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## PROTECTION OF PUBLIC INTEREST REPORTERS ACT

[Enforcement Date 20. Nov, 2020.] [Act No.17300, 19. May, 2020., Partial Amendment]

국민권익위원회 (보호보상정책과)044-200-7752



법제처 국가법령정보센터

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### CHAPTER I GENERAL PROVISIONS

**Article 1 (Purpose)** The purpose of this Act is to contribute to the stabilization of the livelihood of citizens and the establishment of a transparent and clean social climate by protecting and supporting those who have reported any act that is detrimental to the public interest.

**Article 2 (Definitions)** The terms used in this Act are defined as follows: <Amended by Act No. 13443, Jul. 24, 2015; Act No. 15023, Oct. 31, 2017>

1. The term "act detrimental to the public interest" means any of the following acts detrimental to the health and safety of the people, the environment, the interests of consumers, fair competition, and public interest equivalent thereto:
  - (a) Any act falling under the penalty provisions of the Acts prescribed in the attached Table;
  - (b) Any act subject to administrative measures prescribed by Presidential Decree, such as measures for the cancellation or suspension of approval or permission, etc. in accordance with Acts prescribed in the attached Table;
2. The term "whistleblowing disclosure" means to file a report of, make representations of, provide information about, make a complaint or bring a charge of the fact that any act detrimental to the public interest has been committed or is likely to be committed, or to provide a lead for investigation into any act detrimental to the public interest to persons who fall under any of the subparagraphs of Article 6: Provided, That where any of the following whistleblowing disclosures shall not be deemed a whistleblowing disclosure:
  - (a) Where the person makes a whistleblowing disclosure despite being aware or in a position to be aware of the fact that the details of the whistleblowing disclosure are untrue;
  - (b) Where the person requests money or other valuables or a special favor in labor relations in connection with the whistleblowing disclosure or makes the whistleblowing disclosure for other unlawful purposes;

3. The term "whistleblowing disclosure, etc." means to make a whistleblowing disclosure and to make a statement, bear witness or provide materials in the inspection, investigation of or lawsuit over a whistleblowing disclosure, and in the inspection or lawsuit related to measures of protection for a whistleblower;
4. The term "whistleblower" means a person who makes a whistleblowing disclosure;
5. The term "whistleblower, etc." means a whistleblower and a person who makes a statement, bears witness, or provides materials in the inspection, investigation of or lawsuit against a whistleblowing disclosure, and in the inspection or lawsuit related to measures of protection for a whistleblower;
6. The term "disadvantageous measures" means any of the following measures:
  - (a) Dismissal, release from office, discharge, or other disadvantageous measures against a person's social position equivalent to the loss of social position;
  - (b) Disciplinary punishment, suspension from office, curtailment of salary, demotion, restrictions on advancement, or other unfair personnel measures;
  - (c) Transference of position, transference of office, withholding duties, reassignment of duties, or other personnel measures against the intention of the person himself or herself;
  - (d) Discrimination in performance evaluation, colleague evaluation, etc., and discriminative payment of wages, bonuses, etc. attendant thereon;
  - (e) Cancellation of opportunities for self-development, such as education or training, restrictions on or removal of available resources, such as budgets or human resources, suspension of the use of or cancellation of qualifications for dealing with security information or classified information, or other discrimination or measures that have a negative effect on the working conditions, etc.;
  - (f) Preparation of a list of persons subject to surveillance, or disclosure of such a list, bullying, violence or threatening language, or other acts that cause physical or mental harm;
  - (g) An unjust audit and inspection or investigation of duties, or disclosure of the result thereof;
  - (h) Cancellation of approval or permission, or other acts that give administrative disadvantage;
  - (i) Cancellation of a commodity or service contract, or other measures that give economic disadvantage;

7. The term "insider whistleblower" means any of the following whistleblowers:

- (a) A person who works or worked for a public institution, enterprise, corporation, organization, etc. that are reported;
- (b) A person who conducts or conducted affairs in accordance with a construction or service contract or any other contract entered into with a public institution, enterprise, corporation, organization, etc. that are reported;
- (c) Other persons prescribed by Presidential Decree.

**Article 3 (Responsibilities of the State)** (1) The State or a local government shall endeavor to prevent any act detrimental to the public interest, to prevent the spread thereof, and to protect and support whistleblowers, etc. [<Amended by Act No. 15023, Oct. 31, 2017>](#)

(2) Each enterprise shall endeavor to create conditions in which whistleblowers, etc. in the workplace are protected. [<Newly Inserted by Act No. 13443, Jul. 24, 2015>](#)

(3) The State or a local government may provide support or cooperation so that activities, etc. of enterprises to prevent acts detrimental to the public interest are revitalized. [<Newly Inserted by Act No. 13443, Jul. 24, 2015>](#)

**Article 4 (Formulation of Policies of Anti-Corruption and Civil Rights Commission)** (1) The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Commission") shall formulate policies for the following matters to protect and support whistleblowers, etc.:

- 1. Matters concerning the receipt of and processing, etc. of whistleblowing disclosures;
- 2. Matters concerning the confidentiality and personal protection, etc. of whistleblowers, etc.;
- 3. Matters concerning the prohibition of taking disadvantageous measures against whistleblowers, etc. and the measures of protection therefor, etc.;
- 4. Matters concerning the payment of a monetary reward or relief fund to whistleblowers, etc.;
- 5. Matters concerning education, public relations, etc. concerning the whistleblower protection system.

(2) Where necessary to efficiently formulate a policy prescribed in paragraph (1), the Commission may conduct a fact-finding survey on the current status of the treatment of whistleblowing disclosures and protective measures on organizations and agencies prescribed in the subparagraphs of Article 6. [<Newly Inserted by Act No. 13443, Jul. 24, 2015>](#)

(3) Matters necessary for methods, procedures, etc. for fact-finding survey prescribed in paragraph (2) shall be prescribed by Presidential Decree.<Newly Inserted by Act No. 13443, Jul. 24, 2015>

**Article 5 (Relationship to Other Statutes)** Where any conflict arises between other statutes and this Act in connection with the protection of whistleblowers, etc., this Act shall prevail over other statutes; however, where the application of other statutes is favorable to whistleblowers, etc., such statutes shall apply thereto.

## CHAPTER II WHISTLEBLOWING DISCLOSURES

**Article 6 (Whistleblowing Disclosures)** Any person deeming that an act detrimental to the public interest has been, or is likely to be, committed may make a whistleblowing disclosure to any of the following persons:

1. A representative or employer of a person, institution, organization or corporation that commits an offence detrimental to the public interest;
2. An administrative agency or supervisory agency that has guiding, supervisory, regulatory, or investigative authority for an act detrimental to the public interest (hereinafter referred to as "inspection agency");
3. An investigative agency;
4. The Commission;
5. Other persons whose whistleblowing disclosure is deemed necessary for the prevention of the occurrence of an act detrimental to the public interest or the spread of damage caused by the occurrence thereof and prescribed by Presidential Decree.

**Article 7 (Duty of Public Officials to Make Whistleblowing Disclosures)** Where a public official prescribed in subparagraph 3 of Article 2 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as "public official") becomes aware of any act detrimental to the public interest in the course of duty, he or she shall report such act to an inspection agency, investigative agency, or the Commission.

**Article 8 (Methods of Making Whistleblowing Disclosures)** (1) A person who intends to make a whistleblowing disclosure shall submit a document in which the following matters are

stated (including an electronic document; hereinafter referred to as "written report") to a person falling under any of the subparagraphs of Article 6 along with evidence, etc. of the relevant act detrimental to the public interest:

1. Personal information about the whistleblower, such as his or her name, resident registration number, domicile, contact details, etc.;
2. The person whose act is detrimental to the public interest;
3. Details of the act detrimental to the public interest;
4. The purport of and reasons for the whistleblowing disclosure.

(2) Notwithstanding paragraph (1), where a person who intends to make a whistleblowing disclosure is under special circumstances that prohibit him or her from submitting a written report, he or she may file a report verbally. In such cases, he or she shall submit evidence, etc.

(3) A person who receives a verbal report under paragraph (2) shall write down the matters told by a whistleblower in a written report, read the same to him or her, and have him or her affix his or her signature or seal.

**Article 8-2 (Non-Real Name Disclosures by Proxy)** (1) Notwithstanding Article 8 (1), a whistleblower may, without disclosing his or her personal information, have an attorney-at-law make a whistleblowing disclosure on his or her behalf. In such cases, personal information about the whistleblower under Article 8 (1) 1 shall be substituted with personal information about the attorney-at-law.

(2) A whistleblowing disclosure under paragraph (1) shall be made to the Commission, and the whistleblower or the attorney-at-law who makes the whistleblowing disclosure on his or her behalf shall state the purport of the whistleblowing disclosure and submit personal information about the whistleblower, materials proving the identity of the whistleblower, and a letter of attorney to the Commission.

(3) The Commission shall seal and keep the materials submitted pursuant to paragraph (2) and shall not inspect them without consent of the relevant whistleblower.

[This Article Newly Inserted by Act No. 15616, Apr. 17, 2018]

**Article 9 (Confirmation and Referral of Content of Reports)** (1) Where the Commission receives a whistleblowing disclosure, it may verify matters necessary for specifying the reported matters, such as personal information about the whistleblower, the events leading up to the whistleblowing disclosure, and the purport thereof.

(2) The Commission may request a whistleblower to submit necessary materials within the extent necessary for verifying the authenticity of matters prescribed in paragraph (1).

(3) Upon completing verification prescribed in paragraph (2), the Commission shall immediately transfer the case to the relevant inspection agency or investigative agency, and notify the whistleblower of the fact.

(4) An inspection agency or investigative agency to which a whistleblowing disclosure has been referred pursuant to paragraph (3) shall notify the Commission of the results of inspection or investigation after it has completed the inspection or investigation. In such cases, the Commission shall notify the whistleblower of the gist of the results of inspection or investigation.

(5) Where the Commission deems it necessary to prevent the spread and recurrence of acts detrimental to the public interest after it receives notification of the results of inspection pursuant to paragraph (4), it may present its opinion through the following measures under the relevant statutes or regulations, in addition to necessary measures taken by the relevant inspection agency pursuant to Article 10 (4) in accordance with the results of inspection:<Newly Inserted by Act No. 13443, Jul. 24, 2015>

1. Suspension of the manufacture or sale of, or recall or destruction of products;
2. Suspension of business, suspension of qualification, etc.;
3. Other measures necessary for elimination, prevention, etc. of the relevant acts detrimental to the public interest.

(6) Any whistleblower, in the receipt of notification prescribed in paragraph (4), may file an objection to the results of inspection or the results of investigation with the Commission, as prescribed by Presidential Decree.<Newly Inserted by Act No. 13443, Jul. 24, 2015>

(7) Where the Commission deems an inspection conducted by an inspection agency or investigation conducted by an investigative agency insufficient, or a formal objection prescribed in paragraph (6) reasonable, it may request the inspection agency to conduct a reinspection or the investigative agency to conduct a reinvestigation.<Newly inserted by Act No. 13443, Jul. 24, 2015>

(8) An inspection agency requested to conduct a reinspection or an investigative agency requested to conduct a reinvestigation shall notify the Commission of the results thereof after completing such reinspection or reinvestigation. In such cases, the Commission shall notify the relevant whistleblower of the gist of the results of reinspection or reinvestigation.<Newly Inserted by Act No. 13443, Jul. 24, 2015>

**Article 9-2 (Guidance on Protection and Support)** (1) The Commission shall formulate and implement guidance on the following matters:

1. Matters concerning maintaining confidentiality provided for in Article 12;
2. Matters concerning request for personal protective measures provided for in Article 13;
3. Matters concerning request for personnel measures provided for in Article 16;
4. Matters concerning requests for protective measures provided for in Article 17;
5. Matters concerning requests for the prohibition of disadvantageous measures provided for in Article 22;
6. Matters concerning requests for the payment of monetary rewards provided for in Article 26;
7. Matters concerning payment of monetary awards provided for in Article 26-2;
8. Matters concerning requests for the payment of relief funds provided for in Article 27.

(2) Persons eligible for guidance, methods for providing such guidance, and other necessary matters pursuant to paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14830, Apr. 18, 2017]

**Article 10 (Processing of Whistleblowing Disclosures)** (1) Where an inspection agency receives a whistleblowing disclosure or is notified of a whistleblowing disclosure by the Commission, it shall conduct a necessary inspection concerning the details thereof.

(2) Where a whistleblowing disclosure falls under any of the following cases, an inspection agency may choose not to conduct an inspection, or discontinue and conclude the inspection:

1. Where the details of the whistleblowing disclosure are expressly untrue;
2. Where personal information about the whistleblower is unknowable;
3. Where the whistleblower fails to supplement the written report or evidentiary materials, etc. within the period of supplementation, although he or she has received a request for supplementation on two or more occasions;
4. Where the whistleblower files a further report on the matters already notified of the results of processing the whistleblowing disclosure without good cause;
5. Where details of the whistleblowing disclosure fall under those disclosed through news media, etc. and no new evidence is found other than the one already disclosed;
6. Where an inspection of the relevant act detrimental to the public interest has been instituted or already completed according to other statutes or regulations;



7. Where it is prescribed by Presidential Decree that no inspection of the relevant act detrimental to the public interest is required.

(3) Where an inspection agency chooses not to conduct an inspection, or discontinue and conclude an inspection pursuant to paragraph (2), it shall immediately notify the relevant whistleblower of the fact.

(4) Where an inspection agency has concluded inspection of a whistleblowing disclosure, it shall take necessary measures according to the outcomes of inspection and notify the whistleblower of the results thereof.

(5) No person, etc. working with the agency that has received a whistleblowing disclosure pursuant to Article 6 shall disclose the details of the report including personal information, etc. about the person reported before any act detrimental to the public interest is found as a result of an inspection of the whistleblowing disclosure.

(6) Where a whistleblowing disclosure that does not fall under the jurisdiction of an inspection agency has been received by, or transferred or referred to, the inspection agency, it shall transfer such a report to the relevant inspection agency and notify the whistleblower of the fact.

#### **Article 10-2 (Construction and Operation of Integrated Information System for**

**Whistleblowing Disclosures)** (1) The Commission may construct and operate an integrated information system that manages the current status of the receipt and treatment of whistleblowing disclosures (hereinafter referred to as "integrated information system").

(2) Where necessary to construct and operate an integrated information system, the Commission may request organizations and agencies under the subparagraphs of Article 6 to provide data and information on the receipt and treatment of whistleblowing disclosures, and retain and use such data and information within the scope of purposes of the provision thereof. In such cases, any person, in the receipt of a request for providing data and information, shall comply with such request unless there is a compelling reason not to do so.

(3) The Commission shall take measures necessary to protect data and information it retains and uses pursuant to paragraph (2).

[\[This Article Newly Inserted by Act No. 13443, Jul. 24, 2015\]](#)

### CHAPTER III PROTECTION OF WHISTLEBLOWERS

**Article 11 (Omission of Personal Information)** (1) Where there exists a reasonable ground to believe that a whistleblower, etc., or his or her relative or cohabitant is harmed or is likely to be harmed due to a whistleblowing disclosure, etc., the provisions of Articles 7, 9 through 12 of the Act on Protection of Specific Crime Informants shall apply mutatis mutandis to the inspection thereof and the criminal procedure therefor.

(2) A whistleblower, etc. or his or her legal representative may request an inspection agency or investigative agency to take measures under paragraph (1). In such cases, the inspection agency or investigative agency shall comply with such request unless there is a compelling reason not to do so.

**Article 12 (Duty to Maintain Confidentiality of Whistleblowers)** (1) No person shall inform another person of the personal information about a whistleblower, etc. or any fact from which one can readily infer that he or she is a whistleblower, etc., or disclose or report the same through media although he or she knows the circumstances: Provided, That this shall not apply to cases where the whistleblower, etc. consents thereto.

(2) Where personal information about a whistleblower, etc. or the fact by which people may become aware that a person is a whistleblower, etc. is disclosed or reported through media, in violation of paragraph (1), the Commission may confirm the events leading up to the disclosure or media report. <Newly Inserted by Act No. 13443, Jul. 24, 2015>

(3) Where the Commission deems it necessary to confirm the events prescribed in paragraph (2), it may request an agency to which the relevant whistleblower, etc. made a whistleblowing disclosure, etc. to submit relevant data or state its opinion. In such cases, the relevant agency that receives a request for submitting data or stating its opinion shall comply with such request unless there is a compelling reason not to do so. <Newly Inserted by Act No. 13443, Jul. 24, 2015>

(4) The Commission may request a person who has the authority to take disciplinary action against the person who has informed others of personal information about a whistleblower, etc. or the fact by which people may become aware that he or she is a whistleblower, etc., or disclosed or reported personal information or the fact through media, in violation of paragraph (1), to take necessary measures, such as taking disciplinary

action against the relevant person. <Amended by Act No. 13443, Jul. 24, 2015>

**Article 13 (Personal Protective Measures)** (1) Where it is evident that a whistleblower, etc., his or her relative or cohabitant has suffered or is likely to suffer serious harm to his or her life or body due to a whistleblowing disclosure, etc. he or she may request the Commission to take necessary measures for his or her personal protection. In such cases, where the Commission deems it necessary, it may request the chief of a police station to take measures for his or her personal protection.

(2) The chief of a police station requested to take measures for personal protection under paragraph (1) shall immediately take measures for personal protection, as prescribed by Presidential Decree.

**Article 14 (Reduction of and Exemption from Responsibility)** (1) Where a criminal act of a whistleblower, etc. is found in connection with a whistleblowing disclosure, etc., the whistleblower, etc. may face reduced punishment or be exempt from the relevant punishment.

(2) Where a person who has the authority to take disciplinary action against a whistleblower, etc. takes disciplinary action against him or her or a person who has the authority to take administrative measures against a whistleblower, etc. takes unfavorable administrative measures against him or her by reason of an offense, etc. discovered in relation to a whistleblowing disclosure, etc., the Commission may request the person who has the authority to take disciplinary action or the person who has the authority to take administrative measures to reduce such disciplinary action or administrative measures or exempt him or her from such disciplinary action or administrative measures. In such cases, the person who receives a request shall comply with such request unless there is just cause. <Amended by Act No. 13443, Jul. 24, 2015>

(3) Even where classified information in respect of a person's duties is included in the details of a whistleblowing disclosure, etc., a whistleblower, etc. shall not be deemed to have violated his or her official duty to maintain confidentiality according to other statutes or regulations, a collective agreement, the rules of employment, etc.

(4) Even where a person reported suffers a loss due to a whistleblowing disclosure, etc., he or she shall not claim damages against a whistleblower, etc.: Provided, That where a whistleblower falls under subparagraph 2 (a) and (b) of Article 2, he or she may claim

damages.

(5) Where provisions of a collective agreement, employment contract, supply contract, etc. prohibit or restrict a whistleblowing disclosure, etc., such provisions shall be invalidated.

(6) Where the Commission deems it necessary to request reduction of or exemption from disciplinary action or administrative measures under paragraph (2), the Commission may request a person who has the authority to take disciplinary action or a person who has the authority to take administrative measures, or an agency to which the relevant whistleblower, etc. has made a public interest report, etc. to submit relevant data or state his or her or its opinion. In such cases, the relevant agency that receives a request for submitting data or stating its opinion shall comply with such request unless there is a compelling reason not to do so. <Newly Inserted by Act No. 13443, Jul. 24, 2015>

**Article 15 (Prohibition of Disadvantageous Measures)** (1) No person shall take disadvantageous measures against a whistleblower, etc. by reason of having made a whistleblowing disclosure, etc.

(2) No person shall interfere with making a whistleblowing disclosure, etc., or compel a whistleblower, etc. to cancel a whistleblowing disclosure, etc.

**Article 16 (Preferential Consideration of Personnel Measures)** Where a whistleblower, etc. requests an employer or a person having personnel authority to take measures concerning personnel management, such as a change of occupation, transference to another office, transference from another office, dispatched service, etc., the employer or person having personnel authority shall consider the request of the whistleblower preferentially if he or she deems the details of such request appropriate.

**Article 17 (Requests for Protective Measures)** (1) Where a whistleblower, etc. is subjected to disadvantageous measures (including cases where he or she makes a whistleblowing disclosure after he or she has been subjected to disadvantageous measures while preparing a whistleblowing disclosure, such as the collection of corroborating facts about acts detrimental to the public interest) by reason of making a whistleblowing disclosure, etc., he or she may request the Commission to take measures for reinstatement or other necessary measures (hereinafter referred to as "protective measures").

(2) A whistleblower, etc. shall request protective measures within one year from the date disadvantageous measures are taken (where the disadvantageous measures continue,

referring to the date of the termination thereof): Provided, That where a whistleblower, etc. could not request protective measures within one year against a natural disaster, war, accident, or other force majeure events, he or she may request the same within 14 days (in cases of a request for protective measures from abroad, referring to 30 days) from the date such a reason ceases to exist. <Amended by Act No. 15023, Oct. 31, 2017>

(3) Where there is a procedure for administrative relief from disadvantageous measures to which a whistleblower, etc. has been subjected due to making a whistleblowing disclosure, etc. in other statutes or regulations, he or she may request the relief according to such procedure: Provided, That this shall not apply to cases where a whistleblower, etc. has requested the protective measures pursuant to paragraph (1).

(4) Matters necessary for the method and procedure for requests for protective measures shall be prescribed by Presidential Decree.

**Article 18 (Dismissal of Requests for Protective Measures without Prejudice)** Where a request for protective measures falls under any of the following subparagraphs, the Commission may dismiss such request without prejudice:

1. Where a person who is not a whistleblower, etc. or an agent prescribed in Article 12 (1) of the Administrative Procedures Act makes a request;
2. Where a whistleblowing disclosure falls under any of the subparagraphs of Article 10 (2);
3. Where a whistleblower makes a request after the request period prescribed in Article 17 (2);
4. Where a whistleblower makes a request again for taking protective measures against the same disadvantageous measures on which he or she has received a decision of dismissal without prejudice, a decision to take protective measures prescribed in Article 20 (1) or dismissal decision;
5. Where a whistleblower makes a request again for taking protective measures for matters on which the Commission has recommended to take protective measures pursuant to Article 20 (2);
6. Where a whistleblower requests a procedure for relief under other statutes or regulations;
7. Where a whistleblower has already been granted relief according to the procedure for relief prescribed in other statutes or regulations.

**Article 19 (Inspection of Request for Protective Measures)** (1) Where the Commission receives a request to take protective measures, it shall immediately launch an inspection into whether the relevant whistleblower, etc. has been subjected to disadvantageous measures by reason of the whistleblowing disclosure, etc. In such cases, the Commission may notify an inspection agency of the fact that the whistleblower, etc. has made a request for protective measures.

(2) Where the Commission deems it necessary for inspecting a request to take protective measures, it may request any of the following persons to submit relevant materials:

1. A person who has made a request for protective measures (hereinafter referred to as "applicant");
2. A person who has taken disadvantageous measures;
3. A person for reference;
4. A relevant institution, organization or enterprise.

(3) The Commission may request those prescribed in paragraph (2) 1 through 3 to attend a meeting of the Commission to hear their statements, or request them to submit written statements.

(4) The Commission shall give the persons concerned sufficient opportunities for vindication in the course of inspection.

(5) The Commission may request cooperation, such as submission of data related to the inspection into an act detrimental to the public interest, from an inspection agency, when it notifies the agency of the fact that the whistleblower, etc. has made a request for protective measures pursuant to the latter part of paragraph (1). In such cases, the inspection agency shall comply therewith, unless there is a compelling reason not to do so.

<Amended by Act No. 15023, Oct. 31, 2017>

**Article 20 (Decision to Take Protective Measures)** (1) Where the Commission deems that, as a result of inspection, an applicant has been subjected to disadvantageous measures (excluding any disadvantageous measure falling under subparagraph 6 (h) and (i) of Article 2) due to a whistleblowing disclosure, etc., it shall make a decision requesting the person who has taken disadvantageous measures to take protective measures set forth in the following subparagraphs (hereinafter referred to as "decision to take protective measures") within a fixed period not exceeding 30 days, and where it deems that the applicant has not been subjected to disadvantageous measures due to the whistleblowing disclosure, etc., it

shall make a decision dismissing the request for protective measures (hereinafter referred to as "dismissal decision"):

1. Measures of reinstatement;
2. Payment of differentiated wages paid, wages in arrears, etc. (including interest);
3. Cancellation or prohibition of other disadvantageous measures.

(2) Where the Commission deems that, as a result of inspection, an applicant has been subjected to disadvantageous measures falling under subparagraph 6 (h) or (i) of Article 2 due to a whistleblowing disclosure, etc., it may recommend (hereinafter referred to as "recommendation") the person who has taken such disadvantageous measures take necessary protective measures, such as maintaining the validity of approval or permission, or a contract, etc., within a fixed period not exceeding 30 days.

(3) The Commission shall issue a decision of dismissal without prejudice prescribed in Article 18, decision to take protective measures, and dismissal decision prescribed in paragraph (1), and recommendation prescribed in paragraph (2) in writing and shall notify both the relevant applicant and the person who has taken disadvantageous measures thereof.

(4) Where the Commission makes a decision to take protective measures, it may request the person who has the authority to take disciplinary action for a disciplinary action against the person who has taken disadvantageous measures due to a whistleblowing disclosure, etc.

(5) The Commission shall periodically verify whether protective measures were actually taken for a person who had received disadvantageous measures and whether any additional disadvantageous measures were taken against the relevant person for two years, as prescribed by Presidential Decree. <Newly Inserted by Act No. 15023, Oct. 31, 2017>

(6) Matters necessary for the standards for payment of differentiated wages paid, wages in arrears, etc. prescribed in paragraph (1) 2 and the method for computation thereof, etc. shall be prescribed by Presidential Decree.

**Article 20-2 (Special Protective Measures)** (1) Where it is reasonable to believe that an act detrimental to the public interest takes place at the time an insider whistleblower files a report, the Commission may decide to take protective measures.

(2) Articles 20, 21, and 21-2 shall apply mutatis mutandis to a decision to take protective measures under paragraph (1).

[This Article Newly Inserted by Act No. 13443, Jul. 24, 2015]

**Article 21 (Finalized Decision to Take Protective Measures)** (1) An applicant or a person who has taken disadvantageous measures may file for an administrative litigation against a decision to take protective measures, dismissal decision, or decision of a dismissal without prejudice within 30 days from the date he or she receives the written decision, as prescribed by the Administrative Litigation Act.

(2) Where an applicant or a person who has taken disadvantageous measures fails to file an administrative litigation by the period prescribed in paragraph (1), the relevant decision to take protective measures, dismissal decision, or decision of a dismissal without prejudice shall be finalized.

(3) An applicant or a person who has taken disadvantageous measures shall not file an administrative appeal under the Administrative Appeals Act against a decision to take protective measures, decision of dismissal or decision of a dismissal without prejudice.

(4) The validity of a decision to take protective measures, dismissal decision, or decision of dismissal without prejudice shall not be suspended by instituting administrative litigation under paragraph (1). <Newly Inserted by Act No. 13443, Jul. 24, 2015>

**Article 21-2 (Charges for Compelling Compliance)** (1) The Commission shall impose a charge for compelling compliance of less than 30 million won on a person who fails to take protective measures by the due date after he or she receives a decision to take protective measures under Article 20 (1): Provided, That the foregoing shall not apply to the State or local governments. <Amended by Act No. 15616, Apr. 17, 2018>

(2) The Commission shall notify in advance its intention to impose and collect a charge for compelling compliance in writing no later than 30 days before it imposes the charge for compelling compliance under paragraph (1).

(3) Where the Commission imposes a charge for compelling compliance under paragraph (1), it shall impose such charge in writing, specifying the amount of the charge for compelling compliance, a reason for the imposition, the deadline for the payment, the receiving institution, methods for filing an objection, an agency with which an objection is filed.

(4) The Commission may repeatedly impose and collect a charge for compelling compliance under paragraph (1) until protective measures are implemented up to twice a



year based on the date on which a decision to take protective measures is made. <Amended by Act No. 15616, Apr. 17, 2018>

(5) Where a person who has taken unfavorable measures takes protective measures, the Commission shall not impose a new charge for compelling compliance, but shall collect the charge for compelling compliance already imposed.

(6) Where a person liable to pay a charge for compelling compliance fails to pay such charge for compelling compliance by the deadline for payment, the Commission shall urge him or her to pay the charge for compelling compliance within a fixed period; and where he or she fails to pay the charge for compelling compliance under paragraph (1) within the fixed period, it may collect the charge for compelling compliance in the same manner as delinquent national taxes are paid.

(7) Matters necessary for the guidelines for imposition, procedures for collection, etc. of charges for compelling compliance under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13443, Jul. 24, 2015]

**Article 22 (Request for Prohibition of Disadvantageous Measures)** (1) Where it is evident that a whistleblower, etc. is likely to be subjected to disadvantageous measures due to a whistleblowing disclosure, etc. (including a preparatory act for a whistleblowing disclosure, such as the collection of corroborating facts of acts detrimental to public interest), he or she may request the Commission to prohibit disadvantageous measures.

(2) Where the Commission is requested to prohibit disadvantageous measures, it shall immediately launch an inspection into whether disadvantageous measures to which a whistleblower, etc. is likely to be subjected fall under disadvantageous measures due to a whistleblowing disclosure, etc.

(3) The provisions of Articles 18, 19, and 20 (1) through (3) shall apply mutatis mutandis to requests to prohibit disadvantageous measures.

(4) Where the Commission deems that, as a result of inspection, a whistleblower, etc. is likely to be subjected to disadvantageous measures due to a whistleblowing disclosure, etc., it shall recommend a person who intends to take disadvantageous measures not take such disadvantageous measures.

**Article 23 (Presumption of Disadvantageous Measures)** Where there exist grounds falling under the following subparagraphs, it is presumed that a whistleblower, etc. has been subjected to disadvantageous measures due to the relevant whistleblowing disclosure, etc.:

[<Amended by Act No. 15023, Oct. 31, 2017>](#)

1. Where a person intends to identify the whistleblower, etc., or interferes with the whistleblowing disclosure, etc., or compels the whistleblower, etc. to withdraw the whistleblowing disclosure, etc.;
2. Where a person takes disadvantageous measures against the whistleblower, etc. within two years after he or she makes the whistleblowing disclosure, etc.;
3. Where a person takes disadvantageous measures although he or she is recommended to prohibit disadvantageous measures under Article 22 (4);
4. Where a whistleblower, etc. makes a request for protective measures to the Commission or files a lawsuit for restoration, etc. to a court pursuant to Article 17 (1) after he or she made a whistleblowing disclosure in accordance with this Act.

**Article 24 (Recommendation for Reconciliation)** (1) Where the Commission receives a request for protective measures, it may recommend reconciliation on protective measures and a claim for damages, etc. or make a proposal for reconciliation ex officio or at the request of the persons concerned until it makes a decision to take protective measures, dismissal decision or decision of a dismissal without prejudice. In such cases, the conditions that violate the purpose of this Act shall not be included in a proposal for reconciliation.

(2) The Commission shall hear the opinions of the persons concerned in full before preparing a proposal for reconciliation.

(3) Where the persons concerned accept a proposal for reconciliation of the Commission, it shall prepare a reconciliation protocol and have the persons concerned and all of the members of the Commission involved in reconciliation affix their signatures and their seals on the protocol.

(4) Where the Commission prepares a reconciliation protocol pursuant to paragraph (3), an agreement containing the same contents as the reconciliation protocol shall be deemed to have been effected between the persons concerned, and the reconciliation protocol shall have the same force and effect as a consent judgment under the Civil Procedure Act.

**Article 25 (Request for Cooperation)** (1) Where it is necessary for inspecting and processing the details of a report or protective measures, the agency that receives a whistleblowing disclosure pursuant to Article 6 or the Commission may request the administrative agencies concerned, counseling centers or medical institutions, and other related organizations, etc. to provide cooperation and assistance.

(2) The administrative agencies concerned, counseling centers or medical institutions, and other related organizations, etc. in receipt of such request prescribed in paragraph (1) shall comply with such request, unless there is a compelling reason not to do so.

**Article 25-2 (Special Cases of Reporting on Political Campaigns)** (1) Where any public official prescribed in the State Public Officials Act and the Local Public Officials Act (excluding an employee of the National Intelligence Service under Article 2 of the Act on Staff of National Intelligence Service Korea; hereafter in this Article referred to as "State public official, etc.") is instructed to perform any of the following acts, he or she may file an objection in accordance with procedures prescribed by Presidential Decree, and where such instruction is not corrected, he or she may refuse to execute such duties:

1. Political campaign prescribed in Article 65 of the State Public Officials Act;
2. Political campaign prescribed in Article 57 of the Local public Officials Act;
3. Involvement in politics prescribed in Article 94 (1) of the Military Criminal Act.

(2) Where any State public official, etc. reports the fact that he or she is instructed to perform an act falling under the subparagraphs of paragraph (1) to an investigative agency for the sole purpose of public interest when such instruction is not corrected after he or she follows procedures for filing an objection prescribed in paragraph (1), Article 127 of the Criminal Act and Article 80 of the Military Criminal Act shall not apply thereto.

(3) No person shall give a disadvantage to a whistleblower prescribed in paragraph (2) by reason of a report he or she has filed.

[This Article Newly Inserted by Act No. 12265, Jan. 14, 2014]

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

**Article 26 (Monetary Rewards)** (1) Where a whistleblowing disclosure leads to a direct recovery of or increase in revenues of the State or a local government through imposition, etc. falling under any of the following subparagraphs, or legal relationship thereof is

confirmed, an insider whistleblower may request the Commission to pay him or her monetary rewards: <Amended by Act No. 13443, Jul. 24, 2015>

1. The penalty provisions or disposition of notification;
2. Forfeiture or imposition of additional collection charges;
3. Imposition of administrative fines or charges for compelling the performance;
4. Imposition of penalty surcharges (where there is a penalty surcharge system that takes the place of disposition of the cancellation or suspension of approval or permission, etc., including disposition of the cancellation or suspension of approval or permission, etc.);
5. Other dispositions or decisions made by the court prescribed by Presidential Decree.

(2) Where the Commission receives an application for payment of monetary rewards under paragraph (1), it shall pay monetary rewards through deliberation and resolution by the Reward Deliberative Committee prescribed in Article 69 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Reward Deliberative Committee"), as prescribed by Presidential Decree: Provided, That the Commission may reduce monetary rewards or choose not to pay monetary rewards for matters on which a person who is under an obligation to report an act detrimental to the public interest to the administrative agencies concerned, etc. or a public official makes a whistleblowing disclosure in connection with his or her duties.

(3) A whistleblower shall request the Commission to pay him or her monetary rewards under paragraph (1) within two years from the date he or she becomes aware that legal relationship of the recovery or increase in revenues of the State or a local government has been confirmed, or within five years from the date such legal relationship is confirmed: Provided, That this shall not apply to cases where there is good cause.

(4) Where there is an application for payment of monetary rewards under paragraph (1), unless there is a compelling reason not to do so, the Commission shall decide whether to pay such monetary rewards or the amount of monetary rewards to be paid within 90 days from the date of application.

(5) Where the Commission deems it necessary to conduct an inspection in connection with the payment of monetary rewards, it may request the applicant for payment of monetary rewards, persons for reference, related agencies, etc. to attend, make a statement or submit materials. Where an applicant for payment of monetary rewards, person for

reference, related agency, etc. is requested by the Commission to attend, make a statement or submit materials, he or she or it shall comply with such request unless there is good cause.

(6) Where the Commission decides to pay monetary rewards under paragraph (4), it shall immediately notify the applicant for payment of monetary rewards and related local government (limited to cases where it pays monetary rewards by reason of a direct recovery of or increase in revenues of the local government and the confirmation of legal relationship thereof).

**Article 26-2 (Monetary Awards)** (1) Where a whistleblowing disclosure, etc. brings remarkable property benefits to the State or a local government, prevents loss, or promotes the public interest on any of the following grounds, the Commission may grant monetary awards or recommend granting award pursuant to the provisions of the Awards and Decorations Act: Provided, That it shall not grant monetary awards that overlap with monetary rewards prescribed in Article 26 or monetary rewards prescribed in other statutes or regulations:

[<Amended by Act No. 15023, Oct. 31, 2017>](#)

1. Where a person who has committed an act detrimental to the public interest is granted the suspension of prosecution, the suspension of the sentence or execution of punishment, etc.;
2. Where administrative measures that require specific actions, such as an order to take corrective actions, or prohibition are taken;
3. Where a whistleblowing disclosure, etc. contributes to the improvement of systems, such as the enactment or amendment of relevant statutes or regulations for the prevention of acts detrimental to the public interest;
4. Other grounds prescribed by Presidential Decree.

(2) Matters concerning the guidelines for, subject matters of, and procedures for the payment of monetary awards, etc. prescribed in paragraph (1) shall be prescribed by Presidential Decree.

[\[This Article Newly Inserted by Act No. 13443, Jul. 24, 2015\]](#)

**Article 27 (Relief Funds)** (1) Where a whistleblower, etc., his or her relative or cohabitant suffers a loss or pays any of the following expenses due to a whistleblowing disclosure, etc., he or she may file an application for payment of relief funds with the Commission:

1. Expenses incurred in physical or mental treatment;
2. Expenses incurred in transference, dispatched service, etc.;
3. Expenses incurred in the litigation procedures related to reinstatement;
4. The amount of wages lost during the period of disadvantageous measures;
5. Other serious economic losses (excluding subparagraphs 6 (h) and (i) of Article 2).

(2) Where the Commission receives an application for payment of relief funds under paragraph (1), it may pay relief funds through deliberation and resolution by the Reward Deliberative Committee, as prescribed by Presidential Decree: Provided, That where it is deemed urgently necessary for the recovery of losses, it may preferentially pay relief funds before deliberation and resolution by the Reward Deliberative Committee, as prescribed by Presidential Decree. <Amended by Act No. 15023, Oct. 31, 2017>

(3) The Commission may inspect an applicant for payment of relief funds or an interested party, or inquire of an administrative agency or related organization necessary matters in connection with payment of relief funds. In such cases, the administrative agency or related organization shall comply with such inquiry unless there is a compelling reason not to do so.

(4) Where a whistleblower, etc., his or her relative or cohabitant has received compensation due to losses or expenses prescribed in the subparagraphs of paragraph (1), the Commission shall not pay relief funds within the extent of such amount.

(5) Where the Commission pays relief funds, a claim for damages held by a person who has received the relevant relief funds due to losses or expenses prescribed in the subparagraphs of paragraph (1) shall be subrogated within the extent of the amount paid.

**Article 28 (Prohibition of Overlapping Payment of Monetary Rewards and Relief Funds)** (1) No person who will receive monetary rewards pursuant to Article 26 or relief funds pursuant to Article 27 shall be prohibited from claiming monetary rewards or relief funds according to other statutes or regulations.

(2) Where a person who will receive monetary rewards or relief funds receives monetary awards under this Act, monetary rewards or relief funds, etc. according to other statutes or regulations by the same reason, if the amount of such monetary rewards, monetary awards, or relief funds is equal to or exceeds the amount of monetary rewards or relief funds that he or she will receive according to this Act, the Commission shall not pay monetary rewards or relief funds, and if the amount of such monetary rewards, monetary

awards, or relief funds is less than the amount of monetary rewards or relief funds that he or she will receive according to this Act, the Commission shall deduct such amount and determine the amount of monetary rewards or relief funds. <Amended by Act No. 13443, Jul. 24, 2015>

(3) Where a person who will receive monetary rewards or relief funds according to other statutes receives monetary rewards, monetary awards, or relief funds under this Act by the same reason, the Commission shall deduct the amount of such monetary rewards, monetary awards, or relief funds, and determine the amount of monetary rewards or relief funds according to other statutes or regulations. <Amended by Act No. 13443, Jul. 24, 2015>

**Article 29 (Collection of Monetary Rewards and Relief Funds)** (1) Where the Commission or an agency that pays monetary rewards or relief funds according to other statutes or regulations finds any of the following facts, it shall notify the applicant for payment of the monetary rewards or relief funds of the amount he or she should return, and the applicant for monetary rewards and relief funds shall pay such amount: <Amended by Act No. 15023, Oct. 31, 2017>

1. Where the applicant for payment of monetary rewards or relief funds receives monetary rewards or relief funds by fraud or other improper means;
2. Where the applicant for payment of relief funds received relief funds pursuant to the proviso to Article 27 (2) but the Reward Deliberative Committee decides not to pay relief funds by its deliberation and resolution;
3. Where the relief funds the applicant received relief funds pursuant to the proviso to Article 27 (2) exceeds the amount the Reward Deliberative Committee decided to pay by its deliberation and resolution;
4. Where the Commission pays monetary rewards or relief funds, in violation of Article 28 (2) or (3);
5. Where the Commission erroneously pays monetary rewards or relief funds due to an error or such.

(2) A local government notified by the Commission of a decision to pay monetary rewards pursuant to Article 26 (6) shall reimburse an amount equivalent to the monetary rewards paid by the Commission to the applicant for payment of monetary rewards to the Commission within three months from the date it is notified thereof.

(3) Where an applicant for payment of monetary rewards or relief funds, who is required to return the same pursuant to paragraph (1) and (2), and a local government required to reimburse the same fails to pay the amount by the payment deadline, the Commission may collect such in the same manner as delinquent national taxes or local taxes are collected.

**Article 29-2 (Liability for Damages)** (1) A person who caused damage to a whistleblower, etc. by taking disadvantageous measures on the grounds of whistleblowing disclosures, etc. shall bear the liability for damages by up to three times the damage caused to the whistleblower, etc.: Provided, That the same shall not apply where the person who took disadvantageous measures proves the absence of intention or negligence.

(2) Where a court determines the amount of damages under paragraph (1), it shall take into account the following matters:

1. The degree of awareness of the intention or the likelihood of loss;
2. The degree of damage the whistleblower, etc. has suffered due to disadvantageous measures;
3. The financial gain the person who took disadvantageous measures earned from such disadvantageous measures;
4. The degree of criminal punishment the person who took disadvantageous measures receives for the relevant disadvantageous measures;
5. The type, period, number, etc. of disadvantageous measures;
6. The financial status of the person who took disadvantageous measures;
7. The degree of efforts the person who took disadvantageous measures has made for damage relief of the whistleblower, etc.

[This Article Newly Inserted by Act No. 15023, Oct. 31, 2017]

## CHAPTER V PENALTY PROVISIONS

**Article 30 (Penalty Provisions)** (1) Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won: <Amended by Act No. 15023, Oct. 31, 2017>

1. A person who discloses the details of a report including personal information about a person reported, in violation of Article 10 (5);



2. A person who advises another person of personal information about a whistleblower, etc. or a fact that enables one to infer that he or she is a whistleblower, etc., discloses or reports the same through media, in violation of Article 12 (1).

(2) 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:<Amended by Act No. 15023, Oct. 31, 2017>

1. A person who takes any disadvantageous measures falling under subparagraph 6 (a) of Article 2 against a whistleblower, etc., in violation of Article 15 (1);

2. A person who fails to implement a decision to take protective measures confirmed pursuant to Article 21 (2) or confirmed by filing an administrative litigation.

(3) 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:<Amended by Act No. 15023, Oct. 31, 2017>

1. A person who takes disadvantageous measures falling under any of subparagraph 6 (b) through (g) of Article 2 against a whistleblower, etc., in violation of Article 15 (1);

2. A person who interferes with a whistleblowing disclosure, etc., or compels a whistleblower to withdraw a whistleblowing disclosure, etc., in violation of Article 15 (2).

**Article 30-2 (Joint Penalty Provisions)** Where the representative of a corporation, or an agent or employee of, or any other person employed, by a corporation or an individual commits an offense under Article 30 in connection with the business affairs of such corporation or individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention to and supervision concerning the relevant duties to prevent such offense.

[This Article Newly Inserted by Act No. 13443, Jul. 24, 2015]

**Article 31 (Administrative Fines)** (1) A person who refuses to submit materials, to attend a meeting, to make a statement, in violation of Article 19 (2) and (3) (including cases where Article 22 (3) is applied mutatis mutandis), shall be subject to an administrative fine not exceeding 30 million won.

(2) A person who fails to comply with a decision to take special protective measures prescribed in Article 20-2 shall be subject to an administrative fine of up to 20 million won.

<Newly Inserted by Act No. 13443, Jul. 24, 2015>

(3) The Commission shall impose and collect administrative fines prescribed in paragraphs (1) and (2), as prescribed by Presidential Decree.<Amended by Act No. 13443, Jul. 24, 2015>