or investigative agencies of violations under this Act that are committed by the heads of affiliated institutions, where such violations are discovered.
- (2) Where a person required to file a report or an application with or submit any materials to the head of the affiliated institution is the head of the affiliated institution himself or herself, he or she shall file the relevant report or application with or submit the relevant materials to the conflicts of interest prevention officer.

CHAPTER IV DISCIPLINARY ACTIONS AND PENALTY PROVISIONS

Article 26 (Disciplinary Actions) The head of a public institution shall take disciplinary actions against any of its public servants who violates this Act or an order issued pursuant to this Act.

Article 27 (Penalty Provisions) (1) A public servant who acquires, or allows a third party to acquire, goods or property gains, using the confidential information that he or she has learned in the course of performing his or her duties or the undisclosed information of the affiliated institution in violation of Article 14 (1) (including private persons performing public duties that are applicable mutatis mutandis under Article 16; hereafter in this Article and Article 28 (2) 1, the same shall apply) shall be punished by imprisonment with labor for up to seven years or by a fine not exceeding 70 million won.

(2) Any of the following persons shall be punished by imprisonment with labor for up to five years or by a fine not exceeding 50 million won:

1. A person who is provided with, or obtains by improper means, any information by or from a public servant while knowing that it is the confidential information that the public servant has learned in the course of performing his or her duties or the undisclosed information of the public institution with which he or she is affiliated and uses such information to acquire goods or property gains, in violation of Article 14 (2);
2. A person who reveals to other persons, discloses, or publicizes personal information on a reporting person, etc. or other facts from which the identity of the reporting person,

etc. can be inferred, in violation of Article 12 (1) of the Public Interest Whistleblower Protection Act applicable mutatis mutandis pursuant to Article 20 (4).

(3) Any of the following persons shall be punished by imprisonment with labor for up to three years or by a fine not exceeding 30 million won:

1. A public servant who uses the confidential information that he or she has learned in the course of performing his or her duties or the undisclosed information of the public institution with which he or she is affiliated for personal benefits or allows a third party to use such information, in violation of Article 14 (3);
2. A person who takes a disadvantageous measure falling under subparagraph 6 (a) of Article 2 of the Public Interest Whistleblower Protection Act against a reporting person, etc., in violation of Article 20 (2);
3. A person who fails to fulfill a decision to take protective measures that are finalized under Article 21 (2) of the Public Interest Whistleblower Protection Act applicable mutatis mutandis pursuant to Article 20 (4) or that are finalized through administrative litigation;
4. A person who divulges confidential information that he or she has learned in the course of performing his or her duties, in violation of Article 23.

(4) Any of the following persons shall be punished by imprisonment with labor for up to two years or by a fine not exceeding 20 million won:

1. A person who hinders the filing of a report, etc. or forces a report, etc. to be withdrawn, in violation of Article 20 (1);
2. A person who takes a disadvantageous measure falling under any of subparagraph 6 (b) through (g) of Article 2 of the Public Interest Whistleblower Protection Act against a reporting person, etc., in violation of Article 20 (2).

(5) In cases falling under paragraph (1) or (2) 1, imprisonment with labor and a fine may be imposed concurrently.

(6) The goods or property gains acquired by a person who commits a crime under paragraph (1) or (2) 1 (including a third party with knowledge of such acquisition in cases falling under paragraph (1)) from a crime under paragraph (1) or (2) 1 shall be confiscated: Provided, That if it is impossible to confiscate such goods or property gains, the value thereof shall be collected.

Article 28 (Administrative Fines) (1) Any of the following persons shall be subject to an administrative fine not exceeding 30 million won:

1. A public servant who orders, induces, or connives at the employment of his or her family member, in violation of Article 11 (3);
2. A public servant who orders, induces, or connives at conclusion of a negotiated contract with a person falling under any of the subparagraphs of Article 12 (1), in violation of Article 12 (2);
3. A person who refuses to submit materials, make an appearance or a statement, or submit a written statement, in violation of Article 19 (2) and (3) of the Public Interest Whistleblower Protection Act applicable mutatis mutandis pursuant to Article 20 (4) (including where Article 19 (2) and (3) apply mutatis mutandis pursuant to Article 22 (3) of the same Act).

(2) Any of the following persons shall be subject to an administrative fine not exceeding 20 million won:

1. A public servant who fails to file a report on persons related with private interests, in violation of Article 5 (1);
2. A public servant who fails to file a report on possession and purchase of real estate, in violation of Article 6 (1) or (2);
3. A public servant who fails to file a report on transactions, in violation of Article 9 (1) or (2);
4. A public servant who engages in outside activities related to his or her duties, in violation of Article 10;
5. A public servant who uses or profits from the goods, etc. of a public institution for personal purposes or allows a third party to use or profit from them, in violation of Article 13;
6. A person who fails to implement a decision to take special protective measures prescribed in Article 20-2 of the Public Interest Whistleblower Protection Act applicable mutatis mutandis pursuant to Article 20 (4).

(3) Any of the following persons shall be subject to an administrative fine of up to 10 million won:

1. A high-ranking public servant who fails to submit the details of his or her activities, in violation of Article 8 (1);
2. A public servant who fails to file a report on personal contact with a retiree of the affiliated institution who is a person related to his or her duties, in violation of Article 15

(1).

(4) The head of an affiliated institution shall notify the court having jurisdiction over judgments on administrative fines under the Non-Contentious Case Procedure Act, of the violation committed by a person subject to an administrative fine under paragraphs (1) through (3).