

# The Act on the Prevention of Conflict of Interest Related to Duties of Public Servants

*- The ACRC had pushed the enactment of the Act on the Prevention of Conflict of Interest Related to Duties of Public Servants to prevent public officials from seeking private interests in relation to their duties and to secure fairness in the performance of public duties by preventing and managing conflict of interest situations. The Act was enacted in May 2021 and will be enforced on May 19, 2022. About two million public officials will be under control by this Act.*



## Scope of Application

- Public officials of constitutional institutions such as the National Assembly, courts, the Constitutional Court, the Election Commission, the Board of Audit and Inspection.
- Public officials of central administrative institutions and their affiliated agencies.
- Public officials of local governments and local councils.
- Public officials of educational administrative institutions and national and public schools.
- Executive officers and employees of public organizations and public service-related organizations.
- Private persons who acquired property/financial benefits using duty-related secret or undisclosed information received from a private person performing public duties or public officials (people who are not public officials).



 **Content of the Law**

- Public officials shall comply with ten standards of conduct, five duties of reporting and submission and five restrictions and prohibition.

	Standards	Content
Reporting ·submission (5)	Disclosure of personally interested persons and application for challenge or evasion	If public official's duty-related persons (persons who requested specific actions or measures in performance of duties or are impacted by any advantage or disadvantage in the performance of duties) are personally related to the public official, the public official should report the fact and apply for evasion.
	Disclosure of ownership/purchase of public duty-related real estate	Public officials who are working for public organizations dealing with real estate must report an ownership or purchase of real estate located in the organizations' development project by the public officials, their spouse, their lineal ascendant or descendant who share livelihood.
	Submission of records of high-ranking officials' business activities in the private sector	High-ranking officials must submit their private sector activity records for the 3 years before their appointment, within 30 days after his appointment.
	Report of transactions with duty-related persons	Public officials must report a financial or real estate transactions or contract between their duty-related persons and the public officials themselves, their spouse, their direct lineal ascendants/descendants.
	Report of personal contact with retirees	Public officials must report a personal contact such as playing golf, traveling, or gambling together with a retiree of his organization who is related to his public duty.
Restriction ·prohibition (5)	Restriction on duty-related outside activities	Public officials should not get paid for the provision of labor or advice, duty-related knowledge or information to a duty-related persons.
	Restriction on employment of family members)	Public institutions should not employ family members of their high-ranking officials, HR officers, etc. without an open competitive recruitment process.
	Restriction on private contracts	Public institutions should not make private contracts with their high-ranking officials, officials in charge of contract affairs, their family members, or a corporation that is represented by them or their family members.
	Prohibition of private use of or profiting from public institutions' goods	Public officials should not personally use or profit from goods, etc. owned or rented by public institutions.
	Prohibition of use of job secrets, etc	Public officials should not get valuables or property benefits using their organization's secrets or undisclosed information, and they should not allowing a third party to do so.

- If public officials violate the 10 standards of conduct, they could be subject to punishments such as criminal penalty, administrative fines, disciplinary measures, or return of illicit benefits.
- Anyone who has become aware of the violation of the Act can report the fact to the public organization where the violation occurred, the organization's supervisory agency, the Board of Audit and Inspection, investigative agency, or the ACRC.