

ACT ON THE PREVENTION OF CORRUPTION AND THE ESTABLISHMENT AND MANAGEMENT OF THE ANTI-CORRUPTION AND CIVIL RIGHTS COMMISSION

Act No. 15024, Oct. 31, 2017

Article 29 (Hearing Opinions, etc.)

(1) In performing the duties provided for in subparagraphs 5 through 14 of Article 12, the Commission may take any of the following measures, if necessary:

1. Requesting any public institution to provide explanations, materials, documents, etc., and conducting a survey of the actual status thereof;
2. Requesting any interested person, reference witness, or public official involved to appear before the Commission and state his/her opinion.

(2) The Commission shall be prohibited from taking measures provided for in paragraph

(1) with respect to any of the following matters:

1. Matters concerning the confidential information of the State;
2. Matters concerning the appropriateness of an investigation, trial, and execution of sentence (including any security measure, security surveillance measure, protective detention measure, probation measure, protective internment measure, custodial treatment measure, and community service order), or matters on which an audit and inspection has been launched by the Board of Audit and Inspection;
3. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, a constitutional petition, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy in progress under other Acts;

4. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, in progress under statutes;
 5. Matters made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters on which the Audit and Inspection Commission has resolved in accordance with the Board of Audit and Inspection Act.
- (3) The measures referred to in each subparagraph of paragraph (1) shall be taken within the scope necessary for the Commission to perform its duties provided for in each subparagraph of Article 12 and attention shall be paid not to hamper the performance of duties by any public institution.
- (4) The head of any public institution shall sincerely comply with the request for submission of materials and cooperate in surveying the actual status under paragraph (1), and where he/she fails to comply with the request or to cooperate, he/she shall clarify the reasons therefor.
- (5) The head of any public institution may require officials under his/her jurisdiction or relevant experts to be present at the Commission to state their opinions or to submit relevant materials in connection with institutional improvements, etc.

Article 43 (Rejection, etc. of Civil Petitions for Grievances)

- (1) Any civil rights committee may reject a civil petition for grievance or transfer it to a relevant institution, if the received civil petition for grievance falls under any of the following subparagraphs:
1. Matters requiring highly sophisticated political judgement, or matters concerning the confidential information of the State or public service;
 2. Matters pertaining to the National Assembly, courts, the Constitutional Court, Election Commissions, the Board of Audit and Inspection, or local councils;
 3. Matters concerning investigations and execution of sentences which are deemed appropriate to be processed by the competent authorities, or matters on which an audit and inspection has been launched by the Board of Audit and Inspection;
 4. Matters brought for an administrative adjudication or litigation, an adjudication of the Constitutional Court, an examination request filed with the Board of Audit and Inspection, and other procedures for protest and remedy that are in process under other Acts;

5. Matters concerning procedures for mediating interests among parties concerned, including reconciliation, good offices, mediation, and arbitration, in progress under statutes;
6. Matters concerning relationships of rights and interests made definite by a judgment, decision, adjudication, reconciliation, mediation, arbitration, etc. or other matters which the Board of Audit and Inspection has requested for disposition;
7. Matters concerning relationships of rights and interests between individuals or privacy of individuals;
8. Matters concerning the acts of personnel administration for employees of administrative agencies, etc.

(2) Where a civil rights committee rejects or transfers a civil petition for grievance under paragraph (1), it shall notify the petitioner of such fact, along with the grounds thereof without delay. In such cases, if deemed necessary, it may provide information about the procedures and measures necessary for a remedy of violated rights of the petitioner.

(3) Where the head of a relevant administrative agency, etc. becomes aware of the fact that a civil petition for grievance on which an investigation of a civil rights committee has begun falls under any subparagraph of paragraph (1), he/she shall notify the civil rights committee of such fact without delay.

Article 51 (Request for Audit and Inspection)

Where the Commissions finds, in the course of investigating and processing civil petitions for grievances, that an employee of a relevant administrative agency, etc. has performed his/her duties unlawfully or unfairly by intention or gross negligence, it may request the Board of Audit and Inspection, the Local Ombudsman and the local government concerned to conduct an audit and inspection.

Article 56 (Obligation of Public Officials to Report Acts of Corruption)

Where a public official learns an act of corruption committed by another public official in performing his/her duties or is forced or proposed by another public official to commit an act of corruption, he/she shall without delay report such fact to any investigative authority, the Board of Audit and Inspection, or the Commission.

Article 59 (Processing of Whistleblowing)

(1) The Commission may, upon receipt of a report, verify the following matters from whistleblowers:

1. Matters necessary to specify the details of reports of whistleblowing, such as the personal information of whistleblowers, and the reason for and purport of whistleblowing;
2. Matters concerning whether the details reported fall under any subparagraph of Article 29 (2).

(2) The Commission may request any whistleblower to submit necessary materials to the extent necessary for ascertaining the truth of the matters specified in paragraph (1).

(3) The Commission shall, if deemed necessary to investigate any reported matter received, refer such matter to the Board of Audit and Inspection, any investigative authority, or the supervisory body of the relevant public institution (where the supervisory body does not exist, referring to the relevant public institution; hereinafter referred to as "investigative agency"): Provided, That any reported matter that includes any confidential information of the State shall be processed as prescribed by Presidential Decree.

(4) Where a person suspected of committing an act of corruption regarding which the Commission has received a report is any of the following high-ranking public officials and details of his/her suspected act of corruption require an investigation for criminal punishment and an institution of prosecution, the Commission shall file an accusation with the prosecution against him/her in its name: *<Amended by Act No. 14609, Mar. 21, 2017>*

1. A public official with the rank of Vice Minister or higher;
2. The Special Metropolitan City Mayor, Metropolitan City Mayor, or Do Governor;
3. A police officer with the rank of superintendent general or higher;
4. A judge or a prosecutor;
5. A military officer with the rank of general;
6. A member of the National Assembly.

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

(6) The Commission shall resolve any reported matter received within 60 days from the date of receipt. In such cases, if deemed necessary to supplement matters as referred to in paragraph (1) 1, the period may be extended by up to 30 days.

Article 72 (Right to Request Audits and Inspections)

(1) Where dealing with administrative affairs by a public institution seriously harms public interest because it violates statutes or is involved in an act of corruption, any citizen aged 19 or over may request an audit and inspection from the Board of Audit and Inspection by presenting a petition signed by at least a specified number of citizens prescribed by Presidential Decree: Provided, That with respect to the administrative affairs dealt with by the National Assembly, courts, the Constitutional Court, Election Commissions, or the Board of Audit and Inspection, such request shall be made to the Speaker of the National Assembly, the Chief Justice of the Supreme Court, the President of the Constitutional Court, the Chairperson of the National Election Commission, or the Chairperson of the Board of Audit and Inspection (hereinafter referred to as the "head of a relevant public institution"). <Amended by Act No. 9342, Jan. 7, 2009>

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

1. Matters pertaining to the confidential information and security of the State;
2. Matters pertaining to investigations of, trials on, and execution of penalties (including any security measure, any security surveillance measure, any protective detention measure, any probation measure, any protective internment measure, any custodial treatment measure, and any community service order);
3. Matters pertaining to private relationships of rights and duties or individual privacy;
4. Matters that have been or are under audit and inspection by other public institutions: Provided, That this shall not apply where a new matter is discovered or an important matter is omitted in such audit and inspection already conducted;
5. Other matters over which it is reasonably deemed inappropriate to conduct an audit and inspection, as prescribed by Presidential Decree.

(3) Notwithstanding the provisions of paragraph (1), any audit and inspection request pertaining to dealing with the administrative affairs under the jurisdiction of local governments and their heads shall be governed by the provisions of Article 16 of the Local Autonomy Act.

Article 73 (Method of Requesting Audits and Inspections)

Any person who intends to request an audit and inspection shall make such request in the form of a signed document stating his/her personal details and the purport of and reasons

for requesting such audit and inspection, as prescribed by Presidential Decree.

Article 74 (Decision on Conducting Audit and Inspection)

(1) With respect to an audit and inspection request made in accordance with the main sentence of Article 72 (1), the National Audit and Inspection Request Deliberation Commission prescribed by the Regulations of the Board of Audit and Inspection shall determine whether to conduct such audit and inspection.

(2) If the head of a relevant public institution receives an audit and inspection request under the proviso to Article 72 (1), he/she shall determine, within 30 days, whether to conduct such audit and inspection in accordance with the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.

(3) If the Board of Audit and Inspection or the head of a relevant public institution deems that an audit and inspection request is groundless, such board or head shall dismiss the request and notify the applicant of such dismissal within ten days from the date of the decision of dismissal.

Article 75 (Audit and Inspection on Request)

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

(2) The Board of Audit and Inspection or the head of a relevant public institution shall notify an applicant for an audit and inspection of the findings of such audit and inspection within ten days from the date such audit and inspection is completed.

Article 76 (Operation)

Matters necessary for national requests for audits and inspections, except as otherwise provided for in this Act, shall be governed by the National Assembly Regulations, the Supreme Court Regulations, the Constitutional Court Regulations, the National Election Commission Regulations, or the Regulations of the Board of Audit and Inspection.