ANTI-CORRUPTION ACT

Act No. 6494, Jul. 24, 2001

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)
The purpose of this Act is to serve to create the clean climate of the civil service and society by preventing and regulating the acts of corruption efficiently.

Article 2 (Definitions)
The terms used in this Act are defined as follows:
1. The term “public institutions” means institutions and organizations falling under any of the following items:
   (a) The administrative agencies of various levels under the Government Organization Act and the executive organs and local councils of local governments under the Local Autonomy Act;
   (b) The Superintendents of the Offices of Education, the district offices of education, and the boards of education under the Local Education Autonomy Act;
   (c) The National Assembly under the National Assembly Act, the courts of various levels under the Court Organization Act, the Constitutional Court under the Constitutional Court Act, the election commissions of various levels under the National Election Commission Act, and the Board of Audit and Inspection under the Board of Audit and Inspection Act; and
   (d) Organizations related to the public service under Article 3 (1) 10 of the Public Service Ethics Act;
2. The term “public officials” means the persons falling under any of the following items:
   (a) The public officials under the State Public Officials Act and the
Local Public Officials Act, and other persons who are recognized by other Acts as public officials in terms of qualifications, appointments, education and training, services, remunerations, status guarantee, etc; and

(b) The heads of organizations related to the civil service provided for in subparagraph 1 (d) above and the employees of such organizations; and

3. The term “act of corruption” means the act falling under any of the following items:
(a) The act of any public official's abusing his position or authority or violating Acts and subordinate statutes in connection with his duties to seek gains for himself or any third party; and
(b) The act of causing damages to the property of any public institution in violation of Acts and subordinate statutes, in the process of executing the budget of the relevant public institution, acquiring, managing, or disposing of the property of the relevant public institution, or entering into and executing a contract to which the relevant public institution is a party.

Article 3 (Responsibilities of Public Institutions)
(1) Every public institution shall assume the responsibility to strive for the prevention of corruption to create the sound ethics of society.
(2) In the event that any public institution deems it necessary to eliminate legal, institutional, or administrative inconsistencies or to improve other matters for the prevention of corruption, it shall promptly improve or rectify the foregoing.
(3) Based on such reasonable means as education and publicity, every public institution shall make strenuous efforts to raise the consciousness of its employees and citizens to stamp out corruption.
(4) Every public institution shall aggressively work to promote international exchanges and cooperation for the prevention of corruption.

Article 4 (Responsibilities of Political Parties)
(1) Political parties that are registered in accordance with the Political Parties Act and members affiliated with such political parties shall endeavor to create a clean and transparent culture of politics.
(2) Political parties and members affiliated with such political parties shall have a proper culture of election take root and shall operate themselves and raise and spend political funds in a transparent manner.

Article 5 (Duties of Private Enterprises)
Private enterprises shall establish a sound order of trade as well as business ethics and take steps necessary to prevent every corruption.

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

Article 7 (Obligation of Public Officials to be Clean-Handed)
Every public official shall abide by Acts and subordinate statutes, perform his duties fairly and hospitably, and refrain from committing any act of corrupting himself or losing his dignity.

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

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

1. Matters concerning the prohibition and limitation of the act of any public official's receiving entertainment, money, goods, etc. from any person related to his duties;

2. Matters concerning the prohibition and limitation of the act of any public official's intervening in personnel affairs or concessions or using his good offices or soliciting another person for his good offices, taking advantage of his position;

3. Matters to be observed by the public officials to create a sound climate of the civil service, including fair personnel administration; and

4. Other matters necessary to prevent corruption and maintain the clean-handedness and dignity of the public officials when they
perform their duties.

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

(4) Kinds of, procedures for, effect, etc. of the disciplinary measure referred to in paragraph (3) above shall be governed by Acts and subordinate statutes that prescribe matters concerning the disciplinary measures of administrative agencies to which the relevant public officials belong.

Article 9 (Guarantee of Livelihood for Public Officials)

The State and local governments shall labor to guarantee the livelihood of the public officials in order for them to devote themselves to the civil service and shall take necessary steps to improve their remunerations and treatments.

CHAPTER II ANTI-CORRUPTION COMMISSION

Article 10 (Establishment)

An Anti-Corruption Commission (hereinafter referred to as the “Commission”) shall be set up under the President to revamp Acts and subordinate statutes, institutions, etc. and to formulate and implement policies -- all necessary to prevent corruption.

Article 11 (Functions)

The Commission shall perform the work falling under each of the following subparagraphs:

1. The work of formulating and recommending policies and institutional improvement measures to prevent corruption in the public institutions;

2. The work of surveying the actual state and evaluating the progress of the policy steps taken to prevent corruption in the public institutions;

3. The work of working out and implementing the education and publicity schedule for the prevention of corruption;

4. The work of supporting activities carried out by nonprofit civic organizations to prevent corruption;
5. The work of promoting international cooperation for the prevention of corruption;
6. The work of receiving whistle-blowings, etc. with respect to an act of corruption;
7. The work of protecting and recompensing whistle-blowers; and
8. The work of addressing matters that the President puts on the agenda of the Commission to prevent corruption.

Article 12 (Composition of Commission)
(1) The Commission shall consist of 9 members, including 1 chairman and 2 standing members.
(2) The chairman and members shall be the persons of profound learning and experience in the corruption question and shall be appointed or commissioned according to the qualification standards set by the Presidential Decree.
(3) The chairman and standing members shall be appointed by the President and the non-standing members shall be appointed or commissioned by the President. In this case, 3 members shall be appointed or commissioned on the recommendation of the National Assembly and 3 members, on the recommendation of the Chief Justice of the Supreme Court, respectively.
(4) The chairman and standing members shall each come from officials of political service.
(5) If any member becomes vacant, a new member shall be appointed or commissioned without any delay.

Article 13 (Chairman)
(1) The chairman shall represent the Commission.
(2) When the chairman is unable to discharge his duties as such for unavoidable reasons, a standing member designated by the chairman shall act on behalf of the chairman in discharging his duties.

Article 14 (Disqualification of Members)
(1) A person falling under any of the following subparagraphs shall not be qualified as a member:
   1. A person who is not a citizen of the Republic of Korea;
   2. A person who falls under each subparagraph of Article 33 of the State Public Officials Act;
3. A person who is affiliated with a political party as a member; and
4. A person who registers himself as a candidate to run in an election held in accordance with the Act on the Election of Public Officials and the Prevention of Election Malpractices.

(2) Any member shall, when he falls under any subparagraph of paragraph (1) above, rightly resign his seat.

Article 15 (Independence of Work and Guarantee of Positions)
(1) The Commission shall independently perform the work belonging to its authority.

(2) The terms of office for the chairman and members shall each be 3 years and they may be reappointed or recommissioned only once.

(3) No member shall be dismissed or decommissioned against his will except for the case falling under any of the following subparagraphs:
1. Where he falls under any subparagraph of Article 14 (1); and
2. Where he has much difficulty in performing his duties on the grounds of mental or physical trouble.

(4) In case of a member falling under paragraph (3) 2 above, the President shall dismiss or decommission him on the recommendation of the chairman after going through a resolution thereof with the consent of not less than two thirds of the total members.

Article 16 (Resolution of Commission)
The meeting of the Commission shall be held by the attendance of a majority of its registered members and resolve with the concurrent vote of a majority of those present.

Article 17 (Subcommittees)
Subcommittees may be established by specific fields in the Commission to efficiently perform its work.

Article 18 (Expert Members)
(1) The chairman may appoint experts in the academia and social organizations and other experts on the related field as expert members of the Commission, as reasonably deemed necessary, to efficiently support the Commission's work and conduct specialized studies.

(2) The chairman shall appoint or commission expert members after going through a resolution of the Commission.
Article 19 (Establishment of Secretariat)
(1) The Commission shall establish a secretariat to deal with administrative affairs of the Commission.
(2) The secretariat shall have its head and other necessary staff.
(3) A standing member designated by the chairman shall concurrently serve as the head of the secretariat who takes charge of dealing with administrative affairs of the Commission and instructing and supervising the staff under the chairman's direction.

Article 20 (Advice for Institutional Improvements)
(1) The Commission may, if necessary, urge the heads of public institutions to make institutional improvements for the prevention of corruption.
(2) The head of any public institution shall, upon receipt of the advice on the institutional improvements under paragraph (1) above, reflect such advice in its effort for the institutional improvements and inform the Commission of the result of steps taken according to the advice.
(3) In the event that the head of any public institution who has been advised to make institutional improvements under paragraph (1) above finds it difficult to take steps as advised by the Commission, he shall inform the Commission thereof.

Article 21 (Hearing of Opinions, etc.)
(1) In performing the functions provided for in Article 11, the Commission may take steps falling under each of the following subparagraphs, as necessary:
   1. A request to any public institution for explanation or the submission of materials, documents, etc., and a survey of the actual condition thereof; and
   2. A request to any interested person, any reference person, or any public official involved for his presence and his statement of opinion.
(2) The Commission shall be prohibited from taking steps provided for in paragraph (1) above with respect to the matters falling under each of the following subparagraphs:
   1. Matters concerning the confidential information of the State;
   2. Matters concerning the appropriateness of an investigation, trial, and execution of sentence (including any security measure, any
security surveillance measure, any protective detention measure, any probation measure, any protective internment measure, any custodial treatment measure, and any community service order), or matters on which an audit and inspection have been launched by the Board of Audit and Inspection;

3. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, a constitutional petition, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy that are in process under other Acts;

4. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, that are in process under Acts and subordinate statutes; and

5. Matters made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters on which the Audit and Inspection Commission has resolved in accordance with the Board of Audit and Inspection Act.

(3) The steps of each subparagraph of paragraph (1) above shall be limited to the scope necessary for the Commission to perform its work provided for in each subparagraph of Article 11 and attention shall be paid not to hamper the performance of duties by any public institution.

(4) The head of any public institution shall sincerely comply with the request for the submission of materials and cooperate in surveying the actual condition under paragraph (1) above.

(5) The head of any public institution may get his officials or relevant experts to be present at the Commission to state their opinions or to submit relevant materials in connection with institutional improvements, etc.

Article 22 (Confidentiality)
The incumbent or former members, expert members, and staff of the Commission and any other person who is or has been seconded to the Commission or commissioned by the Commission to perform the work of the Commission shall be prohibited from divulging any
confidential information that they have acquired while performing the work of the Commission.

Article 23 (Legal Fiction as Public Officials in Application of Penal Provisions)

Members and expert members of the Commission who are not public officials shall be deemed public officials in the application of the Criminal Act and the penal provisions of other Acts in connection with any malfeasance regarding the work of the Commission.

Article 24 (Organization and Operation)

Necessary matters concerning the organization and operation of the Commission except for matters provided for in this Act shall be prescribed by the Presidential Decree.

CHAPTER III WHISTLE-BLOWING OF ACT OF CORRUPTION AND PROTECTION OF WHISTLE-BLOWERS ETC.

Article 25 (Whistle-Blowing of Act of Corruption)

Any person who becomes aware of an act of corruption may whistle-blow such act of corruption to the Commission.

Article 26 (Obligation of Public Officials to Whistle-Blow Act of Corruption)

A public official shall, in the event that he learns an act of corruption committed by another public official or he is forced or proposed by another public official to commit an act of corruption, whistle-blow without any delay such fact to any investigative agency, the Board of Audit and Inspection, or the Commission.

Article 27 (Obligation of Whistle-Blowing in Good Faith)

In the event that any person whistle-blows an act of corruption in spite of the fact that he knew or should have known the contents of his whistle-blowing were false, he shall not be entitled to the protection of this Act.

Article 28 (Method of Whistle-Blowing)

Any person who intends to whistle-blow an act of corruption shall make such whistle-blowing in a document stating matters concerning his name, address, occupation, etc., the purport of his
whistle-blowing, and reasons therefor, and present the object of his whistle-blowing and evidence attesting the act of corruption along with such document.

Article 29 (Handling of Whistle-Blowings)
(1) The Commission may, upon receipt of a whistle-blowing, confirm the matters falling under each of the following subparagraphs from the whistle-blower:
1. Matters necessary to specify the contents of the whistle-blowing, such as the name, address, occupation, etc. of the whistle-blower and the details and purport of his whistle-blowing; and
2. Matters concerning whether the contents of whistle-blowing fall under any subparagraph of Article 21 (2).
(2) The Commission may ask any whistle-blower to submit necessary materials within the scope of ascertaining the truth of the matters specified in paragraph (1) above.
(3) If it is necessary to conduct an investigation into a received whistle-blowing, the Commission shall refer such case to a competent organization (hereinafter referred to as an “investigative agency”) among the Board of Audit and Investigation, an investigative agency, or an agency in charge of supervising the relevant public institution (referring to the relevant public institution in case that such agency is nonexistent).
(4) In the event that a person suspected of committing the act of corruption on which the Commission has received a whistle-blowing is a high-ranking public official falling under each of the following subparagraphs and contents of his suspected act of corruption require an investigation for criminal punishment and an institution of public prosecution, the Commission shall file an accusation with the prosecution against him in its name:
1. A public official with the rank of Vice Minister or higher;
2. The Special Metropolitan City Mayor, Metropolitan City Mayor, or Do governor;
3. A police officer with the rank of superintendent general or higher;
4. A judge or a public prosecutor;
5. A military officer with the rank of general; and
6. A member of the National Assembly.

(5) The prosecution shall, upon receipt of an accusation filed under paragraph (4) above, notify the Commission of the findings of its investigation. The same shall also apply to a case where the case on which the Commission has filed an accusation is already under investigation or related with another case under investigation.

Article 30 (Handling of Findings of Investigation)

(1) The investigative agency shall conclude its audit, investigation, or examination of a case within 60 days from the date on which it is referred with a whistle-blowing thereon: Provided, That if there are justifiable grounds, the period of 60 days may be extended and the investigative agency shall notify the Commission of the grounds of such extension.

(2) The investigative agency to which a whistle-blowing is referred under Article 29 shall notify the Commission of the findings of audit, investigation, or examination thereof within 10 days from the date on which it concludes such audit, investigation, or examination. In this case, the Commission shall, upon receipt of such report, immediately inform the relevant whistle-blower of a summary of the findings of the audit, investigation, or examination.

(3) The Commission may, if necessary, ask the investigative agency to explain the findings on which the agency has made notification under paragraph (2) above.

(4) When the audit, investigation, or examination conducted by the investigative agency is deemed inadequate, the Commission may ask the investigative agency to launch again the audit, investigation, or examination by presenting reasonable grounds, such as the submission of new evidential materials, within 14 days from the date on which it is notified of the findings thereof. Any whistle-blower who is informed of a summary of the findings of the audit, investigation, or examination under the later part of paragraph (2) above may file an objection with the Commission regarding the findings of the audit, investigation, or examination.

(5) The investigative agency that is requested to launch again the audit, investigation, or examination shall notify the Commission of the
findings of such further audit, investigation, or examination within 7 days from the date on which it concludes the audit, investigation, and examination. In this case, the Commission shall, upon receipt of the findings of such audit, investigation, or examination, immediately inform the whistle-blower of a summary of the findings of such audit, investigation, or examination that has been launched again.

Article 31 (Application for Adjudication)

(1) In the event that a person suspected of committing the act of corruption under Article 29 (4) and (5) falls under Articles 129 through 133 and 355 through 357 of the Criminal Act (including the case of aggravated punishment under other Acts) and that the Commission directly files an accusation with the prosecution against him, if the same case as the one for which the accusation is filed is already under investigation or is related to another case under investigation and a public prosecutor concerned serves a notice on the Commission that he does not institute a public prosecution against either of the two cases, the Commission may file an application for an adjudication on the right or wrong thereof with the High Court corresponding to the High Public Prosecutor's Office to which the public prosecutor belongs within 10 days from the date the Commission receives such notice.

(2) Articles 260 (2), 261, 262 and 263 through 265 of the Criminal Procedure Act shall apply mutatis mutandis to the application for the adjudication referred to in paragraph (1) above.

(3) When the District Public Prosecutor's Office or the District Public Prosecutor's Branch Office to which the public prosecutor belongs under Article 260 (2) of the Criminal Procedure Act receives the application for the adjudication of paragraph (1) above, the statute of limitation for prosecution thereof shall be suspended during the period from receipt of such application to ruling under Article 262 (1) of the Criminal Procedure Act.

(4) With respect to the application for the adjudication referred to in paragraph (1) above, if the public prosecutor has not instituted a public prosecution by ten days prior to the date on which the statute of limitation for prosecution thereof expires, it shall be deemed that the
public prosecutor has served a notice on the Commission that he does not institute such public prosecution at that time; and with respect to an accusation which the Commission filed with the prosecution under Article 29 (4), if the public prosecutor has not instituted such public prosecution by three months after the date on which the Commission filed such accusation, it shall be deemed that the public prosecutor has served such a notice on the Commission at the time that the three months lapsed, respectively.

Article 32 (Guarantee of Non-Reprisal)

(1) No person shall be subject to any detriment in his position or any discrimination in his working conditions, including disciplinary measure etc., which is imposed by an institution, organization, or company, etc. to which he belongs, on the grounds of his whistle-blowing under this Act or his statement or his submission of materials, etc. related thereto.

(2) In the event that any person has suffered a disadventurous disposition in his position on the grounds of his whistle-blowing, he may request the Commission to take steps to guarantee his position, including, but not limited to, restoring his disadventurous position to the original state thereof and transferring him to another post (hereinafter referred to as "steps for guaranteeing position").

(3) The Commission shall, upon receipt of the request referred to in paragraph (2) above, launch an investigation thereof.

(4) The Commission may conduct the investigation requested under paragraph (3) above in the manner falling under each of the following subparagraphs:

1. A request to the relevant requester or reference persons for presenting themselves before the Commission to state their opinions or for submitting their written statements;

2. A request to the relevant requester, reference persons, or related institutions, etc. for submitting materials, etc. that are deemed to be related to the investigation; and

3. An inquiry about facts or information that is deemed to be related to the investigation of the relevant requester, reference persons, or related institutions.
(5) Any person who is subject to the request, inquiry, or steps under each subparagraph of paragraph (4) above shall sincerely comply with them.

(6) When a request made by any public official for the guarantee of position is deemed reasonable based on investigation results, the Commission may ask the head of a public institution to which he belongs to take proper steps to guarantee his position. In this case, the head of such public institution shall comply with the request from the Commission unless the justifiable grounds exist that make it impossible for him to do so.

(7) When a request for the guarantee of position from a person who is not a public official is deemed reasonable based on investigation results, the Commission may recommend the head of an organization or a company, etc. to which he belongs to take proper steps to guarantee his position.

(8) When a whistle-blower who is a public official requests the Commission to transfer his post and such request is deemed reasonable, the Commission may ask the Minister of Government Administration and Home Affairs or the head of the relevant public institution to execute such transfer of post. In this case, the Minister of Government Administration and Home Affairs or the head of the relevant public institution shall, upon receipt of the request from the Commission, give preferential consideration to such request.

(9) The Commission may ask a relevant disciplinary officer to take disciplinary action against a person who has violated paragraph (1) above.

Article 33 (Protection of Whistle-Blowers)

(1) The Commission and any employee of the investigative agency to which the matters of any whistle-blowing are referred in accordance with Article 29 (3) shall be prohibited from disclosing or suggesting the identity of a whistle-blower without his consent.

(2) A whistle-blower may request the Commission to take reasonable protective steps in case his whistle-blowing becomes a source of a feeling of insecurity to himself, his relatives, or his cohabitants. In this case, the Commission may, if necessary, ask the head of the competent
police station to take relevant protective steps.  
(3) The head of the competent police station shall, upon receipt of the request made under paragraph (2) above, immediately take steps to protect them under the conditions as prescribed by the Presidential Decree.

Article 34 (Protection of Cooperators)

The provisions of Articles 32 and 33 shall apply mutatis mutandis to the guarantee of position and physical protection of any person, other than a whistle-blower, who has cooperated in the audit, investigation, or examination of a whistle-blowing by stating his opinion and submitting materials, etc. in connection with such whistle-blowing made under this Act.

Article 35 (Mitigation of Culpability)

(1) If any whistle-blowing pursuant to this Act leads to detection of a crime perpetrated by the whistle-blower, the punishment of such whistle-blower may be mitigated or remitted.

(2) The provisions of paragraph (1) above shall apply mutatis mutandis to any disciplinary measure taken by any public institution.

Article 36 (Reward and Compensation)

(1) If any whistle-blowing made under this Act serves materially to bring interests to the property of public institutions, to prevent damages to such property, or to enhance the public interest, the Commission may recommend that the relevant whistle-blower be granted a reward in accordance with the Awards and Decorations Act, etc.

(2) If a whistle-blowing of an act of corruption under this Act has resulted directly in recovering or increasing revenues or cutting down costs of a public institution, the relevant whistle-blower may apply to the Commission for payment of compensation therefor.

(3) If an application for the payment of compensation is filed as provided in paragraph (2) above, the Commission shall pay the applicant such compensation after going through a deliberation and resolution of the Compensation Deliberative Board set up in accordance with Article 37 under the conditions as prescribed by the Presidential Decree: Provided, That with respect to any
whistle-blowing made by any public official in connection with his duties, such compensation may be reduced or not be paid.

(4) The application for the payment of compensation under paragraph (2) above shall be filed within 2 years from the date on which the recovery or increase of revenues or the retrenchment of costs of the public institution is known.

Article 37 (Compensation Deliberative Board)

(1) The Commission shall set up a Compensation Deliberative Board to deliberate and resolve matters concerning applications for compensation.

(2) The Compensation Deliberative Board shall deliberate and resolve matters falling under each of the following subparagraphs:

1. Matters concerning requirements for the payment of compensation;
2. Matters concerning the amount of compensation to be paid; and
3. Other matters concerning the payment of compensation.

(3) Matters necessary concerning the composition and operation of the Compensation Deliberative Board shall be prescribed by the Presidential Decree.

Article 38 (Decision on Payment of Compensation, etc.)

(1) The Commission shall, upon receipt of an application for compensation filed under Article 36, determine whether to pay such compensation and the amount of the compensation, if any, to be paid, within 90 days from the date of the application therefor unless there exists any reason to the contrary.

(2) If the Commission determines to pay the compensation under paragraph (1) above, it shall immediately inform the applicant thereof.

Article 39 (Relation to Other Acts and Subordinate Statutes)

(1) Any person who is to be paid compensation under Article 36 shall not be prohibited from applying for compensation in accordance with other Acts.

(2) In the event that any person who is to receive compensation under this Act has received compensation for the same reason according to the provisions of other Acts and subordinate statutes, if the amount of such compensation obtained is the same as or exceeds the amount of a compensation to be received under this Act, any
compensation under this Act shall not be given to such person, and if the amount of such compensation obtained is less than the amount of a compensation to be received under this Act, the compensation under this Act shall be the difference in the two amounts.

(3) If anyone, who is to receive compensation under the provisions of other Acts, in fact gains another compensation for the same reason pursuant to this Act, the amount of compensation to be provided under the provisions of other Acts shall be determined with the amount of compensation under this Act deducted.

CHAPTER IV CITIZENS’ REQUEST FOR AUDIT AND INSPECTION

Article 40 (Right to Request Audit and Inspection)

(1) In the event that execution of administrative affairs by a public institution seriously harms public interest due to the violation of Acts and subordinate statutes or the involvement in an act of corruption, any citizen aged 20 or over may request an audit and inspection from the Board of Audit and Inspection by presenting a petition signed by not less than a certain number of citizens as prescribed by the Presidential Decree: Provided, That with respect to the administrative affairs executed by the National Assembly, courts, the Constitutional Court, Election Commissions, or the Board of Audit and Inspection, such request shall be made to the Speaker of the National Assembly, the Chief Justice of the Supreme Court, the President of the Constitutional Court, the Chairman of the National Election Commission, or the Chairman of the Board of Audit and Inspection (hereinafter referred to as the "head of a relevant public institution").

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

1. Matters pertaining to confidential information and security of the State;
2. Matters pertaining to the appropriateness of an investigation, trial, and execution of penalty (including any security measure, any security
surveillance measure, any protective detention measure, any probation measure, any protective internment measure, any custodial treatment measure, and any community service order);
3. Matters pertaining to private right relationship or individual privacy;
4. Matters that have been or are under audit and inspection by other public institutions: Provided, That an exception shall be made in case there are new findings or material omissions regarding such audit and inspection already conducted; and
5. Other matters regarding which audit and inspection is reasonably deemed inappropriate as prescribed by the Presidential Decree.
(3) Notwithstanding the provisions of paragraph (1) above, any audit and inspection request pertaining to the execution of the administrative affairs that belong to the rights of local governments and their heads shall be governed by the provisions of Article 13-4 of the Local Autonomy Act.

Article 41 (Method of Requesting Audit and Inspection)
Any person who intends to request an audit and inspection shall make such request in the form of a signed document stating his name, address, occupation, etc. and the purport of and reasons for requesting such audit and inspection under the conditions as prescribed by the Presidential Decree.

Article 42 (Decision on Conducting Audit and Inspection)
(1) With respect to an audit and inspection request made in accordance with the main sentence of Article 40 (1), the National Audit and Inspection Request Deliberation Commission prescribed by the Regulations of the Board of Audit and Inspection shall determine whether to conduct such audit and inspection.
(2) If the head of a relevant public institution receives an audit and inspection request under the proviso of Article 40 (1), he shall determine, within 30 days, whether to conduct such audit and inspection in accordance with the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.
(3) If the Board of Audit and Inspection or the head of a relevant public institution deems that an audit and inspection request is groundless, such board or head shall turn down the request and serve a notice thereon on the requester within 10 days from the date of the decision to turn down it.

Article 43 (Audit and Inspection on Request)

(1) The Board of Audit and Inspection or the head of a relevant public institution shall conclude an audit and inspection within 60 days from the date of the determination to conduct such audit and inspection: Provided, That the period of 60 days may be extended where there exists any justifiable reason therefor.

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

Article 44 (Operation)

Necessary matters concerning citizens’ request for audit and inspection, except as otherwise provided for in this Act, shall be governed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 45 (Employment Restrictions on Public Officials Dismissed for Corruption)

(1) Any public official who rightly resigns or is removed or dismissed from office for committing an act of corruption in connection with his duties while working for a public institution shall be prohibited from landing a job in any public institution, any private company incorporated for the purpose of making the profit of not less than a certain scale, which has maintained close ties with the post to which he has belonged for 3 years before he resigns (hereinafter referred to
as a “profit-making company”), or any corporation or organization (hereinafter referred to as an “association”) which has been established for the purpose of seeking a common interest and mutual cooperation with a profit-making company, for 5 years from the date on which he resigns.

(2) The provisions of Article 17 (2) of the Public Service Ethics Act shall apply mutatis mutandis to the scope of the relationship of close ties between the post to which the public official has belonged prior to his resignation and the profit-making company, the scale of the profit-making company, and the scope of the association under paragraph (1) above.

Article 46 (Demand for Dismissal of Employed Persons)

(1) In the event that a person is employed in a public institution in violation of the provisions of Article 45, the Commission shall demand that the head of the public institution concerned dismiss him, and the head of the public institution concerned shall comply with the demand unless the justifiable grounds exist that make it impossible for him to do so.

(2) In the event that a person is employed in a profit-making company or an association in violation of the provisions of Article 45, the Commission shall demand that the head of the public institution concerned take steps to cancel his employment in such profit-making company or such association and the head of the public institution concerned shall, upon receipt of the demand, request the head of such profit-making company or the head of such association to dismiss him. In this case, the head of the profit-making company or the head of the association shall promptly comply with the request unless the justifiable grounds exist that make it impossible for him to do so.

Article 47 (Special Case for National Assembly, etc.)

The National Assembly, courts, the Constitutional Court, the National Election Commission, or the Board of Audit and Inspection shall independently perform sincerely the work provided for in each of subparagraphs 1 through 4 of Article 11 to prevent internal corruption.

Article 48 (Delegation Provisions)

Necessary matters concerning the enforcement of this Act, with the
exception of matters prescribed by this Act, shall be prescribed by the
Presidential Decree, the National Assembly Regulations, the Supreme
Court Regulations, the Constitutional Court Regulations, the National
Election Commission Regulations, or the Regulations of the Board of
Audit and Inspection.

CHAPTER VI PENAL PROVISIONS

Article 49 (Offense of Violating Good Faith Obligation by
Whistle-Blowers)
If any person makes a whistle-blowing with knowledge that the
contents of his whistle-blowing are false as provided in Article 27, he
shall be punishable by imprisonment for not less than one year to not
more than 10 years.

Article 50 (Offense of Exploiting Office Secrets)
(1) If any public official has acquired any goods or property interest
by exploiting secrets that he has learned while performing his duties or
has gotten a third party to acquire such goods or such property interest
by exploiting such secrets, he shall be punishable by imprisonment for
not more than 7 years or by a fine not exceeding 50 million won.
(2) In the case of paragraph (1) above, the imprisonment and fine may
be imposed cumulatively.
(3) The goods or property interest acquired by a person committing
the offense of paragraph (1) above or knowingly acquired by a third
party by way of such offense shall be confiscated or collected by the
corresponding value to be confiscated.

Article 51 (Offense of Leaking Office Secrets)
Any person who has divulged confidential information that he learned
while performing his duties in violation of Article 22 shall be
punishable by imprisonment for not more than 5 years or by the fine
not exceeding 30 million won.

Article 52 (Offense of Violating Employment Restrictions on Public
Officials Dismissed for Corruption)
If any public official who has been dismissed for committing an act of
corruption is employed in any public institution, any profit-making
company, or any association in violation of Article 45 (1), he shall be punishable by imprisonment for not more than 2 years or by the fine not exceeding 20 million won.

Article 53 (Fine for Negligence)

(1) Any person who has imposed any detriment in position or any discrimination in working conditions under Article 32 (1) shall be punishable by a fine for negligence not exceeding 10 million won.

(2) The fine for negligence of paragraph (1) above shall be imposed by the Commission and, if a person subject to a disposition taken to impose the fine for negligence fails to pay such fine for negligence by the due date, the Commission shall entrust the head of the jurisdictional district tax office with the collection of such fine for negligence.

(3) When the Commission imposes a fine for negligence in accordance with paragraph (1) above, it shall investigate and confirm the act of violation and then notify a person subject to a disposition taken to impose such fine for negligence that he should pay the fine for negligence by specifying the fact of violation, the method of raising an objection thereto, the period during which such objection is raised, the amount of the fine for negligence, etc.

(4) Necessary matters concerning standards, etc. for imposing a fine for negligence for violating Article 32 (1) shall be prescribed separately.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force 6 months after the date of its promulgation.

(2) Omitted.