

# **IMPROPER SOLICITATION AND GRAFT ACT**

Act No. 13278, Mar. 27, 2015

## **CHAPTER I GENERAL PROVISIONS**

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

The purpose of this Act is to ensure that public servants, etc. perform their duties in a fair manner and to secure public confidence in public institutions, by prohibiting any improper solicitation made to public servants, etc., and by prohibiting public servants, etc. from receiving money, goods, etc.

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

The definitions of terms used in this Act shall be as follows:

1. The term "public institution" means any of the following institutions and organizations:
  - (a) The National Assembly, courts, the Constitutional Court, Election Commissions, the Board of Audit and Inspection, the National Human Rights Commission, central administrative agencies (including institutions affiliated with the office of the President and the office of the Prime Minister) and institutions affiliated therewith, and local governments;
  - (b) Organizations related to public service as set forth in Article 3-2 of the Public Service Ethics Act;
  - (c) Institutions set forth in Article 4 of the Act on the Management of Public Institutions;
  - (d) Schools of each level established under the Elementary and Secondary Education Act, the Higher Education Act, the Early Childhood Education Act, or any other Act or subordinate statute; and educational foundations established under the Private School Act;
  - (e) Press organizations defined by subparagraph 12 of Article 2 of the Act on Press Arbitration and Remedies, etc. for Damage Caused by Press Reports.
2. The term "public servant, etc." means any of the following public servants or persons engaging in public duties:
  - (a) Public officials specified by the State Public Officials Act or the Local Public Officials Act and persons recognized by other Acts as public officials in their qualification, appointment, educational training, service, remuneration, guarantee of status, etc.;

- (b) Heads of organizations related to public service and institutions described in subparagraphs 1 (b) and (c), and executive officers and employees thereof;
- (c) Heads and faculty members of schools of each level described in subparagraph 1 (d), and executive officers and employees of educational foundations described in subparagraph 1 (d);
- (d) Representatives, executive officers, and employees of the press organizations described in subparagraph 1 (e).

3. The term “money, goods, etc.” means any of the following:

- (a) Any and all financial interests, including money, securities, real estate, articles, complimentary accommodations, memberships to clubs and facilities, admission tickets for venues and performances, discount coupons, invitation tickets, entertainment tickets, or licenses and permissions to use real estate;
- (b) Offering entertainment, including food and beverages, alcoholic beverages, or golf; or accommodations, including transportation or lodging;
- (c) Other tangible or intangible financial benefits, such as cancelling debts, offering jobs, or granting rights and interests.

4. The term “head of a/the relevant institution” means the head of a public institution to which a public servant, etc. belongs.

### **Article 3 (Responsibility of the State, etc.)**

- (1) The State shall endeavor to create working conditions in which public servants can perform their duties in a fair and disinterested manner.
- (2) Public institutions shall endeavor to create a public service culture in which improper solicitations and acceptance of money, goods, etc. are not tolerated, in order to ensure that public servants, etc. perform their duties in a fair and disinterested manner.
- (3) Public institutions shall create reasonable and appropriate protective measures in order to ensure that public servants, etc. will not be subject to any disadvantage for reporting a violation or taking any other action pursuant to this Act.

### **Article 4 (Obligations of Public Servants, etc.)**

- (1) Public servants, etc. shall perform their duties in a fair and disinterested manner, without being influenced by their personal interests.
- (2) Public servants, etc. shall behave in a fair and impartial manner in performing their duties, and shall not favor or discriminate against any person related to their duties.

## **CHAPTER II PROHIBITION, ETC. OF IMPROPER SOLICITATION**

### **Article 5 (Prohibition of Improper Solicitation)**

- (1) No person shall make any of the following improper solicitations to any public servant, etc. performing his/her duties, directly or through a third party:
1. Soliciting to process, in violation of Acts or subordinate statutes, such tasks as authorization, permission, license, patent, approval, inspection, qualification, test, certification, or verification, for which Acts and subordinate statutes (including Ordinances and Rules; hereinafter the same shall apply) prescribe requirements and which should be processed upon application by a duty-related party;
  2. Soliciting to mitigate or remit administrative dispositions or punishments such as cancellation of authorization or permission, and imposition of taxes, charges, administrative fines, penalty surcharges, charges for compelling compliance, penalties, or disciplinary actions, in violation of Acts or subordinate statutes;
  3. Soliciting to intervene or exert influence in the appointment, promotion, assignment or reassignment, or any other personnel matter with respect to any public servant, etc., in violation of Acts or subordinate statutes;
  4. Soliciting to select or reject a person, in violation of Acts or subordinate statutes, for a position which intervenes in the decision-making of a public institution, such as a member of various deliberation, decision-making, and arbitration committees, and a member of a committee for a test or screening administered by a public institution;
  5. Soliciting to select or reject a specific individual, organization, or juridical person, in violation of Acts or subordinate statutes, in any award, prize, or selection of outstanding institutions or persons, administered by a public institution;
  6. Soliciting to disclose, in violation of Acts or subordinate statutes, duty-related confidential information on tender, auction, development, examination, patent, military affairs, taxation, etc.;
  7. Soliciting to select or reject a specific individual, organization, or juridical person as a party to a contract, in violation of Acts or subordinate statutes governing contracts;
  8. Soliciting to intervene or exert influence so that subsidies, incentives, contributions, investments, grants, funds, etc., are assigned to, provided to, invested in, deposited in, lent to, contributed to, or financed to a specific individual, organization, or juridical person, in violation of Acts or subordinate statutes;

9. Soliciting to allow a specific individual, organization, or juridical person to buy, exchange, use, benefit from, or possess goods and services that are produced, supplied, or managed by public institutions, at prices different from what is prescribed by Acts or subordinate statutes, or against normal transaction practices;
  10. Soliciting to process or manipulate affairs of schools of each level, such as admission, grades, or performance tests, in violation of Acts or subordinate statutes;
  11. Soliciting to process affairs related to military service, such as physical examination for conscription, assignment to a military unit, or appointment to a position, in violation of Acts or subordinate statutes;
  12. Soliciting to conduct various assessments or judgements implemented by public institutions, or manipulate the results thereof, in violation of Acts or subordinate statutes;
  13. Soliciting to make a specific individual, organization, or juridical person subject to or exempt from administrative guidance, enforcement activities, audit, or investigation; to manipulate the outcome thereof; or to ignore any illegality, in violation of Acts or subordinate statutes;
  14. Soliciting to process investigation of a case, trial, adjudication, decision, mediation, arbitration, reconciliation, or other equivalent affairs, in violation of Acts or subordinate statutes;
  15. Soliciting a public servant, etc. to act beyond the limits of his/her position and authority granted by Acts or subordinate statutes, or to take any action for which he/she lacks legitimate authority, regarding any and all affairs that may be the subject-matter of improper solicitation as prescribed by subparagraphs 1 through 14.
- (2) Notwithstanding paragraph (1), this Act shall not apply to any of the following cases:
1. Where demanding particular action such as relief or settlement of infringement on rights in accordance with the procedures or methods prescribed by the Petition Act, the Civil Petitions Treatment Act, the Administrative Procedures Act, the National Assembly Act, or other Acts, subordinate statutes, or standards (including regulations, rules, and standards of the public institutions set forth in subparagraphs 1 (b) through (e) of Article 2; hereinafter the same shall apply); or suggesting or proposing enactment, amendment, or rescission of any Act, subordinate statute, or standards relevant thereto;
  2. Where publicly demanding a public servant, etc. to take a particular action;

3. Where an elected public servant, political party, civil society organization, etc., conveys a third party's complaints and grievances for the public interest; make suggestions or proposals regarding establishment, amendment, or rescission of any Act, subordinate statute, or standards; or make suggestions or proposals regarding improvement of policies, projects, systems, or the administration thereof;
4. Where requesting or demanding a public institution to complete a certain duty within a statutory deadline, or asking confirmation or inquiring about the progress or outcome thereof;
5. Where requesting or demanding confirmation or certification for duties or legal relations;
6. Where demanding explanation or interpretation of Acts or subordinate statutes, systems, procedures, etc., related to duties, in the form of inquiry or consultation;
7. Any other conduct recognized to be consistent with societal rules and norms.

**Article 6 (Prohibition of Performance of Duties as Solicited)**

Upon receipt of an improper solicitation, no public servant, etc. shall perform his/her duties as solicited.

**Article 7 (Reporting and Processing Improper Solicitations)**

- (1) Upon receipt of an improper solicitation, a public servant, etc. shall notify the person making such solicitation that it constitutes an improper solicitation and clearly express his/her intention to reject it.
- (2) If a public servant, etc. receives the same improper solicitation again, even after taking action as described in paragraph (1), he/she shall report such fact to the head of the relevant institution in writing (including electronic documents; hereinafter the same shall apply).
- (3) Upon receipt of a report pursuant to paragraph (2), the head of the relevant institution shall promptly verify whether the subject-matter of the report constitutes an improper solicitation, by examining the background, purport, details, and evidence, etc. of the report.
- (4) If the head of a relevant institution becomes aware that there was an improper solicitation or if he/she deems that performance of relevant duties may be hindered during the process of reporting or verifying an improper solicitation under paragraphs (2) and (3), the head of the relevant institution may take any of the following measures against the public servant, etc. who received the improper solicitation;
  1. Provisional suspension from the duties;
  2. Designation of a substitute for the duties;

3. Transfer of position;
4. Any other measure prescribed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or Presidential Decrees.
- (5) Notwithstanding paragraph (4), the head of the relevant institution may let the public servant, etc. continue his/her duties in any of the following cases. In such cases, the head of the relevant institution shall have the officer in charge, provided for in Article 20, of the relevant institution, or another public servant, etc. verify and check regularly as to whether the public servant, etc. performs his/her duties in a fair manner:
  1. Where it is highly impracticable to replace the public servant, etc. performing the duties;
  2. Where the impact on the performance of duties by the public servant, etc. is insignificant;
  3. Where the necessity of continuing the duties is greater in the light of protecting national security, developing the national economy, and promoting any other public interest.
- (6) A public servant, etc. may also submit a report described in paragraph (2) to a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission.
- (7) The head of a relevant institution may publish details of an improper solicitation and measures taken against it, to the extent not violating other Acts and subordinate statutes, on the Internet webpage, etc. of the public institution.
- (8) Except as expressly provided in paragraphs (1) through (7), other matters necessary for reporting, verifying, processing, recording, managing, disclosing, etc., an improper solicitation shall be prescribed by Presidential Decree.

### **CHAPTER III PROHIBITION OF RECEIPT OF MONEY, GOODS, ETC.**

#### **Article 8 (Prohibition of Receipt of Money, Goods, etc.)**

- (1) No public servant, etc. shall accept, request, or promise to receive any money, goods, etc. exceeding one million won at a time or three million won in a fiscal year from the same person, regardless of any connection to his/her duties and regardless of any pretext such as donation, sponsorship, gift, etc.

- (2) No public servant, etc. shall, in connection with his/her duties, accept, request, or promise to receive any money, goods, etc. not exceeding the amount prescribed by paragraph (1), regardless of whether the money, goods, etc. are given as part of any quid pro quo.
- (3) An honorarium for an outside lecture, etc. described in Article 10, or any of the following shall not constitute money, goods, etc., the receipt of which is prohibited by paragraph (1) or (2):
  1. Money, goods, etc. that a public institution offers to its public servants, etc. and seconded public servants, etc.; or a senior public servant, etc. offers to subordinate public servants, etc. for purposes of consolation, encouragement, reward, etc.;
  2. Money, goods, etc. the value of which is within the limits specified by Presidential Decree, in the form of food and beverages, congratulatory or condolence money, gifts, etc. offered for purposes of facilitating performance of duties, social relationships, rituals, or aid;
  3. Money, goods, etc. offered from a legitimate source of right such as payment of debts (excluding donation) incurred in a private transaction;
  4. Money, goods, etc. provided by relatives (relatives defined in Article 777 of the Civil Act) of a public servant, etc.;
  5. Money, goods, etc. provided by employees' mutual aid societies, clubs, alumni associations, hometown associations, friendship clubs, religious groups, social organizations, etc., related to a public servant, etc. to their members in accordance with the rules prescribed by respective organizations; and money, goods, etc. offered by those who have long-term and continuous relationships with a public servant, etc., such as a member of the aforementioned groups, to the public servant, etc. who is in need due to a disease, disaster, etc.;
  6. Money, goods, etc., provided uniformly in a normally accepted range by an organizer of an official event related to the duties of a public servant, etc. to all participants thereof, in the form of transportation, accommodation, food and beverages, etc.;
  7. Souvenirs, promotional goods, etc. to be distributed to multiple unspecified persons, or awards or prizes given in a contest, a raffle, or a lottery;
  8. Money, goods, etc. permitted by other Acts, subordinate statutes, standards, or societal rules and norms.

- (4) No spouse of a public servant, etc. shall, in connection with the duties of the public servant, etc., receive, request, or promise to receive any money, goods, etc. that public servants, etc. are prohibited from accepting (hereinafter referred to as "prohibited money, goods, etc.") under paragraph (1) or (2).
- (5) No person shall offer, promise to offer, or express any intention to offer any prohibited money, goods, etc. to any public servant, etc. or to his/her spouse.

**Article 9 (Reporting and Disposal of Prohibited Money, Goods, etc.)**

- (1) A public servant, etc. shall report in writing to the head of the relevant institution, without delay, in any of the following cases:
  1. Where the public servant, etc. receives prohibited money, goods, etc., or receives a promise or an expression of intention to offer them;
  2. Where the public servant, etc. becomes aware that his/her spouse received prohibited money, goods, etc., or a promise or an expression of intention to offer them.
- (2) If a public servant, etc. receives prohibited money, goods, etc., or a promise or an expression of intention to offer them, or if a public servant, etc. becomes aware that his/her spouse received prohibited money, goods, etc. or a promise or an expression of intention to offer them, the public servant, etc. shall return them or have them returned, without delay, to the provider, manifest an intention to reject them, or have such intension manifested: *Provided*, That where the received money, goods, etc. falls under any of the following cases, the public servant, etc. shall deliver them or have them delivered to the head of the relevant institution:
  1. Where they are subject to loss, decay, deterioration, etc.;
  2. Where the provider of the relevant money, goods, etc. is unknown;
  3. Any other situation where it is difficult to return the money, goods, etc. to the provider.
- (3) If the head of a relevant institution receives a report pursuant to paragraph (1), or if money, goods, etc. are delivered to him/her pursuant to the proviso to paragraph (2), and he/she deems that they constitute prohibited money, goods, etc., the head of the relevant institution shall have them returned or delivered, or have an intention to reject expressed; where the head of the relevant institution deems an investigation is necessary, he/she shall notify an investigation agency, without delay, of the details thereof.



- (4) If the head of a relevant institution becomes aware that a public servant, etc. or his/her spouse received prohibited money, goods, etc., or a promise or an expression of intention to offer them, and the head of the relevant institution deems an investigation is necessary, the head of the relevant institution shall inform an investigation agency, without delay, of the details thereof.
- (5) The head of a relevant institution may take such measures as prescribed in each subparagraph of Article 7 (4) and paragraph (5) of the same Article against a public servant, etc., if the head of the relevant institution becomes aware that the public servant, etc. or his/her spouse received prohibited money, goods, etc., or a promise or an expression of intention to offer them, or if the head of the relevant institution deems that performance of duties may be hindered during the process of reporting, returning, or delivering the prohibited money, goods, etc. or notifying an investigation agency, pursuant to paragraphs (1) through (4).
- (6) A public servant, etc. may make the report or delivery, described in paragraph (1) or in the proviso to paragraph (2), to a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission.
- (7) The head of a relevant institution shall demand a spouse of a public servant, etc. to return money, goods, etc. to the provider, if the head of the relevant institution, in receipt of a report under paragraph (1) 2 from a public servant, etc., deems that the money, goods, etc., which the spouse of the public servant, etc. refuses to return, constitutes prohibited money, goods, etc.
- (8) Except as expressly provided in paragraphs (1) through (7), any other matter necessary for reporting or disposing of prohibited money, goods, etc. shall be prescribed by Presidential Decree.

**Article 10 (Restriction on the Acceptance of Honoraria for Outside Lectures, etc.)**

- (1) No public servant, etc. shall accept money exceeding the limits specified by Presidential Decree as an honorarium for a lecture, presentation, or contribution related to his/her duties or requested based on de facto influence arising from his/her position or responsibilities (hereinafter referred to as "outside lecture, etc.") at a training course, promotional event, forum, seminar, public hearing, or any other meeting.

- (2) If a public servant, etc. conducts an outside lecture, etc., he/she shall report, in advance, in writing, the details of the request for the outside lecture, etc., to the head of the relevant institution, as prescribed by Presidential Decree: *Provided*, That the foregoing shall not apply if the request for the outside lecture, etc. is made by the State or a local government.
- (3) If it is impractical to make a report on the outside lecture, etc. in advance, as prescribed in the main sentence of paragraph (2), the public servant, etc. may report in writing within two days from the day when the outside lecture, etc. is finished.
- (4) If the head of a relevant institution deems an outside lecture, etc., reported by a public servant, etc. pursuant to paragraph (2), may hinder fair performance of duties, the head of the relevant institution may restrict the outside lecture, etc.
- (5) If a public servant, etc. received an honorarium exceeding the limits described in paragraph (1), he/she shall report to the head of the relevant institution, etc. and return, without delay, the excess amount to the provider, as prescribed by Presidential Decree.

**Article 11 (Restriction on Actions related to Public Duties by Private Persons Performing Public Duties)**

- (1) Articles 5 through 9 shall apply *mutatis mutandis* to the performance of public duties by any of the following persons (hereinafter referred to as “private person performing public duties”):
  1. A member, who is not a public servant, of any committee established under the Act on the Establishment and Management of Councils, Commissions and Committees under Administrative Agencies, or any other Act or subordinate statute;
  2. A juridical person or an organization, an organ thereof, or an individual to which authority has been delegated or entrusted by a public institution under Acts or subordinate statutes;
  3. An individual dispatched from the private sector to a public institution in order to perform public duties;
  4. An individual, a juridical person, or an organization that conducts deliberation or assessment in relation to public duties in accordance with Acts or subordinate statutes.
- (2) Where Articles 5 through 9 apply *mutatis mutandis* to private persons performing public duties under paragraph (1), "public servant, etc." shall be construed as "private person performing public duties"; and "head of a/the relevant institution" shall be construed as "person who falls into any of the following categories":

1. A member of a committee described in paragraph (1) 1: The head of the public institution where the committee is established;
2. A juridical person or an organization, an organ thereof, or an individual described in paragraph (1) 2: The head of the supervisory institution or public institution that delegates or entrusts the authority;
3. An individual described in paragraph (1) 3: The head of the public institution where the individual is dispatched;
4. An individual, a juridical person, or an organization described in paragraph (1) 4: The head of the public institution for which the said public duties are performed.

## **CHAPTER IV COMPREHENSIVE ADMINISTRATION, ETC. OF AFFAIRS REGARDING PREVENTION OF IMPROPER SOLICITATION, ETC.**

### **Article 12 (Comprehensive Administration of Affairs regarding Prevention of Improper Solicitation, etc. to Public Servants, etc.)**

The Anti-Corruption and Civil Rights Commission shall take charge of each of the following affairs in accordance with this Act:

1. Improvement of systems for prohibiting improper solicitations and for prohibiting or restricting acceptance of money, goods, etc.; and establishment and implementation of plans for training and promotion;
2. Formulation and dissemination of criteria for types of improper solicitation, etc., criteria for judgment, and guidelines for preventive measures;
3. Guidance and consultation for, and receiving and processing reports on improper solicitation, etc.;
4. Protecting and rewarding persons who report improper solicitation, etc.;
5. Fact-finding investigation and collection, management, analysis, etc. of documentation and evidence necessary for carrying out the affairs described in subparagraphs 1 through 4.

### **Article 13 (Reporting Violations, etc.)**

- (1) If anyone discovers that a violation occurred or is occurring, he/she may report to any of the following authorities:
  1. The public institution where the violation of this Act occurs or a supervisory institution;
  2. The Board of Audit and Inspection or investigation agencies;

3. The Anti-Corruption and Civil Rights Commission.
- (2) No one who reports pursuant to paragraph (1) shall receive protection or rewards under this Act in any of the following cases:
  1. Where the person filed the report even though he/she was aware or could have been aware that the report contained false details;
  2. Where the person requested money, goods, etc. or special privileges in employment relationship, in return for the reporting;
  3. Any other case where the person reported for some other improper purpose.
- (3) A person who intends to submit a report pursuant to paragraph (1) shall submit the subject-matter of the report and evidence, etc., along with a signed document stating his/her personal details and the purport, purpose, and details of the report.

**Article 14 (Action Taken on Reports)**

- (1) If an institution set forth in Article 13 (1) 1 or 2 (hereinafter referred to as "inspection agency") receives a report pursuant to Article 13 (1) or receives a report transferred from the Anti-Corruption and Civil Rights Commission pursuant to Article 13 (2), it shall inspect, audit, or investigate details of the report as necessary.
- (2) Upon receipt of a report pursuant to Article 13 (1), the Anti-Corruption and Civil Rights Commission shall first verify the facts of the report with the reporting person, then transfer the case to an inspection agency as prescribed by Presidential Decree, and notify the reporting person of such fact.
- (3) The inspection agency shall notify the reporting person and the Anti-Corruption and Civil Rights Commission (this applies only when the case was transferred from the Anti-Corruption and Civil Rights Commission) of its findings within ten days of the day when the inspection, audit, or investigation is completed under paragraph (1), and then, based on the results of the inspection, audit, or investigation, take necessary follow-up measures, such as filing an indictment, issuing a notification of a violation subject to an administrative fine, or taking a disciplinary action.
- (4) If the Anti-Corruption and Civil Rights Commission is notified by an inspection agency of the results of an inspection, audit, or investigation pursuant to paragraph (3), it shall, without delay, inform the reporting person of the results of the inspection, audit, or investigation.

- (5) If a reporting person is notified of the results of an inspection, audit, or investigation pursuant to paragraph (3) or (4), he/she may file an appeal with the inspection agency; if the reporting person is notified of the results of an inspection, audit, or investigation pursuant to paragraph (4), he/she may also file an appeal with the Anti-Corruption and Civil Rights Commission.
- (6) If the results of the inspection, audit, or investigation by the inspection agency is deemed insufficient, the Anti-Corruption and Civil Rights Commission may, within thirty days of receipt of the results, request the inspection agency to reinspect the case, citing reasonable grounds such as submission of new evidence.
- (7) Upon receipt of a reinspection request under paragraph (6), an inspection agency shall notify the Anti-Corruption and Civil Rights Commission of the results within seven days after completing the reinspection. In such cases, the Anti-Corruption and Civil Rights Commission shall provide the reporting person with a summary of the reinspection immediately after receiving such notification.

**Article 15 (Protection of or Rewards to Reporting Persons, etc.)**

- (1) No one may hinder anyone from filing any of the following reports, etc. (hereinafter referred to as "report, etc.") or coerce anyone who submitted a report, etc. (hereinafter referred to as "reporting person, etc.") into withdrawing such report, etc.:
  1. Reports set forth in Article 7 (2) and (6);
  2. Reports or delivery set forth in Article 9 (1), the proviso to Article 9 (2), and Article 9 (6);
  3. Reports set forth in Article 13 (1);
  4. Cooperation in the form of statements, testimony, provision of evidentiary materials, or other assistance, provided by a person other than those who reported pursuant to subparagraphs 1 through 3 during the course of: an inspection, an audit, an investigation, or a lawsuit regarding reports; or an inspection or a lawsuit regarding protective measures, etc.
- (2) No one may take any disadvantageous measure (this refers to the disadvantageous measure described in subparagraph 6 of Article 2 of the Protection of Public Interest Reporters Act; hereinafter the same shall apply) against any reporting person, etc. on the grounds of the report, etc.
- (3) Criminal punishment, administrative fines, disciplinary actions, or other administrative dispositions imposed on a violation of this Act may be mitigated or remitted, if the violator voluntarily reports his/her violation or if a violation of this Act, committed by the reporting person, etc. is discovered as a result of his/her report, etc.

- (4) Articles 11 through 13, Article 14 (3) through (5), and Articles 16 through 25 of the Protection of Public Interest Reporters Act shall apply *mutatis mutandis* to protection, etc. of reporting persons, etc., except as expressly provided in paragraphs (1) through (3). In such cases, “public interest reporter, etc.” shall be construed as “reporting person, etc.”; and “public interest report, etc.” shall be construed as “report, etc.”
- (5) If a report filed pursuant to Article 13 (1) either contributes to financial benefit or prevents any financial loss to a public institution; or if it enhances the public interest, the Anti-Corruption and Civil Rights Commission may pay a monetary award to the reporting person, etc.
- (6) If a report filed pursuant to Article 13 (1) directly brings recovery of revenue, increase in revenue, or cost reduction for a public institution, the Anti-Corruption and Civil Rights Commission must pay a monetary reward to the reporting person at his/her request.
- (7) Articles 68 through 71 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission, shall apply *mutatis mutandis* to requests for or payment of monetary awards and rewards, described in paragraphs (5) and (6). In such cases, “reporter of an act of corruption” shall be construed as “person who reported pursuant to Article 13 (1)”; and “report filed pursuant to this Act” shall be construed as “report filed pursuant to Article 13 (1).”

**Article 16 (Measures against Unlawful Performance of Duties)**

If the head of a public institution discovers that a public servant, etc. violated Article 5, 6, or 8, while or after performing his/her duties, the head of the public institution shall take necessary measures, such as suspension or cancellation of such duties.

**Article 17 (Recovery of Improper Benefits)**

If it becomes definite that the duties performed by a public servant, etc. in violation of Article 5, 6, or 8 are illegal, the head of the public institution shall recover any money, articles, or other financial benefits already paid or given to the other party of such duties.

**Article 18 (Prohibition of Divulging Confidential Information)**

No public servant, etc. who is performing or has performed any of the following duties, shall divulge any confidential information of which he/she became aware in the course of performing such duties: *Provided*, That the foregoing shall not apply in cases of disclosure described in Article 7 (7):

1. Duties related to the reports on and measures against improper solicitations described in Article 7;

2. Duties related to the reports on and disposal of prohibited money, goods, etc. described in Article 9.

**Article 19 (Training and Promotion, etc.)**

- (1) The head of a public institution shall provide public servants, etc. with regular training on details of the prohibition of improper solicitations and acceptance of money, goods, etc. and shall receive from them signed pledges of compliance.
- (2) The head of a public institution shall encourage the public to comply with this Act by such means as actively providing information on what is prohibited by this Act.
- (3) The head of a public institution may request support from the Anti-Corruption and Civil Rights Commission, if necessary for the implementation of training and promotional activities described in paragraphs (1) and (2). In such cases, the Anti-Corruption and Civil Rights Commission shall cooperate actively.

**Article 20 (Designation of Officers in Charge of Prohibition, etc. of Improper Solicitations, etc.)**

The head of a public institution shall designate an officer in charge of prohibition, etc. of improper solicitations, etc., performing the following duties, from among the public servants, etc. of the public institution:

1. Training and consultation on matters regarding the prohibition of improper solicitations and acceptance of money, goods, etc.;
2. Receiving and processing reports and requests, and examining the details thereof pursuant to this Act;
3. Notification made by the head of the relevant institution to a court or an investigation agency, upon discovering any violation under this Act.

## **CHAPTER V DISCIPLINARY ACTIONS AND PENALTY PROVISIONS**

**Article 21 (Disciplinary Action)**

The head of a relevant institution, etc. shall take disciplinary action against any public servant, etc. who violates this Act or an order issued pursuant to this Act.

**Article 22 (Penalty Provisions)**

- (1) Any of the following persons shall be subject to imprisonment with labor for not more than three years or a fine not exceeding 30 million won:

1. A public servant, etc. (including private persons performing public duties under Article 11) in violation of Article 8 (1): *Provided*, That the foregoing shall not apply if a public servant, etc. reported, returned, delivered, or expressed an intention to reject prohibited money, goods, etc., pursuant to Article 9 (1), (2) or (6);
  2. A public servant, etc. (including private persons performing public duties under Article 11) who fails to report pursuant to Article 9 (1) 2 or Article 9 (6), although he/she is aware that his/her spouse received, requested, or promised to receive prohibited money, goods, etc. specified in Article 8 (1), in violation of Article 8 (4): *Provided*, That the foregoing shall not apply if a public servant, etc. or his/her spouse returned, delivered, or expressed an intention to reject prohibited money, goods, etc. pursuant to Article 9 (2);
  3. A person who offers, promises to offer, or expresses an intention to offer prohibited money, goods, etc., specified in Article 8 (1), to a public servant, etc. (including private persons performing public duties under Article 11) or his/her spouse, in violation of Article 8 (5);
  4. A person who informs others of, discloses to others, or publicizes personal information on a reporting person, etc. or other facts from which the identity of the reporting person, etc. can be inferred, in violation of Article 12 (1) of the Protection of Public Interest Reporters Act, which applies *mutatis mutandis* pursuant to Article 15 (4);
  5. A public servant, etc. who divulges confidential information of which he/she became aware in the course of performing his/her duties, in violation of Article 18.
- (2) Any of the following persons shall be subject to imprisonment with labor for not more than two years or a fine not exceeding 20 million won:
1. A public servant, etc. (including private persons performing public duties under Article 11) who accepts improper solicitation and performs his/her duties as solicited, in violation of Article 6;
  2. A person who takes any disadvantageous measure, set forth in subparagraph 6 (a) of Article 2 of the Protection of Public Interest Reporters Act, against a reporting person, etc., in violation of Article 15 (2);
  3. A person who fails to fulfill a decision for a protective measure, which was finalized under Article 21 (2) of the Protection of Public Interest Reporters Act, applying *mutatis mutandis* pursuant to Article 15 (4), or finalized through an administrative litigation;
- (3) Any of the following persons shall be subject to imprisonment with labor for not more than one year or a fine not exceeding 10 million won:



1. A person who hinders anyone from filing reports, etc. or coerces anyone into withdrawing reports, etc., in violation of Article 15 (1);
2. A person who takes any disadvantageous measure set forth in subparagraphs 6 (b) through (g) of Article 2 of the Protection of Public Interest Reporters Act, against a reporting person, etc., in violation of Article 15 (2).
- (4) Money, goods, etc. described in paragraph (1) 1 through 3 shall be confiscated: *Provided*, That if it is impossible to confiscate all or part of such money, goods, etc., equivalent monetary value thereof shall be collected.

**Article 23 (Imposition of Administrative Fines)**

- (1) Any of the following persons shall be subject to an administrative fine not exceeding 30 million won:
  1. A public servant, etc. (including private persons performing public duties under Article 11) who makes an improper solicitation to another public servant, etc. (including private persons performing public duties under Article 11) for a third party, in violation of Article 5 (1): *Provided*, That no administrative fine shall be imposed if criminal punishment is imposed under the Criminal Act or any other Act; if criminal punishment is imposed after an administrative fine is imposed, the imposition of the administrative fine shall be revoked;
  2. A person who refuses to submit relevant materials, make an appearance, or submit a written statement, in violation of Article 19 (2) and (3) of the Protection of Public Interest Reporters Act, applying *mutatis mutandis* pursuant to Article 15 (4) (including cases where the said Article 19 (2) and (3) apply *mutatis mutandis* pursuant to Article 22 (3) of the same Act).
- (2) A person (excluding persons subject to paragraph (1) 1), who makes an improper solicitation to a public servant, etc. (including private persons performing public duties under Article 11) for a third party, in violation of Article 5 (1), shall be subject to an administrative fine not exceeding 20 million won: *Provided*, That no administrative fine shall be imposed if criminal punishment is imposed under the Criminal Act or any other Act; if criminal punishment is imposed after an administrative fine is imposed, the imposition of the administrative fine shall be revoked.

- (3) A person (excluding persons subject to paragraph (1) 1 and (2)) who makes an improper solicitation to a public servant, etc. (including private persons performing public duties under Article 11), through a third party, in violation of Article 5 (1), shall be subject to an administrative fine not exceeding ten million won: *Provided*, That no administrative fine shall be imposed if criminal punishment is imposed under the Criminal Act or any other Act; if criminal punishment is imposed after an administrative fine is imposed, the imposition of the administrative fine shall be revoked.
- (4) A public servant, etc. who fails to report and return pursuant to Article 10 (5) shall be subject to an administrative fine not exceeding five million won.
- (5) Any of the following persons shall be subject to an administrative fine of two to five times the monetary value of the money, goods, etc. related to the violation: *Provided*, That no administrative fine shall be imposed if criminal punishment (including confiscation and collection) is imposed under Article 22 (1) 1 through 3, the Criminal Act, or any other Act; if criminal punishment is imposed after an administrative fine is imposed, the imposition of the administrative fine shall be revoked:
1. A public servant, etc. who violates Article 8 (2) (including private persons performing public duties under Article 11): *Provided*, That the foregoing shall not apply if the public servant, etc. reported, returned, delivered, or expressed an intention to reject prohibited money, goods, etc. pursuant to Article 9 (1), (2) or (6);
  2. A public servant, etc. (including private persons performing public duties under Article 11) who fails to report pursuant to Article 9 (1) 2 or Article 9 (6), although he/she is aware that his/her spouse received, requested, or promised to receive prohibited money, goods, etc. specified in Article 8 (2), in violation of Article 8 (4): *Provided*, That the foregoing shall not apply if the public servant, etc. or his/her spouse returned, delivered, or expressed an intention to reject prohibited money, goods, etc. pursuant to Article 9 (2);
  3. A person who offers, promises to offer, or expresses an intention to offer prohibited money, goods, etc., specified in Article 8 (2), to a public servant, etc. (including private persons performing public duties under Article 11) or his/her spouse, in violation of Article 8 (5);

- (6) Notwithstanding paragraphs (1) through (5), no administrative fine shall be imposed after any resolution is passed to impose disciplinary additional charges under the State Public Officials Act, the Local Public Officials Act, or any other Act; after any administrative fine is imposed, no resolution shall be passed to impose any disciplinary additional charges.
- (7) The head of a relevant institution shall notify a competent court, having jurisdiction over cases of administrative fines under the Non-Contentious Case Procedure Act, of a violation committed by those subject to the administrative fines set forth in paragraphs (1) through (5).

**Article 24 (Joint Penalty Provisions)**

If a representative of a juridical person or an organization; or an agent, an employee or any other worker employed by a juridical person, an organization, or an individual, commits, in connection with the affairs of the juridical person, the organization, or the individual, any of the violations set forth in: Article 22 (1) 3, excluding where the provider of the money, goods, etc. is a public servant, etc. (including private persons performing public duties to whom Article 8 applies *mutatis mutandis* pursuant to Article 11); Article 23 (2); Article 23 (3); or Article 23 (5) 3, excluding where the provider of the money, goods, etc. is a public servant, etc. (including private persons performing public duties to whom Article 8 applies *mutatis mutandis* pursuant to Article 11), not only shall the violator be punished but the juridical person, the organization, or the individual shall also be subject to the fines or administrative fines specified in relevant provisions: *Provided*, That the foregoing shall not apply if the juridical person, the organization, or the individual was not neglect in paying due attention to and supervising the relevant affairs, in order to prevent such violation.

**ADDENDA**

**Article 1 (Enforcement Date)**

This Act shall enter into force one year and six months after the date of its promulgation.

**Article 2 (Applicability regarding Reports on Prohibited Money, Goods, etc.)**

Article 9 (1) shall begin to apply after this Act enters into force, to cases specified under each subparagraph of Article 9 (1).

**Article 3 (Applicability regarding Restriction of Acceptance of Honoraria for Outside Lectures, etc.)**

Article 10 (1) shall apply to outside lectures, etc. conducted after this Act enters into force.

# **ENFORCEMENT DECREE OF THE IMPROPER SOLICITATION AND GRAFT ACT**

Presidential Decree No. 27490, Sep. 8, 2016

## **CHAPTER I General Provisions**

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

The purpose of this Decree is to provide for matters delegated by the Improper Solicitation and Graft Act and matters necessary for enforcement of said Act.

### **Article 2 (Code of Ethics)**

- (1) In order to create a public service culture as provided for in Article 3 (2) of the Improper Solicitation and Graft Act (hereinafter referred to as “Act”), any of the following public institutions may formulate its own code of ethics (hereinafter referred to as “code of ethics”) for its public servants to comply with:
  1. As provided for in subparagraph 1 (d) of Article 2 of the Act, schools of each level, established under the Elementary and Secondary Education Act, the Higher Education Act, the Early Childhood Education Act, any other Act or subordinate statute; and educational foundations established under the Private School Act;
  2. As provided for in subparagraph 1 (e) of Article 2 of the Act, press organizations defined by subparagraph 12 of Article 2 of the Act on Press Arbitration and Remedies, etc. for Damage Caused by Press Reports.
- (2) A code of ethics shall include the following:
  1. Matters relating to prohibiting or restricting any intervention in personnel management, intervention in rights and interests, influence peddling, or solicitation, engaged in by taking advantage of one’s position;
  2. Matters relating to prohibiting or restricting acceptance of money, goods, etc.;
  3. Matters relating to reports and restriction on lectures, speeches, contributions, etc.;
  4. Other matters necessary for maintaining integrity and dignity of public servants.
- (3) When enacting or amending a code of ethics, heads of public institutions provided for in the subparagraphs of paragraph (1) may publish such fact on the Internet webpage of the relevant public institution.

- (4) The Anti-Corruption and Civil Rights Commission may support the public institutions set forth in the subparagraphs of paragraph (1), so that they can efficiently enact or amend their code of ethics.

## **CHAPTER II Prohibition, etc. of Improper Solicitation**

### **Article 3 (Methods of Reporting Improper Solicitation, etc.)**

If a public servant, etc. intends to report that he/she has received an improper solicitation pursuant to Article 7 (2) of the Act, he/she shall submit, to the head of the relevant institution, documents (including electronic documents; hereinafter the same shall apply) containing the following:

1. Personal details of the reporting person:
  - (a) Name, resident registration number, address, department to which he/she belongs, contact information;
  - (b) Other personal details identifying the reporting person;
2. Personal details of the person who has made an improper solicitation:
  - (a) Where the person is an individual: name, contact information, occupation, and other personal details identifying the person who has made the improper solicitation;
  - (b) Where the person is a representative of a juridical person or an organization: matters set forth in (a), above, and the name and location of the juridical person or the organization;
  - (c) Where the person is an agent, an employee, or any other worker employed by a juridical person, an organization, or an individual: matters set forth in (a); the name and location of the juridical person, the organization, or the individual; and the name of the representative;
3. Details and the purport of the reporting;
4. Date, time, location, and details of the improper solicitation;
5. Materials evidencing the details of the improper solicitation (this applies only if such materials are obtained).

### **Article 4 (Confirmation, etc. by Head of Relevant Institution of Report of Improper Solicitation)**

- (1) Upon receipt of a report pursuant to Article 7 (2) of the Act, the head of the relevant institution may confirm the following:
  1. Details to specify the report, such as the matters set forth in the subparagraphs of Article 3;

2. Whether evidentiary materials, persons having information, etc. are found so that they can corroborate the report;
  3. Whether the same case has been reported to any other institution.
- (2) If a report made pursuant to Article 7 (2) of the Act does not fully provide details to specify the report as described in paragraph (1) 1 of this Article, the head of the relevant institution may have the reporting person supplement the report within a set period.

**Article 5 (Action Taken by Head of Relevant Institution upon Report of Improper Solicitation, etc.)**

Upon receipt of a report pursuant to Article 7 (2) of the Act, the head of the relevant institution shall conduct the necessary inspection relating to the details of the report and shall take necessary measures on the results of the inspection, as classified below:

1. Where a crime is suspected or criminal investigation is necessary: Notification to an investigation agency;
2. Where an administrative fine should be imposed: Notification to the court having jurisdiction over administrative fines;
3. Where disciplinary action should be taken: Initiation of disciplinary procedures.

**Article 6 (Methods of Notification, etc. of Results of Inspection by Head of Relevant Institution)**

- (1) Upon receipt of a report pursuant to Article 7 (2) of the Act, the head of the relevant institution shall notify the reporting person of the results of inspection in writing within ten days from the date the inspection is finished.
- (2) Results of inspection notified by the head of a relevant institution pursuant to paragraph (1) shall include the following:
  1. Action taken on the reported case and grounds therefor;
  2. Matters that the reporting person should be aware of regarding the reported case.

**Article 7 (Measures Taken by Head of Relevant Institution against Public Servant, etc. in Receipt of Improper Solicitation)**

- (1) If the head of a relevant institution cannot attain the desired objectives even after taking the measures set forth in Article 7 (4) 1, 2, or 4 of the Act, only then may the head of the relevant institution take the measures described in Article 7 (4) 3 of the Act.
- (2) “Measure prescribed by ... Presidential Decrees” in Article 7 (4) 4 of the Act means the following:
  1. Designation of a person who can jointly perform duties;

2. Modification of work scope.

**Article 8 (Report, Confirmation, etc. by Supervisory Institution, etc. of Improper Solicitation)**

- (1) If a public servant, etc. intends to report that he/she has received an improper solicitation to a supervisory institution, the Board of Audit and Inspection, or an investigation agency pursuant to Article 7 (6) of the Act, Article 3 shall apply *mutatis mutandis* with regard to the details to be specified in the documents submitted.
- (2) Article 4 shall apply *mutatis mutandis* where a supervisory institution, the Board of Audit and Inspection, or an investigation agency confirms a report of an improper solicitation or has the details of the report supplemented, upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act.

**Article 9 (Measures, etc. Taken by Supervisory Institution, etc. on Report of Improper Solicitation)**

Upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act, a supervisory institution, the Board of Audit and Inspection, or an investigation agency, shall conduct the necessary inspection, audit, or investigation (hereinafter referred to as “inspection, etc.”) relating to the details of the report and take measures on the results of the inspection, etc. as classified below:

1. Measures taken by supervisory institutions or the Board of Audit and Inspection:
  - (a) Where a crime is suspected or criminal investigation is necessary: Notification to an investigation agency;
  - (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution;
2. Measures taken by an investigation agency:
  - (a) Where a crime is suspected or criminal investigation is necessary: Initiation of a criminal investigation;
  - (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution.

**Article 10 (Methods of Notification, etc. by Supervisory Institution, etc. of Results of Inspection, etc.)**

Article 6 shall apply *mutatis mutandis* to the period, methods, etc. of notification where a supervisory institution, the Board of Audit and Inspection, or an investigation agency notifies the reporting person of the results of the inspection, etc., upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act.

**Article 11 (Reporting and Confirmation, etc. of Improper Solicitation by the Anti-Corruption and Civil Rights Commission)**

- (1) If a public servant, etc. intends to report that he/she has received an improper solicitation to the Anti-Corruption and Civil Rights Commission pursuant to Article 7 (6) of the Act, Article 3 shall apply *mutatis mutandis* with regard to the details to be specified in the documents submitted.
- (2) Article 4 shall apply *mutatis mutandis* where the Anti-Corruption and Civil Rights Commission confirms a report of an improper solicitation or has the details of the report supplemented, upon receipt of a report of an improper solicitation pursuant to Article 7 (6) of the Act.

**Article 12 (Action Taken by Anti-Corruption and Civil Rights Commission to Process Report of Improper Solicitation)**

- (1) Within 60 days from the date of receiving a report pursuant to Article 7 (6) of the Act (if the report needs to be supplemented, such date refers to when such supplementation is completed pursuant to Article 4 (2)), the Anti-Corruption and Civil Rights Commission shall confirm the matters set forth in the subparagraphs of Article 4 (1) and transfer the case to the following institutions:
  1. Where a crime is suspected or criminal investigation is necessary: An investigation agency;
  2. Where it is deemed that audit in accordance with the Board of Audit and Inspection Act is necessary: The Board of Audit and Inspection;
  3. Where subparagraphs 1 and 2 do not apply: The relevant institution or a supervisory institution.
- (2) If several institutions are involved in the matters reported, the Anti-Corruption and Civil Rights Commission may designate a main institution from among a relevant institution, a supervisory institution, the Board of Audit and Inspection, and an investigation agency; and transfer the case to the main institution. In such cases, the main institution shall ensure that the reported case is processed as a single unified case through mutual cooperation.
- (3) The Anti-Corruption and Civil Rights Commission may forward a case, reported pursuant to Article 7 (6) of the Act, to the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency, if the reported case falls under both of the following:
  1. Where it is unclear as to whether the reported case is subject to transfer under paragraph (1);



2. Where it is unclear whether the reported case is subject to closure under Article 14 (1).
- (4) If the Anti-Corruption and Civil Rights Commission transfers or forwards a reported case pursuant to paragraphs (1) through (3), the Anti-Corruption and Civil Rights Commission shall attach thereto the matters confirmed under the subparagraphs of Article 4 (1) and notify the reporting person of the transfer or forwarding.

**Article 13 (Handling Transfer or Forwarding, etc.)**

- (1) Upon receipt of a report of an improper solicitation, transferred or forwarded pursuant to Article 12 (1) through (3), the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency shall inspect, etc. the details of the report as necessary.
- (2) Article 5 shall apply *mutatis mutandis* to the measures, taken by the head of the relevant institution, on the results of the inspection conducted under paragraph (1); and Article 9 shall apply *mutatis mutandis* to the measures, taken by a supervisory institution, the Board of Audit and Inspection, or an investigation agency, on the results of the inspection, etc. conducted under paragraph (1).
- (3) If a report of an improper solicitation is transferred or forwarded, the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency shall notify the reporting person and the Anti-Corruption and Civil Rights Commission of the results of the inspection, etc., in writing, within ten days from the date the inspection, etc. is completed.
- (4) The results of the inspection, etc., notified by the head of the relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency pursuant to paragraph (3), shall include the following:
  1. Action taken on the reported case and grounds therefor;
  2. Matters that the reporting person and the Anti-Corruption and Civil Rights Commission should be aware of regarding the reported case.

**Article 14 (Closure of Case, etc.)**

- (1) Notwithstanding Articles 5, 9, 12 and 13, the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission may close a case of an improper solicitation, reported, transferred, or forwarded thereto, in any of the following cases. In such cases, the head of the relevant institution, the supervisory institution, the Board of Audit and Inspection, the investigation agency, or the Anti-Corruption and Civil Rights Commission shall notify the reporting person of the closure of the case and grounds

therefor:

1. Where the report is clearly false;
  2. Where the reporting person fails to supplement the report within a required period, after supplementation is requested under Article 4 (2);
  3. Where the case is re-reported without justified grounds, after the action taken on the case has already been notified, while no evidence is newly added;
  4. Where the reported case is publicized through the media, etc. and inspection for the case is ongoing or completed, while no evidence is newly added;
  5. Where another report with the same content has already been received and inspection for that case is ongoing or completed, while no evidence is newly added;
  6. Other cases where it is deemed reasonable to close the case because inspection, etc. is not necessary as no violation of law is found, etc.
- (2) A reporting person notified pursuant to paragraph (1) may re-report, by citing reasonable grounds such as submission of new evidence.

**Article 15 (Disclosure of Details of Improper Solicitation and Corrective Measures)**

- (1) Pursuant to Article 7 (7) of the Act, the head of a relevant institution may disclose details of an improper solicitation and measures taken against it, considering the following cases:
1. Where an administrative fine is imposed for violation of Article 5 (1) of the Act;
  2. Where a judgement of conviction or a suspension of indictment becomes final for a violation of Article 6 of the Act;
  3. Other cases where the head of a relevant institution deems that disclosure is necessary to prevent improper solicitations.
- (2) The details of an improper solicitation and measures taken against it, disclosed by the head of a relevant institution pursuant to Article 7 (7) of the Act, may include the following:
1. Date, time, purpose, type, and other details of the improper solicitation;
  2. Measures and disciplinary action, taken by the head of a relevant institution, pursuant to the subparagraphs of Article 7 (4), Article 16, Article 21 of the Act;
  3. Details of sanctions, such as imposition of penalties or administrative fines.

### **Article 16 (Preserving and Managing Records of Violations)**

- (1) Pursuant to Article 7 (8) of the Act, the head of a relevant institution shall preserve and manage records of any report submitted, facts ascertained, and action taken under Articles 3, 4 (1), 5, 7 and 13 (1), in connection with the public officials of the relevant institution. In such cases, Article 26 of the Enforcement Decree of the Public Records Management Act shall apply *mutatis mutandis* to the period for preserving such records.
- (2) The head of a relevant institution shall manage records described in paragraph (1), in electronically processable form, such as electronic media, microfilm, etc.

## **CHAPTER III Prohibition, etc. of Acceptance of Money, Goods, etc.**

### **Article 17 (Limits on Value of Food and Beverages, Congratulatory or Condolence Money, etc., Provided for Purposes of Social Relationships, Rituals, etc.)**

“Limits specified by Presidential Decree” in Article 8 (3) 2 of the Act shall be as described in Attached Table 1.

### **Article 18 (Method of Reporting, etc. Prohibited Money, Goods, etc.)**

If a public servant, etc. intends to report prohibited money, goods, etc. pursuant to Article 9 (1) of the Act, he/she shall submit, to the head of the relevant institution, documents containing the following:

1. Personal details of the reporting person:
  - (a) Name, resident registration number, address, department to which he/she belongs, contact information;
  - (b) Other personal details identifying the reporting person;
2. Personal details of the person who has offered, promised to offer, or expressed an intention to offer prohibited money, goods, etc.:
  - (a) Where the person is an individual: name, contact information, occupation, and other personal details identifying the person who has offered, promised to offer, or expressed an intention to offer prohibited money, goods, etc.;
  - (b) Where the person is a representative of a juridical person or an organization: matters set forth in (a), above, and the name and location of the juridical person or the organization;
  - (c) Where the person is an agent, an employee, or any other worker employed by a juridical person, an organization, or an individual: matters set forth in (a); the name and location of the juridical person, the organization, or the individual; and the name

of the representative;

3. Details and the purport of the reporting;
4. Types and value of the money, goods, etc.;
5. Whether the money, goods, etc. are returned;
6. Materials evidencing the details of the report (this applies only if such materials are obtained).

**Article 19 (Measures, etc. Taken by Head of Relevant Institution on the Report of Prohibited Money, Goods, etc.)**

- (1) Article 4 shall apply *mutatis mutandis* where the head of a relevant institution confirms a report of prohibited money, goods, etc. or has the details of the report supplemented, upon receipt of the report pursuant to Article 9 (1) of the Act.
- (2) The head of a relevant institution shall conduct the necessary inspection regarding the details of a report of prohibited money, goods, etc., upon receipt of a report pursuant to Article 9 (1) of the Act. In such cases, Article 5 shall apply *mutatis mutandis* to measures taken on the results of the inspection.
- (3) Article 6 shall apply *mutatis mutandis* to the period and methods of notification of the results of inspection, conducted by the head of a relevant institution upon receipt of a report pursuant to Article 9 (1) of the Act.
- (4) The head of a relevant institution shall preserve and manage records of reports of prohibited money, goods, etc., facts ascertained, and action taken, in connection with the public officials of the relevant institution. In such cases, Article 16 shall apply *mutatis mutandis* to the maintenance, management, and preservation of records.

**Article 20 (Measures, etc. Taken by Supervisory Institutions, etc. on Report of Prohibited Money, Goods, etc.)**

- (1) If a public servant, etc. intends to report prohibited money, goods, etc. to a supervisory institution, the Board of Audit and Inspection, or an investigation agency pursuant to Article 9 (6) of the Act, Article 18 shall apply *mutatis mutandis* to the details to be specified in the documents submitted.
- (2) Article 4 shall apply *mutatis mutandis* where a supervisory institution, the Board of Audit and Inspection, or an investigation agency confirms a report or has the details of the report supplemented, upon receipt of the report of prohibited money, goods, etc. pursuant to Article 9 (6) of the Act.

- (3) A supervisory institution, the Board of Audit and Inspection, or an investigation agency shall conduct the necessary inspection regarding the details of a report of prohibited money, goods, etc., upon receipt of the report pursuant to Article 9 (6) of the Act. In such cases, Article 9 shall apply *mutatis mutandis* to measures taken on the results of the inspection.
- (4) Article 6 shall apply *mutatis mutandis* to the period and methods of notification of the results of inspection, conducted by a supervisory institution, the Board of Audit and Inspection, or an investigation agency upon receipt of a report pursuant to Article 9 (6) of the Act.

**Article 21 (Measures, etc. by the Anti-Corruption and Civil Rights Commission, etc. on Report of Prohibited Money, Goods, etc.)**

- (1) If a public servant, etc. intends to report prohibited money, goods, etc. to the Anti-Corruption and Civil Rights Commission pursuant to Article 9 (6) of the Act, Article 18 shall apply *mutatis mutandis* to the details to be specified in the documents submitted.
- (2) Article 4 shall apply *mutatis mutandis* where the Anti-Corruption and Civil Rights Commission confirms a report or has the details of the report supplemented, upon receipt of the report of prohibited money, goods, etc. pursuant to Article 9 (6) of the Act.
- (3) Article 12 shall apply *mutatis mutandis* to the methods for transferring or forwarding a report, and notification of the results of the transfer or forwarding, conducted by the Anti-Corruption and Civil Rights Commission in receipt of the report pursuant to Article 9 (6) of the Act.

**Article 22 (Handling Transfer, Forwarding, etc.)**

Article 13 shall apply *mutatis mutandis* to measures taken on transfer or forwarding and methods of notification, if a report of prohibited money, goods, etc. is transferred or forwarded to the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency, pursuant to subparagraphs (1) through (3) of Article 12, which apply *mutatis mutandis* pursuant to Article 21 (3).

**Article 23 (Closure of Case, etc.)**

Article 14 shall apply *mutatis mutandis* where the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission can close a reported case.

**Article 24 (Handling Delivered Money, Goods, etc.)**

- (1) Where the money, goods, etc. is delivered to the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission pursuant to the proviso to Article 9 (2) or Article 9 (6) of the Act, such money, goods, etc. shall immediately be photographed, or video-recorded.
- (2) If, upon receipt of money, goods, etc., delivered pursuant to Article 9 (6) of the Act, the Anti-Corruption and Civil Rights Commission transfers or forwards the case pursuant to Article 12 (1) through (3), which apply *mutatis mutandis* pursuant to Article 21 (3), it shall attach the delivered money, goods, etc., and photographs or videos made under paragraph (1). In such cases, the Anti-Corruption and Civil Rights Commission shall notify the person who delivered the money, goods, etc., of such transfer or forwarding.
- (3) If it is found in the results of an inspection, etc. that the money, goods, etc., delivered, transferred, or forwarded pursuant to the proviso to Article 9 (2) of the Act, Article 9 (6) of the Act, or paragraph (2) of the Article, do not constitute prohibited money, goods, etc., the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency shall return the money, goods, etc. to the person who has delivered them, unless otherwise expressly provided in other Acts or subordinate statutes.
- (4) If it is deemed impracticable to take measures described in paragraph (2) or (3) because the delivered money, goods, etc. are subject to destruction, spoilage, decay, etc., the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission shall discard the money, goods, etc. with the consent of the person who delivered them.

**Article 25 (Maximum Amount of Honoraria for Outside Lectures, etc., Acceptance of Which Is Restricted)**

“Limits specified by Presidential Decree” in Article 10 (1) of the Act shall be as described in Attached Table 2.

**Article 26 (Report of Outside Lectures, etc.)**

- (1) A public servant, etc., intending to report outside lectures, etc. specified in Article 10 (1) of the Act (hereinafter referred to as “outside lecture, etc.”) pursuant to the main sentence of Article 10 (2) of the Act, shall submit to the head of a relevant institution documents containing the following:

1. Name, department, job class, and contact information of the reporting person;
  2. Type, date, time, duration, and venue of the outside lecture, etc.;
  3. Subject of the outside lecture, etc.;
  4. Total amount of the honorarium and detailed statements (this applies only if an honorarium is provided);
  5. The person/institution requesting the outside lecture, etc., reasons for the request, name and contact information of a person in charge of the affairs regarding the outside lecture, etc.
- (2) If the details and total amount of the honorarium are unknown in advance, the report should first be made on the rest of the matters and subsequently be supplemented within two days from the date the outside lecture, etc. is finished.

**Article 27 (Methods of Reporting, etc. of Excess Honorarium)**

- (1) If a public servant, etc. has received any honorarium exceeding the limits prescribed in Article 10 (1) of the Act (hereinafter referred to as “excess honorarium”), he/she shall report to the head of a relevant institution pursuant to Article 10 (5) of the Act within two days from the date he/she became aware of receipt thereof, in writing containing the following:
1. Matters to be reported under Article 26 (1);
  2. Amount of the excess honorarium and whether the excess honorarium is returned.
- (2) Upon receipt of a report described in paragraph (1), the head of the relevant institution shall confirm the report and, within seven days, calculate the amount of excess honorarium to be returned and notify the public servant, etc. who has not returned the excess honorarium.
- (3) Upon receipt of the notification described in paragraph (2), the public servant, etc. shall return the excess honorarium (if the reporting person has already partially returned the excess honorarium, this is limited to the rest of the excess) without delay to the provider and notify the head of the relevant institution of the return.

**Article 28 (Claim for Expenses for Return and Delivery)**

If a public servant, etc. or his/her spouse has returned or delivered the money, goods, etc. pursuant to Article 9 (2) or (6) of the Act, or has returned the excess honorarium pursuant to Article 10 (5) of the Act, the public servant, etc. or his/her spouse may claim reimbursement of any expenses for the return from the head of the relevant institution, by providing materials evidencing the expenses.

## **CHAPTER IV Supervision, etc. of Affairs Regarding Prevention of Improper Solicitation, etc.**

### **Article 29 (Report of Violation of the Act)**

Anyone intending to report any completed or ongoing violation of the Act pursuant to Article 13 (1) of the Act shall submit, to the public institution where such violation occurs, a supervisory institution, the Board of Audit and Inspection, an investigation agency (hereinafter referred to as “inspection agency”) or the Anti-Corruption and Civil Rights Commission, documents containing the following:

1. Personal details of the reporting person;
  - (a) Name, resident registration number, address, occupation, contact information;
  - (b) Other personal details identifying the reporting person;
2. Personal details of the violator:
  - (a) Where the person is an individual: name, contact information, occupation, and other personal details identifying the violator;
  - (b) Where the person is a representative of a juridical person or an organization: matters set forth in (a), above, and the name and location of the juridical person or the organization;
  - (c) Where the person is an agent, an employee, or any other worker employed by a juridical person, an organization, or an individual: matters set forth in (a); the name and location of the juridical person, the organization, or the individual; and the name of the representative;
3. Details and the purport of the reporting;
4. Date, time, location, and details of the violation of the Act;
5. Materials evidencing details of the violation of the Act (this applies only if such materials are obtained).

### **Article 30 (Confirmation, etc. by Inspection Agency on Report of Violations of the Act)**

- (1) An inspection agency in receipt of a report pursuant to Article 13 (1) of the Act shall confirm the following:
  1. Details to specify the report, such as the matters set forth in the subparagraphs of Article 29;
  2. Whether evidentiary materials, persons having information, etc. are found so that they can corroborate the report;
  3. Whether the same case has been reported to any other institution;



4. Whether the reporting person consents to disclosure or implication of his/her identity (hereinafter referred to as “disclosure of identity”) in the course of processing the report.
- (2) When an inspection agency confirms whether a reporting person consents to the disclosure of identity pursuant to paragraph (1) 4, the inspection agency shall explain to the reporting person the procedures for processing the report and disclosing the identity.
- (3) If a report made pursuant to Article 13 (1) of the Act does not fully provide details to specify the report as described in paragraph (1) 1 of this Article, the inspection agency may have the reporting person supplement the report within a set period.

**Article 31 (Measures, etc. by Inspection Agency on Reported Violations of the Act)**

Articles 5, 6, and 9 shall apply *mutatis mutandis* to measures taken by an inspection agency in receipt of a report described in Article 13 (1) of the Act, including inspection of the report of a violation of the Act, and the period, methods, etc. of notification.

**Article 32 (Confirmation by the Anti-Corruption and Civil Rights Commission on Reported Violations of the Act)**

Article 30 shall apply *mutatis mutandis* to matters to be confirmed by the Anti-Corruption and Civil Rights Commission with regard to any report received pursuant to Article 13 (1) of the Act, explanation to the reporting person, and supplementation of details of the report.

**Article 33 (Procedures for the Anti-Corruption and Civil Rights Commission to Process Reported Violations of the Act, etc.)**

- (1) The Anti-Corruption and Civil Rights Commission in receipt of a report pursuant to Article 13 (1) of the Act shall confirm the matters set forth in the subparagraphs of Article 30 (1) within 60 days from the date of the receipt (where it is necessary to supplement details of the report, such date means when such supplementation is completed pursuant to Article 30 (3)), and transfer the case to the following institutions:
  1. Where a crime is suspected or criminal investigation is necessary: An investigation agency;
  2. Where it is deemed that audit in accordance with the Board of Audit and Inspection Act is necessary: The Board of Audit and Inspection;
  3. Where subparagraphs 1 and 2 do not apply: The relevant institution or a supervisory institution.

- (2) If several institutions are involved in the details of a report, the Anti-Corruption and Civil Rights Commission may designate a main institution from among a relevant institution, a supervisory institution, the Board of Audit and Inspection, and an investigation agency; and transfer the case to the main institution. In such cases, the main institution shall ensure that the reported case is processed as a single unified case through mutual cooperation.
- (3) The Anti-Corruption and Civil Rights Commission may forward a case, reported pursuant to Article 13 (1) of the Act, to the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, or an investigation agency, if the reported case falls under both of the following:
  1. Where it is unclear as to whether the reported case is subject to transfer under paragraph (1);
  2. Where it is unclear whether the reported case is subject to closure under Article 14 (1).
- (4) If the Anti-Corruption and Civil Rights Commission transfers or forwards a reported case pursuant to paragraphs (1) through (3), the Anti-Corruption and Civil Rights Commission shall attach thereto documents stating the matters confirmed under the subparagraphs of Article 30 (1) (excluding personal details if the reporting person disagrees to the disclosure of identity) and notify the reporting person of the transfer or forwarding.
- (5) Where the Anti-Corruption and Civil Rights Commission is notified by an inspection agency of the results of inspection, etc. pursuant to Article 34 (2), it shall notify the reporting person, who disagreed to disclosure of identity, of the results of the inspection, without delay.

**Article 34 (Procedures for Inspection Agency to Process Transfer or Forwarding)**

- (1) Where a report of a violation of the Act is transferred or forwarded to an inspection agency pursuant to Article 33 (1) through (3), the inspection agency shall conduct the necessary inspection, etc. with regard to the details of the report and take necessary measures on the results of the inspection, etc. as follows:
  1. Measures taken by the head of a relevant institution:
    - (a) Where a crime is suspected or criminal investigation is necessary: Notification to an investigation agency;
    - (b) Where an administrative fine should be imposed: Notification to the court having jurisdiction over administrative fines;
    - (c) Where disciplinary action should be taken: Initiation of disciplinary procedures;

2. Measures taken by a supervisory institution or the Board of Audit and Inspection:
  - (a) Where a crime is suspected or criminal investigation is necessary: Notification to an investigation agency;
  - (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution;
3. Measures taken by an investigation agency:
  - (a) Where a crime is suspected or criminal investigation is necessary: Initiation of a criminal investigation;
  - (b) Where an administrative fine should be imposed or disciplinary action should be taken: Notification to the relevant institution.
- (2) If a report of a violation of the Act is transferred or forwarded to an inspection agency, the inspection agency shall notify the reporting person (this does not apply if the reporting person disagrees to the disclosure of identity and the report is transferred or forwarded without any information on the reporting person) and the Anti-Corruption and Civil Rights Commission of the results of the inspection, etc., in writing, within ten days from the date the inspection, etc. is completed.
- (3) The results of the inspection, etc. notified by an inspection agency pursuant to paragraph (2) shall include the following:
  1. Action taken on the reported case and grounds therefor;
  2. Matters that the reporting person and the Anti-Corruption and Civil Rights Commission should be aware of regarding the reported case.

**Article 35 (Closure of Case, etc.)**

Article 14 shall apply *mutatis mutandis* where the head of a relevant institution, a supervisory institution, the Board of Audit and Inspection, an investigation agency, or the Anti-Corruption and Civil Rights Commission can close a reported case.

**Article 36 (Filing Appeals against Action Taken on Reports of Violations of the Act)**

- (1) If a reporting person intends to file an appeal pursuant to Article 14 (5) of the Act, he/she may apply in writing by submitting an application stating the details and purport of the appeal along with necessary materials attached, within seven days from the date he/she was notified of the results of the inspection, etc., pursuant to Article 14 (3) or (4) of the Act.
- (2) Upon receipt of an application for appeal pursuant to Article 14 (5) of the Act, an inspection agency or the Anti-Corruption and Civil Rights Commission shall give a notification of its decision on the appeal within thirty days from the date of the receipt of the application.

- (3) No further appeal can be filed against the notification of decision on the application for appeal described in paragraph (2) and the notification of results of the reinspection described in Article 14 (7) of the Act.

**Article 37 (Notification of Initiation and Completion of Investigation)**

When an investigation agency initiates an investigation, suspecting a crime upon a report of a violation of the Act, etc., and when it completes such investigation, the investigation agency shall notify within ten days the public institution to which the relevant public servant, etc. belongs.

**Article 38 (Measures, etc. to Protect Personal Details)**

If a person reports without agreeing to disclosure of identity, an inspection agency shall take measures necessary to prevent disclosure of identity of the reporting person in the course of inspection, etc.

**Article 39 (Establishment and Operation of Integrity Consultation Committee)**

- (1) The head of a public institution may establish an integrity consultation committee in order to review the following:
  1. Matters regarding disclosure of improper solicitation as provided for in Article 7 (7) of the Act;
  2. Matters regarding action and measures taken on reports of an improper solicitation and the prohibited money, goods, etc., as provided for in Articles 7, 9, 14 of the Act;
  3. Matters regarding recommendation of a person eligible for a monetary reward as provided for in Article 40;
  4. Other matters the head of a public institution deems necessary for enforcing the Act.
- (2) Details necessary for organizing and operating the integrity consultation committee under paragraph (1) shall be determined by the head of the public institution.

**Article 40 (Recommendation, etc. of Persons Eligible for Monetary Rewards)**

- (1) Where a person reporting violations of the Act is eligible for a monetary reward as provided for in Article 15 (5) of the Act, an inspection agency may recommend such person to the Anti-Corruption and Civil Rights Commission.
- (2) When the inspection agency recommends pursuant to paragraph (1), it shall submit relevant materials so that the Anti-Corruption and Civil Rights Commission can verify grounds for the monetary reward.
- (3) Upon receipt of a recommendation pursuant to paragraph (1), the Anti-Corruption and Civil Rights Commission may contact the inspection agency, persons having an interest therein, and persons having information, etc. and verify grounds for monetary rewards, in order to determine on the payment of the monetary reward.

- (4) If necessary, the Anti-Corruption and Civil Rights Commission may select and provide a person with a monetary reward, without receiving a recommendation under paragraph (1).

**Article 41 (Establishment, Operation, etc. of Information System)**

- (1) The Anti-Corruption and Civil Rights Commission may establish and operate an information system to efficiently conduct the affairs described in Article 12 of the Act.
- (2) The Anti-Corruption and Civil Rights Commission may request the head of a public institution to enter data necessary for conducting affairs described in Article 12 of the Act, into the information system described in paragraph (1).

**Article 42 (Training, etc.)**

- (1) Pursuant to Article 19 (1) of the Act, the head of a public institution shall formulate annual plans for training on the prohibition of improper solicitations and acceptance of money, goods, etc.
- (2) Plans for training described in paragraph (1) shall contain information on the trainees, details, methods, etc. of the training.
- (3) Pursuant to Article 19 (1) of the Act, the head of a public institution shall provide training for public servants, etc. at least annually; and annually receive therefrom signed pledges of compliance with Acts and subordinate statutes governing prohibition of improper solicitations and acceptance of money, goods, etc.
- (4) To provide support pursuant to Article 19 (3) of the Act, the Anti-Corruption and Civil Rights Commission may formulate and implement plans for support, such as training professional lecturers; developing and distributing standard training materials and lecture programs; providing collective training at an integrity training institute, etc.

**Article 43 (Criteria for Disciplinary Action)**

To take disciplinary action pursuant to Article 21 of the Act, the head of a public institution shall prepare detailed criteria, based on the types of violation, degree of violation, severity of negligence, etc.

**Article 44 (Processing Personally Identifiable Information, etc.)**

The head of a public institution may process materials containing sensitive information provided for in Article 23 of the Personal Information Protection Act, resident registration numbers, passport numbers, and alien registration numbers provided for in subparagraphs 1, 2, and 4 of Article 19 of Enforcement Decree of the Personal Information Protection Act, only where it is essential for conducting the following:

1. Affairs relating to reporting, processing, etc. improper solicitations and prohibited money, goods, etc. pursuant to Article 7 and Article 9 of the Act;

2. Affairs relating to reporting outside lectures, processing reports on outside lectures, etc. pursuant to Article 10 of the Act;
3. Affairs relating to reporting, processing, etc. violations of the Act pursuant to Article 13 and Article 14 of the Act;
4. Affairs relating to protecting and rewarding a reporting person, etc. pursuant to Article 15 of the Act;
5. Affairs relating to recovering improper benefits pursuant to Article 17 of the Act.

**Article 45 (Reexamination of Regulations)**

The Anti-Corruption and Civil Rights Commission shall review the validity of the following matters by December 31, 2018 and take necessary measures including making improvements:

1. Limits on value of food and beverages; congratulatory or condolence money; gifts, etc., provided for purposes of social relationships, rituals, etc., specified in Article 17 and Attached Table 1;
2. Maximum amount of honoraria for outside lectures, etc., acceptance of which is restricted under Article 25 and Attached Table 2.

**ADDENDUM**

This Decree shall enter into force on September 28, 2016.

**[Attached Table 1]**

Limit on Value of Food and Beverages, Congratulatory or Condolence Money, Gifts, etc. (regarding Article 17)

<b>Category</b>	<b>Limit on Value</b>
1. Food and beverages: Meal, refreshments, alcoholic beverages, beverages, and other equivalents, served for both the provider and the public servant, etc.	30,000 won
2. Congratulatory or condolence money: Any and all congratulatory money and condolence money; wreaths, flowers, or artificial flowers provided in lieu of congratulatory or condolence money; and other equivalents	100,000 won
3. Gifts: Any and all articles, securities, and other equivalents, except for money and the food and beverages described in subparagraph 1 above	50,000 won

**Note:**

- A. Limit on value of food and beverages specified in subparagraph 1, congratulatory or condolence money in subparagraph 2, and gifts in subparagraph 3, shall each apply to the aggregate of all items listed in each subparagraph.
- B. If both the food and beverages in subparagraph 1 and the gifts in subparagraph 3 are received together, values shall be aggregated. In such cases, the limit on value of the aggregate shall be 50,000 won; however, neither of the food and beverages nor the gifts shall exceed their respective limit on value specified in subparagraph 1 and in subparagraph 3.
- C. If both the food and beverages in subparagraph 1 and the congratulatory or condolence money in subparagraph 2 are received together; or if both the congratulatory or condolence money in subparagraph 2 and the gifts in subparagraph 3 are received together, values shall be aggregated, respectively. In such cases, the limit on value of each aggregate shall be 100,000 won; however, none of the food and beverages, the congratulatory or condolence money, or the gifts shall exceed their respective limit on value specified in subparagraphs 1 through 3.

D. If the food and beverages in subparagraph 1, the congratulatory or condolence money in subparagraph 2, and the gifts in subparagraph 3 are all received together, values shall be aggregated. In such cases, the limit on value of the aggregate shall be 100,000 won; however, none of the food and beverages, the congratulatory or condolence money, or the gifts shall exceed their respective limit on value specified in subparagraphs 1 through 3.



**[Attached Table 2]**

Maximum Amount of Honoraria for Outside Lectures, etc. (regarding Article 25)

1. Maximum amount of honoraria by position of public servants, etc.

A. Public servants, etc., falling under subparagraph 2 (a) of Article 2 of the Act:

<b>Classification</b>	Minister or higher level	Vice-Minister or equivalent level	Grade 4 or higher level	Not exceeding grade 5
<b>Maximum amount</b>	500,000 won	400,000 won	300,000 won	200,000 won

B. Public servants, etc. falling under subparagraph 2 (b) of Article 2 of the Act:

<b>Classification</b>	Head of public institution	Executive officers	Other employees
<b>Maximum amount</b>	400,000 won	300,000 won	200,000 won

C. Public servants, etc., falling under subparagraph 2 (c) and (d) of Article 2 of the Act (if they also fall under subparagraph 2 (a) or (b) of Article 2 of the Act, subparagraph 2 (a) or (b) shall apply): 1,000,000 won

D. Notwithstanding A through C, above, maximum amount of honoraria for outside lectures, etc., paid by international organizations, foreign governments, foreign universities, foreign research institutions, foreign academic bodies, or by other equivalent foreign organizations, shall be governed by the payment policy of the relevant foreign organization paying the honoraria.

2. Criteria for Application

A. Levels of positions classified in the table of subparagraph 1 A, of public servants, etc., falling under subparagraph 1 A, shall be determined pursuant to the Decree on the Appointment of Public Officials, the Decree on the Appointment of Local Public Officials and other Acts and subordinate statutes regarding appointment, applied to relevant public servants, etc: *Provided*, That, if the aforementioned Acts and subordinate statutes regarding

appointment do not expressly provide for which level of classification, in the table of subparagraph 1 A, is applicable to a certain public official etc., the classification shall be governed by Acts and subordinate statutes regarding remuneration or travel expenses, applicable to the relevant public servant, etc., such as the Public Officials Remuneration Regulations, the Local Public Officials Remuneration Regulations, the Public Officials Allowance, etc. Regulations, the Local Public Officials Allowance, etc. Regulations, or the Public Officials Travel Expenses Regulation.

- B. Despite A, above, if the level of classification in the table of subparagraph 1 A is still unclear for a certain public servant, etc., the Anti-Corruption and Civil Rights Commission shall determine it and make a public announcement, after comprehensively taking into account Acts and subordinate statutes regarding appointment, remuneration, and travel expenses, applicable to the public servant, etc.
- C. The maximum amount specified in paragraph 1 A through C applies to one hour of a lecture, etc. and one contributed article.
- D. Even if public servants, etc., falling under subparagraph 1 A and B, delivers a lecture, etc. for more than one hour, the total amount of the honorarium shall not exceed 150/100 of the maximum hourly amount, regardless of the duration of the lecture, etc.
- E. Maximum amounts specified in subparagraph 1 A through C shall include all types of honoraria regardless of their name, including lecture fee, payment for contribution, performance fee, etc., provided to the public servant, etc. in connection with the outside lecture, etc.
- F. Notwithstanding E, above, if a public servant, etc. is not reimbursed for travel expenses such as transportation, lodging, or meal by the relevant organization, the honoraria described in paragraph 1 shall exclude funds for transportation, lodging, or meal, provided pursuant to standards of actual expenses prescribed by the Public Officials Travel Expenses Regulation and other regulations applicable to the relevant institution.