

Act on the Protection of Public Interest Whistleblowers

Act No. 10472, Mar. 29, 2011

Chapter I General Provisions

Article 1 (Purpose)

The purposes of this Act are to contribute to the stability of people's livelihoods and to a more transparent and ethical social climate by protecting and supporting people who report violations of the public interest and others.

Article 2 (Definitions)

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

1. The term "violation of the public interest" means an act that infringes on the health and safety of the public, the environment, consumer interests and fair competition, and falls under any of the following items:
 - a. An act that is subject to any penal provisions defined in the Acts listed in an attached table;
 - b. An act that is subject to an administrative action determined by Presidential Decree, including the cancellation or suspension of a permit or license in accordance with the Acts listed on the attached table.
2. The term "public interest whistleblowing" means reporting, petitioning, informing, accusing or complaining that a violation of the public interest has occurred or is likely to occur, or providing an investigation clue of a violation of the public interest to a person who

falls under any of the Subparagraphs in Article 6. However, if a case falls under any of the following items, it shall not be deemed a case of public interest whistleblowing:

a. In the event that the public interest whistleblowing was performed even though the whistleblower had known or could know that the information was false;

b. In the event that the whistleblower demanded money, goods, or special privileges within the context of the employment relationship in return for the information, or that the whistleblowing was done for some other illegal purpose.

3. The term “public interest whistleblowing, etc.” means public interest whistleblowing and actions of making a statement, testifying, or providing information in an examination, investigation or lawsuit regarding a public interest whistleblowing case, or in an investigation, lawsuit, etc. concerning the protection of the public interest whistleblower.

4. The term “whistleblower” means a person who performed a public interest whistleblowing activity.

5. The term “public interest whistleblower, etc.” refers to public interest whistleblowers and persons who made statements, testified, or provided information in an examination, investigation or lawsuit regarding a public interest whistleblowing case, or in an investigation, lawsuit, etc. concerning the protection of the public interest whistleblower.

6. The term “disadvantageous measures” means an action that falls under any of the following items:

a. Removal from office, release from office, dismissal or any other

unfavorable personnel action equivalent to the loss of status at work;

b. Disciplinary action, suspension from office, reduction in pay, demotion, restriction on promotion and any other unfair personnel actions;

c. Work reassignment, transfer, denial of duties, rearrangement of duties or any other personnel actions that are against the whistleblower's will;

d. Discrimination in the performance evaluation, peer review, etc. and subsequent discrimination in the payment of wages, bonuses, etc.;

e. The cancellation of education, training or other self-development opportunities; the restriction or removal of budget, work force or other available resources, the suspension of access to security information or classified information; the cancellation of authorization to handle security information or classified information; or any other discrimination or measure detrimental to the working conditions of the whistleblower;

f. Putting the whistleblower's name on a black list as well as the release such a blacklist, bullying, the use of violence and abusive language toward the whistleblower, or any other action that causes psychological or physical harm to the whistleblower;

g. Unfair audit or inspection of the whistleblower's work as well as the disclosure of the results of such an audit or inspection;

h. The cancellation of a license or permit, or any other action that causes administrative disadvantages to the whistleblower;

- i. The termination of a contract for goods or services, or any other measure that causes economic disadvantages to the whistleblower.

Article 3 (Obligations of the Government)

The central and local governments shall strive to prevent as well as stop the proliferation of violations of the public interest and to protect public interest whistleblowers, etc.

Article 4 (The Establishment of Policy of the Anti-Corruption & Civil Rights Commission)

The Anti-Corruption and Civil Rights Commission (hereinafter referred to as the "Commission") shall establish policies regarding each of the following Subparagraphs to protect and support public interest whistleblowers, etc.:

1. Matters concerning the reception, processing, etc. of public interest whistleblowing cases;
2. Matters concerning the protection of confidentiality and personal safety of public interest whistleblowers, etc.;
3. Matters concerning the prohibition of disadvantageous measures against public interest whistleblowers, etc. as well as the protection, etc. of these public interest whistleblowers, etc.;
4. Matters concerning the payment of rewards and relief to public interest whistleblowers, etc.;
5. Matters concerning the education, publicity, etc. of measures to

protect public interest whistleblowers, etc.

Article 5 (Relation to other Acts)

In the event that the applications of this Act and other Acts are in concurrence with the protection of public interest whistleblowers, etc., this Act shall prevail. If the application of other Acts is advantageous to the public interest whistleblowers, etc., then such other Acts shall be applied.

Chapter II Public Interest Whistleblowing

Article 6 (Public Interest Whistleblowing)

Any person may report a violation of the public interest that had already occurred or concerns that a violation of the public interest is likely to occur, and this report may be submitted to a person who falls under any of the Subparagraphs in Article 6:

1. The representative or employer of a person, institution, organization, company, etc. that may violate or has violated the public interest;
2. The administrative agency or supervisory body that has the authority to direct, supervise, regulate or investigate violations of the public interest (hereinafter referred to as “examination agency”);
3. Investigative agency;
4. The Commission;

5. Persons prescribed by Presidential Decree, to whom the reporting of public interest whistleblowing cases is deemed to contribute to preventing a violation of the public interest or to stopping the spread of the damages caused by a violation of the public interest.

Article 7 (Obligation of Public Officials to Report Public Interest Whistleblowing)

If any public official as described in Article 2, Paragraph 3 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as “public officials”), becomes aware of a violation of the public interest, he or she shall report it to an examination agency, investigative agency, or the Commission.

Article 8 (Method of Public Interest Whistleblowing)

(1) Any person who intends to file a public interest whistleblowing case shall submit in writing (either on paper or electronically) a statement (hereinafter referred to as the “written report”) that includes the information described in each of the following Subparagraphs:

1. The name, resident registration number, address, contact numbers, etc. of the whistleblower;
2. The name of the person who violated public interest;
3. A factual description of the violation of the public interest;
4. The purport and reason of the public interest whistleblowing.

(2) Notwithstanding Paragraph 1, in the event that there are specific circumstances wherein a written report cannot be submitted, an oral statement may be presented in its stead. In this case, evidence, etc. shall be submitted as well.

(3) A person who receives an oral statement in pursuant to Paragraph 2 shall make a written report of what the public interest whistleblower has said, repeat the contents of the written report to the public interest whistleblower, and ensure that the public interest whistleblower signs or affixes his/her seal on the written report.

Article 9 (Confirmation and Transfer, etc. of Report)

(1) The Commission, upon receipt of a public interest whistleblowing case, may confirm any information necessary to specify the case, such as personal details of the whistleblower, and the details and purport of the public interest whistleblowing.

(2) The Commission may request the public interest whistleblower to submit necessary material insofar as it is needed for ascertaining the truth of the matters specified in Paragraph 1.

(3) The Commission shall transfer a public interest whistleblowing case to a relevant examination agency or investigative agency immediately after completing confirmation pursuant to Paragraph 2, and shall notify the public interest whistleblower of the said fact.

(4) The examination agency or investigative agency, to which the public interest whistleblowing case was transferred as described in Paragraph 3, shall notify the Commission of the results of the examination or investigation after the examination or investigation is completed. Then,

the Commission shall provide the public interest whistleblower with a summary of the examination or investigation results.

Article 10 (Processing of Public Interest Whistleblowing Case)

(1) The examination agency, either upon direct receipt of a public interest whistleblowing case or receipt of a public interest whistleblowing case transferred from the Commission, shall conduct necessary examination about the details thereof.

(2) The examination agency may avoid beginning or may stop the examination if the public interest whistleblowing case falls under any of the following Subparagraphs:

1. If the contents of the public interest whistleblowing case are clearly deemed to be false;
2. In the event that the personal information of the public interest whistleblower is not available;
3. In the event that the public interest whistleblower fails to supplement his/her written report or supporting materials within a preset period after receiving at least two requests to do so;
4. If a public interest whistleblower reports again, without any justifiable reason, a case for which he/she had already been notified of the processing result thereof;
5. In the event that the contents of the public interest whistleblowing case were publicized through the mass-media, etc., and that there was no new evidence other than the facts that had already been disclosed;

6. In the event that an examination into the violation of the public interest had already begun or had already been completed in accordance with some other Act(s) and subordinate statute(s);

7. In the event that there is no reason for examination as prescribed by Presidential Decree.

(3) In the event that an examination agency decides not to conduct an investigation under the provisions of Paragraph 2, or halts such an investigation, it shall notify the public interest whistleblower of the fact without delay.

(4) When an examination agency finishes an examination into a public interest whistleblowing case, it shall take all necessary measures depending on the investigation results and notify the public interest whistleblower of the results.

(5) Employees, etc. of institutions that received a public interest whistleblowing case under Article 6 shall not disclose the contents of the report, including personal information on the whistleblowee, until an investigation into the case reveals that a violation of the public interest has occurred.

(6) In the event that an examination agency has received, either directly, or indirectly through transfer or referral, a public interest whistleblowing case outside its jurisdiction, it shall transfer the case to a competent examination agency and shall notify the public interest whistleblower of the fact thereof.

Chapter III Protection of Public Interest Whistleblowers, etc.

Article 11 (Omission, etc. of Written Personal Information)

(1) Article 7 and Articles 9 through 12 of the Act on the Protection of Reporters, etc. of Specific Crimes shall apply mutatis mutandis to the investigation and criminal procedures in the event that justifiable reasons exist that the public interest whistleblower, etc., his/her relatives, or his/her cohabitants have suffered or could suffer damages because of the public interest whistleblowing, etc.

(2) The public interest whistleblower, etc., and/or his/her legal representatives may request the examination agency or investigative agency to take measures as stipulated in Paragraph 1. In this event, the examination agency or investigative agency shall comply with this request unless there are exceptional circumstances otherwise.

Article 12 (Confidentiality Obligation for Public Interest Whistleblower, etc.)

(1) No person with the knowledge of the fact that someone is a public interest whistleblower, etc., shall tell, disclose to or publicize to any third party personal information concerning the public interest whistleblower, etc., or other facts that infer the identity of the public interest whistleblower, etc. However, this provision shall not apply provided that the public interest whistleblower, etc., gives his/her consent to the revelation of such information.

(2) The Commission may request a relevant disciplinary officer to take disciplinary action against a person who has told, disclosed to or publicized to any third party personal information concerning the public interest whistleblower, etc., or other facts that infer the identity of the public interest whistleblower, etc., in violation of Paragraph 1.

Article 13 (Protection of Personal Safety)

(1) The public interest whistleblower, etc., his/her relatives or cohabitants may request the Commission to take protective measures for their personal safety (hereinafter referred to as “personal protection measures”) in the event that the public interest whistleblower, etc., his/her relatives or cohabitants have faced or are likely to face serious danger to their lives or persons. In such an event, the Commission may, if deemed necessary, request the chief of the police station or agency to provide the necessary personal protection measures.

(2) The chief of the police station or agency who has received a request for the personal protection measures in accordance with Paragraph 1 shall provide said measures under the conditions as prescribed by Presidential Decree without delay.

Article 14 (Mitigation and Remission of Culpability, etc.)

(1) If public interest whistleblowing, etc. leads to the detection of a crime perpetrated by the public interest whistleblower, etc., the punishment of such person or persons may be mitigated or remitted.

(2) In the event the public interest whistleblower, etc. is subject to disciplinary measures for his/her illegal acts, etc. discovered in connection with the public interest whistleblowing, etc., the Commission may request the relevant disciplinary authority of the public interest whistleblower, etc. to mitigate or remit the punishment. In this case, the person who received such a request shall accept it unless there is any justifiable reason.

(3) In the event that the public interest whistleblowing, etc. contains confidential work-related information, the public interest whistleblower, etc. shall be deemed not to have violated his/her professional confidentiality obligation, notwithstanding the provisions of some other Act(s) and subordinate statute(s), collective agreements or the employment rules, etc.

(4) The whistleblowee cannot file a claim for damages caused by public interest whistleblowing, etc. against the public interest whistleblower, etc. If the case falls under Article 2, Subparagraph 2, Item a or b, the person may claim damages.

(5) The provisions prohibiting or restricting public interest whistleblowing, etc. in a collective agreement, employment agreement, supply contract, etc. shall be deemed invalid.

Article 15 (Prohibition of Disadvantageous Measures)

(1) No person shall implement any disadvantageous measure against the public interest whistleblower, etc. in retaliation for his/her public interest whistleblowing, etc.

(2) No person shall obstruct the act of the public interest whistleblowing, etc. or force the public interest whistleblower, etc. to rescind his/her case.

Article 16 (Preferential Consideration in Personnel Affairs)

In the event that the public interest whistleblower, etc. requests personnel action such as change of occupation, change of position, transfer out, transfer in, or temporary dispatch, then his/her employer

or personnel authority shall give preferential consideration to the requests if deemed reasonable.

Article 17 (Request for Protective Measures)

(1) When the public interest whistleblower, etc. is subjected to disadvantages measures as a result of his/her public interest whistleblowing, etc., (to include when the public interest whistleblowing was conducted after the whistleblower was subjected to disadvantages measures while preparing for the public interest whistleblowing by collecting evidence, etc.), the public interest whistleblower, etc. may request the Commission to take the necessary measures to recover his/her state of life or to invalidate discriminatory action against him/her (hereinafter referred to as “protective measures”).

(2) A request for protective measures shall be made within three months from the date the disadvantageous measures were taken (or the date when the disadvantageous measures ended if they remained in effect for a period). However, should the public interest whistleblower, etc. be unable to apply for protective measures within three months due to *forcemajeures* such as natural disasters, war, emergency or others, he/she may submit his/her request within 14 days from the date on which the cause thereof no longer exists (in cases where the request is made in a foreign country, the period shall be 30 days)

(3) In the event that some other Act(s) and subordinate statute(s) prescribe administrative remedies for disadvantageous measures implemented in retaliation for public interest whistleblowing, etc., the public interest whistleblower, etc. may request a remedy in accordance with the proceedings of the Act(s) and subordinate statutes. However,

this provision shall not apply provided that the public interest whistleblower, etc. has already requested protective measures in accordance with Paragraph 1 of this Article.

(4) Other matters concerning the method and procedures of request for protection measures shall be provided for by Presidential Decree.

Article 18 (Rejection of Request for Protection)

The Commission may decide to reject a request (hereafter referred to as “decision to reject”) for protection that falls under any of the following Subparagraphs:

(1) If the request was made by someone other than the public interest whistleblower, etc. or an agent pursuant to Article 12, Paragraph 1 of the Administrative Procedures Act;

(2) If the relevant public interest whistleblowing falls under any of the Subparagraphs of Article 10, Paragraph 2;

(3) If the request was made after the period prescribed in Article 17, Paragraph 2;

(4) In the event that the applicant resubmitted a request for protective measures that the Commission had already dismissed, rejected, or decided to take under Article 20, Paragraph 1.

(5) In the event that the request was made in relation to a case to which the Commission had recommended protective measures be applied in accordance with Article 20, Paragraph 2;

(6) In the event that a request for a remedy has already been filed under some other Act(s) and subordinate statute(s);

(7) In the event that a remedy was already provided in accordance with the remedy procedures under some other Act(s) and subordinate statute(s).

Article 19 (Examination into Request for Protective Measures)

(1) The Commission, upon receipt of a request for protective measures, shall immediately examine whether the public interest whistleblower, etc. was subjected to disadvantageous measures in retaliation for his/her public interest whistleblowing. In this event, the Commission may notify an examination agency of the fact that the public interest whistleblower, etc. had applied for protective measures.

(2) The Commission may request any person who falls under any of the following Subparagraphs to submit relevant material, if deemed necessary for the examination of the request:

1. The person who requested protective measures (hereinafter referred to as “applicant”);
2. The person who conducted the disadvantageous measures;
3. A reference person;
4. Relevant institutions, relevant organizations, or companies.

(3) The Commission may request persons who fall under Paragraph 2, Subparagraphs 1 through 3 to either appear before the Commission to

make an oral statement or to submit a written statement.

(4) The Commission shall provide all relevant parties with sufficient opportunities to vindicate themselves during the processes of examination.

(5) The notified examination agency pursuant to the latter part of Paragraph 1 shall cooperate with the Commission in relation to the examination into the request for protective measures under provisions prescribed by Presidential Decree.

Article 20 (Decision to Take Protective Measures, etc.)

(1) In the event that an examination finds the applicant had been subjected to disadvantageous measures (excluding those described in Article 2, Subparagraph 6, Items h and i) for his/her act of public interest whistleblowing, etc., the Commission shall decide to require the person who implemented such disadvantageous measures to take each of the following protective measures within a period of 30 days (hereafter referred to as “decision to take protective measures”). In the event that the examination does not find that the applicant had been subjected to disadvantageous measures as a result of his/her public interest whistleblowing, etc., the Commission shall decide to dismiss the request for protective measures (hereafter referred to as “decision to dismiss”).

1. Measures to recover his/her state of life;

2. Payment of compensation that has been delayed or has been paid discriminately, including interest;

3. The cancellation or prohibition of other disadvantageous measures.

(2) In the event that an examination finds the applicant had been subjected to disadvantageous measures described in Article 2, Subparagraph 6, Items h and i for his/her act of public interest whistleblowing, etc., the Commission may decide to recommend that the person who implemented the disadvantageous measures take the protective measures, within a period of 30 days, necessary to enable a permit, license, contract, etc. to remain in effect (hereafter referred to as “recommendation”).

(3) The decision to reject a request for protective measures under Article 18, the decision to take protective measures and decision to dismiss under Paragraph 1, and the recommendation under Paragraph 2 shall be made in writing, and both the applicant and the person who implemented disadvantageous actions shall be notified of such decisions or recommendations.

(4) In the event of a decision to take protective measures, the Commission may request a relevant disciplinary authority to take disciplinary action against the person who implemented disadvantageous actions against the public interest whistleblower, etc. as a result of his/her public interest whistleblowing, etc.

(5) All necessary matters with regard to the establishment of payment standards and calculation methods for delayed or discriminated compensation, etc. under Paragraph 1, Subparagraph 2 shall be defined by Presidential Decree.

Article 21 (Confirmation of Decision to Take Protective Measures, etc.)

(1) The applicant and the person who was found to have implemented disadvantageous measures may file an administrative proceeding, under the conditions as prescribed in the Administrative Litigation Act, against the decision to take protective measures, decision to dismiss or decision to reject within 30 days from the day the notification of such decisions was received.

(2) The decision to take protective measures, decision to reject, or decision to dismiss is confirmed when an administrative proceeding is not filed within the period prescribed in Paragraph 1.

(3) An administrative appeal under the Administrative Appeals Act shall not be filed against a decision to take protective measures, decision to reject or decision to dismiss.

Article 22 (Request for the Prohibition of Disadvantageous Measures)

(1) A public interest whistleblower, etc. may request the Commission to take measures to prohibit disadvantageous measures in the event that it is highly likely that disadvantageous measures will be implemented in retaliation for his/her public interest whistleblowing, etc. (to include his/her preparations for the public interest whistleblowing such as collecting evidence of a violation of the public interest).

(2) When the Commission receives a request for the prohibition of disadvantageous measures, it shall begin an examination to determine whether the disadvantageous measures that the public interest whistleblower, etc. is likely to face are the result of his/her public interest whistleblowing, etc.

(3) Articles 18, 19 and 20, Paragraphs 1 through 3 shall apply

mutatis mutandis to a request for the prohibition of disadvantageous measures.

(4) The Commission shall recommend that a person whom the examination has found to have an intention to implement disadvantageous measures against the public interest whistleblower, etc. for his/her public interest whistleblowing, etc. not implement such measures.

Article 23 (Presumption of Disadvantageous Measures)

Should any of the events described in the following Subparagraphs occur, it shall be presumed that the public interest whistleblower, etc. has been subjected to disadvantageous measures in retaliation for a result of his/her public interest whistleblowing, etc.:

1. In the event that there is an attempt to identify the public interest whistleblower, etc., obstruct his/her public interest whistleblowing, etc. or force him or her to rescind his/her case;
2. In the event that a disadvantageous measure was implemented within two years from the day the public interest whistleblowing, etc. was performed;
3. In the event that disadvantageous measures were implemented even after the recommendation not to implement disadvantageous measures under Article 22, Paragraph 4 was received.

Article 24 (Reconciliation Recommendation, etc.)

(1) In the event that the Commission receives a request for protective measures, it may recommend reconciliation or present a reconciliation

proposal with regard to protective measures, compensation for damages, etc., either ex officio or upon request of the concerned parties, before it decides to take protective measures, reject the case or give a recommendation. In such an event, the reconciliation proposal shall not contain provisions that violate the purpose of this Act.

(2) The Commission shall listen sufficiently to the opinions of the concerned parties prior to making its reconciliation proposal.

(3) In the event that the concerned parties agree to accept the reconciliation proposal of the Commission, the Commission shall draw up a reconciliation protocol that shall be signed or sealed by the concerned parties and by all the members of the Commission who have been involved in the reconciliation process.

(4) In the event that a reconciliation protocol is written in pursuant to Paragraph 3, it is deemed that the concerned parties have reached an agreement, of which the content is equivalent to the protocol, and the protocol has the same effect as a judicial reconciliation under the Civil Procedure Act.

Article 25 (Request for Cooperation, etc.)

(1) An institution or the Commission that has received a case of public interest whistleblowing under Article 6 may request a relevant administrative agency, counseling center, medical institution and other relevant organizations for cooperation or assistance as needed for the examination or disposition of the case or for taking protective measures.

(2) The relevant administrative agency, counseling center, medical institution and other relevant organizations that have received a request

for cooperation under Paragraph 1 shall accept it unless there is a justifiable reason for them to decline.

Chapter IV Rewards and Relief Money

Article 26 (Rewards)

(1) The public interest whistleblower may request the Commission to pay rewards if his/her public interest whistleblowing has (1) resulted directly in the recovery of or increase in revenues for the central or local governments through any of the following Subparagraphs or (2) the legal relations in that matter are established.

1. Penalties or disposition of notification;
2. Confiscation or imposition of additional charges;
3. Imposition of fines for negligence or charges for compelling the compliance;
4. Imposition of penalty surcharges (including the cancellation or suspension of a permit, license, etc. when there is the possibility to pay a penalty surcharge in lieu of the cancellation or suspension of a permit, license, etc.);
5. Other dispositions or judgments as prescribed by Presidential Decree.

(2) In the event that the Commission is requested to pay rewards under Paragraph 1, it shall pay the rewards after undergoing a

deliberation and resolution of the Reward Deliberation Board set up in accordance with Article 69 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereafter referred to as "Reward Deliberation Board") under the conditions as prescribed by Presidential Decree. However, in the event that the public interest whistleblowing case was filed by any person who is obliged to report a violation of the public interest to a relevant administrative agency or by any public official in connection with his/her duties, such rewards can be reduced or not paid.

(3) The application for the payment of rewards under Paragraph 1 shall be filed within two years from the date the applicant became aware of the establishment of the legal relations regarding the recovery of or increase in revenues for the central or local governments, or within five years from the date the legal relations in that matter are established. However, provided that a justifiable reason exists, this provision shall not apply.

(4) The Commission shall, upon receipt of an application for rewards filed under Paragraph 1, determine whether to pay such rewards and the amount of the rewards, if any, to be paid, within 90 days from the date that the application was made, unless there are exceptional circumstances otherwise.

(5) The Commission may request the applicant for rewards, reference persons, relevant agencies, etc. to attend the Commission, state their opinions or submit relevant material if the examination is deemed necessary with regard to the payment of rewards. The applicant for rewards, reference persons, relevant agencies, etc. shall accept such a request from the Commission unless there are exceptional circumstances otherwise.

(6) If the Commission decides to pay the rewards under Paragraph 4, it shall immediately notify the applicant and relevant local governments (only when the rewards were paid on the grounds that the local governments recovered or increased their revenues or that the legal relationship thereon was confirmed) of the said fact.

Article 27 (Relief Money)

(1) The public interest whistleblower, etc., his/her relatives, or his/her cohabitants may request the Commission to pay relief money in the event that they have faced damages that fall under any of the following Subparagraphs or spent money on the grounds of his/her public interest whistleblowing, etc.

1. Expenses spent for physical or psychological treatment;
2. Moving expenses caused by change of occupation, change of position, or transfer of workplace or secondment;
3. Expenses spent for litigation procedures to reinstate his/her original state of life;
4. Losses in wages during the period the disadvantageous measures were in effect;
5. Other significant economic losses (excluding Items h and i in Article 2, Subparagraph 6).

(2) The Commission, upon the receipt of a request for relief money pursuant to Paragraph 1, may pay the relief money after undergoing a deliberation and resolution of the Reward Deliberation Board under the

conditions as prescribed by Presidential Decree.

(3) The Commission may examine the applicant for relief money and some other interested party with regard to the payment of the relief money or refer to an administrative agency or some other related organization(s) regarding necessary matters. In this case, the administrative agency or related organization shall accept such an examination unless there are exceptional circumstances otherwise.

(4) In the event that the public interest whistleblower, etc., his/her relatives, or his/her cohabitants already obtained indemnity for damages or expenses that fall under any of Subparagraphs in Paragraph 1, the Commission shall not pay the relief money within the limit of the paid amount.

(5) In the event that the Commission has paid the relief money, it shall subrogate the claim, held by the person who has received the relief money, for damages or expenses that fall under any of Subparagraphs in Paragraph 1, within the limit of the paid amount.

Article 28 (Prohibition of Double Payment of Rewards and Relief Money, etc.)

(1) Any person who is to be paid rewards under Articles 26 and 27 shall not be prohibited from applying for rewards or relief money in accordance with some other Act(s) and subordinate statute(s).

(2) In the event that any person who is entitled to the payment of the rewards or relief money under this Act has been paid financial rewards pursuant to some other Act(s) and subordinate statute(s) for the same reason and the amount of the financial rewards was as large as or

more than the amount of the rewards or relief money that has to be paid under this Act, the rewards or relief money shall not be paid; and when the amount of the financial rewards or relief money was smaller than the amount of the rewards or relief money that must be paid under this Act, the amount of the rewards or relief money shall be determined by deducting the difference.

(3) If any person who is to receive compensation pursuant to some other Act(s) and subordinate statute(s) has received rewards or relief money for the same reason pursuant to this Act, the amount of rewards or relief money, etc. to be provided under the other Act(s) and subordinate statute(s) shall be determined by deducting the amount of the rewards or relief money under this Act.

Article 29 (Restitution of Rewards and Relief Money, etc.)

(1) The Commission or an institution that has paid rewards or relief money under some other Act(s) and subordinate statute(s) shall notify the applicant for the rewards or relief money of the amount of money to be restituted in the event that a fact that falls under any of the following Subparagraphs is found, and the applicant shall repay the amount;

1. In the event that the applicant for the rewards or relief money received the rewards or relief money through falsehood or some other unjustifiable means;

2. In the event that the rewards or relief money was paid in violation of Article 28, Paragraph 2 or 3;

3. In the event that the rewards or relief money was paid by mistake, etc.

(2) The local government that was notified of the decision of payment of rewards by the Commission under Article 26, Paragraph 6 shall reimburse the Commission for the rewards that had been paid to the applicant by the Commission within three months from the date the notification was received.

(3) In the event that the applicant for rewards or relief money who is obliged to retribute the rewards or relief money or a local government that is obliged to reimburse the Commission in accordance with Paragraphs 1 and 2 does not submit the payment by the deadline, the Commission may collect the amount of money in the same way as that national or local taxes in arrears are collected.

Chapter V Penal Provisions

Article 30 (Penal Provisions)

(1) Any person who falls under any of the following Subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won:

1. A person who has disclosed the contents of a report, including personal information on the whistleblowee, in violation of Article 10, Paragraph 5;

2. Any person who has told, disclosed to or publicized to any third party personal information concerning the public interest whistleblower, etc., or other facts that infer the identity of the public interest whistleblower, etc. in violation of Article 12, Paragraph 1.

(2) Any person who falls under any of the following Subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won:

1. A person who implemented disadvantageous measures described in Article 2, Subparagraph 6, Item a against the public interest whistleblower, etc. in violation of Article 15, Paragraph 1;

2. A person who did not carry out the decision to take protective measures that had been confirmed under Article 21, Paragraph 2 or by an administrative proceeding.

(3) Any person who falls under any of the following Subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding 10 million won;

1. A person who implemented disadvantageous measures that fall under any of Items b through g in Article 2, Subparagraph 6 against the public interest whistleblower, etc. in violation of Article 15, Paragraph 1;

2. A person who obstructed the public interest whistleblowing, etc. or forced the public interest whistleblower to rescind his/her case, etc. in violation of Article 15, Paragraph 2.

Article 31 (Fine for Negligence)

(1) A person who refused to submit relevant materials, attend the Commission or state his/her opinions in violation of Article 19, Paragraph 2 or 3 (including when Article 22, Paragraph 3 is applied *mutatis mutandis*) is subject to a fine for negligence not exceeding 30 million won.

(2) The fine for negligence under Paragraph 1 is imposed and collected

by the Commission under the conditions as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation

Article 2 (Applicability)

This act shall be applied to the first case of public interest whistleblowing filed after this Act enters into force.

[Attached Table]

Acts related to the violation of the public interest (refer to Article 2(1))

1. Agricultural Products Quality Control Act
2. Special Act on the Safety Control of Public Structures
3. Food Sanitation Act
4. Natural Environment Conservation Act
5. Quality Control and Safety Management of Industrial Products Act

6. Wastes Control Act

7. Blood Management Act

8. Medical Service Act

9. Framework Act on Consumers

10. Monopoly Regulation and Fair Trade Act

11. Fair Transactions in Subcontracting Act

12. Other laws defined by Presidential Decree regarding health and safety of the public, environmental protection, protection of consumer interest, promotion of fair competition, etc.