

# Your participation makes a new Korea

## Promises need to be kept in our daily lives



- We do not ask public officials, etc. to use their public position or authority to give us a special favor.
- We request certain actions to public officials through a legitimate procedure.
- We do not give financial advantages to public officials without a reasonable cause.
- We report improper solicitations or giving & receiving of graft to the concerned agencies.
- Public officials, etc. shall report to his/her organization if he/she receives prohibited advantages, or a repeated improper solicitation.

## Questions you may want to ask FAQs on the Act



### ① Are all of the people subject to the Act?

☞ No. However, if you improperly solicit or give a financial advantage to public officials, you could be subject to punishment. So, please try not to violate the Act.

### ② If I pay for the whole meal with a public official friend, valued over KRW 30,000 per person, will I be punished?

☞ Not necessarily. If you have a meal with a friend who is not duty-related, the limit of KRW 30,000 is not applied, thereby, you will not be punished. Same is applied to gifts, congratulatory or condolence payments.

### ③ Am I allowed to make an improper solicitation to public officials directly for myself?

☞ No. The Act prohibits both indirect and direct improper solicitation. However, to ensure smooth communication between public institutions and the public, the person who makes an improper solicitation her/himself is exempted from punishment.

You can find more detailed information  
on the Improper Solicitation and Graft Act  
ACRC's webpage( [www.acrc.go.kr](http://www.acrc.go.kr) )



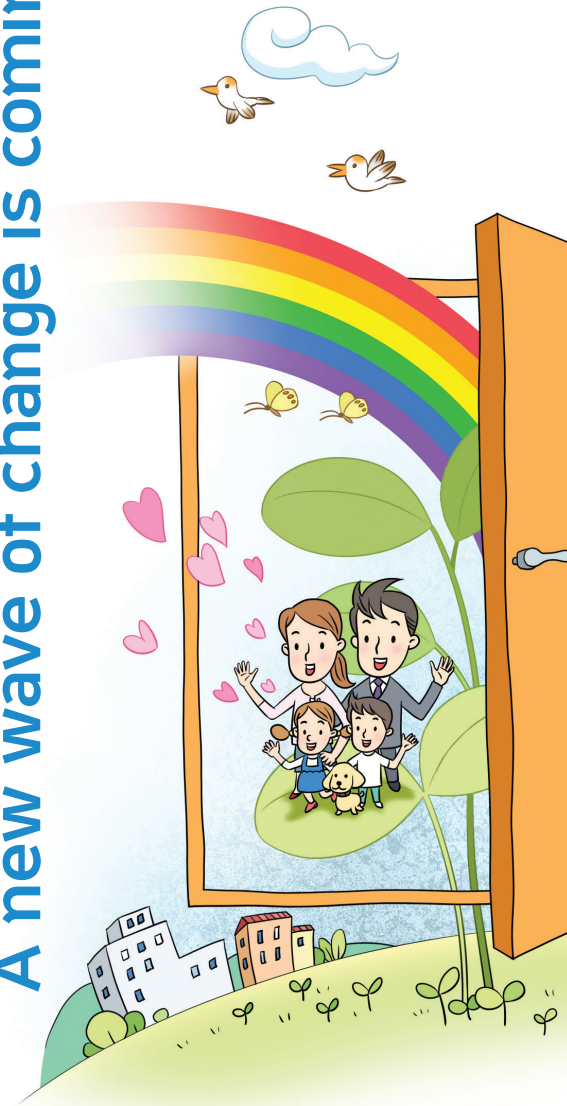
Anti-Corruption &  
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The Improper Solicitation and Graft Act



## Transparent Korea A new wave of change is coming



Anti-Corruption &  
Civil Rights Commission

# Korea starts a new beginning as a country of integrity

## Why do we need the Improper Solicitation and Graft Act?



The Act was born out of people's desire to  
make Korea a nation of integrity  
where everyone gets fair treatment

- The purpose of this Act is to ensure that public officials, etc. fulfill their duties uprightly and to secure public confidence in public institutions by forbidding improper solicitations to public officials, etc. and by prohibiting them from accepting financial or other advantages. (Article 1 of the Act)

## Who are subject to the Act?



### Public officials, etc.

- Civil servants of national or local governments, and heads and employees of public service-related organizations
- Heads and employees of schools of various levels and school foundations
- Heads and employees of media companies

### Private persons performing public duties

- Four types of private persons performing public duties are (a) members of various committees; (b) those with an authority delegated from public institutions; (c) those on assignment from the private sector to a public institution; (d) outside experts who conduct deliberation or assessment in relation to public duties.

### General public

- A private person who makes improper solicitations or offers unacceptable financial or other advantages to a public official

## We create a culture

where improper solicitations based on family ties and regional or academic relationship are not tolerated

No one shall solicit any public official, etc. performing his or her duties, directly or through a third party, to do any of the following improper acts.  
(Article 5(1) of the Act)

### 14 types of prohibited improper solicitations

- Handling or manipulating admission, grades, or performance tests at schools
- Exerting influence over authorization, permission
- Intervening in the personnel management such as appointment or promotion
- Intervening in selecting or rejecting contract winners

- Abnormal transaction practices of goods and services produced and provided by public institutions
- Intervening in assessments and judgments
- Intervening in the appointment or rejection of a person who will participate decision-making process of public institutions



- Intervening in selecting winners of award or prize granted
- Excluding subject matter or ignoring discovered violations of administrative guidance, control, etc.
- Disclosing duty-related information on tender, auction, etc.

- Intervening in assignment or provision of subsidies or investment
- Intervening in investigation, judgment, etc. of a case
- Handling matters related to military service in violation of Acts
- Mitigating or remitting administrative dispositions or punishments

#### Exceptions

- Exceptions to improper solicitations are (a) requesting certain actions in accordance with Acts and standards; (b) publically requesting a certain action; (c) inquiring public institutions on the completion or progress of a certain duty through legitimate procedures and activities.

## We make Korea a nation of trust

where bribes are not tolerated

No one shall offer, promise to offer, or express any intention to offer, any unacceptable financial or other advantage to any public official, etc., or to his or her spouse.  
(Article 8 (5) of the Act)

### Receiving unacceptable financial and other advantages means:

Receiving financial advantages exceeding KRW 1 million at a time or KRW 3 million in a year regardless of duty-relatedness

Receiving financial advantages not exceeding KRW 1 million in connection with the receiver's duty



A public official's spouse receiving prohibited advantages in connection with public official's duty

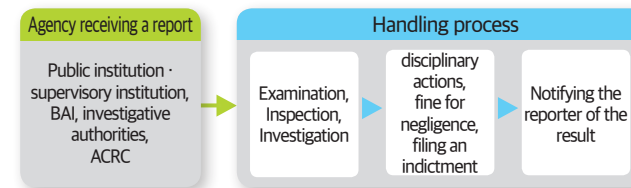
Receiving an honorarium for an outside lecture exceeding the limits under the Presidential decree

#### Exceptions

- Exceptions are (a) financial advantages provided by close relatives, (b) financial advantages provided by a long-time friend to the public official in need of help due to disease or disaster, or (c) souvenirs or promotional goods distributed to many and unspecified persons.

## Your participation makes Korea a nation of integrity

### What's the process of reporting and handling the violation of the Act?



Reporters will be given protection and compensation.

- Prohibiting disadvantageous measures
- Invalidating unfair measures as a result of reporting
- Protecting confidentiality and personal safety
- Mitigating responsibility

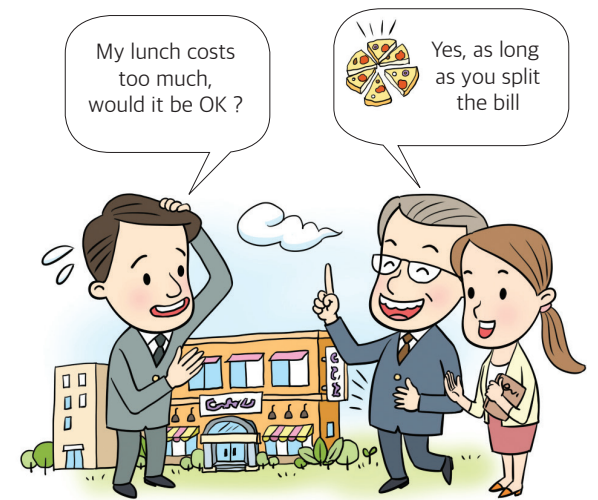
Types	Acts of Violation	Sanctions
Improper solicitation	A stakeholder making an improper solicitation through a third party	Fine for negligence
	A person making an improper solicitation for a third party	
	A Public official performing public duty under the improper solicitation	Criminal punishment
Receiving financial advantages, etc.	A public official who receives financial advantages, etc. not exceeding KRW 1 million at a time in relation to public duty, and the provider	Fine for negligence
	A public official who receives financial advantages, etc. exceeding KRW1 million one at a time or KRW 3 million for a year, and the provider	Criminal punishment

## Remember the acceptable limit,

30,000 won for a meal, 50,000 won for a gift, and 100,000 won for a congratulatory or condolence payment

### What does the acceptable limit 3, 5, and 10 mean?

The Act prohibits receiving any type of financial advantages if the offer is duty-related. However, the acceptable limits were determined as the minimum amount admissible to facilitate performance of public duty, or for social relationships, rituals, or assistance to festivities and funerals.



### Acceptable limits for foods, general gifts, and weddings & funerals gifts (Article 17 of the Enforcement Decree)

● **Food:** meals, dessert, alcoholic beverages, drink, etc. which the provider and public officials, etc. share

• Cap  
KRW 30,000

● **General Gifts:** valuables including gift certificates except cash

• Cap  
KRW 50,000

● **Gifts for weddings and funerals:** congratulatory or condolence money, flowers or other equivalents.

• Cap  
KRW 100,000