

# THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY THE REPUBLIC OF KOREA

## ARTICLE 10 UNCAC

### PUBLIC REPORTING

#### REPUBLIC OF KOREA (SEVENTH MEETING)

### **Korea's anti-corruption agency launched a smartphone app for reporting corruption and public interest violation**

The Anti-Corruption and Civil Rights Commission (ACRC), Korea's national anti-corruption agency, receives reports of corruption from the public through its website ([www.acrc.go.kr](http://www.acrc.go.kr)) and mobile application as well as by personal visit, post, and fax.

In December 2013, the ACRC launched the "Report Corruption & Public Interest Violation" app, through which the public can report corruption and violation of the public interest.

This new smartphone application allows citizens to report an act of corruption, violation of the Code of Conduct for Public Officials, and infringement of the public interest, such as manufacturing or distribution of adulterated food and environmental pollution.

Using the app, one can photograph or record the scene of misconduct by phone and send the photo or video file directly to the ACRC. In the case of public interest violation, one can register the location of the act of violation, which serves to increase the accuracy of investigation conducted by the ACRC or the investigative agency concerned.

The app user can also consult an ACRC investigator before filing a report. The contents of the consultation or report can be viewed only by the user with a password.

The new app can be downloaded for free and installed on Android smartphones as well as iPhones.

The ACRC provides a financial reward of up to 3 billion won (about USD 2.5 million) for those who report an act of corruption when the whistleblowing has directly resulted in recovering or increasing the revenues, or reducing the cost of a public organization. For public interest whistleblowers, the maximum reward is 2 billion won (about USD 1.7 million).



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**TRANSPARENCY AND INTEGRITY IN PUBLIC ADMINISTRATION**

**REPUBLIC OF KOREA (SECOND MEETING)**

**1. Purpose of Information Disclosure System**

**(1) Definition**

○ Information Disclosure System is an institutional device to protect people's rights to know and improve transparency of state administration, by making information held by government organizations public or providing important information to people in advance.

**(2) Importance of Information Disclosure System**

**○ To protect people's right to know**

- People's right to know was derived from freedom of the press guaranteed by the constitutions. It includes people's right to request disclosure of information, which allows access to administrative information with direct and indirect impacts on their lives.

**○ To encourage people's participation in the government administration**

- The government holds the largest amount of information on social issues and people has right to share this information in order to make right decisions in their political participation.  
- Ultimately, people's access to information should be guaranteed to realize their political participation.

**○ To secure reliability and transparency in administration**

- By securing people's accessibility to information possessed and managed by public organizations, the government can secure reliability and transparency in administration.

**○ To protect people's interests**

- Access to information should be guaranteed for people to protect their interests against environmental and social problems related to transportation, consumers and safety.

## **2. Status of Information Disclosure System**

- **Legal Basis:** Act on Disclosure of Information by Public Agencies/ Enforcement Decree/Enforcement Regulation (Enforced in January 1, 1998)

- **Online Information Disclosure Online Service**

- ACRC built information disclosure system in 2006 to provide one-stop online services. ([www.open.go.kr](http://www.open.go.kr))

- **Active Use of Information Disclosure System**

- Handled 130,000 cases (2006) 200,000 cases (2007) --+ 230,000 cases (2008) —+ 300,000 cases (2009) - Online Service Usage rate: 40%(2006) 52%(2007) 60%(2008) 66%(2009)

## **3. Details of Information Disclosure System**

### **Purpose of Information Disclosure System (Article 1 of Act)**

- By defining people's right to request information disclosure and organizations' obligation to provide information possessed and managed by the organizations
- In order to grant the citizens' right to know and secure participation and transparency of government administration.

- **Scope of Information Disclosure (Article 2 No.1 of Act)**

- 'Information' refers to any document that is composed, acquired, or managed officially by a public institution (Including e-document) as well as the items recorded in media like photo, picture, plan, tape, slide, and any other item in accordance with the aforementioned items.

Exceptional non-disclosure: Information which falls into non-disclosure items under the provisory clause shall not be disclosed. (Act Article 9. Section 1. No.1-8)

- **Organizations subject to information disclosure (article 2 of Act, article 2 of Decree)**

- Governments organizations, local councils, public organizations stipulated in article 4 of Act on the Management of Public Agencies, and other organizations defined by the presidential decree

- **Person who can demand information disclosure (article 5 of Act, article 3 of**

### **Enforcement decree)**

- All citizens and foreigners (A person who lives in Korea with a certain residential address or who stays in Korea temporarily for academic and research purposes) defined by the presidential decree

#### **o Type of Decision on Information Disclosure and details (article 13 of Act, article 12 of Decree) - Full disclosure: date, place, methods, fees**

- Partial disclosure: basis of partial disclosure, process of appeals

- Non-disclosure: basis of non-disclosure, process of appeals

Decisions on disclosure are made within 10 days after the date of request and can be extended up to 10 days. (Article 11 of Act)

#### **o Process of appeals (article 18-20 of Act)**

- Appeal against the decision made to be non-disclosure or partial disclosure without application of transposition system of administrative decision

- Filing an objection (article 18 of the Act), Administrative appeals (article 19 of the Act), Administrative litigation (article 20 of the Act)

#### **o Organization and Management of The deliberation committee for information disclosure (article 12 of Act, article 11 of Enforcement decree)**

- Subject Organizations: government organizations, local councils, education offices, state-run companies

- Number of members/Term: 5-7 people (A half of members should be selected from outside) / 2 years (Serving one more term is allowed)

- Deliberation details: reasons for non-disclosure, non-disclosure appeals, disclosure standards

#### **o Organization and Management of The committee for information disclosure (article 22-23 of Act, article 19-26 of Enforcement decree)**

- Number of people who has right of appointment / number of members: Minister of Public Administration and Security / 9 people (5 from private sectors, 4 from the government)

- Term/opening time: 2 years (Serving one more term is allowed) / semi-annual

- Function: policy making and deliberation for information disclosure in public organization.

