

**ENFORCEMENT DECREE OF THE ACT ON THE PROTECTION OF PUBLIC
INTEREST WHISTLEBLOWERS**

Presidential Decree No. 23198, Sep. 30, 2011
Amended by Presidential Decree No. 23845, Jun. 7, 2012
Presidential Decree No. 23964, Jul. 20, 2012
Presidential Decree No. 23965, Jul. 20, 2012
Presidential Decree No. 24097, Sep. 7, 2012
Presidential Decree No. 25300, Apr. 8, 2014
Presidential Decree No. 25522, Jul. 28, 2014
Presidential Decree No. 25586, Sep. 2, 2014
Presidential Decree No. 26934, Jan. 22, 2016
Presidential Decree No. 28393, Oct. 17, 2017
Presidential Decree No. 28849, Apr. 30, 2018
Presidential Decree No. 29239, Oct. 16, 2018
Presidential Decree No. 29269, Oct. 30, 2018

1. CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to prescribe such matters as delegated in the Act on the Protection of Public Interest Whistleblowers, and those necessary for its enforcement.

Article 2 deleted

Article 3 (Scope of Administrative Disposition)

The “administrative action determined by Presidential Decree, including the cancellation and suspension of a permit or license” as provided by Article 2, paragraph 1, Item B of the Act on the Protection of Public Interest Whistleblowers (hereinafter referred to as the “Act”) refers to disposition on any matter as defined in any of the following paragraphs:

1. Cancellation, withdrawal or elimination of permission, authorization, patent, license, approval, designation, examination & approval, certification, confirmation, authentication, registration, etc.;
2. Suspension of business, operation, validity, qualification, etc.;
3. Instruction of the responsible party to perform, involuntarily, some specific action such as taking corrective measures, repairing and/or renovating facilities, relocating facilities, closing facilities, dismantling facilities, and publicly disclosing some violation;

4. Imposition of a penalty surcharge, administrative fine, or other obligatory financial payment for the violation.

Article 3-2 (Scope of Internal Public Interest Whistleblower)

“A person prescribed by the Presidential Decree” in subparagraph 7 (c) of Article 2 of the Act refers to one of the following: *<Amended by Presidential Decree No. 29269, Oct. 30, 2018>*

1. A person who is receiving or received education or training, including on-the-job education and on-site training, at a public organization, corporation, corporate body, organization, etc. that are reported before being employed and beginning work at such organization;

2. A person who is working or worked in a public service related organization, designated under Article 3-2 of the Public Service Ethics Act, which is supervised by the public organization that is reported;

3. A person who works or worked for one of the following corporations or corporate bodies:

(a) A corporation or corporate body that is affiliated with the reported corporation or corporate body according to Article 2.3 of the Monopoly Regulation and Fair Trade Act;

(b) A corporation or corporate body that is in a parent-subsidiary relationship with the reported corporation or corporate body according to Article 2.3 of the Act on External Audit of Stock Companies, Etc. and Article 3 (1) of its Enforcement Decree;

4. Anyone who is instructed, managed, or supervised by a public organization, corporation, corporate body, organization, etc. that are reported, and may face disadvantages from that public organization, corporation, corporate body, organization, etc. due to the reporting.

Article 4 (Policy Establishment and Implementation, etc)

(1) The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the “Commission”) shall establish and implement mid-/long-term basic policies as well as annual implementation plans to protect and support public interest whistleblowers, etc. in accordance with Article 4 (1) of the Act.

(2) The Commission shall ensure that the mid-/long-term basic policies and annual implementation plans under paragraph 1 include training on and the publicizing of the whistleblower protection program for administrative agencies, organizations, enterprises, etc. (hereinafter referred to as “administrative agencies, etc.”).

(3) When necessary, the Commission may organize a consultative body together with administrative agencies, etc. to establish and implement mid-/long-term basic policies and annual implementation plans under paragraph 1.

(4) The Commission may recommend administrative agencies, etc. to implement detailed action plans in accordance with the mid-/long-term basic policies and annual implementation plans under paragraph 1.

(5) The Commission may support administrative agencies, etc. with the educational and promotional activities related to their whistleblower protection program.

Article 4-2 (Fact-finding Survey, etc.)

(1) The Commission may conduct a fact-finding survey regarding the following matters on organizations and agencies stated under subparagraphs of Article 6 of the Act in accordance with Article 4 (2) of the Act:

1. Current status on the receipt and handling of public interest reports
2. Current status on implementation of protective measures etc. and special protective measures, etc. decided by the Commission for public interest whistleblowers, etc.
3. Current status on rewards, financial awards or relief money paid to public interest whistleblowers in accordance with other statutes
4. Current status on administrative appeals or administrative litigation filed in relation with public interest whistleblowing
5. Current status on training and promotional activities in relation with public interest whistleblower protection system
6. Any other matters on the operation of public interest whistleblowing system

(2) The Commission may conduct a fact-finding survey by its public officials through on-site visit or written documents according to paragraph (1)

(3) Where on-site visit is made according to paragraph (2), the Commission shall notify the subject of the investigation of the time, purpose, place and personal information of the investigator by 3 days before the investigation.

2. CHAPTER II PUBLIC INTEREST WHISTLEBLOWING

Article 5 (Public Whistleblowing Agencies, etc.)

(1) The “persons prescribed by Presidential Decree” under Article 6, subparagraph 5 of the Act refers to a person and/or entity that falls under one of the following subparagraphs:

1. A member of the National Assembly; or
2. A public corporation, a state-owned enterprise and other public organization established in accordance with laws on public interest violations.

(2) When a member of the National Assembly or public organization under paragraph 1, subparagraph 2 (hereinafter referred to as “member of the National Assembly, etc.”) receives a public interest whistleblowing case, it shall be forwarded to a person and/or entity falling under any of the stipulations in subparagraphs 2 through 4 of Article 6 of the Act. However, should the public interest whistleblowing case fall under any of the subparagraphs of Article 10, paragraph 2 of the Act, the member of the National Assembly, etc. may opt not to forward the report.

(3) The member of the National Assembly, etc. shall notify the public interest whistleblower of the measure(s) taken as prescribed in paragraph 2 (to include the reason no action was taken).

Article 6 (Processing, etc. of the Public Interest Whistleblowing Case by Representative, etc.)

(1) The representative or employer who has received a public interest whistleblowing case as prescribed in Article 6, paragraph 1 of the Act (hereinafter referred to as “representative, etc.”) shall verify the validity of the report, and, if necessary, devise and implement measures for the elimination and prevention of the violation of the public interest.

(2) The representative, etc. shall notify the public interest whistleblower of the results of the measures taken under paragraph 1.

(3) The representative, etc. may forward the public interest whistleblowing case to any of the persons and/or entities that fall under subparagraphs 2 through 4 of Article 6 of the Act after obtaining the consent of the public interest whistleblower should such action be deemed necessary to eliminate or prevent public interest violations or should the public interest whistleblower demand that it be forwarded. However, should the public interest whistleblowing case fall under any of the subparagraphs in Article 10, paragraph 2 of the Act, it may not be forwarded. In such an event, the public interest whistleblower shall be notified of the fact and the reason(s) thereof.

(4) The representative etc. may request the Commission for cooperation in devising and implementing measure(s) for eliminating and preventing violations of the public interest, as prescribed in paragraph 1, and the Commission shall cooperate in such request unless there exist any special grounds for not doing so.

Article 7 (Confirmation of Details of Public Interest Whistleblowing)

(1) The Commission may confirm any of the following items, if necessary to specify the details of a public interest whistleblowing case in accordance with Article 9 of the Act. If the public interest whistleblower does not have what is required to specify the details of the case, the Commission may set a reasonable period for the public interest whistleblower to supplement the matters thereof. In this case, the Commission shall not read and check materials that are sealed and kept pursuant to Article 8-2 (3) of the Act without the consent of the public interest whistleblower: *<Amended by Presidential Decree No. 29239, Oct. 16, 2018>*

1. Personal information of the public interest whistleblower (including that of a lawyer in the case where the public interest whistleblower, not disclosing his/her identity, had the lawyer file the public interest report on his/her behalf, under Article 8-2 (1) of the Act), including the name, resident registration number, address, occupation, place of work and contact numbers;

2. Details, purport and reason of the public interest whistleblowing;

3. Relations between the details of the public interest whistleblowing case and violation of the public interest;

4. Relations between the public interest whistleblower and the person and/or entity reported in

the case;

5. Whether the public interest whistleblower secured a witness or supporting materials that can prove the details of the public interest whistleblowing case;

6. Whether the public interest whistleblower had reported the same case to an examination agency under Article 6, subparagraph 2 of the Act (hereinafter referred to as an “examination agency”) before he/she reported to the Commission, and;

7. Whether the public interest whistleblower agrees to have his/her identity disclosed or implied (hereinafter referred to as “disclosure of identity”) in the process of confirmation by the Commission or in the examination or investigation by an examination agency or investigative agency (hereinafter referred to as “examination agency, etc.”).

(2) When the Commission confirms whether the public interest whistleblower agrees to disclosure of identity under paragraph 1, subparagraph 7, the Commission shall explain to the said person the procedures for processing the case and disclosing his/her identity on the part of the examination agency, etc.

Article 8 (Processing of a Public Interest Whistleblowing)

(1) The Commission shall confirm the details of a public interest whistleblowing case and refer the said case to an examination agency, etc. within sixty days from the date it received a report of a violation of the public interest. However, if the public interest whistleblowing case falls under any subparagraph of Article 10, paragraph 2 of the Act, such a report may not be referred to an investigative agency, etc.

(2) The Commission may extend the period prescribed under paragraph 1 by up to thirty days if it deems the extension thereof necessary to supplement the details of the public interest whistleblowing case.

(3) In the event that the Commission decides not to transfer a public interest whistleblowing case to an examination agency, etc. under the proviso of paragraph 1, the Commission shall notify the public interest whistleblower of the said fact and the reason(s) thereof.

Article 9 (Referral of a Public Interest Whistleblowing Case)

(1) The Commission shall refer a public interest whistleblowing case to an examination agency, etc. as provided by Article 9, paragraph 3 of the Act according to the following subparagraphs:

1. To an examination agency should guidance, supervision, regulation or examination of the case be deemed necessary; or

2. To an investigative agency should there be suspicion that an offense has been committed or an investigation of the case be deemed necessary.

(2) Should a public interest whistleblowing case be related to multiple agencies, the Commission may designate a supervising organization and refer the case to the related agencies. In this event,

the designated supervising organization and related agencies shall cooperate with one another in order to process the public interest whistleblowing case en masse.

(3) In the event that the Commission refers a public interest whistleblowing case in accordance with Article 9 (3) of the Act, it shall include matters prescribed by subparagraphs of Article 8 (1) of the Act as well as supporting materials that were submitted by the public interest whistleblower: *Provided*, That any of the followings shall not be referred: <Amended by Presidential Decree No. 29239, Oct. 16, 2018>

1. Public interest whistleblower's personal information prescribed under Article 8 (1) 1 of the Act, in the case where the public interest whistleblower did not agree to the disclosure of his/her identity;
2. Materials that are sealed and kept as prescribed under Article 8-2 (3) of the Act, in the case where the public interest whistleblower, not disclosing his/her identity, had a lawyer file his/her public interest whistleblowing report on his/her behalf, under Article 8-2 (1) of the Act. However, this does not apply where the public interest whistleblower agreed to the disclosure of his/her identity.

Article 10 (Forwarding to Public Institutions)

(1) When it is not obvious whether a report submitted to the Commission as a public interest whistleblowing case (hereinafter referred to as a "reported case") constitutes a violation of the public interest and it is deemed reasonable for a public institution under Article 2, paragraph 1 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission (hereinafter referred to as a "public institution") to handle the case, the Commission may forward the case to a public institution. In this event, the Commission shall notify the public interest whistleblower of the fact.

(2) When a public institution that received a case as provided by paragraph 1 identifies the reported case as a violation of the public interest, the public institution shall notify the Commission of the said fact, and the Commission shall refer the case to an examination agency, etc. in accordance with the standards as prescribed by Article 9, paragraph 1. However, when the public institution that received the case is an examination agency, etc. that is responsible for processing the case, it is deemed that the referral of the case is conducted pursuant to Article 8, paragraph 1, and the public institution shall process the case.

Article 11 (Processing on the Part of an Examination Agency, etc.)

(1) Should an examination agency, etc. to which a public interest whistleblowing case was referred under Article 9, paragraph 3 of the Act deem it reasonable for another examination agency, etc. to process the case, the former examination agency, etc. may re-refer the case to the latter examination agency, etc. in consultation with the Commission.

(2) The examination agency, etc. to which a public interest whistleblowing case was referred

pursuant to Article 9, paragraph 3 of the Act shall notify the Commission of the examination or investigation results within ten days after the examination or investigation thereof is completed.

(3) The notification under paragraph 2 shall be in writing and contain the following subparagraphs:

1. The results of processing the case, such as criminal disposition and administrative disposition, and details and the reason(s) thereof;

2. The direction in which the processing of the case shall go after the examination or investigation thereof has been completed;

3. In the event the case is or is expected to be subject to the payment of a reward in accordance with Article 26, paragraph 1 of the Act or of relief money in accordance with Article 27, paragraph 1 of the Act, the fact thereof;

4. In the event that it is deemed necessary to make improvements in institutionalized practices, as identified by the public interest whistleblowing case, the summary thereof;

5. Other matters regarding public interest whistleblowing that the Commission or the public interest whistleblower needs to be aware of.

(4) The Commission may request an examination agency, etc. to submit information on the status of processing a public interest whistleblowing case referred to the examination agency, etc. In this event, the examination agency, etc. shall notify the Commission of the status thereof unless the examination agency, etc. has any special reason(s) not to do so.

Article 11-2 (Presentation of Opinion)

Where the Commission presents its opinion according to Article 9 (5) of the Act, the opinion shall be provided in writing specifying details of the opinion presented, deadline for reply containing how the Commission's opinion was implemented, etc.

Article 11-3 (Request for Objections, Re-examination/Re-investigation, etc.)

(1) A public interest whistleblower who is to file an objection under Article 9 (6) of the Act shall do so in writing stating the purpose and reason of the objection with attached relevant materials within 7 days from the date of the receipt of a summary of the findings of the examination or investigation.

(2) If the Commission is to request examination or investigation agencies to conduct a re-examination or a re-investigation under Article 9 (7) of the Act, it shall do so within period set as follow:

1. In case where the Commission deems the examination or investigation by examination or investigation agencies insufficient: 60 days from the date when the result of examination or investigation is notified;

2. In case where the Commission deems the objection made by a public interest whistleblower under Article 9 (6) of the Act reasonable: 60 days from the date when the objection is received.

(3) The Commission shall notify the public interest whistleblower of the handling result of the objection including whether the Commission requested a re-examination or re-investigation within 60 days from the date the Commission received the objection under paragraph 1.

Article 11-4 (Providing Information on Protection and Support)

(1) A person subject to information on protection and support under Article 9-2 of the Act refers to the public interest whistleblower and the person who requested protective measures according to paragraph (2) 1 of Article 19 of the Act (herein this Article referred to as “applicant”) and a reference person under paragraph (2) 3 of that Article (herein this Article referred to as “reference person”).

(2) The Commission shall provide the public interest whistleblower with the information stated in subparagraphs of Article 9-2 (1) of the Act in the following cases: *Provided*, That this does not apply if such information was already provided.

1. Where a report of a violation of the public interest is received in accordance with Article 8 of the Act;

2. Where the Commission notifies the fact that it transferred the reported case to an examination agency or investigation agency in accordance with Article 9 (3) of the Act, or the fact that it forwarded the case to a public institution under the latter part of Article 10 (1) of the Enforcement Decree;

3. Where the Commission notifies the summary of the examination or investigation results of the examination agency or investigative agency in accordance with the latter part of Article 9 (4) of the Act, or the summary of the re-examination or re-investigation results of the examination agency or investigative agency in accordance with the latter part of paragraph 8 of that Article.

(3) The Commission, when requesting an applicant or reference person to submit a relevant material in accordance with Article 19 (2) 1 of the Act or to appear before the Commission to make an oral statement or submit a written statement in accordance with paragraph 3 of that Article, shall provide the applicant or reference person with information related to matters stated in subparagraphs (1) of Article 9-2 of the Act.

(4) In case where the Commission provides information under paragraphs (2) and (3), such information should be delivered in a written document (including electronic document): *Provided*, That where there is a consent from the person who is to receive such information, the Commission may deliver such information in an oral statement or via telephone.

(5) The Commission shall post matters related to subparagraphs (2) 1 of Article 9 of the Act on its website.

Article 12 (When an Examination is Unnecessary)

“The event that there is no reason for examination as prescribed by Presidential Decree” under

Article 10, paragraph 2, subparagraph 7 refers to a situation falling under any of the following subparagraphs:

1. In the event that the details of the public interest whistleblowing case do not constitute a violation of the public interest;
2. In the event that no evidence exists to prove a violation of the public interest; or
3. In the event that other Acts or the authority delegated by such Acts may exempt the pertinent violation of the public interest from being subject to examination.

Article 12-2 (Construction and Operation of Integrated Information System for Public Interest Whistleblowing)

(1) Where the Commission, in accordance with Article 10-2 (2) of the Act, requests organizations and agencies stated under the subparagraphs of Article 6 of the Act to provide data and information, it shall specify the scope of, purpose of retaining and using, and method of providing such data and information.

(2) The Commission, if necessary, may request supplementation of the data and information provided by organizations and agencies stated in the subparagraphs of Article 6 of the Act from the head of the organizations and agencies that provided such data and information.

3. CHAPTER III PROTECTION OF PUBLIC INTEREST WHISTLEBLOWER, ETC.

Article 13 (Personal Confidentiality of Public Interest Whistleblower, etc.)

A representative, etc.; the Commission; an examination agency, etc.; and a member of the National Assembly, etc. shall offer necessary measures to ensure that the identity of the public interest whistleblower, etc. is not disclosed without his/her consent in the processes of receiving, referring, forwarding, examining and investigating the public interest whistleblowing case.

Article 14 (Protection of Personal Safety)

(1) Any person who requests the Commission to take protective measures for his/her personal safety under Article 13, paragraph 1 of the Act (hereinafter referred to as “personal protection measures”) shall submit to the Commission a document specifying the personal information of the applicant and the person who needs to be provided with protective measures (hereinafter referred to as “person subject to protection”), and the reason(s) for the application. Should an urgent reason exist, however, the applicant may request personal protection measures verbally or by telephone. In this case, the applicant shall submit the above mentioned document without delay.

(2) In the event that the need for personal protection measures is too urgent to wait for the Commission’s decision to provide such measures, the Chairperson of the Commission may request the chief of a police station or agency to provide the person subject to protection with such measures.

(3) The chief of a police station or agency who received a request for personal protection measures under the latter part of Article 13, paragraph 1 of the Act shall decide on, in consultation with the Commission, the necessary measures as prescribed in Article 7 of the Enforcement Decree of the Protection of Reporters, etc. of Specific Crimes Act, and if the personal protection measures are taken, shall notify the Commission of the said fact without delay.

(4) The chief of a police station or agency may cancel the implementation of personal protective measures under paragraph 3 in consultation with the Commission if such measures are deemed unnecessary.

(5) The Commission shall notify the applicant and the person subject to protection without delay of such facts as the decision to provide personal protective measures as prescribed in paragraph 3, the cancellation of such measures as prescribed in paragraph 4, and the end of the period of protection.

Article 15 (Request for and Examination of Protective Measures)

(1) When a public interest whistleblower, etc. requests the Commission to take measures to recover his/her state of life or other necessary measures under Article 17, paragraph 1 of the Act (hereinafter referred to as “protective measures”), the public interest whistleblower, etc. shall submit to the Commission a document specifying the personal information of the applicant, the reason(s) for the application and the details of the requested measures.

(2) When the Commission requests any person falling under any of Article 19, paragraph 2, subparagraphs 1 through 3 of the Act to appear before the Commission under Article 19, paragraph 3 of the Act, the Commission shall give the said person a seven-day written notice specifying when and where to appear. Should there exist an urgent reason or the possibility that the written notification be detrimental to the examination objective, however, the Commission may not give the written notice prior to the appearance before the Commission.

(3) Deleted <Apr. 30, 2018>

Article 16 (Determination, etc. of Protective Measures)

(1) When the Commission receives an application for protective measures under Article 17, paragraph 1 of the Act, the Commission shall decide to take protective measures as prescribed by Article 20, paragraph 1 of the Act or to issue a recommendation as provided by Article 20, paragraph 2 of the Act (hereinafter referred to as “decision, etc. to take protective measures”) within 60 days after the application was submitted. If necessary, the period may be extended by up to 30 days.

(2) The Commission may recommend that the head, etc. of an organization to which a person who had taken disadvantageous measures belongs implement measures such as guidance and supervision necessary to ensure the implementation of protective measures for a public interest whistleblower, etc. who underwent the disadvantageous measures in accordance with the decision,

etc. to take protective measures.

(3) The Commission may recommend that the head, etc. of an organization to which the public interest whistleblower, etc. belongs take measures comparable to protective measures such as change of occupation, change of position or transfer of workplace should any special circumstance exist to believe that it would be difficult to implement the protective measures in accordance with the decision, etc. to take protective measures.

(4) The Commission shall notify the applicant for protective measures of the fact that the recommendation was issued under paragraph 2 or 3.

Article 17 (Standard for the Delayed Payment of Wages, etc.)

(1) The remuneration, etc. prescribed in Article 20, paragraph 1, subparagraph 2 of the Act shall be the earned income under Article 20, paragraph 1 of the Income Tax Act, and the interest shall be interest for delayed payment of wages as provided by Article 37 of the Labor Standard Act.

(2) The period for the calculation of the delayed payment of remuneration and interest under paragraph 1 shall be from the date when the remuneration went in arrears or when discriminatory payment began to the date when a decision from the Commission is issued under Article 20, paragraph 1.

(3) The Commission may request the related agencies, organizations or enterprises to submit the relevant materials under Article 19, paragraph 2 of the Act, if they are deemed necessary to confirm the amount of remuneration, etc. as prescribed in paragraph 1.

Article 17-2 (Monitoring on Implementation of Protective Measures)

For two years after a decision to take protective measures was made, in accordance with the Article 20 (5) of this Act, the Commission shall monitor every six month whether the person who had implemented disadvantageous measures took the protective measures and whether no additional disadvantageous measure was imposed on the public interest whistleblower.

[This Article Newly Inserted by Presidential Decree No. 28849, Apr. 30, 2018]

[Previous Article 17-2 Moved to Article 17-3, Apr. 30, 2018]

Article 17-3 (Criteria to Impose Charges for Compelling Compliance)

The criteria to impose charges for compelling compliance under Article 21-2 (1) of the Act is described in the Attached Table 1-2

[This Article Moved from Article 17-2, Apr. 30, 2018]

Article 18 (Prohibition of Disadvantageous Measures)

(1) A public interest whistleblower, etc. who requests the Commission to take measures to prohibit disadvantageous measures under Article 22, paragraph 1 of the Act shall submit to the Commission

a document specifying the personal information of the applicant, the reason(s) for the application and the details of the requested measures.

(2) When the Commission receives an application for the prohibition of disadvantageous measures under paragraph 1, the Commission shall make a decision as provided by Article 22, paragraph 4 of the Act within 60 days after the application was submitted. If necessary, however, the period may be extended by up to 30 days.

(3) When the Commission recommends an organization prohibit disadvantageous measures under paragraph 2, the Commission may recommend the head, etc. of the organization to which a person who intends to take disadvantageous measures belongs implement necessary measures such as guidance and supervision over the said person. In this case, the Commission shall notify the applicant of prohibition of disadvantageous measures of the fact that the recommendation was issued.

Article 19 (Notification of Results for Implementing Measures, etc.)

A person who receives a request for protective measures under Article 20, paragraph 1 of the Act, recommendation under paragraph 2 of the same Article, request for disciplinary action under paragraph 4 of the same Article, or recommendation for the prohibition of disadvantageous measures under Article 22, paragraph 4 of the Act shall notify the Commission of the results of implementing the aforesaid measures or of the reason(s) of failure to take such measures within 30 days after the request or recommendation was received.

Article 20 (Request for Cooperation)

Under Article 25, paragraph 1, the Commission may request a relevant administrative agency, counseling center or medical institution, and other relevant organizations for cooperation or assistance as needed for matters falling under the following subparagraphs:

1. Presentation of materials, documents, etc. or explanation;
2. Appearing before the Commission and making statements;
3. Secondment, examination and consultation of employees belonging to the organization
4. Counseling to provide the public interest whistleblower, etc. with psychological comfort and medical support for illness treatment and healthcare;
5. Legal aid for the recovery of damages and relief of rights, including provision of legal consultation and advice, legal representation in a lawsuit, etc.;
6. Provision of vocational training opportunities and recommendation of new occupations for the public interest whistleblower, etc.;
7. Other matters necessary to protect the public interest whistleblower, etc.

Article 20-2 (Objections to Instruction of Political Campaigns, etc.)

(1) Under paragraph (1) of Article 25-2 of the Act, State public officials etc., when instructed to perform actions described in any of the subparagraphs of the same paragraph (hereinafter referred to as “political campaigns, etc.”), may file an objection to the person in any of the following:

1. The person who ordered political campaigns, etc.
2. The head of the agency to which the person prescribed in subparagraph 1 belongs to

(2) An objection under paragraph (1) shall be made in a written document (including electronic document, the same hereinafter). However, when it is deemed urgent or it has reasonable grounds, a written document may be submitted after an objection is first filed with an oral statement.

(3) The written document prescribed in paragraph (2) shall include details of the following items:

1. Personal information including the name, association, and position of the person who files the objection

2. Personal information including the name, association, and position of the person who instructed political campaigns, etc.

3. The date on and place in which political campaigns, etc. were instructed

4. Contents of the instruction of political campaigns, etc.

5. The purport and reason of the objection

(4) The person who received the objection under paragraph (1) and deemed the objection reasonable shall immediately take corrective measures based on the content of the objection, which should be notified of in writing to the person who made the objection. If the objection is deemed groundless, a written notice of the decision and reason in detail shall be given to the person who filed the objection.

CHAPTER IV REWARDS, FINANCIAL AWARDS, AND RELIEF MONEY

Article 21 (Ground for Payment of Reward)

The “dispositions or judgments as prescribed by Presidential Decree” in Article 26, paragraph 1, subparagraph 5 of the Act refers to disposition or judgment falling under any of the following subparagraphs:

1. Imposition of national tax or local tax;
2. Disposition of imposing charges or additional charges, etc.;
3. Judgment to compensate damages or retribute unlawful gain.

Article 22 (Standards for the Payment of Rewards)

(1) The standard for calculating the amount of rewards is as specified in the Attached Table 2. However, the rewards may be reduced or not paid in consideration of the following subparagraphs. In the event that a public official who is or was involved in the examination of or investigation

into a violation of the public interest makes a report related to the examination or investigation, rewards shall not be paid:

1. Accuracy of the report or credibility of evidential materials;
2. Whether the reported violation of the public interest was already disclosed through newspapers, broadcast or other mass media;
3. Whether the internal public interest whistleblower committed any illegal act(s) related to his/her report;
4. The extent to which the internal public interest whistleblower contributes to the eradication and prevention of violations of the public interest;
5. Whether the internal public interest whistleblower has an obligation to report a violation of the public interest or whether the report is related to his/her duties.

(2) The maximum amount of rewards shall be KRW 3 billion, and any fraction under KRW 1,000 shall not be paid. *<Amended by Presidential Decree No. 28849, Apr. 30, 2018>*

(3) In the event that the reward amount related to an individual public interest violation case is less than KRW 200,000, the reward shall not be paid.

(4) The detailed criteria, method and procedures for the payment of the reward shall be decided and publicly announced by the Chairperson through the resolution of the Committee.

Article 23 (Determination of the Payment of Rewards)

(1) The Commission shall determine whether to pay rewards and the reward amount based on the deliberation and resolution by the Reward Deliberation Board under Article 69 of the Act on the Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Reward Deliberation Board"). Should the Reward Deliberation Board decide to pay the reward, the Commission shall send the authentic copy of the written decision and the written notification thereof to the applicant without delay.

(2) At the time of the determination of reward by the Commission under paragraph 1, after a legal relation that would result in the recovery of or increase in revenues to the State or local autonomous governments is established and if the aforementioned recovery of or increase in revenues has not begun or the amount of recovered or increased revenues is less than 50/100 of the reward amount calculated under Article 22, paragraph 1, the Commission may determine that the payment of the reward would be first executed within the scope of 50/100 of the reward amount and the remaining part be paid after the amount of recovered or increased revenues to the State or local autonomous governments exceeds the amount of the reward already paid.

Article 24 (Determination of Reward Amounts for Concurrent Reward Applications)

(1) When two or more persons respectively file public interest whistleblowing cases for a single violation of the public interest, the cases are deemed a single case in the determination of the

reward amount under the Attached Table 2.

(2) The Commission, in determining the respective amounts for individual internal public interest whistleblowers in the event of a public interest whistleblowing case prescribed in paragraph 1, shall assign the rewards in comprehensive consideration of the contributions of the individuals to the eradication and prevention of the violation of the public interest and other factors. In this case, the subparagraphs of Article 22, paragraph 1 shall be applied to the individual internal public interest whistleblowers respectively.

Article 25 (Date of the Payment of Rewards)

The reward shall be paid after the recovery of or increase in revenues to the State or local autonomous governments occurred through such procedures as the imposition of charges provided by any of the subparagraphs of Article 26, paragraph 1 of the Act or a legal relation thereof is established. In this case, if the period of appeal regarding the procedures does not expire or the appeal proceedings for the relief thereof are in progress, the payment shall be executed after the expiration of the appeal period or the completion of the relief proceedings.

Article 25-2 (Grounds for Payment of Financial Awards)

“Other grounds prescribed by Presidential Decree” in Article 26-2 (1) 4 of the Act refers to any of the following cases:

1. A case where an administrative fine or penalty surcharge is imposed;
2. A case where the whistleblowing contributes to the prevention of social disaster, its spread, etc.

Article 25-3 (Criteria, etc. for Payment of Financial Awards)

(1) The payment of financial awards under Article 26-2 (1) of the Act (hereinafter referred to as "financial awards") shall vary depending on the consideration of matters according to the following. The maximum amount of payment shall be 200,000 won.

1. Article 26-2 (1) 1 of the Act: a stay of prosecution, probation, stay of execution, and types and severity of sentence
2. Article 26-2 (1) 2 of the Act: details of, the number of people imposed on, and period of the administrative measure
3. Article 26-2 (1) 3 of the Act: the extent and content of institutional improvement such as the enactment or amendment of relevant statutes, or extent of promoting public interest
4. Article 25-2.1: the amount of administrative fines or penalty surcharges imposed
5. Article 25-2.2: details of which the whistleblowing contributes to the prevention of social disaster and its spread, etc. or extent of promoting public interest

(2) Financial rewards may be reduced or not paid in consideration of the following subparagraphs. In the event that a public official who is or was involved in the examination of or

investigation into a violation of the public interest makes a report related to that examination or investigation, financial awards shall not be paid:

1. Accuracy of the report or credibility of evidential materials;
2. Whether the reported violation of the public interest was already disclosed through newspapers, broadcast or other mass media;
3. Whether the public interest whistleblower committed any illegal act(s) related to his/her report;
4. The extent to which the public interest whistleblower contributes to the eradication and prevention of violations of the public interest;
5. Whether the public interest whistleblower has an obligation to report a violation of the public interest to relevant administrative agency or whether the report is related to his/her duties.

(3) Among those whose public interest whistleblowing brings substantial property benefits to the State or a local government, prevents loss, or promotes the public interest in accordance with Article 26-2 (1) by reason of the subparagraphs of the same paragraph, the Commission select the recipients of financial awards either recommended by persons or organizations prescribed by Article 6.1 to 6.3 or Article 5 of the Act, or at its discretion.

(4) When the Commission selects the recipient under paragraph 3, it shall determine whether to pay financial awards and the amount of payment thereof, based on resolutions adopted by the Reward Deliberation Board after deliberation. Upon determination on payment of financial awards, the Commission shall promptly send the applicant authentic copy of the written determination and a notice of the determination.

(5) Matters necessary for the detailed criteria and procedures for payment of financial awards shall be determined by the Commission.

Article 26 (Standard to Calculate the Amount of Relief Money)

(1) The Reward Deliberation Board or the Commission shall consider the following subparagraphs in the calculation of relief money under the main sentence of or the proviso to of Article 27 (2) of the Act for such situations as prescribed in subparagraphs of Article 27 (1) of the Act: *<Amended by Presidential Decree No. 28849, Apr. 30, 2018>*

1. Expenses incurred related to medical examination, hospitalization, medication, surgery, etc. for physical and psychological treatment;
2. Actual costs incurred to move the residence as a result of change of occupation, change of position or transfer of workplace, secondment, personal protection, etc.;
3. Fees incurred to hire a lawyer, certified public labor attorney, etc. for dispute over recovery of the original state of life;
4. Monthly average of wages or actual income during the three months prior to the date the disadvantageous measures were taken (hereinafter referred to as “monthly average”); or the average wage in the event that there exists no method to prove the amount of the monthly average or the

calculated monthly average is below the average wage;

5. Other expenditures the Reward Deliberation Board recognizes as being incurred related to damages or costs as a result of the public interest whistleblowing, etc.

(2) The monthly average shall not exceed double the average wage, and the period of wage losses calculated under Article 27, paragraph 1, subparagraph 9 of the Act shall not exceed 36 months.

(3) The average wage as prescribed in paragraph 1, subparagraph 4 is specified by the average wage of daily workers based on nationwide statistics on the wages of the typical male or female laborer, which is conducted by a wage survey agency that regularly publishes wage statistics at least 6 times a year.

(4) The proviso of Article 22 (1) shall apply *mutatis mutandis* to deciding whether the amount of the reward shall be reduced or the reward shall not be paid.

Article 27 (Decision on the Payment of Relief Money)

(1) The Commission shall determine whether to pay relief money and its amount based on the deliberation and resolution by the Reward Deliberation Board: *Provided*, That in the event that a relief money is provided under the proviso to Article 27 (2) of the Act, the Commission shall pay the relief money first, and the Reward Deliberation Board afterwards shall deliberate and determine whether to pay the relief money and the appropriateness of the amount thereof. <Amended by Presidential Decree No. 28849, Apr. 30, 2018>

(2) The Commission shall determine whether to pay relief money and its amount within 90 days from the date on which the application for relief money was submitted under Article 27, paragraph 1 of the Act unless there are exceptional circumstances otherwise.

(3) Where a relief money is paid under the main sentence of or the proviso to Article 27 (2) of the Act (This includes a case where the Commission paid a relief money in advance and payment and its amount of the relief money is deliberated and decided by the Reward Deliberation Board, under the proviso to the same paragraph), the Commission shall send the authentic copy of the written decision and the written notification thereof to the applicant without delay. <Newly Inserted by Presidential Decree No. 28849, Apr. 30, 2018>

Article 27-2 (Procedures to Exert Subrogation Rights to Claim Damages)

The Commission shall decide in a prompt manner whether it would exercise the right to indemnity with the subrogation of the claim under Article 27 (5) of the Act in the event that it had paid the relief money to the public interest whistleblower, his/her relatives or cohabitants.

Article 28 (Establishment and Operation, etc. of Information System)

(1) The Commission may establish and operate an information system in order to prevent the

double payment of rewards and relief money under Article 28 of the Act.

(2) The Commission may request the administrative agency, etc. to provide data regarding the payment of rewards, awards and relief money in order to establish and operate an information system under paragraph 1.

(3) The Commission may develop and distribute a standardized program so as to enable the administrative agency, etc. to use the information system under paragraph 1.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 29 (Handling of Personal Identification Number)

(1) The person who falls into one of the categories under Article 6 of the Act may handle data which includes resident registration numbers under Article 19, subparagraph 1 of the Enforcement Decree of the Personal Information Protection Act, passport numbers under subparagraph 2 of the same Article, and alien registration numbers under subparagraph 4 of the same Article (hereinafter resident registration numbers, etc.) if deemed necessary to perform the affairs concerning public interest whistleblowing as prescribed in Article 8 of the Act on the Protection of Public Interest Whistleblowers.

(2) The Commission may handle the data which includes resident registration numbers, etc. if deemed necessary to perform one of the following affairs:

1. Affairs concerning receipt and confirmation of the details of a public interest whistleblowing case, referral, etc. under Article 8, 8-2, and 9 of the Act;

2. Affairs concerning maintaining the confidentiality of the public interest whistleblower, etc. under Article 12 of the Act;

3. Affairs concerning personal protection measures under Article 13 of the Act;

4. Affairs concerning mitigation and remission of culpability, etc. under Article 14 of the Act;

5. Affairs concerning protective measures under Articles 17 through 20 of the Act;

6. Affairs concerning prohibition of disadvantageous measures under Article 22 of the Act;

7. Affairs concerning rewards under Article 26 of the Act;

7-2. Affairs concerning financial awards under Article 26-2 of the Act;

8. Affairs concerning relief money under Article 27 of the Act.

(3) The investigative agency to which a public interest whistleblowing case was referred pursuant to Article 9 of the Act may handle the data which includes resident registration numbers, etc. if deemed necessary to perform the affairs concerning handling of public interest whistleblowing cases under Article 10 of the Act.

<Wholly Amended by Act No. 25300, Apr. 8, 2014 >

Article 30 (Imposition and Collection of Administrative Fine)

The standard for imposing an administrative fine under Article 31, paragraph 1 and 2 of the Act is as specified in the Attached Table 3.

ADDENDUM

<Presidential Decree No. 23198, Sep. 30, 2011>

This Decree shall enter into force on September 30, 2011. However, the Act 74 of the Attached table 1 shall take into force on April 29th 2012. The Act 144 of the same attached table shall come into effect on March 9th, 2012.

ADDENDA

<Presidential Decree No. 23845, Jun. 7, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 8, 2012.

Article 2 and 3 are omitted

Article 4 (Amendment of other Acts and Subordinate Statues)

(1) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 52 of Attached Table 1 shall be amended as follows:

52. Act on the Control of Narcotics, etc.

(2) through (9) are omitted

ADDENDA

<Presidential Decree No. 23964, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012.

Article 2 is omitted.

Article 3 (Amendment of other Acts and Subordinate Statues)

(1) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 85 of Attached Table 1 shall be amended as follows:

85. Quality Control of Agricultural and Fishery Products Act

Paragraphs (2) through (7) are omitted.

Article 4 is omitted.

ADDENDA

<Presidential Decree No. 23965, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012.

Article 2 and 3 are omitted.

Article 4 (Amendment of other Acts and Subordinate Statues)

(1) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 84 of Attached Table 1 shall be amended as follows:

84. Aquatic Life Disease Control Act

(2) is omitted

Article 5 is omitted.

ADDENDA

<Presidential Decree No. 24097, Sep. 7, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 10, 2012.

Article 2 and 3 are omitted.

Article 4 (Amendment of other Acts and Subordinate Statues)

Paragraphs (1) through (3) are omitted.

(4) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 34 of Attached Table 1 shall be amended as follows:

34. Fishing Management and Promotion Act

Article 5 is omitted.

ADDENDUM

<Presidential Decree No. 25300, Apr. 8, 2014>

This Decree shall enter into force on the date of promulgation.

ADDENDUM

<Presidential Decree No. 25522, Jul. 28, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 28, 2014.

Article 2 (Amendment of other Acts and Subordinate Statues)

Paragraph (1) is omitted.

(2) Enforcement Decree of the Act on the Protection of the Public Interest Whistleblowers shall be amended in part as follows:

The 20 of Attached Table 1 shall be amended as follows:

20. Licensed Real Estate Agents Act

Paragraphs (3) through (7) are omitted.

Article 3 is omitted.

ADDENDA

<Presidential Decree No. 25586, Sep. 2, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation.

Article 2 (Applicability of the Decision on the Reduction or the Non-payment of the Reward)

The revised provision of Article 26 (4) shall be applied to the first case of the application of the reward after this Decree enters into force.

Article 3 (Transitional Measures concerning the Payment of the Reward)

The amended provision of Article 22 (3) shall not apply to the payment of the reward for the whistleblower who has reported violations of public interest before this Decree enters into force.

ADDENDA

<Presidential Decree No. 26934, Jan. 22, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 25, 2016.

Article 3 (Transitional Measures concerning the Payment of the Reward)

The amended provision of Article 22 (2) shall not apply to the payment of the reward for the whistleblower who has reported violations of public interest before this Decree enters into force.

ADDENDUM

<Presidential Decree No. 28393, Oct. 17, 2017 >

This Decree shall enter into force on October 19, 2017.

ADDENDUM

<Presidential Decree No. 28849, Apr. 30, 2018 >

Article 1 (Enforcement Date)

This Decree shall enter into force on May 1, 2018.

Article 2 (Applicability concerning the Maximum Amount of Rewards)

The amended provision of Article 22 (2) shall apply to the first public interest whistleblowing case filed after this Decree enters into force.

ADDENDUM

<Presidential Decree No. 29239, Oct. 16, 2018 >

This Decree shall enter into force on November 11, 2018.

ADDENDUM

<Presidential Decree No. 29269, Oct. 30, 2018 > (Enforcement Decree of the Act on External Audit of Stock Companies, etc.)

Article 1 (Enforcement Date)

This Decree shall enter into force on Nov 1, 2018.

Articles 2 through 9 are omitted.

Article 10 (Amendment of other Acts and Subordinate Statues) (1) though (3) are omitted.

(4) Enforcement Decree of the Act on the Protection of Public Interest Whistleblowers shall be amended in part as follow:

“Article 1-2.2 of the Act on External Audit of Stock Companies and Article 1-3 of its Enforcement Decree” under Article 3-2.3 (b) shall be "Article 2.3 of the Act on External Audit of Stock Companies and Article 3 (1) of its Enforcement Decree."

(5) through <51> are omitted.

Article 11 is omitted.

[Attached Table 1] Deleted.

[Attached Table 1-2] <Amended by Presidential Decree No. 29239, Oct. 16, 2018>

Criteria to Impose Charges for Compelling Compliance [refer to Article 17-3]

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 the protective measures, 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 protective measures to recover the original state, called upon by the Commission pursuant to Article 20 (1) 1 of the Act (including cases where it is applied <i>mutatis mutandis</i> pursuant to Article 20-2 (2) of the Act) from disadvantageous measures falling under any of the following subparagraphs:	
1) Disadvantageous measures prescribed in subparagraph 6 (a) of Article 2 of the Act;	15 mil ~ 30 mil won
2) Disadvantageous measures falling under subparagraph 6 (b) or (c) of Article 2 of the Act.; and	10 mil ~ 20 mil won
3) Disadvantageous measures falling under subparagraph 6 (d) through (g) of Article 2 of the Act.	2 mil ~ 20 mil won
B. Where a person fails to implement protective measures to pay the remuneration that has been delayed or has been paid discriminately, including interest, called upon by the Commission pursuant to Article 20 (1) 2 of the Act (including cases where it is applied <i>mutatis mutandis</i> pursuant to Article 20-2 (2) of the Act)	2 mil ~ 20 mil won
C. Where a person fails to implement protective measures to cancel or prohibit other disadvantageous measures, called upon by the Commission pursuant to Article 20 (1) 3 of the Act (including cases where it is applied <i>mutatis mutandis</i> pursuant to Article 20-2 (2) of the Act)	2 mil ~ 20 mil won

[Attached Table 2]

Criteria for Payment of Rewards [refer to Article 22 (1)]

Benefits Incurred	Criteria
KRW 100 million or less	20%
Over KRW 100 million and not more than KRW 500 million	KRW 20 million + 14% for the amount exceeding KRW 100 million
Over KRW 500 million and not more than KRW 2 billion	KRW 76 million + 10% for the amount exceeding KRW 500 million
Over KRW 2 billion and not more than KRW 4 billion	KRW 226 million + 6% for the amount exceeding KRW 2 billion
Over KRW 4 billion	KRW 346 million + 4% for the amount exceeding KRW 4 billion

※ Benefits Incurred: The value of the recovered or increased revenues of the State or local autonomous governments by the imposition, etc. (or such value in time of the establishment of legal relations related to that matter) as referred to Article 26 (1) of the Act and in any subparagraph of Article 21 of the Enforcement Decree.

[Attached Table 3]

Criteria for Imposition of Administrative Fine [refer to Article 30]

1. General Criteria

A. The Criteria for imposition of administrative fine corresponding to the number of violation are applied when a violator is fined for the same violation within a recent year. In this case, the number of violation shall be determined in accordance with both the date of imposition of administrative fine and the date of detection of re-commitment of the same violation.

B. In case where two or more violations occurred, the heavier one shall be the basis for the determination.

C. The Commission can reduce the amount of fines up to half, should a case falls under any of following conditions: Provided that this shall not apply to a violator who is in arrears of administrative fine.

1) Where the violator falls under any of subparagraph of Article 2-2, paragraph 1 of the Enforcement Decree of the Act on the Regulation of Violations of Public Order;

2) Where the violation is deemed to make little damage to the Commission in carrying out its duties because the violation is minor in terms of type and seriousness;

3) Where the violator corrected or resolved the consequence of his/her violation; or

4) Other cases where it is deemed necessary to reduce the amount of administrative fine, in consideration of the seriousness, the motive, and the consequence of the violation.

2. Specific Criteria

(Unit: KRW 10,000)

Violation	Applicable Provision	Amount of administrative fine		
		First	Second	Third and more
<p>A. Where a person refused to submit relevant materials, attend the Commission or state his/her opinions in violation of Article 19, paragraph 2 or 3 of the Act (including when Article 22, paragraph 3 of the Act is applied <i>mutatis mutandis</i>)</p> <p>1) A person who takes disadvantageous measures</p> <p>2) A reference person</p> <p>3) An applicant</p>	<p>Article 3-1, paragraph 1 of the Act</p>			
		500	1,000	2,000
		200	400	800
		100	200	300
<p>B. Where a relevant agency, organization or enterprise refuses to submit the materials under Article 19, paragraph 2 of the Act (including when Article 22, paragraph 3 of the Act is applied <i>mutatis mutandis</i>)</p>	<p>Article 3-1, paragraph 1 of the Act</p>	400	700	1,000
<p>C. Where a person fails to implement a decision for special protective measures in any of the following paragraphs under Article 20-2 of the Act, which were confirmed either by an administrative proceeding filed under Article 21 (1) of the Act (which is applied <i>mutatis mutandis</i> according to Article 20-2 (2) of the Act), or under paragraph 2 of the same article</p> <p>1) When a person fails to implement the Commission's decision for special protective measures to recover whistleblower's state of life from any of the following disadvantageous measures, in accordance with Article 20 (1) 1 of the Act which is applied <i>mutatis mutandis</i> under Article 20-2 (2) of the Act</p> <p>a) Disadvantageous measures under Article 2.6 (a) of the Act</p> <p>b) Disadvantageous measures under</p>	<p>Article 3-1, paragraph 2 of the Act</p>			
			2,000	
			1,000	

<p>Article 2.6 (b) or (c) of the Act</p>		
<p>b) Any disadvantageous measure under</p>		500
<p>Article 2.6 (d) to (e) of the Act</p>		
<p>2) When a person fails to implement the Commission's decision for special protective measures to pay remuneration, etc. that has been delayed or has been paid discriminately, including interest, in accordance with Article 20 (1) 2 of the Act which is applied <i>mutatis mutandis</i> under Article 20-2 (2) of the Act</p>		500
<p>3) When a person fails to implement the Commission's decision for special protective measures to cancel or prohibit other disadvantageous measures, in accordance with Article 20 (1) 3 of the Act which is applied <i>mutatis mutandis</i> under Article 20-2 (2) of the Act</p>		500