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

[Enforcement Date 29. Dec, 2020.] [Act No.17806, 29. Dec, 2020., Partial
Amendment]

국민권익위원회 (청렴정책총괄과)044-200-7612



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

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to handle grievance petitions, improve irrational administrative systems related thereto, prevent corruption and effectively regulate acts of corruption by establishing the Anti-Corruption and Civil Rights Commission so as to protect the basic rights and interests of the people, ensure appropriate public service and serve to create a clean climate in the civil service sector and in society.

Article 2 (Definitions) The terms used in this Act are defined as follows: <Amended on Feb. 3, 2009; Mar. 29, 2016; Apr. 18, 2017; Apr. 16, 2019; Dec. 29, 2020>

1. The term "public institution" means any of the following institutions and organizations: Provided, That in the case of item (e), any institution and organization shall be deemed public institutions only in cases where Chapter V is applicable:

- (a) The administrative agencies at various levels under the Government Organization Act and the executive organs and local councils of local governments under the Local Autonomy Act;
- (b) Educational administrative agencies under the Local Education Autonomy Act;
- (c) The National Assembly under the National Assembly Act, the courts at various levels under the Court Organization Act, the Constitutional Court under the Constitutional Court Act, the election commissions at various levels under the Election Commission Act, the Board of Audit and Inspection under the Board of Audit and Inspection Act, and the Corruption Investigation Office for High Ranking Officials under the Act on the Establishment and Operation of the Corruption Investigation Office for High Ranking

Officials (hereinafter referred to as the "Investigation Office");

(d) Public service-related organizations under Article 3-2 of the Public Service Ethics Act (hereinafter referred to as "public service-related organization");

(e) Private schools at various levels established under the Elementary and Secondary Education Act, the Higher Education Act, the Early Childhood Education Act and other statutes or regulations, and school juristic persons under the Private School Act to which the State or a local government provides contributions or subsidies;

2. The term "administrative agency, etc." means a central administrative agency, local government, institution under Article 4 of the Act on the Management of Public Institutions, and a corporation and organization having, or having been commissioned or entrusted with, the authority of the administrative agencies under statutes or regulations, or such institution or individual;

3. The term "public official" means any of the following persons: Provided, That in the case of item (c), any person shall be deemed a public official only in cases where Chapter V is applicable:

(a) A public official under the State Public Officials Act and the Local Public Officials Act, and any other person who is recognized by other statutes as a public official in terms of qualifications, appointments, education and training, services, remuneration, guarantees of status, etc.;

(b) The head of a public service-related organization and an employee of such organization;

(c) The head and personnel of a private school at various levels, and the executive officers and employees of a school juristic person as referred to in subparagraph 1 (e);

4. The term "act of corruption" means any of the following acts:

(a) The act of any public official's abusing his or her position or authority or violating statutes or regulations in connection with his or her duties to seek gains for himself or herself or any third party;

(b) The act of inflicting damages on the property of any public institution in violation of statutes or regulations, in the process of executing the budget of the relevant public institution, acquiring, managing, or disposing of the property of the relevant public institution, or entering into and executing a contract to which the relevant public institution is a party;

- (c) The act of coercing, urging, proposing and inducing any act referred to in items (a) and (b) or act of covering it up;
- 5. The term "grievance petition" means a civil petition for the redress of a grievance pertaining to matters that infringe the rights of the people, or give any inconvenience or burden to people, due to unlawful, irrational, or passive disposition (including factual act and omission) of an administrative agency, etc., or the irrational administrative system (including grievance petitions of active-duty soldiers and persons serving mandatory military service);
- 6. The term "petitioner" means a person, corporation, or organization that files a grievance petition with the Anti-Corruption and Civil Rights Commission or the Local Ombudsman under this Act;
- 7. The term "disadvantageous measure" means any of the following measures:
 - (a) Dismissal, release from office, discharge, or other disadvantageous measures equivalent to the loss of status;
 - (b) Disciplinary actions, suspension from office, curtailment of salary, demotion, restrictions on advancement, or other unfair personnel measures;
 - (c) Transference of position, transference of office, withholding duties, reassignment of duties, or other personnel measures taken against one's will;
 - (d) Discrimination in performance evaluation, peer evaluation, etc., and discriminative payment of wages, bonuses, etc. thereon;
 - (e) Cancellation of opportunities for self-development, such as education or training, restrictions on or removal of available resources, such as budgets or human resources, suspension of the use of or cancellation of qualifications for dealing with security information or classified information, or other discrimination or measures that have a negative effect on the working conditions, etc.;
 - (f) Preparation of a list of persons subject to surveillance or disclosure of such list, bullying, violence or threatening language, or other acts that cause physical or mental harm;
 - (g) An unjust audit or inspection of duties, or disclosure of the results thereof;
 - (h) Cancellation of authorization, permission, etc. or other acts that give administrative disadvantage;

- (i) Cancellation of a commodity or service contract, or other measures that give economic disadvantage;
- 8. The term "civil society organization" means a non-profit, non-governmental organization registered with the competent Minister or a Mayor/Do Governor under Article 4 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
- 9. The term "Local Ombudsman" means an institution established under Article 32 for the redress of grievance petitions with respect to a local government and an agency thereof (including any corporation or organization that is commissioned or entrusted with the authority of a local government or an agency thereof pursuant to statutes or regulations, or such institution or individual; hereinafter the same shall apply) as well as improvement of related systems.

Article 3 (Responsibilities of Public Institutions) (1) A public institution shall assume the responsibility to strive to prevent corruption to create sound social ethics.

(2) Where a public institution deems it necessary to eliminate legal, institutional, or administrative inconsistencies or to improve other matters for the prevention of corruption, it shall promptly improve or rectify the foregoing.

(3) A public institution shall make strenuous efforts to raise the consciousness of its employees and citizens to eradicate corruption, based on such reasonable means as education and publicity.

(4) A public institution shall endeavor to promote international exchanges and cooperation for the prevention of corruption.

Article 4 (Responsibilities of Political Parties) (1) A political party that is registered in accordance with the Political Parties Act and a member affiliated therewith shall endeavor to create a clean and transparent culture of politics.

(2) A political party and a member affiliated therewith shall ensure that the right election culture is proliferated and shall operate the party and raise and spend political funds in a transparent manner.

Article 5 (Duties of Enterprises) An enterprise shall establish a sound trade order as well as business ethics and take necessary measures to prevent any corruption.

Article 6 (Duties of Citizens) Every citizen shall fully cooperate with policy measures taken by public institutions to prevent corruption.

Article 7 (Public Official's Obligation of Integrity) A public official shall abide by statutes or regulations, perform his or her duties fairly and hospitably, and refrain from committing any act of corrupting himself or herself or losing his or her dignity.

Article 7-2 (Prohibition against Using Confidential Information) No public official shall use any confidential information learned while conducting his or her duties to obtain, or to have a third party obtain, goods or property gains.

[This Article Newly Inserted on Jan. 7, 2009]

Article 8 (Code of Conduct for Public Officials) (1) The code of conduct that public officials must observe in accordance with Article 7 shall be prescribed by Presidential Decree, the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the internal regulations of the public service-related organizations.

(2) The code of conduct for public officials referred to in paragraph (1) shall prescribe the following matters:

1. Matters concerning the prohibition and limitation of any public official's receiving entertainment, money, goods, etc. from any person related to his or her duties;
2. Matters concerning the prohibition and limitation of any public official's intervening in personnel affairs, influence peddling, doing good offices, or soliciting another person for his or her good offices, taking advantage of his position;
3. Matters that public officials need to observe in order to create a sound climate of the civil service, such as a fair personnel affairs;
4. Other matters necessary to prevent corruption and maintain the integrity and dignity of public officials when they perform their duties.

(3) If any public official violates the code of conduct for public officials referred to in paragraph (1), a disciplinary action may be taken against him or her.

(4) Kinds, procedures, effect, etc. of disciplinary actions referred to in paragraph (3) shall be governed by statutes, regulations, or the internal regulations that prescribe matters concerning the disciplinary actions of administrative agencies or organizations to which the relevant public officials belong.

Article 9 (Guarantee of Livelihood for Public Officials) The State and local governments shall endeavor to guarantee the livelihood of public officials in order for them to devote themselves to the civil service and shall take necessary measures to improve their remuneration and treatments.

Article 10 (Request for Cooperation to Civil Rights Remedy Agencies) The Anti-Corruption and Civil Rights Commission or the Local Ombudsman may, when it is deemed necessary for performing its duties, request cooperation from administrative agencies, such as the National Human Rights Commission, or corporations or organizations that aim to remedy any violation of civil rights in accordance with the statutes, or improve statutes or regulations and systems for enhancement of social justice and public interests.

CHAPTER II ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION

Article 11 (Establishment of Anti-Corruption and Civil Rights Commission) (1) The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Commission") shall be established under the Prime Minister to improve irrational administrative systems pertaining to the processing of grievance petitions, prevent corruption and effectively regulate acts of corruption. <Amended on Jun. 9, 2020>

(2) The Commission as the central administrative agency established under Article 2 of the Government Organization Act shall perform the duties under its authority independently. <Newly Inserted on Jun. 9, 2020>

Article 12 (Functions) The Commission shall perform the following duties: <Amended on Jan. 25, 2010>

1. Establishing and implementing policies for protection of the rights of people, remedy of violated rights, and prevention of corruption;
2. Examining and processing grievance petitions and recommending rectification or expressing opinions related thereto;
3. Making recommendations or expressing opinions when it is deemed necessary to improve an administrative system that may result in a grievance petition and the operation of such system;

4. Investigating and evaluating the results of processing grievance petitions by the Commission and improvement of administrative systems;
5. Establishing and recommending policy measures to prevent corruption in public institutions and matters concerning institutional improvements, and investigating the actual status of the public institutions for such establishment and recommendation;
6. Investigating the actual status and evaluating the progress of the policy measures taken by public institutions to prevent corruption;
7. Establishing and implementing a plan for education and publicity for the prevention of corruption and remedy of violated rights;
8. Cooperating with and supporting individuals, corporations, or organizations related to the activities of the Commission, including supporting anti-corruption activities conducted by nonprofit, non-governmental organizations;
9. Promoting international cooperation in connection with the activities of the Commission;
10. Providing information and consultation about, as well as receiving, reports with respect to acts of corruption;
11. Protecting and rewarding reporting persons;
12. Examining statutes, regulations, etc. that could be abused as factors causing corruption;
13. Collecting, managing, and analyzing materials pertaining to prevention of corruption and remedy of violated rights;
14. Implementing and operating the code of conduct for public officials, receiving and processing reports on violations of it, and protecting reporting persons;
15. Providing information and consultation about civil petitions, ascertaining the actual status of the processing of civil petitions, and providing guidance on such processing;
16. Operating online civil participant portals in an integrated manner and installing and operating government call centers for civil petitions;
17. Providing cooperation, support, and education with respect to the activities of the Local Ombudsman;
18. Mediating and coordinating conflicts involving multiple parties, and surveying and processing corporate grievance petitions in order to redress hardships of enterprises;
19. Matters concerning the management of the Central Administrative Appeals Commission referred to in the Administrative Appeals Act;

20. Matters under the jurisdiction of the Commission as provided for by other statutes or regulations;
21. Other matters that the Prime Minister submits to the Commission to enhance the rights and interests of the people.

Article 13 (Composition of Commission) (1) The Commission shall be comprised of 15 members (including three vice-chairpersons and three standing members), including one chairperson. In such cases, each of the vice-chairpersons shall assist the chairperson by taking charge of grievance petitions, anti-corruption, and the management of the Central Administrative Appeals Commission, respectively: Provided, That matters concerning the composition of the Central Administrative Appeals Commission shall be governed by the provisions of the Administrative Appeals Act. <Amended on Jan. 25, 2010>

(2) The chairperson, vice-chairpersons, and members shall be persons acknowledged as capable of conducting duties related to grievance petitions and anti-corruption fairly and independently and shall be appointed or commissioned from among any of the following persons:

1. A person who holds or has held an associate professorship or higher position, or other position equivalent thereto, for at least eight years at a university or authorized research institution;
2. A person who serves, or has served, as a judge, prosecutor, or attorney for at least 10 years;
3. A person who serves, or has served, as a public official of Grade III or higher, or a public official who belongs, or has belonged, to the Senior Executive Service;
4. A person who has the qualification of certified architect, tax accountant, certified public accountant, technician, or patent attorney and has or had been engaged, in such job field for at least 10 years;
5. A person who was commissioned as a member of the Local Ombudsman pursuant to Article 33 (1) and has served for at least four years;
6. A person who is well respected in society with profound knowledge and experience in public administration and who is recommended by a civic organization.

(3) The chairperson and vice-chairpersons shall be appointed by the President upon recommendation of the Prime Minister, and the standing members shall be appointed by the President upon recommendation of the chairperson, and non-standing members shall

be appointed or commissioned by the President. In such cases, three non-standing members shall be appointed or commissioned upon recommendation of the National Assembly and another three non-standing members, upon recommendation of the Chief Justice of the Supreme Court. <Amended on Feb. 17, 2012>

(4) The chairperson and vice-chairpersons shall be appointed from among officials in political service, and the standing members shall be appointed from among public officials in general service belonging to the Senior Executive Service who are also public officials in a fixed-term position under Article 26-5 of the State Public Officials Act. <Amended on May 28, 2014>

(5) If the post of any member becomes vacant, a new member shall be appointed or commissioned without delay. In such cases, the term of office of the newly appointed or commissioned member shall begin anew.

Article 14 (Chairperson) (1) The chairperson shall represent the Commission.

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

Article 15 (Grounds for Disqualification of Members) (1) Any of the following persons shall not be qualified as a member:

1. A person who is not a citizen of the Republic of Korea;
2. A person who falls under any subparagraph of Article 33 of the State Public Officials Act.
3. A person who is affiliated with a political party as a member;
4. A person who is registered as a candidate to run in an election held in accordance with the Public Official Election Act.

(2) Each member shall, when falling under any subparagraph of paragraph (1), rightly resign from office.

Article 16 (Independence of Work and Guarantee of Position) (1) The Commission shall independently perform the duties within its authority.

(2) The terms of office for the chairperson and the members shall each be three years and they may be reappointed or recommissioned only once.

(3) No member shall be dismissed or de-commissioned against his or her will except in any of the following cases:

1. Where he or she falls under any subparagraph of Article 15 (1);
 2. Where he or she has significant difficulty in performing his or her duties on the grounds of mental or physical trouble;
 3. Where he or she violates the prohibition against holding concurrent offices as provided for in Article 17.
- (4) Where a member falls under paragraph (3) 2, the President or the Prime Minister shall dismiss or decommission such member upon recommendation of the chairperson after a resolution thereof with the consent of at least 2/3 of the total members.

Article 17 (Prohibition against Holding Concurrent Offices) Any member may not concurrently hold the following positions during his or her term of office:

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

Article 18 (Exclusion of, Challenge to, or Recusal of Members) (1) Where a member falls under any of the following cases, he or she shall be excluded from the deliberation and resolution by the Commission, subcommittees under Article 20, and working groups under Article 21: <Amended on Apr. 16, 2019>

1. Where a member or his or her current or former spouse is a party, joint right holder, or joint obligor with respect to the relevant case;
2. Where a member is or was a relative of the party to the relevant case;
3. Where a member conducted testimony, appraisal, legal counsel or damage assessment with respect to the relevant case;
4. Where a member has participated in an audit, investigation, or inspection with respect to the relevant case before he or she becomes a member;
5. Where a member is or was involved in the relevant case as an agent of the party.

(2) Where a party having an interest in the deliberation and resolution of the Commission, subcommittees under Article 20, and working groups under Article 21 has a ground to believe that he or she can hardly expect impartiality from a member, the party may file an application for recusal of the member. <Amended on Apr. 16, 2019>

(3) If a member falls under the grounds referred to in paragraph (1) or (2), he or she may voluntarily recuse from the deliberation on and resolution of the relevant case.

(4) Paragraphs (1) through (3) shall apply mutatis mutandis to the public officials of the Commission who are involved in the administrative affairs on deliberation and resolution by the Commission, subcommittees under Article 20, and working groups under Article 21 (including dispatched public officials or employees under Article 25) and expert members under Article 22. <Newly Inserted on Apr. 16, 2019>

Article 19 (Resolution of Commission) (1) A meeting of the Commission shall be convened with the attendance of a majority of registered members and shall pass resolutions with the approval of a majority of the members present: Provided, That the matters prescribed in Article 20 (1) 4 shall be decided with the approval of a majority of registered members.

(2) No member who fails to participate in the deliberation and resolution pursuant to Article 18 shall be counted in the number of registered members under Article 19 (1).

(3) Other matters necessary for the duties and management of the Commission shall be provided for by Presidential Decree.

Article 20 (Subcommittees) (1) The Commission may establish a subcommittee consisting of three members in order to have it deliberate and make decisions on matters that do not fall under any of the following subparagraphs with respect to processing grievance petitions (hereinafter referred to as "subcommittee"):

1. Matters provided for by Presidential Decree, including cases related to the interests of multiple persons among the matters of which rectification is recommended pursuant to Article 46;
2. Matters of recommending institutional improvements pursuant to Article 47;
3. Matters concerning making decisions on requests for audit and inspection pursuant to Article 51;
4. Matters requiring change in precedent resolutions of the Commission;
5. Matters decided by a subcommittee to be handled directly by the Commission;
6. Other matters that the chairperson deems necessary to be dealt with by the Commission.

(2) A meeting of a subcommittee shall pass resolutions with the attendance of all members of the subcommittee and the approval of all members present.

(3) Other matters necessary for the duties and operation of subcommittees shall be provided for by Presidential Decree.

Article 21 (Working Groups) The Commission may establish working groups for each field within it in order to perform its duties efficiently.

Article 22 (Expert Members) (1) The chairperson may appoint experts from academia and social organizations and other experts in related fields as expert members of the Commission, if deemed necessary to efficiently support the Commission's duties and conduct specialized research and studies.

(2) The expert members prescribed in paragraph (1) shall be appointed or commissioned by the chairperson.

Article 23 (Establishment of Secretariat) (1) The Commission shall establish a secretariat to deal with administrative affairs of the Commission.

(2) The secretariat shall have one secretary general, who is designated by the chairperson from among the vice-chairpersons to serve as the head of the secretariat concurrently, and the head of the secretariat shall take charge of dealing with administrative affairs of the Commission under the direction of the chairperson and supervise and direct the employees of the secretariat.

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

Article 24 (Advisory Organization) (1) The Commission may have an advisory organization to seek advice on matters necessary to perform its duties.

(2) The organization and operation of the advisory organization under paragraph (1) shall be provided for by Presidential Decree.

Article 25 (Dispatch of Public Officials) (1) The Commission may, if deemed necessary to perform its duties, request State agencies, local governments, institutions referred to in Article 4 of the Act on the Management of Public Institutions, or related corporations or organizations to dispatch public officials or employees under their control.

(2) The head of a State agency, local government, institution referred to in Article 4 of the Act on the Management of Public Institutions, or related corporation or organization that has dispatched a public official or an employee to the Commission pursuant to paragraph (1), shall devise preferential measures for dispatched persons in personnel management, treatment, etc.

Article 26 (Report and Publication of Operational Status) (1) The Commission shall report to the President and the National Assembly and publicly announce the operational status of the Commission with respect to grievance petitions every year.
(2) When it is deemed necessary, the Commission may submit a special report to the President and the National Assembly in addition to the report under paragraph (1).

Article 27 (Recommendation for Institutional Improvements) (1) The Commission may, if deemed necessary, recommend the heads of public institutions to make institutional improvements to prevent corruption.
(2) The head of a public institution shall, upon receipt of the recommendation on institutional improvements under paragraph (1), reflect such recommendation in its efforts to make the institutional improvements and inform the Commission of the result of the measures taken according to the recommendation. The Commission may confirm and inspect the actual status of improvement.
(3) Where the head of a public institution who has been recommended to make institutional improvements under paragraph (1) finds it impracticable to take measures as recommended by the Commission, he or she shall ask the Commission to re-deliberate on the recommendation, and in such cases, the Commission shall do so.

Article 27-2 (Investigation and Evaluation of Corruption of Public Institutions) (1) The Commission shall develop fair and objective evaluation indexes to quantitatively measure the corruption of public institutions.
(2) The Commission may conduct an investigation and evaluation of the corruption of public institutions by utilizing the evaluation indexes referred to paragraph (1), and publish the results of such investigation and evaluation.
(3) The Commission may give necessary support such as consultation for the prevention of corruption on the basis of the results of an investigation and evaluation referred to in

paragraph (2).

[This Article Newly Inserted on Mar. 29, 2016]

Article 27-3 (Publication of Results of Investigation and Evaluation) (1) The head of a public institution undergoing an investigation and evaluation by the Commission pursuant to Article 27-2 shall publish the results of such investigation and evaluation on its website.
(2) Matters necessary for publication of the results of an investigation and evaluation referred to in paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Mar. 29, 2016]

Article 28 (Examination of Statutes or Regulations that Could Be Abused as Factors Causing Corruption) (1) The Commission may analyze and examine the following statutes, regulations, etc., which could be abused as factors causing corruption, and then may recommend matters necessary to make improvements thereon to the heads of the competent institutions having jurisdiction over such statutes, regulations, etc.: <Amended on Apr. 16, 2019>

1. Statutes, Presidential Decrees, Ordinances of the Prime Minister, and Ordinances of the Ministries;
2. Administrative rules, such as directives, established rules, public notice, and public announcement mandated by the statutes or regulations;
3. Municipal ordinances and rules of local governments;
4. The internal regulations of public institutions designated under Article 4 of the Act on the Management of Public Institutions or local government-invested public corporations or local public agencies established under Article 49 or 76 of the Local Public Enterprises Act.

(2) Matters necessary for the procedures and methods for examining the factors for inducing corruption referred to in paragraph (1) shall be prescribed by Presidential Decree.

Article 29 (Hearing Opinions) (1) If necessary to perform the functions under subparagraphs 5 through 14 of Article 12, the Commission may take any of the following measures:

1. Requesting any public institution to provide explanations, materials, documents, etc., and conducting a survey of the actual status thereof;

2. Requesting any interested party, reference witness, or relevant public official to appear before the Commission and state his or her opinion.
- (2) The Commission shall be prohibited from taking measures provided for in paragraph (1) with respect to any of the following matters:
 1. Matters concerning the confidential information of the State;
 2. Matters concerning the appropriateness of an investigation, trial, and execution of sentence (including any security measure, security surveillance measure, protective detention measure, probation measure, protective internment measure, custodial treatment measure, and community service order), or matters on which an audit and inspection has been launched by the Board of Audit and Inspection;
 3. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, a constitutional petition, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy in progress under other statutes;
 4. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, in progress under statutes or regulations;
 5. Matters made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters on which the Audit and Inspection Commission has resolved in accordance with the Board of Audit and Inspection Act.
- (3) The measures referred to in each subparagraph of paragraph (1) shall be taken within the scope necessary for the Commission to perform its duties provided for in each subparagraph of Article 12 and attention shall be paid not to hamper the performance of duties by any public institution.
- (4) The head of any public institution shall sincerely comply with the request for submission of materials and cooperate in surveying the actual status under paragraph (1), and where he or she fails to comply with the request or to cooperate, he or she shall clarify the reasons therefor.
- (5) The head of any public institution may require officials under his or her jurisdiction or relevant experts to be present at the Commission to state their opinions or to submit necessary materials in connection with institutional improvements, etc.

Article 30 (Confidentiality) No incumbent or former members, expert members, or employees of the Commission and any other person who is or has been seconded to the Commission or commissioned by the Commission to perform its duties shall divulge any confidential information they have acquired in performing the duties of the Commission.

Article 31 Deleted. <Apr. 16, 2019>

CHAPTER III LOCAL OMBUDSMAN

Article 32 (Establishment of Local Ombudsman) (1) In order to process grievance petitions and improve administrative systems, etc. with respect to local governments and institutions belonging thereto, each local government may set up and operate a Local Ombudsman.

(2) Each Local Ombudsman shall perform the following duties:

1. Investigating and processing grievance petitions with respect to a local government and any institution belonging thereto;
2. Recommending rectification or expressing opinions in connection with grievance petitions;
3. Making recommendation or expressing opinions on the improvement of the pertinent administrative systems and the operation thereof, if deemed necessary for the process of handling grievance petitions;
4. Surveying and evaluating the actual status with respect to the results of grievance petitions processed by the Local Ombudsman and the improvement of administrative systems;
5. Providing information and consultation about civil petitions and supporting the processing of civil petitions;
6. Providing education and conducting public relations with respect to the activities of the Local Ombudsman;
7. Interacting and cooperating with international organizations or foreign institutions for remedy of violated rights that are related to the activities of the Local Ombudsman;
8. Providing cooperation and support to individuals, corporations, or organizations that are related to the activities of the Local Ombudsman;

9. Other matters entrusted to the Local Ombudsman under other statutes or regulations.

Article 33 (Qualifications of Members of Local Ombudsman) (1) Members of the Local Ombudsman shall be those who are deemed to be capable of conducting the duties of processing grievance petitions fairly and independently and shall be commissioned by the head of a local government from among any of the following persons with the consent of the local council:

1. A person who holds or has held an associate professorship or higher position, or other position equivalent thereto at a university or authorized research institution;
2. A person who serves, or has served, as a judge, prosecutor or attorney;
3. A person who serves, or has served, as a public official of Grade IV or higher;
4. A person who has the qualification of certified architect, tax accountant, certified public accountant, technician, or patent attorney and is involved or was involved, in such job field for at least five years;
5. A person who is well respected in society with profound knowledge and experience in public administration and who is recommended by a civic organization.

(2) The term of office of a member of each Local Ombudsman shall be four years and may not be extended nor renewed.

(3) Where the term of office of a member of each Local Ombudsman expires, or a post becomes vacant during the term of office, the head of a local government shall commission a successor within 30 days from the expiry date or the day when the post becomes vacant.

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

Article 34 (Financial Support) The head of the local government in which the Local Ombudsman has been established shall provide financial support necessary for the Local Ombudsman to perform its duties referred to in Article 32 (2).

Article 35 (Application Mutatis Mutandis of Provisions on Commission) @Articles 15, 16 (3), 17, 18, 25, and 83-2 (1) shall apply mutatis mutandis to the Local Ombudsman. <Amended on Apr. 16, 2019>

Article 36 (Administrative Organization) (1) The head of a local government shall establish an administrative organization to support the affairs of the Local Ombudsman.

(2) The administrative organization shall have one head and other employees as needed.

Article 37 (Report and Publication of Operational Status) (1) The Local Ombudsman shall report to the head of the local government and the local council and publicly announce the operational status of the Local Ombudsman every year.

(2) If deemed necessary, the Local Ombudsman may submit a special report to the head of the local government and the local council in addition to the report under paragraph (1).

Article 38 (Structure and Operation of Local Ombudsman) Except the matters prescribed in this Act, matters necessary for the organization and operation of the Local Ombudsman shall be provided for by ordinance issued by the local government concerned.

CHAPTER IV PROCESSING GRIEVANCE PETITIONS

Article 39 (Filing and Receipt of Grievance Petitions) (1) Any person (including foreigners residing in the Republic of Korea) may file a civil petition for grievance with the Commission or the Local Ombudsman (hereafter referred to as "civil rights committee" in this Chapter). In such cases, any person who has filed a grievance petition with a civil rights committee may also file a grievance petition with another civil rights committee.

(2) Any person who intends to file a grievance petition with a civil rights committee shall file such petition in writing (including electronic documents; hereinafter the same shall apply) stating each of the following matters: Provided, That in extenuating circumstances wherein a document cannot be submitted, an oral statement may be presented in its stead:

1. The name and address of the petitioner (the title, the location of the main office, and the name of the representative if the petitioner is a corporation or organization);
2. The purport and reason of filing and the factual description of the cause inducing the grievance petition;
3. Other matters prescribed by Presidential Decree, including the title of the relevant administrative agencies.

(3) Any petitioner may appoint any of the following persons as an agent in addition to his or her legal representative. In such cases, the qualification of the agent shall be clarified in writing:

1. The spouse, lineal descendent or ascendant, or brother or sister of the petitioner;
2. An executive officer or employee of the corporation which is the petitioner;
3. An attorney-at-law;
4. A person who can file a grievance petition on behalf of the petitioner pursuant to the provisions of other statutes;
5. A person who does not fall under above subparagraphs 1 through 4, but who has obtained permission from a civil rights committee.

(4) No civil rights committee may withhold or refuse to accept a grievance petition except when there are specific provisions in other statutes or regulations, nor it may return a grievance petition that has been received without justifiable grounds: Provided, That when a civil rights committee withholds, refuses, or returns a grievance petition, the reason therefor shall be notified to the petitioner without delay.

Article 40 (Mutual Notification of Same Grievance Petitions) Where a petitioner files the same grievance petition with at least two civil rights committees, respectively, pursuant to the latter part of Article 39 (1), each civil rights committee shall notify such fact to each of them without delay. In such cases, each civil rights committee shall process the grievance petition through mutual cooperation or transfer it pursuant to Article 43.

[This Article Wholly Amended on Apr. 16, 2019]

Article 41 (Investigation of Grievance Petitions) (1) Upon receipt of a grievance petition, a civil rights committee shall conduct necessary investigations into the details thereof without delay: Provided, That it may not conduct any investigation if the petition falls under any of the following subparagraphs:

1. A case falling under any subparagraph of Article 43 (1);
2. A case where the details of the grievance petition are deemed to be false or have no good cause;
3. A case deemed to be inappropriate for a civil rights committee to investigate, including cases that cannot be categorized as grievance petitions.

(2) Even after commencing an investigation, a civil rights committee may halt or suspend the investigation where it is deemed unnecessary to continue the investigation, including cases falling under any of the subparagraphs of paragraph (1).

(3) Where a civil rights committee does not conduct an investigation into a civil petition received, or it halts or suspends such investigation, it shall notify the petitioner of the reasons therefor without delay.

Article 42 (Method of Investigation) (1) A civil rights committee may take the following measures if they are deemed necessary to conduct investigations under Article 41:

1. Requesting any relevant administrative agency, etc. to provide explanations, pertinent materials, documents, etc.;
2. Requesting any employee of any relevant administrative agency, etc., petitioner, interested party, or reference witness to appear before the committee and state his or her opinion;
3. Conducting an on-site investigation of the place, facilities, etc. that are deemed to be related to the investigation;
4. Requesting appraisals.

(2) Where an employee of a civil rights committee conducts an on-site investigation or hears an oral statement under paragraph (1), he or she shall have a proof substantiating his or her authority and show it to any party concerned.

(3) The head of any relevant administrative agency, etc. shall faithfully comply with and cooperate with the requests or investigations of a civil rights committee under paragraph (1).

Article 43 (Transfer of Grievance Petitions) (1) Any civil rights committee may transfer a grievance petition to a relevant administrative agency, etc., if the received grievance petition falls under any of the following subparagraphs: Provided, That the committee may dismiss such grievance petition without prejudice if it is deemed inappropriate to transfer it to the relevant administrative agency, etc.: <Amended on Apr. 16, 2019>

1. Matters requiring highly sophisticated political judgment, or matters concerning the confidential information of the State or public service;

2. Matters pertaining to the National Assembly, courts, the Constitutional Court, Election Commissions, the Board of Audit and Inspection, or local councils;
3. Matters concerning investigations and execution of sentences which are deemed appropriate to be processed by the competent authorities, or matters on which an audit and inspection has been launched by the Board of Audit and Inspection;
4. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy that are in process under other statutes;
5. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, in progress under statutes or regulations;
6. Matters concerning relationships of rights and interests made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters which the Board of Audit and Inspection has requested for disposition;
7. Matters concerning relationships of rights and interests between individuals or privacy of individuals;
8. Matters concerning the acts of personnel administration for employees of administrative agencies, etc.;
9. Other matters deemed appropriate to be directly processed by the relevant administrative agency, etc.

(2) Where a civil rights committee transfers a grievance petition or dismisses it without prejudice under paragraph (1), it shall notify the petitioner of such fact, along with the grounds thereof without delay. In such cases, if deemed necessary, it may provide information about the procedures and measures necessary for a remedy of violated rights of the petitioner. <Amended on Apr. 16, 2019>

(3) Where the head of an administrative agency, etc. becomes aware of the fact that a grievance petition on which an investigation of a civil rights committee has begun falls under any of paragraph (1) 1 through 8, he or she shall notify the civil rights committee of such fact without delay. <Amended on Apr. 16, 2019>

(4) The head of an administrative agency, etc. to which a grievance petition falling under paragraph (1) 9 is transferred shall notify a civil rights committee of the results of processing the grievance petition, if requested by the civil rights committee. <Newly Inserted on Apr. 16, 2019>

(5) A civil rights committee may directly process a grievance petition that has been transferred by the head of a relevant administrative agency, etc. on the ground that it is deemed reasonable for the civil rights committee to process it. In such cases, the transferred grievance petition shall be deemed received by the civil rights committee at the time of transfer. <Newly Inserted on Apr. 16, 2019>

[Title Amended on Apr. 16, 2019]

Article 44 (Recommendation of Settlement) Any civil rights committee may present measures necessary for fair resolution of a grievance petition on which an investigation is underway or has been completed, and recommend a settlement to the parties concerned.

Article 45 (Mediation) (1) If deemed necessary for prompt and fair resolution of a grievance petition which involves multiple persons or is deemed to have a significant impact on society, a civil rights committee may mediate the petition on the request of the parties concerned or ex officio.

(2) Mediation shall be constituted when the details agreed by the parties concerned are entered in a written mediation on which the parties concerned affix their names and seals or put their signatures, and the civil rights committee confirms it. <Amended on Apr. 17, 2018>

(3) Mediation under paragraph (2) shall have the same effect as the reconciliation under the Civil Act.

Article 46 (Recommendation of Rectification and Expression of Opinions) (1) Where a reasonable ground exists to believe that a disposition, etc. taken as a result of an investigation into a grievance petition is unlawful or unfair, a civil rights committee may recommend the head of a relevant administrative agency, etc. to rectify it.

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

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

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

Article 48 (Opportunities to Present Opinions) (1) Before making recommendations or stating opinions to the heads of the relevant administrative agencies, etc. under Article 46 or 47, a civil rights committee shall provide an opportunity to the heads of the administrative agencies, etc. and the petitioner or interested parties to present their opinions in advance.
<Amended on Apr. 16, 2019>

(2) Employees of the relevant administrative agencies, etc., or the petitioner or interested parties may attend a meeting held by a civil rights committee to state their opinions or submit necessary materials.

Article 49 (Notice of Decision) A civil rights committee shall serve a notice on the petitioners and the heads of the relevant administrative agencies, etc. of its decision on grievance petitions without delay.

Article 50 (Notification of Processing Result) (1) The head of any relevant administrative agency, etc. that has received a recommendation or an opinion under Article 46 or 47 shall respect such recommendation or opinion, and shall notify the civil rights committee concerned of the processing result within 30 days from the date when such recommendation or opinion is received.

(2) Where the head of any relevant administrative agency, etc. that has received a recommendation under paragraph (1) fails to comply with the recommendation, the reason therefor shall be notified to the civil rights committee concerned in writing.

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

Article 51 (Request for Audit and Inspection) Where the Commission finds, in the course of investigating and processing grievance petitions, that an employee of a relevant administrative agency, etc. has performed his or her duties unlawfully or unfairly by intent

or gross negligence, it may request the Board of Audit and Inspection, the Local Ombudsman and the local government concerned to conduct an audit and inspection.

Article 52 (Confirmation and Inspection of Actual Status of Compliance with Recommendations) A civil rights committee may confirm and inspect the actual status of compliance with the recommendations or opinions given under Article 46 or 47.

Article 53 (Publication) A civil rights committee may publish the following matters: Provided, That this shall not apply where publication is restricted by the provisions of other statutes, or it is likely to infringe on the privacy of individuals:

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

Article 54 (Mutual Relationship between Civil Rights Committees) (1) The Commission and each Local Ombudsman shall perform its duties independently of each other and, upon receipt of a request for mutual consultation or support, shall comply with such request, unless a justifiable reason exists to the contrary.
(2) The Commission shall actively support the activities of the Local Ombudsman.

CHAPTER V REPORTING OF ACTS OF CORRUPTION AND PROTECTION OF REPORTING PERSONS

Article 55 (Reporting of Acts of Corruption) Any person who becomes aware of an act of corruption may report it to the Commission.

Article 56 (Obligation of Public Officials to Report Acts of Corruption) Where a public official learns an act of corruption committed by another public official in performing his or her duties or is forced or proposed by another public official to commit an act of corruption, he or she shall, without delay, report such fact to any investigative agency, the Board of Audit and Inspection, or the Commission.

Article 57 (Duty of Good Faith of Reporting Persons) Where a person who files a report (hereafter in this Chapter referred to as "report") on an act of corruption under Articles 55

and 56 (hereafter in this Chapter referred to as "reporting person") files such report although he or she knew or should have known that the details of such report were false, he or she shall not be entitled to protection under this Act. <Amended on Apr. 16, 2019>

Article 57-2 (Responsibilities of the Government and Local Governments) The head of a central administrative agency and the head of a local government shall endeavor to provide protection for and prevent disadvantages against reporting persons.

[This Article Newly Inserted on Apr. 16, 2019]

Article 58 (Methods of Reporting) Any person who intends to file a report shall report in a document stating matters concerning his or her personal information, the purport of reporting, and the reasons therefor and shall present the subject matters of reporting and evidence, etc. attesting an act of corruption along with such document. <Amended on Apr. 16, 2019>

Article 59 (Processing of Reporting) (1) The Commission may, upon receipt of a report, verify the following matters from reporting persons:

1. Matters necessary to specify the details of reports, such as the personal information of reporting persons, and the reasons for and purport of reporting;
2. Matters concerning whether the details reported fall under any subparagraph of Article 29 (2).

(2) The Commission may request any reporting person to submit necessary materials to the extent necessary for ascertaining the truth of the matters specified in paragraph (1).

(3) The Commission shall, if deemed necessary to audit, investigate, or inspect any reported matter received, refer such matter to the Board of Audit and Inspection, any investigative agency, or the supervisory body of the relevant public institution (where the supervisory body does not exist, referring to the relevant public institution; hereinafter referred to as "inspection agency"): Provided, That where a report falls under any of the following cases, such case may be terminated without being referred to inspection agencies: <Amended on Apr. 16, 2019>

1. Where the details of a report are clearly false;
2. Where personal information about a reporting person is unknown;

3. Where a reporting person fails to supplement a written report, evidentiary materials, etc. within the period of supplementation determined by the Commission, although he or she has received a request for supplementation at least twice;
4. Where a reporting person files a further report on the notified matters regarding the results of processing the report without good cause;
5. Where the details of a report fall under those disclosed through news media, etc. and no new evidence is found other than the one already disclosed;
6. Where an audit, investigation, or inspection of the relevant act of corruption has been instituted or already completed according to other statutes or regulations;
7. Other cases prescribed by Presidential Decree, which do not require an audit, investigation, or inspection of an act of corruption.

(4) Where a person suspected of committing an act of corruption regarding which the Commission has received a report is any of the following high-ranking public officials and details of his or her suspected act of corruption require an investigation for criminal punishment and an institution of prosecution, the Commission shall file an accusation with the competent investigative agency, such as the prosecution, the Investigation Office, or the police, against him or her in its name: <Amended on Mar. 21, 2017; Apr. 16, 2019; Dec. 29, 2020>

1. A public official with the rank of Vice Minister or higher;
2. The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor;
3. A police officer with the rank of superintendent general or higher;
4. A judge or a prosecutor;
5. A military officer with the rank of general;
6. A member of the National Assembly.

(5) The competent investigative agency shall, upon receipt of an accusation filed under paragraph (4), notify the Commission of the findings of its investigation. The same shall also apply where the case on which the Commission has filed an accusation is already under investigation or related with another case under investigation. <Amended on Dec. 29, 2020>

(6) The Commission shall resolve any reported matter received within 60 days from the date of receipt. In such cases, if supplementation, etc. are deemed necessary to verify the matters referred to in paragraph (1) 1, the period may be extended by up to 30 days.

<Amended on Apr. 16, 2019>

(7) The Commission shall process any reported matter that includes State secrets, as prescribed by Presidential Decree. <Newly Inserted on Apr. 16, 2019>

Article 60 (Handling of Findings of Inspection) (1) An inspection agency shall complete its audit, investigation, or inspection of a case within 60 days from the date it is referred a report thereon: Provided, That if a good reason exists, the period may be extended and the inspection agency shall notify the Commission of the reason of such extension and the extended period.

(2) An inspection agency to which a report is referred under Article 59 (including other inspection agencies to which the inspection agency refers, re-refers, requests an audit on, transmits, requests an investigation of, or files an accusation on any report referred to the inspection agency; hereafter in this Article the same shall apply) shall notify the Commission of the findings of an audit, investigation, or inspection within 10 days from the date it completes such audit, investigation, or inspection. In such cases, the Commission shall, upon receipt of such notification, immediately serve a notice on the relevant reporting person of the gist of the findings of the audit, investigation, or inspection. <Amended on Dec. 10, 2019>

(3) The Commission may, if deemed necessary, request an inspection agency to explain the findings on which the agency has made notification under paragraph (2).

(4) Where an audit, investigation, or inspection conducted by an inspection agency is deemed inadequate, the Commission may request the inspection agency to launch again the audit, investigation, or inspection by presenting reasonable grounds, such as the submission of new evidential materials, within 30 days from the date it is notified of the findings thereof. Any reporting person who receives a notice under the latter part of paragraph (2) may file an objection to such findings with the Commission.

(5) An inspection agency that is requested to launch again an audit, investigation, or inspection shall notify the Commission of the findings thereof within seven days from the date it completes the audit, investigation, or inspection. In such cases, the Commission

upon receipt of the notification shall immediately serve a notice on the reporting person of the gist of the findings of such audit, investigation, or inspection.

Article 61 (Application for Adjudication) (1) Where a person suspected of committing an act of corruption under Article 59 (4) falls under Articles 129 through 133 and 355 through 357 of the Criminal Act (including cases of aggravated punishment under other statutes) and the Commission files an accusation with the competent investigative agency against him or her, if the same case as the one against which the accusation is filed is already under investigation or is related to another case under investigation and the relevant prosecutor notifies the Commission that he or she will not institute a prosecution against either of the two cases, the Commission may file an application for an adjudication on the right or wrong thereof with the High Court corresponding to the High Prosecutors' Office to which the relevant prosecutor belongs. <Amended on Apr. 16, 2019; Dec. 29, 2020>

(2) Articles 260 (2) through (4), 261, 262, 262-4, 264 and 264-2 of the Criminal Procedure Act shall apply to the application for an adjudication referred to in paragraph (1).

(3) With respect to the application for an adjudication referred to in paragraph (1), if the prosecutor has not instituted a prosecution by 10 days prior to the date the statute of limitation for prosecution thereof expires, it shall be deemed that the prosecutor has served a notice on the Commission that he or she does not institute such prosecution at that time; and with respect to an accusation which the Commission filed with the prosecution under Article 59 (4), if the prosecutor has not instituted such prosecution by three months after the date the Commission filed such accusation, it shall be deemed that the prosecutor has served such notice on the Commission at the time the three months lapsed, respectively.

Article 61-2 (Filing Objections) Where the Commission has filed an accusation with the competent investigative agency pursuant to Article 59 (4), it may file an objection with the head of the police station to which a senior judicial police officer belongs pursuant to Article 245-7 of the Criminal Procedure Act when the Commission receives from the senior judicial police officer a notice that the relevant case will not be transferred to a prosecutor. [This Article Newly Inserted on Dec. 29, 2020]

Article 62 (Prohibition of Disadvantageous Measures) (1) No person shall take

disadvantageous measures against a reporting person on the grounds that he or she files a report, states opinions related thereto or submits materials, etc. (hereinafter referred to as "report, etc.").

(2) No person shall interfere with filing a report, etc. or force a reporting person to cancel a report, etc.

[This Article Wholly Amended on Apr. 16, 2019]

Article 62-2 (Applications for Measures of Status Guarantee) (1) Where a reporting person

has been or is expected to be subject to disadvantageous measures due to a report, etc., he or she may apply for reinstatement of the relevant disadvantageous measures or other necessary measures (hereinafter referred to as "measures of status guarantee, etc.") to the Commission, as prescribed by Presidential Decree.

(2) A reporting person shall apply for measures of status guarantee, etc. within one year from the date disadvantageous measures are taken (referring to the date of termination of the disadvantageous measures, if such disadvantageous measures continue): Provided, That where the reporting person is unable to apply for measures of status guarantee, etc. within one year due to an act of God, war, disturbance, or any other force majeure event, he or she may file an application within 14 days (referring to 30 days in cases of an application for measures of status guarantee, etc. from abroad) from the date the relevant grounds cease to exist.

(3) Where an application for measures of status guarantee, etc. falls under any of the following subparagraphs, the Commission may dismiss such application without prejudice by decision. In such cases, the Commission shall notify such fact in writing to a person who applies for measures of status guarantee, etc. (hereinafter referred to as "applicant for status guarantee") and the head of an institution, organization, enterprise, etc. to which the applicant belongs or the head of a relevant institution, organization, enterprise, etc. (hereinafter referred to as "head of an institution, etc. to which the applicant belongs"), respectively.

1. Where an applicant files an application after the period of application under paragraph (2);

2. Where a person who is neither a reporting person nor an agent prescribed in Article 12 (1) of the Administrative Procedures Act files an application;
 3. Where an applicant files an application again for taking measures of status guarantee, etc. against the same disadvantageous measures on which he or she has received a decision of a dismissal without prejudice, a decision requested to take measures of status guarantee, etc. under Article 62-3 (1), or a decision to dismiss a recommendation to take measures of status guarantee, etc. under paragraph (2) of that Article or an application for measures of status guarantee, etc. under paragraph (3) of that Article;
 4. Where an applicant has already been granted remedies according to the procedures for remedial measures under other statutes or regulations;
 5. Where an applicant fails to meet the requirements for application for measures of status guarantee, etc. because of falling under any of the subparagraphs of Article 59 (3) and where the measures of status guarantee, etc. are deemed unnecessary.
- (4) The Commission shall inspect an application filed under paragraph (1) (excluding cases of decisions of a dismissal without prejudice under paragraph (3)). In such cases, the Commission may request any of the following persons to appear before the Commission to hear his or her statements or request the submission of a written statement or materials or the inquiry about facts or information, and those upon receipt of such request from the Commission shall sincerely comply with it:
1. An applicant for status guarantee;
 2. A person who has taken disadvantageous measures;
 3. A person for reference;
 4. A relevant institution, organization, enterprise, etc.
- (5) The Commission shall give the head of an institution, etc. to which the applicant belongs, an opportunity to fully vindicate themselves in the course of inspection.
- [This Article Newly Inserted on Apr. 16, 2019]
- [Previous Article 62-2 moved to Article 62-5 <Apr. 16, 2019>]

Article 62-3 (Decision to Take Measures of Status Guarantee) (1) Where an inspection finds that an applicant for status guarantee has been or is expected to be subject to disadvantageous measures (excluding any disadvantageous measure falling under subparagraph 7 (h) and (i) of Article 2) due to reporting, etc., the Commission shall make a

decision to request the head of an institution, etc. to which the applicant belongs to take the following measures of status guarantee, etc. (hereinafter referred to as "decision to take measures of status guarantee, etc.") for a specified period not exceeding 30 days, and the head of the institution, etc. to which the applicant belongs shall comply therewith unless there is a compelling reason not to do so:

1. Measures of reinstatement;
2. Payment of differentiated wages paid, wages in arrears, etc. (including interest). In such cases, the standards for payment of wages, the methods for computation thereof, etc. shall be prescribed by Presidential Decree;
3. Cancellation or prohibition of disadvantageous measures;
4. Transfer or other necessary measures.

(2) Where an inspection finds that an applicant for status guarantee, etc. has been or is expected to be subject to disadvantageous measures falling under subparagraph 7 (h) or (i) of Article 2 due to reporting, etc., the Commission may recommend the head of an institution, etc. to which the applicant belongs to take necessary measures of status guarantee, etc., such as maintaining the effects of authorization, permission, or contracts, (hereinafter referred to as "recommendation to take measures of status guarantee, etc.") for a specified period not exceeding 30 days.

(3) Where an inspection finds that an applicant for status guarantee, etc. has not been or is not expected to be subject to disadvantageous measures due to reporting, etc., the Commission shall make a decision to dismiss an application for measures of status guarantee, etc. (hereinafter referred to as "decision of dismissal")

(4) Where the Commission makes a decision to take measures of status guarantee, etc., it may request any disciplinary action against a person who has taken disadvantageous measures due to reporting, etc. from a person authorized to take disciplinary actions.

(5) Where an applicant for status guarantee, etc. who is a public official requests the Commission to take measures regarding personnel affairs including the shift of job, transfer, occupancy, and secondment, the Commission may request the Minister of Personnel Management or the head of an institution related to the request for personnel affairs to take necessary measures, if such request is deemed reasonable. In such cases, the Minister of Personnel Management or the head of a relevant institution shall give

preferential consideration to the request from the Commission and notify the Commission of the results thereof.

(6) Where the Commission makes a decision or recommendation to take measures of status guarantee, etc. or makes a dismissal decision, it shall give written notification to the applicant for status guarantee, etc. and the head of the institution, etc. to which the applicant belongs, respectively.

[This Article Newly Inserted on Apr. 16, 2019]

Article 62-4 (Filing Administrative Litigation) (1) Where the head of an institution, etc. to which the applicant belongs files an administrative litigation under the Administrative Litigation Act against a decision to take measures of status guarantee, etc., he or she shall file such litigation within 30 days from the date of notification of the decision to take measures of status guarantee, etc., notwithstanding Article 20 (1) of that Act.

(2) The head of an institution, etc. to which the applicant belongs shall not file an administrative appeal under the Administrative Appeals Act against a decision to take measures of status guarantee, etc.

[This Article Newly Inserted on Apr. 16, 2019]

Article 62-5 (Temporary Suspension of Procedures for Disadvantageous Measures) (1) Where any of the following grounds exists, it is likely to cause unrecoverable damage if neglected, and it is deemed that there is no time to wait for the Commission to make a decision on an application for measures of status guarantee, etc., the chairperson may, upon the application of an applicant for status guarantee or ex officio, request the head of an institution, etc. to which the applicant belongs to take a measure to temporarily suspend a disadvantageous measure for a specified period not exceeding 45 days: <Amended on Apr. 16, 2019>

1. Where procedures for a disadvantageous measure against the applicant for status guarantee are planned or already under way, due to reporting;
2. Where a disadvantageous measure against the applicant for status guarantee was taken due to reporting and the procedures for an additional disadvantageous measure are planned or already under way.

(2) Upon receipt of a request under paragraph (1), the head of an institution, etc. to which the applicant belongs shall comply therewith unless there is a compelling reason not to do so. <Amended on Apr. 16, 2019>

[This Article Newly Inserted on Mar. 29, 2016]

[Title Amended on Apr. 16, 2019]

[Moved from Article 62-2 <Apr. 16, 2019>]

Article 62-6 (Charges for Compelling Compliance) (1) The Commission shall impose a charge for compelling compliance of up to 30 million won on a person who fails to take measures of status guarantee, etc. by the due date after he or she receives a decision to take measures of status guarantee, etc.: Provided, That the same shall not apply to the State or local governments.

(2) The provisions of Article 21-2 (2) through (6) of the Public Interest Whistleblower Protection Act shall apply mutatis mutandis to the procedures, etc. for imposing a charge for compelling compliance under paragraph (1). In such cases, "decision to take protective measures", "protective measures", and "person who has taken disadvantageous measures" shall be construed as "decision to take measures of status guarantee, etc.", "measures of status guarantee, etc.", and "head of an institution, etc. to which the applicant belongs", respectively.

(3) Matters necessary for the standards for imposing charges for compelling compliance under paragraph (1), the procedures for collection thereof, etc. shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Apr. 16, 2019]

Article 63 (Presumption of Disadvantages) Where any reporting person applies for measures of status guarantee, etc. to the Commission pursuant to Article 62-2 (1) after filing a report or files a lawsuit regarding reinstatement, etc. with a court, he or she shall be presumed to have suffered disadvantages in connection with the relevant report. <Amended on Apr. 16, 2019>

Article 63-2 (Recommendation for Reconciliation) (1) Upon receipt of an application for measures of status guarantee, etc., the Commission may recommend reconciliation on the measures of status guarantee, etc. or suggest a proposal for reconciliation ex officio or

upon application of the relevant parties until it makes a decision or recommendation to take measures of status guarantee, etc or makes a dismissal decision. In such cases, recommendations on or proposals for reconciliation shall not include matters regarding disciplinary actions against public officials or conditions that violate the purpose of this Act.

(2) The provisions of Article 24 (2) through (4) of the Public Interest Whistleblower Protection Act shall apply mutatis mutandis to preparation of a proposal for reconciliation under paragraph (1) and the preparation, effects, etc. of a reconciliation protocol.

[This Article Newly Inserted on Apr. 16, 2019]

Article 64 (Confidentiality of Reporting Persons) (1) No person shall inform, disclose, or report to others, personal information on a reporting person or any facts from which the identity of a reporting person can be inferred, while knowing that he or she is the reporting person prescribed in this Act: Provided, That this shall not apply where the reporting person under this Act consents thereto.

(2) When personal information on a reporting person or any fact from which his or her identity can be inferred is disclosed or reported in violation of paragraph (1), the Commission may examine how such information or fact is disclosed or reported.

(3) If deemed necessary to examine the circumstances referred to in paragraph (2), the Commission may request relevant agencies to submit related materials or to state their opinions. In such cases, upon receipt of any such request, the relevant agencies shall cooperate therein, unless there is any compelling reason not to do so.

(4) Where a person informs, discloses, or reports to others, personal information on a reporting person or any fact from which the identity of a reporting person can be inferred in violation of paragraph (1), the Commission may request the person authorized to take disciplinary actions against him or her to take necessary measures, such as disciplinary actions.

[This Article Wholly Amended on Dec. 31, 2017]

Article 64-2 (Personal Protective Measures) (1) A reporting person may request the Commission to take personal protective measures, if such act of reporting endangers his or her physical safety, or that of his or her relatives or cohabitants. In such cases, the

Commission may, if deemed necessary, request the Commissioner General of the Korean National Police Agency, the commissioner of the competent City/Do police agency, or the chief of the competent police station to take personal protective measures. <Amended on Dec. 22, 2020>

(2) Upon receipt of a request to take personal protective measures under paragraph (1), the Commissioner General of the Korean National Police Agency, the commissioner of the competent City/Do police agency, or the chief of the competent police station shall immediately do so, as prescribed by Presidential Decree. <Amended on Dec. 22, 2020>

(3) Where a reasonable ground exists to believe that a reporting person has suffered, or is likely to suffer, any harm due to reporting, the provisions of Articles 7 and 9 through 12 of the Act on Protection of Specific Crime Informants, Etc. shall apply mutatis mutandis to investigation and criminal procedures related to the relevant reporting.

[This Article Newly Inserted on Oct. 31, 2017]

Article 65 (Protection of Cooperators) @Articles 62, 62-2 through 62-6, 63, 63-2, 64, 64-2, 66, and 66-2 shall apply mutatis mutandis to the status guarantee, personal protection, etc. of any person, other than a reporting person, who has cooperated in inspection, investigation, or examination of the details of reports by methods such as stating his or her opinion, bearing witness, or submitting materials in connection with reporting prescribed in this Act. <Amended on Oct. 31, 2017; Apr. 16, 2019>

Article 66 (Mitigation of Culpability) (1) Where a criminal act of a reporting person is found in connection with reporting, etc., the punishment of such reporting person may be mitigated or remitted. <Amended on Apr. 16, 2019>

(2) Paragraph (1) shall apply mutatis mutandis to any disciplinary measures taken by any public institution. <Amended on Apr. 16, 2019>

(3) Even where confidential information learned in relation to his or her duties is included in the details of reporting, etc., the relevant reporting person shall be deemed not to have violated his or her confidentiality obligation on duties, notwithstanding the provisions of other statutes or regulations, collective agreements, employment rules, etc. <Amended on Apr. 16, 2019>

Article 66-2 (Request for Cooperation) If necessary for inspecting and processing a report or taking measures of status guarantee, etc., the Commission may request the relevant administrative agencies, counseling centers or medical institutions, other related organizations, etc. to provide cooperation. In such cases, the public organizations upon receipt of such request shall comply therewith unless there is good cause, and other organizations, etc. shall provide cooperation as much as possible.

[This Article Newly Inserted on Apr. 16, 2019]

Article 67 (Provisions to Be Applied Mutatis Mutandis) The provisions of Articles 57, 58, 62, 62-2 through 62-6, 63, 63-2, 64, 64-2, 65, 66, and 66-2 shall apply mutatis mutandis to the following cases: <Amended on Mar. 29, 2016; Oct. 31, 2017; Apr. 16, 2019>

1. Where a reporting person reports an act of corruption to a public institution to which the person reported belongs;
2. Where a reporting person reports an act of corruption to a public institution that guides and supervises an institution, organization, enterprise, etc. to which the person reported belongs;
3. Where a reporting person reports any act committed in violation of the code of conduct for public officials;
4. Where a reporting person gives testimony at the National Assembly or a court or files a criminal complaint or an accusation with an investigative agency against an act of corruption or a violation of the code of conduct for public officials.

Article 68 (Awards and Rewards) (1) Where a report on an act of corruption filed with the Commission or public institutions causes property gains of public institutions, prevents damage to such property, or enhances the public interest, the Commission may recommend that the relevant reporting person be granted awards under the provisions of the Awards and Decorations Act, etc. and may grant monetary awards, as prescribed by Presidential Decree: Provided, That where a report on an act of corruption is filed with a public institution, the same shall apply only where the relevant public institution recommends awards or requests the payment of monetary awards. <Amended on Apr. 16, 2019>

(2) If reporting has resulted directly in recovering or increasing revenues or cutting down costs of a public institution or the legal relationship thereon is confirmed, the relevant reporting person may apply to the Commission for payment of monetary rewards therefor.

<Amended on Apr. 16, 2019>

(3) Where a reporting person, a cooperator under Article 65, or his or her relative or cohabitant suffers or pays any of the following losses or expenses in relation to reporting, etc., he or she may file an application for payment of relief funds with the Commission:

<Newly Inserted on Apr. 16, 2019>

1. Expenses incurred in physical or mental treatment, etc.;
2. Expenses incurred in transference, dispatched service, etc.;
3. Expenses incurred in the procedures for cases and controversies related to reinstatement;
4. The amount of wages lost during the period of disadvantageous measures;
5. Other significant economic losses (excluding losses under subparagraph 7 (h) and (i) of Article 2).

(4) Upon receipt of an application for payment of monetary rewards under paragraph (2) or relief funds under paragraph(3), the Commission shall pay the applicant such monetary rewards or relief funds following deliberation and resolution by the Reward Deliberative Committee established in accordance with Article 69, as prescribed by Presidential Decree: Provided, That with respect to reporting by any public official in connection with his or her duties, such monetary rewards may be reduced or need not be paid. <Amended on Apr. 16, 2019>

(5) An application for payment of monetary rewards under paragraph (2) shall be filed within three years from the date the confirmation of legal relationship of the recovery or increase of revenues or the retrenchment of costs of the public institution is known: Provided, That the application for payment of monetary rewards shall not be filed where five years have passed from the date such legal relationship was confirmed. <Amended on Apr. 16, 2019>

(6) Article 27 (3) through (5) of the Public Interest Whistleblower Protection Act shall apply mutatis mutandis to inspections, etc. related to the payment of relief funds under paragraph (3). In such cases, "whistleblower, etc." shall be construed as "reporting person

and cooperator". <Newly Inserted on Apr. 16, 2019>

[Title Amended on Apr. 16, 2019]

- Article 69 (Reward Deliberative Committee)** (1) The Commission shall establish a Reward Deliberative Committee to deliberate and decide on matters concerning the payment of monetary awards, monetary rewards, and relief funds under Article 68. <Amended on Apr. 16, 2019>
- (2) The Reward Deliberative Committee shall deliberate and decide on the following matters: <Amended on Apr. 16, 2019>
1. Matters concerning requirements for payment of monetary awards, monetary rewards, and relief funds;
 2. Matters concerning the amount of monetary awards, monetary rewards, and relief funds to be paid;
 3. Other matters concerning payment of monetary awards, monetary rewards, and relief funds.
- (3) The Reward Deliberative Committee shall be comprised of seven members including one chairperson. <Newly Inserted on Apr. 16, 2019>
- (4) The chairperson of the Reward Deliberative Committee shall be appointed by the chairperson of the Commission from among the members of the Commission following decision by the Commission, and other members of the Reward Deliberative Committee shall be comprised of the following persons: Provided, That a person who is not a citizen of the Republic of Korea or falls under any of the subparagraphs of Article 33 of the State Public Officials Act shall not become a member of the Reward Deliberative Committee: <Newly Inserted on Apr. 16, 2019>
1. One person belonging to the Commission who is appointed by the chairperson of the Commission among public officials at the director-general level;
 2. Five persons among experts in law, accounting, appraisal, or other relevant fields who have knowledge of and experience in corruption prevention and rewards and persons recommended by non-profit, non-governmental organizations defined in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act, who are commissioned by the chairperson of the Commission following resolution by the Commission.

- (5) Each member under paragraph (4) 2 shall hold office for a term of two years and may be appointed consecutively for only one further term. <Newly Inserted on Apr. 16, 2019>
- (6) Except as provided in paragraphs (1) through (5), matters necessary for the composition and operation of the Reward Deliberative Committee shall be prescribed by Presidential Decree. <Amended on Apr. 16, 2019>

Article 70 (Decision on Payment of Monetary Rewards) (1) The Commission shall, upon receipt of an application for monetary rewards filed under Article 68, determine whether to pay such monetary rewards and the amount of the monetary rewards to be paid, within 90 days from the date of the application therefor, unless any special reason exists to the contrary.

(2) If the Commission determines to pay monetary rewards under paragraph (1), it shall immediately serve a notice on the applicant thereof.

Article 70-2 (Reimbursement and Return of Monetary Rewards) (1) Where the Commission paid monetary rewards pursuant to Article 68 (4), it may request the relevant public institution (excluding 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)) to reimburse an amount equivalent to the paid monetary rewards to the Commission for a specified period not exceeding three months. In such cases, the public institution upon receipt of a request for reimbursement shall reimburse the relevant amount to the Commission.

(2) Where any of the following facts is found, the Commission shall notify an amount to be returned to a person having received the monetary rewards or relief funds, who shall pay the relevant amount:

1. Where the monetary rewards or relief funds are paid by fraud or other improper means;
2. Where the monetary rewards or relief funds are paid in violation of Article 71 (2) or (3);
3. Where the monetary rewards or relief funds are paid incorrectly.

(3) Where a person required to reimburse or return monetary rewards or relief funds pursuant to paragraph (1) or (2) fails to pay the relevant amount by the payment deadline without good cause, the Commission may collect it in the same manner as delinquent national taxes are collected.

[This Article Newly Inserted on Apr. 16, 2019]

Article 71 (Prohibition of Overlapping Payment of Monetary Rewards) (1) Any person entitled to monetary rewards or relief funds pursuant to this Act shall not be prohibited from applying for monetary rewards, relief funds, etc. in accordance with other statutes or regulations. <Amended on Apr. 16, 2019>

(2) Where any person entitled to monetary rewards or relief funds of the Commission under Article 68 (2) or (3) (hereafter in this paragraph referred to as "monetary rewards, etc. of the Commission") has been paid monetary awards under paragraph (1) of that Article or monetary rewards or relief funds under other statutes or regulations for the same cause, the monetary rewards, etc. of the Commission shall not be paid when the amount of the monetary awards, monetary rewards, or relief funds is not less than the monetary rewards, etc. of the Commission; and when the amount of the monetary awards, monetary rewards, or relief funds is less than the amount of the monetary rewards, etc. of the Commission, the amount of the monetary rewards, etc. of the Commission shall be determined by deducting the difference. <Amended on Apr. 16, 2019>

(3) If any person entitled to monetary rewards, relief funds, etc. pursuant to other statutes or regulations has received monetary awards, monetary rewards, or relief funds under this Act for the same cause, the amount of monetary rewards, relief funds, etc. to be provided under other statutes or regulations shall be determined by deducting the amount paid. <Amended on Apr. 16, 2019>

[Title Amended on Apr. 16, 2019]

CHAPTER VI NATIONAL REQUESTS FOR AUDITS AND INSPECTIONS

Article 72 (Right to Request Audits and Inspections) (1) Where dealing with administrative affairs by a public institution seriously harms public interest because it violates statutes or regulations or is involved in an act of corruption, any citizen aged 19 or over may request an audit and inspection from the Board of Audit and Inspection by presenting a petition signed by at least a specified number of citizens prescribed by Presidential Decree: Provided, That with respect to the administrative affairs dealt with by the National Assembly, courts, the Constitutional Court, Election Commissions, or the Board of Audit

and Inspection, such request shall be made to the Speaker of the National Assembly, the Chief Justice of the Supreme Court, the President of the Constitutional Court, the Chairperson of the National Election Commission, or the Chairperson of the Board of Audit and Inspection (hereinafter referred to as the "head of a relevant public institution").

<Amended on Jan. 7, 2009>

(2) Notwithstanding the provisions of paragraph (1), the any of the following matters shall be excluded from the subject of a request for an audit and inspection:

1. Matters pertaining to the confidential information and security of the State;
2. Matters pertaining to investigations of, trials on, and execution of penalties (including any security measure, any security surveillance measure, any protective detention measure, any probation measure, any protective internment measure, any custodial treatment measure, and any community service order);
3. Matters pertaining to private relationships of rights and duties or individual privacy;
4. Matters that have been or are under audit and inspection by other public institutions: Provided, That this shall not apply where a new matter is discovered or an important matter is omitted in such audit and inspection already conducted;
5. Other matters over which it is reasonably deemed inappropriate to conduct an audit and inspection, as prescribed by Presidential Decree.

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

Article 73 (Method of Requesting Audits and Inspections) Any person who intends to request an audit and inspection shall make such request in the form of a signed document stating his or her personal details and the purport of and reasons for requesting such audit and inspection, as prescribed by Presidential Decree.

Article 74 (Decision on Conducting Audit and Inspection) (1) With respect to an audit and inspection request made in accordance with the main clause of Article 72 (1), the National Audit and Inspection Request Deliberation Commission prescribed by the Regulations of the Board of Audit and Inspection shall determine whether to conduct such audit and

inspection.

(2) If the head of a relevant public institution receives an audit and inspection request under the proviso of Article 72 (1), he or she shall determine, within 30 days, whether to conduct such audit and inspection in accordance with the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

(3) If the Board of Audit and Inspection or the head of a relevant public institution deems that an audit and inspection request is groundless, such board or head shall dismiss the request and notify the applicant of such dismissal within 10 days from the date of the decision of dismissal.

Article 75 (Audit and Inspection on Request) (1) The Board of Audit and Inspection or the head of a relevant public institution shall complete an audit and inspection within 60 days from the date of the determination to conduct such audit and inspection: Provided, That the period may be extended if any justifiable ground therefor exists.

(2) The Board of Audit and Inspection or the head of a relevant public institution shall notify an applicant for an audit and inspection of the findings of such audit and inspection within 10 days from the date such audit and inspection is completed.

Article 76 (Operation) Matters necessary for national requests for audits and inspections, except as otherwise provided for in this Act, shall be governed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 77 (Suggestion of Institutional Improvements) (1) Where the Commission identifies an irrational system in the process of handling grievance petitions and corruption prevention, or a matter is deemed to be in need of improvement, it may offer its opinion with respect thereto to the President or the National Assembly. <Amended on Dec. 10, 2019>

(2) Where the relevant statutes or municipal ordinances are deemed substantially irrational in the process of handling grievance petitions and corruption prevention, the Commission or the Local Ombudsman may offer its opinion with respect to the amendment to or abolition of such statutes or municipal ordinances to the National Assembly or the local council. <Amended on Dec. 10, 2019>

Article 78 (Protection of Information concerning Grievance Petitions) The Commission or the Local Ombudsman as well as the relevant administrative agencies, etc. shall endeavor to prevent infringement of interests of the petitioners and the interested parties which may be incurred from a leak of information pertaining to grievance petitions.

Article 79 (Publication of Grievance Petitions) (1) The Commission or the Local Ombudsman as well as the heads of the relevant administrative agencies, etc. shall provide every possible convenience to help file grievance petitions, including posting notices on the matters necessary for filing grievance petitions or keeping a pertinent manual for the public.

(2) The Commission or the Local Ombudsman shall, in handling grievance petitions, make efforts for the convenience of petitioners by such means as requiring the officials in charge of grievance petitions to take the procedures necessary for the confirmation of materials that can be done autonomously or cooperation with relevant administrative agencies, etc.

Article 80 (Cooperation with Relevant Administrative Agencies) (1) The Commission or the Local Ombudsman may request relevant administrative agencies, etc. to provide cooperation, when it is deemed necessary for performing its duties.

(2) The relevant administrative agencies, etc. requested by the Commission or the Local Ombudsman to provide cooperation shall comply with such request faithfully unless a justifiable reason exists to the contrary.

Article 81 (Education and Publicity) (1) The Commission or the Local Ombudsman may conduct necessary education and public relations to ensure that the public becomes aware of their rights and seeks remedies if their rights are violated.

(2) The Commission or the Local Ombudsman may consult with the Minister of Education to support education on the processing of grievance petitions, remedies of violated rights,

and anti-corruption at schools. <Amended on Mar. 23, 2013>

(3) The Commission or the Local Ombudsman may consult with the heads of relevant administrative agencies, etc. to ensure that the details of the system of grievance petitions and anti-corruption are included in educational and training courses for public officials.

Article 81-2 (Anti-Corruption Education for Public Officials) (1) The head of a public institution shall offer anti-corruption education and submit the results of such education to the Commission.

(2) The Commission shall check up on whether anti-corruption education referred to in paragraph (1) was offered.

(3) The Commission may request the heads of the relevant institutions or organizations to reflect the results of check-ups referred to in paragraph (2) in the following evaluations:

1. Self-evaluations by central administrative agencies and local governments referred to in Articles 14 (1) and 18 (1) of the Framework Act on Public Service Evaluation, and joint evaluations by local governments referred to in Article 21 (1) of that Act;
2. Evaluation on management performance of public corporations and quasi-governmental institutions referred to in Article 48 (1) of the Act on the Management of Public Institutions;
3. Evaluation on management of local public corporations referred to in Article 78 (1) of the Local Public Enterprises Act;
4. Evaluation on the offices of education of a City or Do referred to in Article 9 (2) of the Elementary and Secondary Education Act.

(4) Matters necessary for the details, methods, and submission of results, of education referred to in paragraph (1) and check-ups, etc. referred to in paragraph (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Mar. 29, 2016]

Article 81-3 (Awards for Improving Rights and Interests of People) The Commission may grant awards to individuals or organizations that have provided meritorious service in protecting and improving the rights and interests of the people, as prescribed by Presidential Decree.

[This Article Newly Inserted on Apr. 16, 2019]

Article 82 (Restrictions on Employment of Public Officials Dismissed for Corruption) (1) A person dismissed for corruption, etc. means any of the following persons: <Amended on Mar. 29, 2016>

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

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

1. A public institution;
2. An institution involved in an act of corruption prescribed by Presidential Decree;
3. For-profit private enterprise, etc. (including the following juristic persons) which has close relations with the business affairs of the department or institution to which he or she belonged for not less than five years before he or she retires:
 - (a) A law firm under Article 40 of the Attorney-at-Law Act, a law firm (limited liability) under Article 58-2 of that Act, a law firm partnership under Article 58-18 of that Act, and a law office under Article 89-6 (3) of that Act;
 - (b) An accounting corporation under Article 23 (1) of the Certified Public Accountant Act;
 - (c) A tax accounting corporation under 16-3 (1) of the Certified Tax Accountant Act;
 - (d) A foreign legal consultant office under subparagraph 4 of Article 2 of the Foreign Legal Consultant Act;
 - (e) A market-type public corporation under Article 5 (3) 1 (a) of the Act on the Management of Public Institutions;

- (f) A public-service related organization performing the affairs prescribed by Presidential Decree such as affairs for supervising safety, affairs for regulating authorization and permission, or affairs for procurement;
 - (g) An educational foundation establishing and managing a school referred to in each subparagraph of Article 2 of the Higher Education Act, and a private school established and managed by an educational foundation: excluding, however, the educational foundation or private school in which a person subject to review of employment will be employed as a teacher prescribed by Presidential Decree;
 - (h) A general hospital under Article 3-3 of the Medical Service Act, and a medical corporation under Article 33 (2) 3 of that Act and a non-profit corporation establishing a general hospital under Article 33 (2) 4 of that Act;
 - (i) A social welfare foundation under subparagraph 3 of Article 2 of the Social Welfare Services Act and a non-profit corporation operating a social welfare facility under subparagraph 4 of that Article;
4. A corporation or organization (hereinafter referred to as the "association") established for the purpose of pursuing common interests and mutual cooperation with a for-profit private enterprise, etc.
- (3) In determining whether or not employment referred to in paragraph (2) occurs, if any person deals with any business affairs of an institution subject to restriction on employment or provides assistance thereto, such as advice and counsel, and receives wages, salaries, etc. in return for such service on a regular basis or during a specified period, such person shall be deemed to be employed, regardless of his or her position or duties, such as an outside director, consultant, or advisor prescribed in the Commercial Act, and regardless of the type of contract. <Newly Inserted on Mar. 29, 2016>
- (4) Article 17 (2), (3), (5) and (8) of the Public Service Ethics Act shall apply mutatis mutandis to the scope of close relations between the business affairs of the department or institution to which a public official belonged prior to his or her retirement and a for-profit private enterprise, etc. under paragraph (2) 3. <Amended on Mar. 29, 2016>
- [Title Amended on Dec. 29, 2016]

Article 82-2 (Request for Submission of Materials) The Commission may request the submission of materials prescribed by Presidential Decree such as materials on criminal

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

[This Article Newly Inserted on Mar. 29, 2016]

Article 83 (Demand for Dismissal of Employed Persons) (1) Where a person is employed in a public institution in violation of the provisions of Article 82 (2), the Commission shall demand that the head of the public institution concerned dismiss him or her, and the head of the public institution concerned in receipt of such demand shall comply therewith unless there is a compelling reason not to do so. <Amended on Mar. 29, 2016>

(2) Where a person is employed in an institution involved in an act of corruption prescribed by Presidential Decree, a for-profit enterprise, etc. or the association in violation of the provisions of Article 82 (2), the Commission shall demand the head of the public institution concerned to take measures to cancel his or her employment, and the head of the public institution concerned in receipt of such demand, demand the head of such institution involved in an act of corruption, for-profit enterprise, etc., or association as has employed the above-mentioned person to dismiss him or her. In such cases, the head of such institution involved in corruption practices, for-profit enterprise, etc., or association shall without delay comply with the demand of dismissal unless there is a compelling reason not to do so. <Amended on Mar. 29, 2016>

Article 83-2 (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions) (1)

The members of the Committee who are not public officials, expert members under Article 22, and dispatched employees under Article 25 shall be deemed public officials in applying the penalty provisions under the Criminal Act or other statutes in relation to the duties of the Committee.

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

[This Article Newly Inserted on Apr. 16, 2019]

Article 84 (Special Case for the National Assembly) The National Assembly, the Court, the Constitutional Court, the National Election Commission, the Board of Audit and Inspection, or the Corruption Investigation Office for High Ranking Officials shall independently perform the duties provided for in subparagraphs 5 through 8 of Article 12 conscientiously to prevent internal corruption. <Amended on Dec. 29, 2020>

Article 85 (Relationship to Other Statutes) (1) Matters concerning administrative appeals, with the exception of matters prescribed by this Act, shall be governed by the Administrative Appeals Act.

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

CHAPTER VIII PENALTY PROVISIONS

Article 86 (Offense of Exploiting Confidential Information) (1) If any public official violates the provisions of Article 7-2, he or she shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 70 million won. <Amended on Jan. 7, 2009; May 28, 2014>

(2) In cases of paragraph (1), the imprisonment with labor and fine may be imposed concurrently.

(3) The goods or property gains acquired by a person committing an offense referred to in paragraph (1) or knowingly acquired by a third party by means of such offense referred to in paragraph (1) shall be confiscated or additionally collected.

Article 87 (Offense of Divulging Professional Secrets) Any person who has divulged confidential information learned in performing his/her duties of preventing corruption in violation of Article 30 shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won. <Amended by Oct. 31, 2017>

Article 88 (Violation of Prohibition of Publishing Personal Information) Any person who violates Article 64 (1) (including cases applicable mutatis mutandis in Articles 65 and 67) shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won. <Amended on Oct. 31, 2017; Apr. 16, 2019; Dec. 10, 2019>

Article 89 (Violation of Restrictions on Employment of Public Officials Dismissed for Corruption) Where a person dismissed for corruption, etc. referred to in Article 82 (1) is employed in an institution subject to restriction on employment referred to in paragraph (2) of that Article, he or she shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won. <Amended on Mar. 29, 2016> [Title Amended on Mar. 29, 2016]

Article 90 (Offense of Disadvantageous Measures and Failing to Implement Decisions to Take Measures of Status Guarantee) (1) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who has taken any disadvantageous measure prescribed in subparagraph 7 (a) of Article 2, in violation of Article 62 (1) (including cases applicable mutatis mutandis in Articles 65 and 67);
2. A person who has not implemented a decision to take measures of status guarantee, etc. under Article 62-3 (1) (including cases applicable mutatis mutandis in Articles 65 and 67).

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

1. A person who has taken any disadvantageous measure prescribed in subparagraph 7 (b) through (g) of Article 2, in violation of Article 62 (1) (including cases applicable mutatis mutandis in Articles 65 and 67);
2. A person who has interfered with filing a report, etc. or forced others to cancel a report, etc., in violation of Article 62 (2).

(3) A person who has failed to implement a request to take a measure of temporary suspension under Article 62-5 (including cases applicable mutatis mutandis in Articles 65 and 67) without good cause shall be punished by imprisonment with labor for not more

than one year or by a fine not exceeding 10 million won. <Amended on Dec. 10, 2019>
[This Article Wholly Amended on Apr. 16, 2019]

- Article 91 (Administrative Fines)** (1) A person who fails to attend a meeting, submit written statements or materials, or comply with a request to inquire facts or information in violation of Article 62-2 (4) (including cases applicable mutatis mutandis in Articles 65 and 67) shall be subject to an administrative fine not exceeding 30 million won. <Amended on Apr. 16, 2019>
- (2) The head of an institution subject to restriction on employment that refuses a demand under Article 83 (1) and (2) without good cause shall be subject to an administrative fine not exceeding 10 million won. <Newly Inserted on Apr. 16, 2019>
- (3) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended on Mar. 29, 2016; Apr. 16, 2019>
1. A person who obstructs, refuses, evades, or intentionally delays the performance of duties under Article 42 without good cause;
 2. The head of a public institution who refuses a request for submission of materials referred to in Article 82-2 without good cause.
- (4) Administrative fines prescribed in paragraphs (1) through (3) shall be imposed and collected by the Commission, as prescribed by Presidential Decree. <Amended on Apr. 16, 2019>