



# **ENFORCEMENT DECREE OF THE ACT ON THE PREVENTION OF CORRUPTION AND THE ESTABLISHMENT AND MANAGEMENT OF THE ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION**

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Presidential Decree No. 17420, Nov. 29, 2001  
Amended by Presidential Decree No. 18312, Mar. 17, 2004  
Presidential Decree No. 18965, Jul. 26, 2005  
Presidential Decree No. 19238, Dec. 30, 2005  
Presidential Decree No. 19513, Jun. 12, 2006  
Presidential Decree No. 20471, Dec. 28, 2007  
Presidential Decree No. 20737, Feb. 29, 2008  
Presidential Decree No. 21513, May 28, 2009  
Presidential Decree No. 22837, Apr. 4, 2011  
Presidential Decree No. 23231, Oct. 17, 2011  
Presidential Decree No. 24317, Jan. 16, 2013  
Presidential Decree No. 24418, Mar. 23, 2013  
Presidential Decree No. 25751, Nov. 19, 2014  
Presidential Decree No. 26598, Oct. 20, 2015  
Presidential Decree No. 26659, Nov. 20, 2015  
Presidential Decree No. 27517, Sep. 27, 2016  
Presidential Decree No. 27617, Nov. 29, 2016  
Presidential Decree No. 28211, Jul. 26, 2017  
Presidential Decree No. 28619, Jan. 30, 2018  
Presidential Decree No. 30129, Oct. 15, 2019

## CHAPTER I GENERAL PROVISIONS

### **Article 1 (Purpose)**

The purpose of this Decree is to provide for the matters delegated by the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission and other matters necessary for enforcement thereof.

### **Article 2 (Definitions)**

“Civil petition for grievance” in subparagraph 5 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 the “Act”) means a civil petition containing any of the following requests:

1. A request for redress of a grievance concerning matters that infringe upon any right or interest or cause any inconvenience or burden due to any unlawful or unreasonable disposition (including any factual act), omission, etc. of administrative agencies, etc.;
2. A request for redress of a grievance concerning matters that give any inconvenience or burden due to ambiguous criteria or procedures for processing civil petitions or any passive administrative action or omission by administrative agencies, etc. such as delayed processing on the part of the public official in charge;
3. A request for redress of a grievance concerning matters that infringe upon any right or interest or give any inconvenience or burden due to any unreasonable administrative system, statute, policy, etc.;
4. Other requests for redress of grievances concerning the infringement of rights or interests or unreasonable treatment in public service.

### **Article 3 (Support, etc. for Ethical Business Management)**

The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the “Commission”) may provide support, cooperation, etc. for the ethical management of enterprises to ensure that they may effectively entrench their business ethics under Article 5 of the Act.

### **Article 4 (Code of Conduct for Public Officials)**

Where the National Assembly, the Supreme Court, the Constitutional Court, the National Election Commission, or any organization related to the public service

referred to in subparagraph 1 (d) of Article 2 of the Act, enacts or amends the code of conduct for public officials prescribed in Article 8 of the Act (hereinafter referred to as “code of conduct”), the Commission may request it to give notice thereof to the Commission.

**Article 5 (Holding of Consultative Meetings)**

If necessary for the swift processing of civil petitions for grievances or improvement of administrative systems under Articles 10 and 80 of the Act or for the operation of participant portals under Article 12 (1) of this Decree, the chairperson of the Commission (hereinafter referred to as the “chairperson”) may have a consultative meeting with a relevant civil rights remedy agency or relevant administrative agencies, etc.

**CHAPTER II ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION**

**Article 6 (Formulation of Policies to Protect Rights and Interests and Prevent Corruption)**

- (1) The Commission shall formulate mid-and long-term basic policies and an annual implementation plan to protect the rights of citizens, provide remedies for infringement of civil rights and interests, and prevent corruption in public institutions.
- (2) The Commission may recommend public institutions to develop and implement detailed implementation measures in accordance with the mid-and long-term basic policies and annual implementation plans formulated under paragraph (1).

**Article 7 (Survey and Evaluation of Actual Status)**

The Commission may conduct a survey and evaluation of the actual status under subparagraphs 4 through 6 of Article 12 of the Act by entrusting the analysis of materials or other tasks to outside experts or outside specialized institutions, or by organizing an evaluation team consisting of members of the Commission, public officials of relevant institutions, etc.

**Article 7-2 (Construction and Operation of Information System)**

- (1) The Commission, in order to effectively operate works as prescribed in Article 12 (5) through (14) and Article 82 of the Act, may build and operate information system.
- (2) The Commission may request the heads of public institutions (excluding organizations prescribed in Article (2) 1. (c) of the Act) to input data requested

to be submitted under Article 29 (1) 1 and Article 82-2, into the information system under paragraph (1).

*[This Article Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019]*

**Article 8 (Education for Civil Rights Remedy and Prevention of Corruption)**

The Commission may consult with the Minister of Education to reflect matters concerning civil rights remedy, prevention of corruption and others in the curricula prescribed in Article 23 of the Elementary and Secondary Education Act, and may recommend lifelong educational organizations or facilities under the Lifelong Education Act to include matters pertaining to civil rights remedy and prevention of corruption in their curricula. *<Amended by Presidential Decree No. 24418, Mar. 23, 2013>*

**Article 9 (Enforcement, Operation, etc. of Code of Conduct)**

The Commission may formulate and implement guidelines for enforcing and operating the code of conduct under subparagraph 14 of Article 12 of the Act, and may investigate and inspect a public institution to ascertain the actual status of enforcing, operating, and implementing its own code of conduct.

**Article 10 (Reporting, Processing, etc. of Violations of Code of Conduct)**

- (1) The Commission may, upon receipt of a report on a violation of the code of conduct, undergo gathering consensus, etc. under Article 29 of the Act. In such cases, if a public official is found to have violated the code of conduct, the Commission may give notice thereof to the head of the agency to which the public official belongs or to the head of the supervisory body thereof.
- (2) If a public official found to have violated the code of conduct under paragraph (1) is not subject to any of the statute governing disciplinary action, the Commission may give notice of such fact to the person authorized to appoint and dismiss the public official or to the head of the supervisory body thereof.
- (3) The head of the agency or the person authorized to appoint and dismiss the public official notified under paragraphs (1) and (2) shall notify the Commission of the measures taken.

**Article 11 (Establishment, Operation, etc. of Government Call Centers for Civil Petitions)**

- (1) A government call center for civil petitions shall be established and operated under subparagraph 15 of Article 12 of the Act, within the Commission to provide information and consultation about civil petitions and analyze and manage the results of processing the petitions. *<Amended by Presidential Decree No. 28619, Jan. 30, 2018>*

- (2) The Commission may request relevant administrative agencies, etc. to provide cooperation so as to collect materials necessary for operating the government call center for civil petitions. In such cases, the relevant administrative agencies, etc. shall comply therewith, in the absence of special circumstances.
- (3) The Commission may develop a standard business and technology model and support the utilization thereof to assist relevant administrative agencies, etc. in providing information and consultation about civil petitions by telephone.
- (4) Each of the relevant administrative agencies, etc. shall designate and manage a department to take exclusive charge of the civil petitions received through the government call centers for civil petitions.
- (5) The Commission may entrust part of the affairs of government call centers for civil petitions, such as receipt of civil petitions and provision of information, to private organizations under Article 6 (3) of the Government Organization Act, so as to efficiently perform the affairs of the government call centers for civil petitions.

**Article 12 (Integrated Operation and Others of Online Civil Participant Portals)**

- (1) The Commission shall exercise general control over the operation of online civil participant portals prescribed in subparagraph 16 of Article 12 of the Act (hereinafter referred to as “participant portals”).
- (2) The Commission shall perform the following duties for the integrated operation of participant portals:
  1. The operation and management of participant portal websites and systems;
  2. The classification and reclassification of civil petitions, citizen proposals, policy suggestions, etc. received through participant portals;
  3. The analysis and evaluation, and the follow-up management of results from processing, of civil petitions, citizen proposals, policy suggestions, etc. received through participant portals;
  4. Education and publicity related to the operation of participant portals;
  5. The preparation of criteria for the integrated operation of participant portals;
  6. Other matters necessary for the integrated operation of participant portals.
- (3) Matters concerning the filing, receipt, classification, processing, etc. of civil petitions, citizen proposals, etc. received through participant portals and matters necessary for participation in the policy-making process shall be determined by the chairperson after consulting with relevant administrative agencies, etc..
- (4) Each of the relevant administrative agencies, etc. shall designate and manage a

department to take exclusive charge of civil petitions, citizen proposals, policy suggestions, etc. received through its own participant portal.

- (5) The Commission may request relevant administrative agencies, etc. to provide cooperation in collecting and sharing materials, jointly using administrative information, linking information and communications networks, etc. necessary for the integrated operation of participant portals. In such cases, the relevant administrative agencies, etc. shall comply with such request, in the absence of special circumstances.

#### **Article 13 (Chairperson's Duties)**

- (1) The chairperson shall exercise overall control over the duties of the Commission.
- (2) The chairperson shall call and preside over meetings of the Commission.

#### **Article 14 (Prohibition of Concurrent Offices of Commission Members)**

“Individual, corporation, or organization having a special interest as provided for by Presidential Decree” in subparagraph 2 of Article 17 of the Act means any of the following individuals, corporations, or organizations: Provided, That educational institutions, research institutes, and academic societies shall be excluded:

1. An individual, corporation or organization that exercises, or receives delegation or entrustment of, administrative powers pursuant to statutes;
2. An individual, corporation or organization that receives funding from the State or a local government;
3. A corporation or organization in which the appointment or dismissal of an executive officer or employee requires the consent or approval of the State or a local government pursuant to statutes or the articles of incorporation thereof.

#### **Article 15 (Recusal and Refrainment)**

- (1) Any person who intends to make an application for recusal under Article 18 (2) of the Act may file it with the chairperson specifying the grounds therefor. In such cases, the chairperson shall determine whether to accept the application for recusal.
- (2) Grounds for recusal shall be clarified in writing by not later than three days after the date of making the application for recusal.
- (3) A member subject to recusal shall without delay submit to the chairperson his/her statement of opinion on the application for recusal.
- (4) No appeal may be made against the chairperson's determination on any application for recusal. <Newly Inserted by Presidential Decree No. 26598, Oct. 20, 2015>

- (5) Upon receipt of an application for recusal, the Commission shall suspend its resolution procedures until a determination thereon is made: Provided, That when the chairperson deems it urgent, the same shall not apply. *<Newly Inserted by Presidential Decree No. 26598, Oct. 20, 2015>*
- (6) Where a member intends to refrain from deliberation and resolution under Article 18 (3) of the Act, he/she shall obtain approval from the chairperson.

**Article 16 (Commission's Resolution, etc.)**

- (1) The Commission shall deliberate and resolve on each of the following: *<Amended by Presidential Decree No. 23231, Oct. 17, 2011; Presidential Decree No. 27517, Sep. 27, 2016>*
1. Matters relating to the major policy making and operation of the Commission;
  2. Recommendations for rectification under Article 46 of the Act, falling under each subparagraph of Article 18;
  3. Recommendations for institutional improvements under Article 47 of the Act;
  4. Determinations to request audits and inspections under Article 51 of the Act;
  5. Matters requiring changes in the standing resolutions of the Commission;
  6. Matters resolved by subcommittees to be handled directly by the Commission;
  7. Matters determined by the chairperson regarding preventing corruption, reporting an act of corruption, etc.;
  8. Matters determined by the chairperson regarding whistleblowing for the public interest and others under the Protection of Public Interest Reporters Act;
  - 8-2. Matters determined by the chairperson regarding reporting, etc. of violations referred to in the Improper Solicitation and Graft Act;
  9. Other matters required by the chairperson to be handled by the Commission.
- (2) Meetings of the Commission shall be held on a regular basis and may be called by the chairperson whenever deemed necessary.
- (3) Meetings of the Commission may be held through remote video conference where members can attend the meetings in different places equipped with a device transmitting and receiving video and voice simultaneously. In such cases, it shall be deemed that members attend the same meeting. *<Amended by Presidential Decree No. 28619, Jan. 30, 2018>*

**Article 17 (Subcommittees)**

- (1) Subcommittees by field shall be established within the Commission under Article 20 (1) of the Act to deliberate and resolve on civil petitions for grievances (excluding any matter that falls under any subparagraph of Article 20 (1) of the

Act) that fall under each of the following: <Amended by Presidential Decree No. 21513, May 28, 2009; Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 28211, Jul. 26, 2017>

1. Civil petitions for grievances in the fields of general administration and society, such as public service, education, culture, welfare, labor, traffic, and roads;
  2. Civil petitions for grievances in economic fields, such as taxation business, agriculture, forestry, fishery, environment, and finance;
  3. Civil petitions for grievances in construction-related fields, such as housing, building, and urban planning;
  4. Civil petitions for grievances in the fields of national defense, military affairs, and veterans affairs (including civil petitions for grievances filed by active-duty soldiers, persons in mandatory military service, etc.);
  5. Civil petitions for grievances in police activities, such as dispositions and criminal investigations by police agencies (including coast guard agencies).
- (2) The chairperson may designate the chairperson and members of each subcommittee and replace those members when needed.
- (3) If a member of a subcommittee has any cause for exclusion, recusal, or refrainment under Article 18 of the Act with regard to a specific case, the Chairperson may require another subcommittee to deliberate and resolve on the case, or designate a member of another subcommittee as a member of the subcommittee in question only for such case.
- (4) Article 16 (3) shall apply mutatis mutandis to methods for remote video conference held by a subcommittee. <Amended by Presidential Decree No. 28619, Jan. 30, 2018>

#### **Article 18 (Civil Petitions Involving Multiple Parties)**

“Matters provided for by Presidential Decree, including cases related to the interests of multiple persons” in Article 20 (1) 1 of the Act means any of the following:

1. Cases involving multiple persons whose interests are sharply in conflict or which are closely connected with the public interest or national policies;
2. Cases involving multiple administrative agencies or interested persons that require intensive deliberations due to complicated interests or processing procedures;
3. Cases that have large ripple effects on the society or cause considerable mental or material harm to petitioners.



**Article 19 (Organization, Operation, etc. of Working Groups)**

- (1) A working group referred to in Article 21 of the Act shall be comprised of at least three members including the chairperson thereof.
- (2) The chairperson may designate the head and members of each working group and replace those members when needed.
- (3) Each working group shall conduct prior examination and adjustment of the items to be placed on the agenda of the Commission, research and studies, and deliberation and resolution on the matters delegated by the Commission.
- (4) Article 16 (3) shall apply *mutatis mutandis* to methods for remote video conference held by a working group. <Amended by Presidential Decree No. 28619, Jan. 30, 2018>

**Article 20 (Open Meeting and Others)**

- (1) In principle, the proceedings of the Commission or a subcommittee to examine and mediate a grievance petition case shall be open to the public: Provided, That it may be closed to the public if the Commission or subcommittee so resolves in any of the following cases:
  1. Where the petitioner requests that it be closed to the public;
  2. Where the petitioner's privacy is deemed necessary to protect;
  3. Where a case involving multiple parties is closely connected with a national policy and open examination and mediation is deemed likely to hinder the Commission or subcommittee from conducting a fair examination and mediation thereof;
  4. Where the case is closely connected with national defense, national security, or a criminal investigation and open examination and mediation is deemed likely to hinder the Commission or subcommittee from conducting fair examination and mediation thereof;
  5. Other cases where open examination and mediation is deemed likely to hinder the Commission or subcommittee from conducting a fair examination and mediation thereof.
- (2) No deliberation and resolution on a grievance petition case by the Commission or a subcommittee shall be open to the public: Provided, That the deliberation and resolution may be open to the public if it is deemed by the Commission or subcommittee not to affect the fairness of deliberation and resolution.
- (3) Except in cases falling under paragraphs (1) and (2), meetings of the Commission shall be open to the public: Provided, That when deemed necessary

for the protection of informants or on other grounds, they may be made closed to the public upon resolution by the Commission.

**Article 21 (Selection of Secretariat Staff)**

The Commission shall appoint expert members and employees from among people with expertise, integrity, and morality required to handle civil petitions for grievances, prevent corruption and conduct administrative appeals, and it may establish and impose detailed criteria therefor.

**Article 22 (Commission's Code of Conduct, etc.)**

- (1) The Commission shall promulgate and enforce a code of conduct to ensure that its members, expert members and employees maintain high levels of integrity and morality.
- (2) The Commission shall devise measures necessary to ensure that its expert members and employees can devote themselves to processing civil petitions for grievances, preventing corruption and conducting administrative appeals with integrity and impartiality.

**Article 23 (Advisory Organization)**

- (1) Advisory members of the advisory organization under Article 24 of the Act shall be commissioned by the chairperson from among people with abundant knowledge and experience in the fields of welfare, industry, building, cities, roads, military affairs, police, labor, environment, civil and criminal affairs, etc.
- (2) The terms of office of the advisory members referred to in paragraph (1) shall be two years and they may be reappointed.
- (3) Pursuant to Article 24 of the Act, the Commission may request the advisory organization to provide advice about each of the following:
  1. Matters relating to the policy and operation of the Commission;
  2. Matters necessary for the handling of civil petitions for grievances and institutional improvement;
  3. Matters necessary for the prevention of corruption, protection of informants, etc.;
  4. Other matters deemed necessary by the chairperson or the head of a subcommittee or working group.

**Article 24 (Commissioning of Expert Consultants)**

- (1) The chairperson may commission professionals in relevant fields, such as attorneys-at-law and certified tax accountants, as expert consultants to provide citizens with consulting services regarding civil petitions.

- (2) The terms of office of expert consultants shall be two years and they may be consecutively reappointed.

**Article 25 (Payment, etc. of Allowances)**

Allowances may be paid, and travel and other necessary expenses may be reimbursed within budgetary limits, to both the members of the Commission, other than to public officials and any of the following persons: Provided, That the same shall not apply where a public official attends a meeting of the Commission in direct connection with any of his/her official duties: *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

1. Expert members commissioned under Article 22 (2) of the Act;
2. Advisory members of the advisory organization under Article 24 of the Act;
3. Employees dispatched under Article 25 of the Act;
4. Interested persons, expert witnesses, appraisers, or related public officials under Article 29 (1) 2, Article 42 (1) 2 and 4 of the Act;
- 4-2. Members of the Reward Deliberation Board (herein after referred to as “Reward Board”) under Article 69 (1) of the Act;
5. Expert consultants under Article 24;
6. Advisory members of the advisory organization under Article 31;
7. Deleted *<Oct. 15, 2019>*;
8. Other persons (excluding public officials) equivalent to those provided for in subparagraphs 1 through 4, 4-2, 5, and 6, who are present at meetings of the Commission.

**Article 26 (Dispatch of Public Officials, etc.)**

(1) Upon receipt of a request for dispatch under Article 25 (1) of the Act, the head of an institution shall select public officials or employees to be dispatched to the Commission (hereinafter referred to as “dispatched employees”) from among those falling under any of the following subparagraphs and meeting the criteria under Article 21:

1. Public officials of Grade VI or lower (including public officials in special service equivalent thereto) who have served as such for at least five years;
2. Employees serving as managers or in higher positions in the relevant corporation or organization;
3. Persons with abundant expertise and experience in the relevant area of business;
4. Persons who perform their duties hospitably and sincerely with a sense of

responsibility and competence, as determined by the Commission.

- (2) The head of the institution that has dispatched any of the public officials or employees thereof to the Commission under Article 25 (1) of the Act shall devise preferential measures for any dispatched person returning to the institution in assigning positions, etc. and the head may give preferential treatment in evaluating work performance, such as granting additional career points, to any dispatched employee who has served in the Commission for at least one year.

**Article 27 (Posting, etc. of Dispatched Employees)**

The chairperson shall assign appropriate duties and positions to dispatched employees in consideration of their grades, careers, etc.

**Article 28 (Operational Status)**

The operational status of the Commission under Article 26 of the Act shall include each of the following:

1. The status of receipt of civil petitions for grievances and the results of processing thereof;
2. The recommendations or opinions presented by the Commission regarding civil petitions for grievances;
3. Among recommendations or opinions presented by the Commission regarding civil petitions for grievances but not accepted by the relevant administrative agencies, etc., those deemed important by the Commission;
4. Other matters deemed necessary by the Commission for institutional improvement, etc. in relation to civil petitions for grievances.

**Article 29 (Procedures, etc. for Recommending Institutional Improvements to Prevent Corruption)**

- (1) When recommending the head of a public institution to make institutional improvements under Article 27 (1) of the Act, the Commission shall give written notice thereto, stating the details thereof, the Commission's opinion on institutional improvements, and the deadline for taking measures.
- (2) The head of the public institution in receipt of notice under paragraph (1) shall give written notice to the Commission of the result of the measures taken under Article 27 (2) of the Act by not later than one month after the expiration of the deadline for institutional improvement measures under paragraph (1).
- (3) When requesting the re-deliberation under Article 27 (3) of the Act, the head of a public institution shall do so in writing specifying the grounds therefor by not later than one month after the date of receiving notice under paragraph (1).

- (4) When re-deliberating on institutional improvements under Article 27 (3) of the Act, the Commission shall give written notice of the result thereof to the head of the public institution who has requested such re-deliberation.
- (5) If the result of re-deliberation conducted under paragraph (4) contains a recommendation for institutional improvements, the head of the public institution who has been notified of the result shall give notice to the Commission of the result of the measures taken under paragraph (2).

**Article 29-2 (Publication of Investigations and Evaluations)**

The head of a public institution required to publish the results of investigations and evaluations pursuant Article 27-3 (1) of the Act shall display such results on its website for at least one month, no later than 14 days from the date the Commission publishes such results pursuant to Article 27-2 (2) of the Act.

*[This Article Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016]*

**Article 30 (Examination of Factors Causing Corruption)**

(1) When analyzing and examining statutes falling under any of the subparagraphs of Article 28 (1) (herein this Article referred to as “statutes, etc.”) to discover corruption causing factors (hereinafter referred to as “corruption risk assessment”), the Commission shall assess each of the following: *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

1. The possibility of causing corruption:
  - (a) Whether a discretionary power, if any, is likely to induce corruption;
  - (b) Whether the criteria for application of statutes, etc. and the procedures for exercising powers are objective and concrete;
  - (c) Whether adequate anti-corruption measures exist to regulate the exercise of discretion;
2. The ease of compliance with statutes, etc.:
  - (a) Whether statutes, etc. include any provisions, the observance of which can not be expected from citizens, enterprises, organizations, etc.;
  - (b) Whether the details and degree of punishment for violating statutes, etc. are appropriate;
  - (c) The possibility of giving preference and the appropriateness and reasonableness of preferential treatment;
3. The transparency of administrative procedures:
  - (a) If participation in the administrative process is required, whether the opportunity therefor is guaranteed and relevant information is sufficiently

available;

- (b) Whether the procedural preparations, procedure and period of processing, the result of processing, etc. are predictable;
4. Whether other possibilities of causing corruption exist.
- (2) The Commission may develop guidelines for corruption risk assessment concerning the subject matter, criteria, methods, plan, and other matters of assessment to efficiently conduct corruption risk assessment, and give notice thereof to the head of an institution governing the statutes, etc. concerned (herein this Article referred to as “head of an institution governing the statutes, etc.”).  
<Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (3) When conducting corruption risk assessment on statutes, etc. under paragraph (1), the Commission may request the head of a public institution to provide materials, etc. necessary for assessment under Article 29 (1) of the Act. In such cases, the head of the public institution so requested shall provide cooperation under Article 29 (4) of the Act.
- (4) When recommending the head of an institution governing the statutes, etc. to rectify any factor of corruption under Article 28 (1) of the Act, the Commission shall give him/her written notice of the details thereof and the deadline for measures. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (5) The head of an institution governing the statutes, etc. in receipt of a recommendation for rectification under paragraph (4), if he/she deems it impracticable to implement the recommendation as given by the Commission, shall give written notice to the Commission of the grounds therefor within the due date for measures. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (6) The Commission may request the head of an institution governing the statutes, etc. to provide materials necessary for corruption risk assessment. In such cases, The head of an institution governing the statutes, etc. shall comply therewith conscientiously and the Commission shall without delay give written notice of the result of the corruption risk assessment to the head of an institution governing the statutes, etc. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (7) When deemed necessary for enacting or amending a municipal ordinance or rule, the head of a local government may request the Commission to conduct corruption risk assessment under paragraph (1).
- (8) The Commission shall, upon receipt of a request for corruption risk assessment under paragraph (7), give written notice of the result to the head of the relevant

local government without delay.

- (9) When deemed necessary to conduct corruption risk assessment on the articles of incorporation or other internal regulations (including articles of incorporation or other internal regulations to be enacted or amended), the head of a public service-related organization under subparagraph 1 (d) of Article 2 of the Act may request the Commission to conduct corruption risk assessment. In such cases, the Commission shall conduct the corruption risk assessment and give written notice of the result to the head of the public service-related organization without delay.

**Article 31 (Advisory Organization for Corruption Risk Assessment)**

- (1) The Commission may establish an advisory organization for corruption risk assessment to ensure that corruption risk assessment is conducted professionally and fairly and to seek an advice on such assessment.
- (2) Matters necessary for organizing and operating the advisory organization for corruption risk assessment shall be determined by the chairperson subject to resolution by the Commission.

**Article 32 (Notification to Relevant Agencies of Corruption Risk Assessment Results)**

- (1) If the result of corruption risk assessment is related to the regulatory impact analysis under Article 7 of the Framework Act on Administrative Regulations, the Commission may give notice thereof to the Regulatory Reform Committee to make it available for the examination of regulations.
- (2) If the result of corruption risk assessment is deemed helpful in examining bills or adjusting and reforming statutes pursuant to Articles 21 and 24 of the Operational Regulations on Legislative Affairs, the Commission may give notice thereof to the Ministry of Government Legislation to make it available for legislative affairs.

**Article 33 (Requesting Explanations, etc. from Public Institutions)**

- (1) Where the Commission requests a public institution to provide explanations, materials, documents, etc. under Article 29 (1) 1 of the Act, it shall give written notice to the public institution of the details thereof and the deadline for provision.
- (2) Where the Commission investigates the actual status under Article 29 (1) 1 of the Act, it shall give prior notice to the relevant public institution of the purpose, date, venue, investigator's personal details, etc.: Provided, That the same shall not apply in case of emergency or where it is likely to adversely affect the investigation.

- (3) Any employee who investigates the actual status of a public institution under paragraph (2) shall produce a certificate indicating his/her authority to interested persons.

**Article 34 (Requesting Presence, etc. from Interested Persons)**

- (1) Where the Commission requests an interested person, expert witness, or related public official, to appear to state his/her opinion under Article 29 (1) 2 of the Act, it shall give written notice thereof to him/her by not later than seven days before the date for appearance.
- (2) An interested person, expert witness, or related public official may, upon receipt of the notice under paragraph (1), appear at the Commission's meeting to state his/her opinion or otherwise submit his/her opinion in writing by the day before the date for appearance.

**CHAPTER III PROCESSING OF CIVIL PETITIONS FOR GRIEVANCES**

**Article 35 (Filing of Civil Petitions for Grievances)**

- (1) Where a civil petition for grievance is filed by means of an oral statement with the Commission or a Local Ombudsman (hereafter referred to as "civil rights committee" in this Chapter) under the proviso to Article 39 (2) of the Act, a public official in receipt of such petition shall prepare an application therefor and have the details thereof verified by the petitioner, with his/her signature or name and seal affixed.
- (2) "Matters provided for by Presidential Decree" in Article 39 (2) 3 of the Act means each of the following: <Amended by Act No. 26659, Nov. 20, 2015; Act No. 27617, Nov. 29, 2016>
  1. The titles of relevant administrative agencies, etc.;
  2. Whether a petitioner has filed a lawsuit or a request for protest and remedy under another statute;
  3. If a civil petition for grievance is filed with another civil rights committee, the name of the civil rights committee and the details of the petition;
  4. If a civil petition for grievance is filed by an agent, the agent's personal details and relationship to the principal;
  5. The representative's personal details (if appointed);
  6. If a petitioner is in military service (including where he/she is seconded to serve as an auxiliary police officer or obligatory fire-fighter under the Military



Service Act), his/her position, rank and serial number.

**Article 36 (Selected Representatives for Civil Petitions for Grievances)**

- (1) Where multiple petitioners jointly file a civil petition for grievance, up to three representatives may be selected from among the petitioners.
- (2) If petitioners fail to select a representative under paragraph (1), if deemed necessary, the civil rights committee may advise the petitioners to select a representative.
- (3) Selected representatives may each perform all acts regarding the case on behalf of the other petitioners: Provided, That the withdrawal of the civil petition for grievance is subject to the consent of the other petitioners, and such consent shall be clarified in writing.
- (4) If a representative is selected, the other petitioners may take action regarding the case only through the selected representative.
- (5) The petitioners who have selected a representative may, if deemed necessary, dismiss or replace the selected representative. In such cases, the petitioners shall without delay give notice thereof to the civil rights committee.

**Article 37 (Permission for Agent)**

- (1) When intending to appoint an agent under Article 39 (3) 5 of the Act, the petitioner shall file an application for permission with the civil rights committee, specifying each of the following:
  1. The agent's personal details;
  2. The petitioner's grounds for appointing the agent;
  3. Relationship between the petitioner and the agent.
- (2) Upon receipt of an application under paragraph (1), the civil rights committee shall without delay examine it and determine whether to grant permission, and then give notice of the result to the petitioner.

**Article 38 (Correction, etc. of Relevant Administrative Agencies, etc.)**

If a petitioner mistakenly designates relevant administrative agencies, etc. or it is deemed necessary to additionally designate relevant administrative agencies, etc., the civil rights committee may correct or additionally designate the relevant administrative agencies, etc. ex officio or upon request of the petitioner.

**Article 39 (Supplement of Written Petitions)**

- (1) If necessary, a civil rights committee may request a petitioner to supplement his/her written petition within a specified certain period.
- (2) If a petitioner fails to supplement his/her written petition in spite of the request

made pursuant to paragraph (1), the civil rights committee may re-request him/her to supplement his/her written petition within a specified period.

- (3) If a petitioner in receipt of a request for supplement under paragraph (2) fails to supplement his/her civil petition for grievance within the fixed period even though such supplement is essential for processing the petition, the civil rights committee may rule to dismiss the petition.

**Article 40 (Withdrawal of Petitions)**

A petitioner may withdraw his/her own petition in writing before the civil rights committee makes a determination thereon.

**Article 41 (Notification of Administrative Appeals, etc.)**

- (1) If the head of a relevant administrative agency, etc. finds that an administrative appeal or a civil petition received according to the procedures for protest and remedy under other statutes is identical in substance with a civil petition for grievance under investigation by a civil rights committee under Article 41 of the Act, he/she shall promptly give notice of such fact to the civil rights committee.
- (2) If a civil rights committee receives the same civil petition for grievance as one already processed by another civil rights committee, the former shall without delay give notice to the latter of the receipt of the civil petition for grievance.
- (3) The civil rights committee that is notified of the receipt of a civil petition for grievance under paragraph (2) may submit the result of processing the civil petition for grievance and the opinion on processing thereof to the civil rights committee that has received the civil petition for grievance.

**Article 42 (Processing Period of Civil Petitions for Grievances)**

- (1) A civil rights committee shall process a civil petition for grievance within 60 days from the date of receipt thereof: Provided, That when it is impossible to process the civil petition for grievance within the period due to mediation or other unavoidable cause, the processing period may be extended by up to 60 days.
- (2) When a civil rights committee extends a processing period under the proviso to paragraph (1), it shall without delay give notice to the petitioner of the grounds for such extension and the scheduled processing deadline.
- (3) Article 11 of the Enforcement Decree of the Administrative Procedures Act shall apply mutatis mutandis to a period not subject to inclusion in the processing period of a civil petition for grievance under paragraph (1).

**Article 43 (Processing of Repeated Civil Petitions for Grievances, etc.)**

- (1) If a petitioner repeats substantially identical civil petitions for grievances on at least three occasions without justifiable grounds, for which the processing results are notified at least twice, the civil rights committee may dismiss the third or subsequent petition.
- (2) If a civil petition for grievance is filed by a person whose name, address, whereabouts, etc. are unknown, the civil rights committee may dismiss it.

**Article 44 (Methods of Investigation)**

- (1) Where a civil rights committee requests relevant administrative agencies, etc. to give an explanation or submit pertinent materials, documents, etc. under Article 42 (1) 1 of the Act, it shall do so in writing specifying the purport, submission date, details of the request, etc.: Provided, That in emergency or upon request for a simple explanation, such request may be made orally or by telephone, telegraph, facsimile, Internet, etc.
- (2) Where relevant administrative agencies, etc. requested to provide an explanation or submit materials under paragraph (1), neglect or refuse to comply with such request, the civil rights committee may issue a demand note to have the civil petition for grievance expedited.
- (3) A request for appraisal under Article 42 (1) 4 of the Act shall be made in writing specifying the appraiser or appraisal institution, the period, purposes and details of appraisal, etc.

**Article 45 (Request for Presence, Statement of Opinions, etc.)**

- (1) When making a request for presence, statement of opinions, etc. under Article 42 (1) 2 of the Act, the civil rights committee shall give prior notice of the names of parties, the purport of such request, the date and venue for attendance, etc.
- (2) The head of an institution to which any party requested to appear to state his/her opinion, etc. under paragraph (1) belongs, shall allow the party a business trip or an official leave of absence.

**Article 46 (On-Site Investigations, etc. by Staff Members)**

- (1) When intending to have its staff members conduct an on-site investigation or hear opinions from petitioners, etc. under Article 42 (1) 3 of the Act, the civil rights committee shall give prior notice to the relevant administrative agencies, etc. or the petitioners, etc. of the purport, details, date, venue, etc. of such investigation or visit: Provided, That when it is associated with a national secret having significant impact on national security or with an investigation into a drug-related crime or other serious crime, the civil rights committee may consult

in advance with the relevant administrative agencies, etc. about the date, venue, etc. of the on-site investigation.

(2) If deemed necessary for an on-site investigation under paragraph (1), the civil rights committee's staff members may investigate in a manner prescribed in each of the following subparagraphs. In such cases, relevant experts may be accompanied:

1. Hearing statements from employees of the relevant administrative agencies, etc. or the petitioners, etc.;
2. Requesting the submission of any document, book of account, or other materials retained by the relevant administrative agencies, etc. or the petitioners, etc.;
3. Checking necessary goods, persons, venues or the state of things.

#### **Article 47 (Recommendation for Settlement and Mediation Procedures)**

- (1) If a settlement is reached between the parties concerned, either on recommendation for settlement under Article 44 of the Act or on their own initiative, a written agreement for settlement shall be prepared with the parties' names and signatures or seals affixed, subject to confirmation by the civil rights committee.
- (2) A civil rights committee may hold a mediation hearing to mediate between the parties concerned under Article 45 of the Act.
- (3) Each mediation hearing shall be presided over by the chairperson of the civil rights committee or by a member thereof.
- (4) A civil rights committee may require the petitioner of a civil petition for grievance and the responsible employees of the relevant administrative agencies, etc. to be present at a mediation hearing so as to facilitate the mediation hearing, and it may ask an interested person, expert witness, etc. to be present at the mediation hearing to state their opinions either at the petitioner's request or when deemed necessary to efficiently conduct mediation.

#### **Article 48 (Methods of Recommendation and Expression of Opinions)**

- (1) The recommendation for rectification or expression of opinions under Article 46 of the Act shall be given in writing specifying each of the following:
  1. The details of the civil petition for grievance;
  2. The details of the rectification recommendation or opinions;
  3. The deadline for reply on the part of the relevant administrative agencies, etc. and other matters deemed necessary by the civil rights committee.

- (2) The recommendation for improvement or expression of opinions under Article 47 of the Act, shall be provided in writing specifying each of the following:
1. The current state and issues of related statutes, systems, and policies;
  2. The details of the recommendation for improvement or opinions;
  3. The deadline for reply on the part of the relevant administrative agencies, etc. and other matters deemed necessary by the civil rights committee.

**Article 49 (Provision of Opportunities to Present Opinions)**

When providing an opportunity to present opinions under Article 48 (1) of the Act, the civil rights committee shall give prior notice to the relevant administrative agencies, etc. and the petitioner or interested persons of the date, venue, etc. of the meeting.

**Article 50 (Notice of Progress in Processing, etc.)**

- (1) Upon receipt of a civil petition for grievance, a civil rights committee shall designate a person to take charge of processing the petition and give notice to the petitioner of the receipt of the civil petition for grievance and the position, name, and contact information of the person in charge of handling the petition.
- (2) A civil rights committee shall give notice to a petitioner of the progress in processing his/her civil petition for grievance, the expected date for completion of processing and other relevant matters either when 30 days elapse from the date of receiving the civil petition for grievance or at the petitioner's request.
- (3) Notice prescribed by paragraphs (1) and (2) may be given by telephone, telegraph, facsimile, Internet, etc. and shall be delivered in writing without delay upon request by the petitioner.

**Article 51 (Notice, etc. of Processing Results)**

- (1) Where any extenuating circumstance makes it impracticable to take measures according to the recommendation or opinion of a civil rights committee, the heads of the relevant administrative agencies, etc. shall give notice of the grounds therefor to the civil rights committee, which may re-deliberate on the relevant matter.
- (2) If a civil petition for grievance has been or can be addressed differently from the recommendation or opinion of a civil rights committee, the heads of the relevant administrative agencies, etc. shall give notice thereof to the civil rights committee.

**Article 52 (Request, etc. for Submitting Materials for Verification and Inspection of Compliance Status)**

- (1) When deemed necessary to verify and inspect the actual status of compliance with the recommendations, etc. under Article 52 of the Act, the civil rights committee may request from the relevant administrative agencies, etc. subject to such inspection, each of the following:
  1. Submission of related documents;
  2. Submission of an account, a confirmation document, etc.;
  3. Attendance of directly related public officials or employees to state their opinions;
  4. Measures deemed by the civil rights committee as necessary to efficiently conduct the verification and inspection.
- (2) Upon receipt of a request under paragraph (2), the relevant administrative agencies, etc. shall comply therewith except in extenuating circumstances.

**Article 53 (Supporting Activities of Local Ombudsmen)**

Pursuant to Article 54 (2) of the Act, the Commission shall support the activities of Local Ombudsmen as provided in each of the following:

1. Promoting the organization of Local Ombudsmen;
2. Promoting mutual linkage and exchange among civil rights committees, such as composing national council of the civil rights committees;
3. Operating programs and providing educational support to increase the capabilities of Local Ombudsmen for processing civil petitions for grievances and providing consulting services.

**CHAPTER IV REPORTING CORRUPTION AND PROTECTION OF REPORTING PERSONS, ETC.**

**Article 54 (Selection of Representative of Reporting person)**

If an act of corruption is reported by at least two persons under their joint signature in pursuant to Articles 55 and 56 of the Act (herein this Chapter and Chapter V referred to as “reporting”), the Commission may require them to select a representative from among them. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

**Article 55 (Verification before Processing of Reported Matters)**

- (1) The Commission may verify each of the following matters before processing a matter reported under Article 59 of the Act: <Amended by Presidential Decree No. 27517, Sep. 27, 2016; Presidential Decree No. 30129, Oct. 15, 2019>

1. Personal information of persons making a report (herein this Chapter and Chapter V referred to as “reporter”) (referring to names, resident registration numbers, addresses, occupations, places of work, contact points, and other matters corresponding thereto; hereinafter the same shall apply);
  2. The details and purport of and grounds for reporting;
  3. Whether the details of the report involve an act of corruption;
  4. Relationship between the reporting person and the person suspected of committing the act of corruption;
  5. Whether expert witnesses, evidential data, etc. supporting the details of the report are secured;
  6. Whether a report, complaint, accusation, petition, etc., which has the same substance as the report filed with the Commission, is already made to any investigative agency or other institution;
  7. Whether the reporting person consents to the disclosure or suggestion of his/her identity (hereinafter referred to as “disclosure of identity”) in the course of processing the report by the Commission or during the process of an audit, criminal investigation, examination, etc. by the investigative agency under Article 59 (3) (herein after referred to as “investigative agency”).
- (2) When ascertaining whether a reporting person consents to the disclosure of his/her identity under paragraph (1) 7, the Commission shall give an explanation to him/her for the processing procedure, identity disclosure procedure, etc. of the investigative agency.

**Article 56 (Supplement of Reports)**

If a reporting person fails to provide his/her personal details or any information necessary for clarifying the details of his/her report under Article 59 (1) 1 of the Act, the Commission may require the reporting person to supplement his/her report.

**Article 57 (Referral, etc. of Reported Matters)**

- (1) When referring a reported matter to an investigative agency under Article 59 (3) of the Act, the Commission shall do so according to each of the following:
  1. Where an audit and inspection is required under the Board of Audit and Inspection Act: The Board of Audit and Inspection;
  2. Where a criminal investigation is required on suspicion of a crime or other grounds: An investigative agency;
  3. Where it is not appropriate to refer it to the Board of Audit and Inspection or an investigative agency: The supervisory body of the relevant public institution

(in the absence of such supervisory body, the public institution).

- (2) Where a reported matter involves with more than one institution, the Commission may designate a competent investigative agency to which the reported matter shall be referred. In such cases, the relevant institutions shall mutually cooperate so that it can be dealt with en bloc.
- (3) Where a reported matter is referred under paragraph (1), the Commission shall refer therewith the information provided in each of the subparagraphs of Article 55 (1) and the evidential data, etc. submitted by the reporting person: Provided, That when the reporting person does not consent to the disclosure of his/her identity, his/her personal details shall be excluded.
- (4) When taking such measures as referral under paragraphs (1) through (3), the Commission shall without delay give notice thereof to the reporting person.

**Article 58 (Cases for Non-Referrals to Investigative Agencies)**

- (1) “Cases prescribed by Presidential Decree” prescribed in subparagraph 7 of Article 59 (3) of the Act refers to cases falling under any of the following: **<Amended by Presidential Decree No. 30129, Oct. 15, 2019>**
  1. Where the reported matter is unrelated to acts of corruption
  2. Where it is impossible to verify the reported matters, or where there is no evidence to prove that an act of corruption was committed
- (2) When closing a case reported without referring it to an investigative agency under the proviso to Article 59 (3), the Commission shall, without delay, inform thereof to the reporting person. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

**Article 58-2 (Handling Reported Matters Containing State Secrets)**

Where a reported matter contains state secrets, the Commission, as prescribed in Article 59 (7) of the Act, shall receive and handle it in compliance with the Security Work Regulation.

*[This Article Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019]*

**Article 59 (Cases for Forwarding to Investigative Agencies)**

- (1) If it is unclear as to whether a report on an act of corruption filed under Article 55 and 56 of the Act is subject to referral or dismissal under the main sentence of or the proviso to Article 59 (3) and it is deemed appropriate to have the report processed by an investigative agency, the Commission may forward it to the investigative agency. In such cases, the Commission shall ascertain whether the reporting person consents to the disclosure of his/her identity and, if not,



shall take necessary measures to keep the reporting person's identity confidential from the investigative agency. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

- (2) When forwarding a reported matter to the investigative agency under paragraph (1), the Commission shall without delay give notice thereof to the reporting person, and the investigative agency shall give notice to the Commission of the processing result within 10 days from the date when the processing ended. In such cases, the Commission shall immediately notify the reporting person of the summary of the processing result.
- (3) Article 61 (1) shall apply *mutatis mutandis* to cases where an investigative agency gives notice to the Commission of the processing results of the reported matters under the former part of paragraph (2), and an act of corruption was ascertained. In such cases, "the former part of Article 60 (2) of the Act" shall be "the former part of Article 59 (2)"; "the findings of an audit, investigation, or examination" shall be "the processing result"; "directly referred" shall be "forwarded." <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

[This Title Amended by Presidential Decree No. 30129, Oct. 15, 2019]

#### **Article 60 (Processing by Investigative Agencies)**

- (1) If a reporting person does not consent to the disclosure of his/her identity, the investigative agency shall take necessary measures to prevent disclosure of the reporting person's identity in the procedure of an audit, investigation, or examination. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (2) No investigative agency shall refer any report referred thereto to another investigative agency: Provided, That if it is deemed inappropriate for the investigative agency to process the report, it may process the report upon consulting with the Commission.

[This Title Amended by Presidential Decree No. 30129, Oct. 15, 2019]

#### **Article 61 (Notification of Investigation Results, etc.)**

- (1) Where an inspection agency notifies the Commission of the findings of an audit, investigation, or examination under the former part of Article 60 (2) of the Act, the agency to which the Commission directly referred the reported matter shall give the notification in writing, including each of the following:
  1. The processing result of the reported matter, such as a criminal disposition or disciplinary action;
  2. The direction of processing after completion of the audit, investigation, or

examination;

3. Whether the case falls or is likely to fall under any subparagraph of Article 71 (1) or any subparagraph of Article 72 (1);
4. If it is deemed necessary to make an institutional improvement in relation to the reported matter, the purport thereof;
5. Other information to be given to the Commission or reporting person in relation to the reported matter.

(2) Paragraph (1) shall apply mutatis mutandis to the notification of the findings of an investigation by the prosecution under Article 59 (5) of the Act.

#### **Article 62 (Handling of Findings of Investigation)**

- (1) Upon receipt of a notice of the findings of an audit, investigation, or examination by an investigative agency, the Commission shall determine whether to request a re-audit, re-investigation or re-examination, to make an institutional improvement, etc.
- (2) If it is necessary to make any of the findings of an audit, investigation, or examination by an investigative agency known to interested persons or to take disciplinary action against a person involved, the Commission shall give notice thereof to the interested persons or pertinent institution.

#### **Article 63 (Objections)**

- (1) When giving notice to a reporting person of a summary of the findings of an audit, investigation, or examination under the latter part of Article 60 (2) of the Act, the Commission shall do so specifying the method and deadline for filing an objection.
- (2) Where a reporting person raises an objection under the latter part of Article 60 (4) of the Act, he/she shall do so within seven days after receipt of a summary of the findings of the audit, investigation, or examination.
- (3) The Commission shall give notice to the reporting person of the processing result of the objection filed under paragraph (2) within 30 days from the date of receipt of the objection. <Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019>
- (4) An objection may not be filed again against the processing result of an objection pursuant to paragraph (3) and the result of a re-examination pursuant to Article 60 (5) of the Act. <Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019>

#### **Article 64 (Procedures, etc. for Adjudication Application)**

- (1) Where deemed necessary for determining whether to file an application for

adjudication under Article 61 of the Act, the Commission may require a public prosecutor who has not prosecuted the relevant case or the public official who has taken charge of the criminal investigation to submit his/her opinion on that disposition.

- (2) The Commission may require an interested person, witness, etc. to provide evidence, etc. as to a case subject to an application for adjudication, or hear their opinions, with a view to filing the application for adjudication.

**Article 65 (Apply for Measures to Guarantee Status, etc.)**

A person who intends to apply for measures of status guarantee, etc. under Article 62 (2) 1 of the Act (hereinafter referred to as “measures of status guarantee, etc.”) shall submit a written application, specifying his/her personal details, grounds for and details of the request, etc. to the Commission.

*[This Article Amended by Presidential Decree No. 30129, Oct. 15, 2019]*

**Article 66 (Investigations into Measures of Status Guarantee, etc.)**

- (1) Where the Commission requests attendance under the latter part of Article 62 (2) 4 of the Act or submission of a written statement, materials, etc., or inquires into any fact or information, it shall give prior notice of the case name, date, place for attendance, etc.: Provided, That when deemed necessary for investigation, the case name may be omitted.
- (2) Where any employee of the Commission hears any statement in any place other than the secretariat of the Commission, he/she shall produce a certificate indicating his/her authority to interested persons.

**Article 67 (Determination on Measures of Status Guarantee, etc.)**

- (1) If the Commission decides to take measures of status guarantee, etc. under Article 62-3 (1) of the Act (hereinafter referred to as “decision of measures of status guarantee, etc.”) or recommends measures of status guarantee, etc. under paragraph (2) of the same Article (herein after referred to as “recommendation of measures of status guarantee, etc.”), the Commission shall do so by not later than 60 days after the date of receiving the application under Article 62 (2) 1 of the Act. In such cases, the period may be extended by up to 30 days if deemed necessary. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*
- (2) The Commission, if deemed necessary for a decision of measures of status guarantee, etc or a recommendation of measures of status guarantee, etc., may require the head of the institution, etc. to which an applicant belongs prescribed in the latter part of the paragraph (3) of Article 62-2 excluding the

subparagraphs (herein after referred to as “the head of the institution, etc. to which an applicant belongs”), to present himself/herself before the Commission to state his/her opinion. In such cases, the head of the institution, etc. to which an applicant belongs, may provide his/her written opinion in lieu of his/her presence, with leave from the Commission if deemed necessary.

- (3) In order to implement measures of status guarantee, etc. for an applicant for status guarantee prescribed in the latter part of Article 26-2 (3) excluding the subparagraphs (hereinafter referred to as “applicant for status guarantee, etc.”), according to a decision or a recommendation of measures of status guarantee, etc., the Commission may recommend the head of the institution, etc. to which an applicant belongs, to take necessary measures such as by instructing or monitoring the person who has taken disadvantageous measures. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*
- (4) Where it is deemed that any extenuating circumstance makes it impracticable to take measures of status guarantee, etc. according to the decision or recommendation of measures of status guarantee, etc., the Commission may require the head of the institution, etc. to which an applicant belongs, to take any measure equivalent to measures of status guarantee, etc., such as relocation. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*
- (5) When requiring any measure under paragraph (3) or (4), the Commission shall without delay give notice thereof to the person who has requested measures of status guarantee, etc. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

#### **Article 67-2 (Criteria, etc. for Paying Wages in Arrears, etc.)**

- (1) Wages, etc. under Article 62-3 (1) 2 of the Act shall be earned income under Article 20 (1) of the Income Tax Act, and interest shall be overdue interest under Article 37 of the Labor Standards Act.
- (2) The period of calculation of wages and interest under paragraph (1) shall be the period from the date wages are paid deferentially or unpaid to the date the Commission makes a decision under Article 62-3 (1) of the Act.

*[This Article Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019]*

#### **Article 68 (Notification, etc. of Measures Taken)**

- (1) Upon receipt of a decision or a recommendation of measures of status guarantee, etc., or a recommendation or a request under Article 67 (3) or (4) from the Commission, the head of the institution, etc. to which an applicant belongs, shall give notice to the Commission of the measures taken by him/her, by not later

than 30 days. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

- (2) If, in receipt of the Commission's decision or recommendation of measures of status guarantee, etc., the head of the institution, etc. to which an applicant belongs, fails to take those measures, he/she shall clarify the grounds therefor to the Commission.
- (3) The Minister of Personnel Management or the head of a relevant institution shall, upon receipt of the Commission's request for measures concerning the personnel affairs involving relocation, transfer, occupancy, secondment, etc. under Article 62-3 (5) of the Act, give notice to the Commission of the measures taken by him/her, by not later than 60 days after the date of receiving the request. In such cases, if he/she fails to take measures requested by the Commission, he/she shall give notice to the Commission of the grounds for such failure. <Amended by Presidential Decree No. 24418, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 30129, Oct. 15, 2019>

**Article 68-2 (Temporary Suspension of Procedures for Disadvantageous Dispositions)**

- (1) An applicant for status guarantee, etc. intending to make an application for requesting the temporary suspension of procedures for a disadvantageous measure pursuant to Article 62-5 (1) of the Act shall submit a document specifying his/her personal information, and the reason and content of such request to the chairperson. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (2) Upon receipt of an application under paragraph (1), the chairperson shall, within 14 days from the date of receiving such application, determine whether to demand the head of the institution, etc. to which an applicant belongs, etc. to take a measure for temporary suspension of a disadvantageous measure.
- (3) Where, pursuant to Article 62-5 (1) of the Act, the chairperson, at the request from the applicant for status guarantee, etc. or ex officio, demands the head of the institution to which the applicant belongs to take a temporary measure for suspending a disadvantageous measure, he/she shall inform the applicant of the fact of such demand without delay.
- (4) Where, pursuant to Article 62-5 (1) of the Act, the chairperson, at the request of the applicant for status guarantee, etc., or ex officio, demands the head of the institution, etc. to which the applicant belongs, to take a temporary measure for suspending a disadvantageous measures, the head of the institution in receipt of that demand shall notify the chairperson of the result of such measure. In this case, where the head of the institution to which the applicant belongs fails to

implement the relevant measure in extenuating circumstances, he/she shall explain the reason to the chairperson. <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

[This Article Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016]

**Article 69 (Criteria for Imposing Charges for Compelling Compliance)**

The criteria for imposing charges for compelling compliance under Article 62-6 (1) of the Act shall be as specified in attached Table 1.

[This Article Newly Inserted by Presidential Decree No. 30129, Oct. 16, 2019]

**Article 70 (Protection of Personal Safety)**

- (1) When a request for protective measures for personal safety is made under the former part of Article 64-2 (1) of the Act, it shall be filed in writing stating the personal information of both the reporting person and the person to be protected, the grounds for such request, etc.: Provided, That in case of emergency, it may be made orally or by telephone, etc. subject to prompt submission of a written request. <Amended by Presidential Decree No. 28619, Jan. 30, 2018>
- (2) Upon receipt of a request for protective measures for personal safety under the latter part of Article 64-2 (1) of the Act, the Commissioner General of the Korean National Police Agency, the commissioner of the competent district police agency, or the head of the competent police station shall take measures under Article 7 of the Enforcement Decree of the Act on Protection of Specific Crime Informants, Etc. after consultation with the Commission. <Amended by Presidential Decree No. 28619, Jan. 30, 2018>
- (3) If protective measures for personal safety of the reporting person and the person to be protected are urgent before the Commission reaches a determination thereon, the chairperson may request the Commissioner General of the Korean National Police Agency, the commissioner of the competent district police agency, or the head of the competent police station to take the protective measures for personal safety.
- (4) If deemed that the duration of the protective measures for personal safety requested by the Commission expires or such measures are no longer necessary, the Commissioner General of the Korean National Police Agency, the commissioner of the competent district police agency or the head of the competent police station may cancel the measures after consultation with the Commission.
- (5) The Commission shall without delay give notice to the reporting person of the

measures taken or cancelled under paragraph (2) or (4).

#### **Article 70-2 (Request for Cooperation)**

The Commission may request related administrative agencies, counseling centers, medical institutions, and other related organizations to provide the following cooperation and support pursuant to Article 66-2 of the Act:

1. Submission of data, documents, etc. or explanations;
2. Attendance and the presentation of opinions;
3. Dispatch of their employees, joint inspection and provision of advice and suggestions;
4. Medical support for the counseling for psychological stability, the treatment of disease, and the health management of reporting persons (including cooperators under Article 65 of the Act, and whistleblowers, persons who gave testimonies, complainants, and accusers falling under any of the subparagraphs of Article 67 of the Act)
5. Legal aid for damage recovery and relief of rights, such as legal counseling or advice and filing litigation for others;
6. Providing opportunities to receive vocational training for whistleblowers, etc. and helping them find jobs;
7. Other matters necessary to protect whistleblowers, etc.

*[This Article Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019]*

### **CHAPTER V REWARD AND COMPENSATION FOR REPORTING CORRUPTION**

#### **Article 71 (Grounds, etc. for Payment of Monetary Awards)**

(1) Monetary awards may be granted under Article 68 (1) of the Act in any of the following cases:

1. Where a person who has engaged in an act of corruption is subjected to a disposition, such as the institution of a prosecution, the suspension or stay of indictment, disciplinary action, or corrective measure;
2. Where a report has contributed to institutional improvements, such as the enactment or amendment of any statute;
3. Where a reporting has prevented a public institution from sustaining any economic loss through improving, suspending, or terminating policy measures related to the reporting;
4. Deleted <Oct. 15, 2019>

5. Where the Reward Board recognizes that monetary awards can be granted.
- (2) In cases falling under any subparagraph of paragraph (1), no amount of monetary awards shall exceed two hundred million won. <Amended by Presidential Decree No. 21513, May 28, 2009; Presidential Decree No. 26598, Oct. 20, 2015; Decree No. 30129, Oct. 15, 2019>
- (3) Deleted <Oct. 15, 2019 >
- (4) Articles 77 (2) and 80 shall apply *mutatis mutandis* to the payment of monetary awards. In such cases, in Article 77 (2), “monetary rewards in pursuant to paragraph (1)” shall be “monetary awards”, “the amount of monetary rewards” shall be “the amount of monetary awards”; and in Article 80, “the amount of monetary rewards under attached Table 2” shall be “monetary awards”, “monetary rewards” shall be “monetary awards” <Amended by Presidential Decree No. 30129, Oct. 15, 2019>
- (5) If at least two grounds for payment of monetary awards exist, pursuant to paragraph (1), the monetary awards shall be determined on the basis of the larger amount.
- (6) The Commission may fully or partially recover the monetary awards in any of the following cases: <Newly Added by Presidential Decree No. 30129, Oct. 15, 2019>
1. Where a reporting person is paid monetary rewards by fraud or other wrongful means;
  2. Where monetary awards are paid mistakenly or erroneously.

**Article 72 (Grounds for Payment of Monetary Rewards)**

- (1) Monetary rewards may be granted under Article 68 (4) of the Act, where any of the following impositions, recoveries, etc. results directly in recovering or increasing revenues or in reducing costs of a public institution, or the legal relationship thereon is confirmed:
1. Confiscation or the imposition of a collection charge;
  2. The imposition of a national tax or local tax;
  3. Recovery of damages, unjust gains, etc.;
  4. The reduction of expenses through a change in a contract or others;
  5. The imposition and noticed disposition of fines, minor fines, penalty surcharges, or administrative fines;
  6. Other dispositions or judgments.
- (2) The imposition, recovery, etc. falling under any subparagraph of paragraph (1)



shall be limited to those made directly in relation to a reported matter, evidential data, etc.

(3) Deleted. <Oct. 15, 2019>

**Article 73 (Selection of Representative of Applicants for Monetary Rewards)**

If at least two persons who have filed a report under their joint signature apply for payment of monetary rewards, the Commission may have them select a representative from among them.

**Article 74 (Standards for Computing Relief Fund)**

(1) Where the Commission and the Reward Board computes relief funds under the main sentence of Article 68 (4) of the Act pursuant to the subparagraphs of the aforesaid paragraph (3), it shall consider the following:

1. Expenses incurred in medical examination, hospitalization, medication, operation, etc. for physical or mental treatment;
2. Expenses actually incurred in moving due to job change, secondment, personal protection, etc.;
3. A fee for an attorney-at-law, certified labor attorney, etc. appointed for a lawsuit related to the restoration to the original state;
4. Average monthly amount of wages or actual income for three months (hereinafter referred to as "average monthly amount") before disadvantageous measures are taken: Provided, That where the average monthly amount can not be proved or is less than the average wage, the average wage;
5. Other amounts deemed by the Reward Board to have been lost or spent due to a reporting or cooperation under Article 65 of the Act.

(2) No average monthly amount shall exceed double the average wage, and the period of computing the amount of wage loss under Article 68 (3) 4 of the Act shall not exceed 36 months.

(3) The average wage under the proviso to paragraph (1) 4 shall be in accordance with the daily wage of general workers surveyed by a reputable wage survey institution which regularly publishes wage statistics every year.

(4) The proviso to Articles 77 (2) and 78 shall apply *mutatis mutandis* to a reduction of the amount of relief funds or the non-payment of relief funds. In such cases, “monetary rewards in pursuant to paragraph (1)” under Article 77 (2) shall be “relief fund” and “monetary rewards” under Article 78 shall be “relief funds”

[This Article Wholly Amended by Presidential Decree No. 30129, Oct. 15, 2019]

**Article 74-2 (Dismissal of Commission Members)**

Where a member referred to in Article 69 (4) 2 of the Act falls under any of the following cases, the chairperson may dismiss the relevant member: *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

1. Where he/she becomes unable to perform his/her duties due to mental disorder;
2. Where there exist any corruption or illegality related to his/her duties;
3. Where he/she is deemed unqualified as a member due to his/her neglect of duties, injury to dignity, or other grounds;
4. Where he/she fails to refrain himself/herself even though he/she falls under any subparagraph of Article 18 (1) of the Act;
5. Where he/she himself/herself declares that it is impracticable to perform his/her duties as a member.

*[This Article Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016]*

**Article 75 (Board Chairperson)**

- (1) Chairperson of the Reward Board (herein after referred to as “board chairperson”) shall exercise overall control over the affairs of the Reward Board and represent the Reward Board.
- (2) If the board chairperson is unable to perform any of his/her duties for any unavoidable ground, a member of the Reward Board designated by the board chairperson shall act on his/her behalf.

**Article 76 (Meetings of Reward Board)**

- (1) The board chairperson shall convene and preside over meetings of the Reward Board.
- (2) A majority of the total members of the Reward Board, including the board chairperson, shall constitute a quorum at all its meetings, and resolutions shall be passed with the concurrent vote of a majority of the members present.
- (3) If necessary to deliberate on the payment of monetary awards, monetary rewards, or relief money, the Reward Board may request the person entitled to monetary awards, the applicant for monetary rewards or relief money, any interested person, a public official of an institution relating to the awards, rewards, or relief money, and the responsible employee of the investigative agency to appear before the Reward Board or to submit necessary materials. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

- (4) Article 18 of the Act shall apply mutatis mutandis to the exclusion, recusal or refrainment of members of the Reward Board.

**Article 77 (Determination of Monetary Rewards)**

- (1) The criteria for payment of monetary rewards are as set forth in attached Table 1.
- (2) When calculating the amount of monetary rewards according to paragraph (1), the Commission and the Reward Board may reduce it in consideration of any of the following: *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*
1. Accuracy of report, such as authenticity of evidential data;
  2. Whether an act of corruption reported is already disclosed through the mass media, such as newspapers and broadcasting;
  3. Whether the reporting person is involved in the reported malfeasance;
  4. The level of contribution to resolving the corruption case.
- (3) The maximum amount of monetary rewards payable shall be three billion won, in which no fraction less than one thousand won, if any, shall be paid. *<Amended by Presidential Decree No. 26598, Oct. 20, 2015>*

**Article 78 (Restriction on Granting Monetary Rewards to Public Officials)**

No public official who engages or engaged in auditing, investigating or examining an act of corruption and files a report in connection with any matter that pertains or pertained to his/her duties is entitled to any monetary reward.

**Article 79 (Determination, etc. on Payment of Monetary Rewards, etc.)**

- (1) The Commission shall determine whether to pay monetary awards, monetary rewards, or relief money and the amount of payment thereof, based on resolutions adopted by the Reward Board after deliberation. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*
- (2) The Commission shall decide whether to pay relief money and the amount thereof within 90 days from the date an application for payment thereof under Article 68 (3) of the Act is filed, unless there is a compelling reason not to do so. *<Newly Inserted by Presidential Decree No. 30129, Oct. 15>*
- (3) Upon determination on payment of monetary rewards, monetary awards, and relief money under paragraph (1), the Commission shall send the applicant an authentic copy of the written decision and a notice of the determination without delay. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*

**Article 80 (Determination on Rewards when Reward Applications are Concurrently Filed)**

- (1) Where reports are separately filed by at least two persons with respect to the same act of corruption, they shall be deemed one report in calculating the amount of monetary rewards under attached Table 2. *<Amended by Presidential Decree No. 30129, Oct. 15, 2019>*
- (2) In cases of reporting under paragraph (1), the Commission shall divide the amount of monetary rewards for each reporting person in overall consideration of the contribution to resolving the corruption case. In such cases, if the amount of rewards is to be reduced under Article 77 (2), it shall be determined for each reporting person in consideration of the grounds for reduction.

**Article 81 (Timing, etc. of Payment of Monetary Rewards)**

- (1) Monetary rewards shall be paid after the imposition, recovery, etc. falling under any subparagraph of Article 72 (1) result directly in recovering or increasing revenues or reducing costs of a public institution or after the relevant legal issues are confirmed. In such cases, if the period of filing a protest against the imposition, recovery, etc. has not yet expired or the procedure for protest and remedy is pending, it shall be paid after the period and procedure are completed.
- (2) In cases falling under paragraph (1), if monetary rewards are to be paid after the relevant legal issues are confirmed, up to 50/100 of the monetary rewards determined under Article 79 (1) may not be paid until the public institution begins to recover its revenues, etc.
- (3) With respect to the amount of monetary rewards not paid under paragraph (2), if the recovered revenues, etc. of the public institution exceed the already paid monetary rewards, the excess shall be paid as monetary rewards until it reaches the amount of monetary rewards determined under Article 79 (1).

**Article 82 (Procedures for Payment of Monetary Rewards, etc.)**

Matters necessary for the procedures for payment of monetary awards, monetary rewards, relief money shall be determined by the chairperson, subject to resolution by the Commission.

**Article 83 Deleted** *<Oct. 15, 2019>*

**CHAPTER VI NATIONAL REQUESTS FOR AUDITS AND INSPECTIONS**

**Article 84 (Applicants for Audits and Inspections)**

“A specified number of citizens prescribed by Presidential Decree” in the main sentence of Article 72 (1) of the Act means 300 persons.

#### **Article 85 (Matters to be Excluded from Audits and Inspections)**

“Matters prescribed by Presidential Decree” in Article 72 (2) 5 of the Act means any of the following:

1. Matters for which 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 prescribed in other Acts are pending;
2. Matters for which procedures for mediating interests between parties, such as reconciliation, good offices, mediation and arbitration, are pending under statute;
3. Matters finalized by judgment, determination, adjudication, reconciliation, mediation, arbitration, etc.

#### **Article 86 (Methods of Requesting Audits and Inspections)**

Any citizen who intends to request an audit and inspection under Article 72 of the Act shall do so in the form of a document (hereinafter referred to as “written request for audit and inspection”) stating his/her name, telephone number, date of birth, address, and occupation, signed or sealed thereby, specifying at least five representatives selected from among those citizens. <Amended by Presidential Decree No. 24317, Jan. 16, 2013>

#### **Article 87 (Return of Written Requests for Audit and Inspection)**

If at least two substantially identical written requests for audit and inspection are submitted to the same institution or to separate institutions, all written requests for audit and inspection other than the first one may be returned.

### **CHAPTER VII SUPPLEMENTARY PROVISIONS**

#### **Article 88 (Methods for Suggestion, etc. of Institutional Improvements Related to Civil Petitions for Grievances)**

The offering of opinions on institutional improvement and on the amendment to or abolition of a relevant Act or municipal ordinance under Article 77 of the Act shall be made in writing specifying each of the following:

1. The current status and issues of the system, Act or municipal ordinance to be improved;
2. The details of the suggestion for institutional rationalization;
3. The details of opinions, if any, on the amendment to or abolition of the

relevant Act or municipal ordinance;

4. Opinions of relevant administrative agencies, etc. about subparagraph 2 or 3;
5. Other matters deemed necessary by the Commission or a Local Ombudsman to improve a system or to amend or repeal an Act or municipal ordinance.

**Article 88-2 (Provision, etc. of Education for Prevention of Corruption)**

- (1) The head of a public institution shall provide public officials belonging thereto with education for prevention of corruption at least once and two hours every year pursuant to Article 81-2 (1) of the Act.
- (2) Education for prevention of corruption referred to in paragraph (1) may be conducted by means of lectures, audio-visual education, education by using a website, or other similar method with respect to the following matters. In this case, where persons subject to educations are newly appointed or promoted ones, education for them shall include face-to-face mode of education:
  1. Matters concerning statues and systems for preventing corruption;
  2. Matter concerning the implementation of policies for integrity, including the formulation of policies for preventing corruption;
  3. Other matters necessary for encouraging the consciousness of integrity and preventing corruption.
- (3) The Commission may formulate and implement guidelines for operating education for prevention of corruption to determine matters necessary for education for prevention of corruption referred to in Article 81-2 (1) of the Act.
- (4) The head of a public institution shall submit the results of implementing education for prevention of corruption for the previous year to the Commission by the end of February every year pursuant to Article 81-2 (1) of the Act.
- (5) The Commission shall make a regular check-up, once every year, on whether education for prevention of corruption was conducted, pursuant to Article 81-2 (2) of the Act, and may make occasional check-ups, if necessary.
- (6) The Commission may assist the heads of public institutions with educational materials or specialized educational personnel necessary for providing education for prevention of corruption.

*[This Article Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016]*

**Article 88-3 (Reward)**

- (1) The Committee may select to grant rewards to individuals or groups falling under any of the following subparagraphs pursuant to Article 81-3 of the Act:
  1. Individuals or groups that have provided meritorious services in preventing

- corruption, spreading a culture of integrity, or improving national integrity, etc. in all sectors of society;
2. Individuals or groups that have provided meritorious services in handling civil petitions for grievances;
  3. Individuals or groups that have provided meritorious services in improving laws and regulations for improving the rights and interests of the people, in operating an online civil participant portal and promoting analysis of civil complaints;
  4. Individuals or groups that have provided meritorious services in operation and development of administrative appeals;
  5. Any other individuals or organizations that have provided a meritorious services in protection or improvement of the rights and interests of the people.
- (2) When granting awards in accordance with Article 81-3 of the Act, the Commission may receive recommendations for the recipients from the relevant institution.

*[This Article Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019]*

**Article 89 (Ascertainment of Employment Restrictions upon Request therefor)**

- (1) Where a person dismissed for corruption, etc. referred to in Article 82 (1) of the Act (hereinafter referred to as a “person dismissed for corruption, etc.”) intends to be employed in the following business entities within five years from the date on which a cause for restriction on employment prescribed in the main sentence of paragraph (2) of said Article (hereinafter referred to as “the date on which a cause for restriction on employment occurs”) with the exception of its subparagraphs occurs, he/she may request the head of the competent public institution to confirm whether his/her employment in the following business entities is restricted, through the head of the institution or organization to which he/she belonged at the time of retirement (where the institution or organization to which he/she belonged at the time of retirement was abolished, referring to the head of the institution or organization succeeding to the business thereof; hereafter the same shall apply in this Article): *<Amended by Presidential Decree No. 27517, Sep. 27, 2016>*
1. A for-profit private enterprise, and a corporation, etc. referred to in each item of Article 82 (2) 3 of the Act (hereinafter referred to as “a for-profit private enterprise, etc.”);

2. A corporation or organization referred to in Article 82 (2) 4 of the Act.
- (2) The head of an institution or organization that receives a request for ascertainment of whether employment restrictions apply under paragraph (1) shall investigate and ascertain the matters referred to in Article 82 of the Act and transfer the result to the head of the competent public institution along with his/her comments.
- (3) The head of the competent public institution shall examine a request for ascertainment received under paragraph (2) and give notice to the person who requested ascertainment as to whether his/her employment in a for-profit private enterprise, etc. or a corporation or organization referred to in Article 82 (2) 4 of the Act is subject to the restriction under Article 82 of the Act, through the head of the institution or organization where he/she belonged. In such cases, a notice of employment restriction shall include the grounds therefor. *<Amended by Presidential Decree No. 27517, Sep. 27, 2016>*

**Article 89-2 (Institutions Involved in Act of Corruption, etc.)**

- (1) “Institution involved in an act of corruption” in Article 82 (2) 2 of the Act means any of the following institutions, corporations or organizations with respect to any act of corruption committed by a public official dismissed for corruption, etc.:
1. An institution, corporation or organization which a person who provided, or promised, or expressed his/her will to provide, money and goods, entertainments, etc. to a public official dismissed for corruption, etc. belongs to;
  2. An institution, corporation or organization which directly obtained or could have obtained benefits from any act of corruption committed by a person dismissed for corruption, etc.
- (2) “Affairs prescribed by Presidential Decree such as affairs for supervising safety, affairs for regulating authorization and permission, or affairs for procurement” referred to in Article 82 (2) 3 (f) of the Act means the affairs classified in each subparagraph of Article 33 (3) of the Enforcement Decree of the Public Service Ethics Act.

*[This Article Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016]*

**Article 90 (Ascertainment of Employment of Persons Dismissed for Corruption, etc.)**

- (1) Where there is a person dismissed for corruption, etc. in a public institution, the head of such public institution shall, for five years from the date on which a



cause for restriction on employment occurs, confirm whether such person is employed in an institution subject to restriction on employment referred to in each subparagraph of Article 82 (2) of the Act, directly or through inquiry into a relevant institution or otherwise and shall report the result of confirmation to the Commission at least once a year. <Amended by Presidential Decree No. 27517, Sep. 27, 2016>

- (2) If necessary for ascertainment under paragraph (1) and Article 89 (2) and (3), the head of the competent public institution may request the head of a relevant institution or organization to submit pertinent materials, and the head of the relevant institution or organization so requested shall without delay submit those materials except as otherwise expressly provided for in other statutes.
- (3) If necessary for confirming whether restriction on employment referred to in Article 82 (2) of the Act is violated, the Commission may request the head of the public institution to which a person dismissed for corruption, etc. belonged to present his/her opinion on whether the for-profit private enterprise, etc. in which such person is employed has close relations with the department or institution to which such person belonged for five years before his/her retirement. <Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016>
- (4) “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” in the former part of Article 82-2 of the Act means any of the following materials: <Newly Inserted by Presidential Decree No. 27517, Sep. 27, 2016; Presidential Decree No. 29181, Sep. 19, 2018>
  1. Materials concerning sentences of a fine three million won or greater punishment, among materials on criminal records referred to in subparagraph 5 (a) of Article 2 of the Act on the Lapse of Criminal Sentences;
  2. Names, resident registration numbers, affiliated institutions, types of and grounds for disciplinary actions, and retirement dates of persons dismissed for corruption, etc.;
  3. Names, birth dates and affiliated institutions of the persons subject to restriction on benefits referred to Article 65 (1) of the Public Officials Pension Act;
  4. Names, birth dates and affiliated institutions of the persons subject to restriction on benefits referred to Article 33 (1) of the Military Pension Act;
  5. Materials concerning the workplaces, and the times of acquisition and change

of qualification for the employed who become insured pursuant to the main sentence of Article 6 (2) of the National Health Insurance Act, with the exception of its subparagraphs;

6. Materials concerning the income referred to in Article 21 (1) 17 and 19 (d) of the Income Tax Act and taxation thereof.

#### **Article 90-2 (Handling of Personally Identifiable Information)**

The Commission or the head of a public institution may handle data containing resident registration numbers prescribed in subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, passport numbers prescribed in subparagraph 2 of the same Article, or alien registration numbers prescribed in subparagraph 4 of the same Article, if essential to perform the following duties: <Amended by Presidential Decree No. 28619, Jan. 30, 2018>

1. Investigating the actual status and evaluating the progress of the policy measures taken to prevent corruption by public institutions under subparagraph 6 of Article 12 of the Act;
2. Collecting, managing, and analyzing materials pertaining to prevention of corruption under subparagraph 13 of Article 12 of the Act;
3. Receiving and processing reports on violations of the code of conduct for public officials and protecting the persons who file such reports under subparagraph 14 of Article 12 of the Act;
4. Operating online civil participant portals in a integrated manner under subparagraph 16 of Article 12 of the Act;
5. Hearing opinions, etc. under Article 29 of the Act;
6. Receiving, processing, and investigating civil petitions for grievances under Articles 39 through 41 of the Act;
7. Reporting an act of corruption and processing reports under Articles 58 and 59 of the Act;
8. Guaranteeing status, etc. under Article 62 of the Act (including where it applies *mutatis mutandis* under Articles 65 and 67 of the Act);
9. Guaranteeing confidentiality of reporting persons and measures to protect their personal safety under Articles 64 and 64-2 of the Act (including where it applies *mutatis mutandis* under Articles 65 and 67 of the Act);
10. Granting awards and rewards under Article 68 of the Act;
11. Demanding dismissal of employees under Article 83 of the Act.

[This Article Newly Inserted by Presidential Decree No. 23231, Oct. 17, 2011]

**Article 91 (Imposition and Collection of Administrative Fines)**

The criteria for imposition of administrative fines under Article 91 (1) through (3) of the Act are as set forth in attached Table 3.

*[This Article Wholly Amended by Presidential Decree No. 21513, May 28, 2009]*

**Article 92 (Operational Regulations)**

Except as otherwise expressly provided for in this Decree, matters necessary for the operation, etc. of the Commission shall be determined by the chairperson subject to resolution by the Commission.

ADDENDA <Presidential Decree No. 30129, Oct. 15, 2019>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 15, 2019.

**Article 2 (Applicability to Forwarding of Corruption Reports)**

The amended provisions of Article 59 (1) through (3) shall apply to cases forwarded where details of corruption report were received before this Decree enters into force.

**Article 3 (Applicability to Processing Period of Objection)**

The amended provisions of Article 63 (3) shall apply, beginning with an application of objection received after this Decree enters into force.

**Article 4 (Applicability to Monetary Rewards)**

The amended provisions of Article 72 (1) 5 shall apply, beginning with a suspicion of corruption reported after this Decree enters into force.

**Article 5 (Transitional Measures concerning Monetary Awards)**

In cases where suspicion of corruption is reported before this Decree enters into force, the previous provisions shall apply notwithstanding the amended provisions of Articles 71 (1) 1.

[Attached Table 1] <Newly Inserted by Presidential Decree No. 30129, Oct. 15, 2019>

**Criteria to Impose Charges for Compelling Compliance** [refer to Article 69]

1. General criteria

The specific amount of charges for compelling compliance shall be determined within the range set by the type by considering the motive of the violation, the extent of culpability, such as whether the violation occurs by intention or negligence, the degree of effort to implement measures of status guarantee, etc., and the period of non-compliance. However, if there coexists more than one violation, the amount shall be based on the heavier one.

2. Specific criteria

Violation	Amount
A. Where a person fails to implement the decision of measures of reinstatement, called upon by the Commission pursuant to Article 62-3 (1) 1 of the Act (including cases where it is applied <i>mutatis mutandis</i> pursuant to Article 65 and 67 of the Act) from disadvantageous measures falling under any of the following subparagraphs:	
1) Disadvantageous measures prescribed in subparagraph 7 (a) of Article 2 of the Act;	15 mil ~ 30 mil won
2) Disadvantageous measures falling under subparagraph 7 (b) or (c) of Article 2 of the Act.; and	10 mil ~ 20 mil won
3) Disadvantageous measures falling under subparagraph 7 (d) through (g) of Article 2 of the Act.	2 mil ~ 20 mil won
B. Where a person fails to implement the decision of payment of the remuneration that has been delayed or has been paid discriminately, including interest, called upon by the Commission pursuant to Article 62-3 (1) 2 of the Act (including cases where it is applied <i>mutatis mutandis</i> pursuant to Article 65 and 67 of the Act)	
2 mil ~ 20 mil won	
C. Where a person fails to implement the decision of cancellation or prohibition of other disadvantageous measures, called upon by the Commission pursuant to Article 62-3 (1) 3 of the Act (including cases where it is applied <i>mutatis mutandis</i> pursuant	
2 mil ~ 20 mil won	

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to Article 65 and 67 of the Act)

- D. Where a person fails to implement the decision of transfer or other necessary measures, called upon by the Commission pursuant to Article 62-3 (1) 4 of the Act (including cases where it is applied *mutatis mutandis* pursuant to Article 65 and 67 of the Act) 2 mil ~ 20 mil won
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[Appendix 2] <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

**Criteria for Paying Rewards** [Refer to Article 77 (1)]

<b>Benefits Incurred</b>	<b>Criteria</b>
KRW100 million or less	30%
Over KRW100 million and not more than KRW500 million	KRW30 million + 20% for the amount exceeding KRW100 million
Over KRW500 million and not more than KRW2 billion	KRW110 million + 14% for the amount exceeding KRW500 million
Over KRW2 billion and not more than KRW4 billion	KRW320 million + 8% for the amount exceeding KRW2 billion
Over KRW4 billion	KRW480 million + 4% for the amount exceeding KRW4 billion

※ Benefits Incurred: The value of the recovered or increased revenues or the reduced costs of a public organization incurred by the imposition, withdrawal, etc. (or such value in time of the establishment of legal relations related to that matter) as referred to in any subparagraph of Article 72 (1).

[Appendix 3] <Amended by Presidential Decree No. 30129, Oct. 15, 2019>

## Criteria for Imposing Administrative Fines [Refer to Article 91]

### 1. General Criteria

A. The imposition criteria for an administrative fine based on the number of offenses pursuant to subparagraphs 2 A and C shall apply where an administrative fine was imposed for the same offense in the past one year. In such cases, the computation of dates shall be determined based on the date of imposition of the initial administrative fine and the date of exposure of the second offense.

B. Counting number of offense for aggravated imposing shall be the next imposing one before the offense (the latter one in cases where there are two imposing of fines in the prescribed in subparagraph A) in aggravated imposing of administrative fines pursuant subparagraph A.

C. The Commission may reduce the amount of the administrative fine pursuant to paragraph 2 within the range of 50% of the imposed amount for any person who falls into one of the following categories, provided that he/she is not in arrears of the administrative fine

1) A person who committed the offense for the first time and whose outstanding work performance is recognized including receiving a prize or award pursuant to 「the Awards and Decorations Act」 within the last five years, provided that s/he does not fall into the categories of subparagraphs 2 B.

2) A person who has corrected or addressed the consequences of his or her offense

3) When there is a reasonable ground for the reduction of the administrative fine considering the gravity, motive and consequences of the offense

## 2. Specific Criteria

Type of Offense	Applicable Provision	Amount (KRW)		
		1st	2nd	from 3rd
A. Acts of obstructing, refusing, evading or intentionally delaying the performance of works stated in Article 42 of the Act without any justifiable reason	Article 91 (3) 1	2 mil	3 mil	5 mil
B. Failure to appear before the Commission, submit statement or materials, or follow the request of fact or information inquiry in violation of Article 62-2 (4) of the Act (including cases applicable <i>mutatis mutandis</i> in Article 65 and 67 of the Act)	Article 91 (1)	3 mil	5 mil	10 mil
C. Acts of refusing the request for submission of materials under Article 82-2 of the Act without justifiable grounds	Article 91 (3) 2	2 mil	3 mil	5 mil
D. Acts of refusing the demand stated in Article 83 (1) and (2) of the Act without justifiable grounds	Article 91 (2)	10 mil		