

**CODE OF CONDUCT  
FOR MAINTAINING, ETC. THE INTEGRITY  
OF PUBLIC OFFICIALS**

**(Presidential Decree No. 17906, Feb. 18, 2003)**



# **CODE OF CONDUCT FOR MAINTAINING, ETC. THE INTEGRITY OF PUBLIC OFFICIALS**

**Enacted by Presidential Decree No. 17906, Feb. 18, 2003**

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1 Purpose**

The purpose of this Decree is to prescribe the standards of conduct to be observed by public officials in accordance with Article 8 of the Anti-Corruption Act.

### **Article 2 Definitions**

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

1. The term “duty-related person” means a person whose business is related to the duties of a public official, including an individual (a public official, who acts in his/her private capacity, s/he shall be deemed an individual) or an organization that falls under the following:
  - (a) Any individual or organization that has filed or is sure to file a civil petition under Article 2 (2) 1 and 4 of the Enforcement Decree of the Civil Petitions Procedure Act;

- (b) Any individual or organization that will experience direct advantage or disadvantage by the cancellation of authorization or permission, business suspension, imposition of surcharge or fine for negligence;
  - (c) Any individual or organization that is subject to investigation, audit, supervision, inspection, control, administrative guidance, etc.;
  - (d) Any individual or organization that will experience direct advantage or disadvantage by adjudication, decision, official approval, appraisal, examination, assessment, mediation, arbitration, etc.;
  - (e) Any individual or organization that is subject to conscription, muster, mobilization, etc.;
  - (f) Any individual or organization that has concluded or is sure to conclude a contract with the State or a local government; and
  - (g) Any other individual or organization that is related to anti-corruption duties assigned by the head of a central administrative agency (including the heads of agencies under the President and the Prime Minister), the head of a local government, and the superintendent of education of a special metropolitan city, a metropolitan city, or a local province (Do) (hereinafter referred to as the “head of a central administrative agency, etc.”);
2. The term “duty-related public official” means a public official who directly experience advantage or disadvantage (in the event an agency should be the party to experience such advantage or disadvantage, it should mean the public official in charge of the business concerned at such agency) in connection with the discharge of duties by any other public official, and the detailed scope of such public officials shall be determined by the head of a central administrative agency, etc.;
3. The term “gift” means goods, securities, lodging tickets, membership cards, admission tickets, or other equivalents without soliciting any favors (including where the value of such favor is substantially low compared with the market price or the transaction practices); and
4. The term “entertainment” means providing food, drink, golf rounds or convenience such as traffic and accommodation.

### **Article 3 Scope of Application**

This Decree shall apply to state public officials (excluding any state public officials under the control of the National Assembly, the Court, the Constitutional Court, and the National Election Commission) and local public officials.

## **Chapter II Fair Performance of Duties**

### **Article 4 Handling of instructions that hinder fair performance of duties**

(1) When a superior gives a wrongful instruction that may seriously hinder fair performance of duties in order to pursue his/her own interests or unjust interests of any third party, a public official may refuse to follow such instruction after stating the reason to such superior official.

(2) Notwithstanding the non-fulfillment of instructions in accordance with paragraph (1) above, when the same instruction should continue, a public official shall immediately report to the head of his/her agency or consult with the officer in charge of the Code of Conduct for Public Officials (hereinafter referred to as the "Code of Conduct Officer"), designated by the provisions of Article 23.

(3) The Code of Conduct Officer, when consulted under paragraph (2), shall confirm the details of such instruction. The Officer shall report to the head of the agency concerned where cancellation or modification of the original instruction is deemed necessary.

(4) The head of agency, who received a report in accordance with paragraph (2) or (3), shall take a proper measure including, but not limited to, the cancellation or modification of the original instruction, where deemed necessary.

#### **Article 5 Avoiding duties of personal interests**

(1) When a public official should judge that he or she may have difficulty in fair performance of duties because the duties concerned are related to his or her own person or to the relatives (as defined by Article 767 of the Civil Law. Hereinafter the same shall apply) within the relationship of third degree, he or she shall handle the matter by consulting immediate senior official or the Code of Conduct Officer regarding the avoidance of such duties.

(2) The immediate senior official or the Code of Conduct Officer, requested for consultation in accordance with paragraph (1), shall report to the head of the agency concerned if it is deemed inappropriate that the public official concerned continue to perform the duties. Provided, however, the senior official may temporarily reassign the public official to other duties and NOT report to the head of the agency, if he or she has the authority to do so.

(3) The head of the agency who received a report under paragraph (2) above shall take necessary measures to ensure fair performance of duties, including, but not limited to, the reassignment of duties.

#### **Article 6 Exclusion of preferential treatment**

A public official in performing his/her duties shall not give any preferential treatment to a specific person on the grounds of regional, blood or alumni association.

## **Article 7 Prohibition of the use of budget for unspecified purposes**

A public official shall not inflict loss of property on his/her agency by executing the budget for public offices including travel and operation expenses for other purposes than specified.

## **Article 8 Handling of unjust request from politicians, etc.**

(1) When a public official should be forced or solicited for unjust performance of duties by politicians, political and/or other parties, he or she shall report to the head of his/her agency or consult the Code of Conduct Officer and handle the matter.

(2) The head of agency, after receiving a report, or the Code of Conduct Officer, after providing consultancy, shall take necessary measures so that the public official may be able to fairly perform his/her duties.

## **Article 9 Prohibition of solicitation for personnel affairs**

(1) A public official shall not ask any third party to solicit personnel officials for his/her personnel affairs including appointment, promotion, transfer, etc.

(2) A public official shall not take advantage of his/her position to unjustly interfere with personnel affairs of other officers such as appointment, promotion, transfer, etc.

## **Chapter III**

### **Prohibition, etc. of Giving and Receiving Unfair Profits**

#### **Article 10 Prohibition of intervention in privileges**

(1) A public official shall not gain an unjust profit for him/herself or for other persons by taking advantage of his/her position.

(2) A public official shall not allow him/herself or any other persons to use the title of his/her agency or position for an unjust profit.

#### **Article 11 Prohibition of mediation, solicitation, etc.**

(1) A public official shall not use any good office, solicitation, etc to hinder fair performance of duties of other public officials for the purpose of seeking unjust profit of him/herself or any third party.

(2) A public official shall not introduce a duty-related person to any other duty-related officials for the purpose of seeking unjust profit of him/herself or any third party.

#### **Article 12 Restriction of transactions, etc., by using duty-related information**

(1) A public official shall not conduct any property transactions or investment related to securities, real estate, etc., by using information obtained in relation to the performance of duties; NOR shall he or she provide such information to any other persons in order to help transactions of or investment in properties.



(2) Concerning the provision of paragraph (1) above, the head of central administration, etc. shall set up detailed standards for the restriction of business transactions and other matters using duty-related information, according to the area of duty.

### **Article 13 Prohibition of the use of public property for personal use or profit**

A public official shall not use or make profit from public properties such as official vehicles, vessels and aircraft, etc. for personal use, without a justifiable reason.

### **Article 14 Restriction of receiving money and other articles**

(1) A public official shall not receive money, valuables, real estates, gifts or entertainment (hereinafter referred to as "money and other articles"). Provided, however, this provision shall not apply to the following:

1. Money and other articles provided by a lawful ground of claim such as the payment of debt;
2. Foods or convenience provided within the scope of conventional practices;
3. Transportation, accommodation or foods uniformly provided by a sponsor to all participants at an official event related to duties;
4. Souvenirs or promotional goods distributed to many and unspecified persons;
5. Money and other articles publicly provided to help a public official in need due to disease, disaster, etc.;
6. Money and other articles provided within the limit allowed by the head of the agency concerned to facilitate the performance of duties

(2) A public official shall not receive money and other articles from other officials related to the duties. Provided, however, this provision shall not apply to the following:

1. When applicable to paragraph (1)-1 above;
2. Small gifts provided within the scope of conventional practices;
3. Money and other articles publicly provided by friendly society of the employees or other parties; and
4. Money and other articles provided from senior to junior officials to promote morale, such as to give consolation, encouragement, reward, etc.

(3) A public official shall not receive money and other articles from a past duty-related person or official in connection with the past duties of such person or official. Provided, however, that this shall not apply to the money and other articles that fall under paragraphs (1) and (2) above.

(4) A public official shall prevent his/her spouse or lineal ascendants/descendants from receiving money and other articles prohibited under paragraph (1) or (3) above. Provided, however, that this shall not apply to the money and other articles that fall under paragraphs (1) and (2) above.

## **CHAPTER IV**

### **CREATION OF HEALTHY CLIMATE OF CIVIL SERVICE**

#### **Article 15 Report on Outside Lecture, etc.**

(1) A public official, who intends to give a lecture, presentation, or discussion at a seminar, public hearing, forum, presentation meeting, symposium, education program, etc. (hereinafter referred to as the “outside lecture, etc.”) for compensation more than four (4) times or eight (8) hours a month for a total period of 3 months or longer per year, shall report to the head of his/her agency on the requesting party, reason for such request, place,

date and time, and amount of compensation etc. Provided, however, he or she may not report it if such is permitted by other laws and regulations or is related to his/her official duties.

(2) The compensation for the outside lecture, etc. under paragraph (1) shall not exceed ordinary standard that is conventionally applied by the requesting party for such outside lecture, etc.

(3) In the event an outside lecture, etc. not subject to report under paragraph (1), a public official, if he or she has received more than five hundred thousand (500,000) won per time in compensation, shall report it to the head of his/her agency in accordance with the reporting requirements provided in paragraph (1).

#### **Article 16 Prohibition of Borrowing Money**

(1) A public official shall not borrow money or rent a real estate from a duty-related person (excluding a relative within the third (3rd) degree; hereafter the same shall apply in this Article) without compensation (including where such compensation is insignificant compared to the market value or customary transaction value; hereafter the same shall apply in this Article). Provided, however, this shall not apply when a loan should be made on ordinary terms and conditions from a financial institution under Article 2 of the Act on Real Name Financial Transactions and Guarantee of Secrecy.

(2) Notwithstanding the provisions of paragraph (1), a public official, who intends to borrow money or rent real estate from a duty-related person without any compensation for unavoidable reasons, shall report such fact to the head of his/her agency.

#### **Article 17 Restriction on Notification of Matters for Congratulations and Condolences and on Receipt of Money and Goods Thereof**

(1) A public official shall not notify matters for congratulations or condolences to a duty-related person or public official except as provided by the following:

1. Notification to relatives;
2. Notification to current or previous office colleagues; and
3. Notification made by means of newspapers or broadcasting.

(2) A public official shall not give or take money and other articles for congratulations and condolences that exceed the standards, which the head of a central administrative agency has set within the scope of general conventions, in consideration of ordinary custom after hearing the opinion of employees. Provided that the following shall be excluded:

1. Money and other articles given or taken between a public official and his/her relatives in connection with the matters for congratulations or condolences;
2. Money and other articles provided to a public official by a religious organization or a friendly society, etc. to which he or she belongs, in connection with the matters for congratulations or condolences, in accordance with its articles of association or regulations, etc.; and
3. Other articles for congratulations and condolences as determined by the head of a central administrative agency, etc.

## **CHAPTER V**

### **MEASURES AGAINST VIOLATION**

#### **Article 18 Consultation on Legality**

When a public official deem it unclear whether his/her performance of duties violates this Decree, he or she shall handle the duties after consulting the code of conduct officer.

#### **Article 19 Report and Confirmation of Violation**

(1) Any one who should become aware that a public official violates this Decree may report such fact to the head of an agency to which the public official belongs or the code of conduct officer in that agency: Provided, that such public official in violation should be the head of an agency or in a position of vice minister or higher, such report may be filed at the Korea Independent Commission Against Corruption.

(2) The person who files a report in accordance with paragraph (1) shall specify in the report the personal details of him/herself as well as of the violator including name, address, etc., and the details of violation.

(3) The head of an agency to which the public official in question belongs or the code of conduct officer at the agency, should he or she receive a report of violation under paragraph (1), shall guarantee the confidentiality for the informant and the report details and shall take necessary measures so that the informant may not receive any detrimental treatment due to the report.

(4) The code of conduct officer shall confirm the violation reported under paragraph (1) and then report it to the head of the relevant agency, attaching a vindication submitted by the public official concerned.

#### **Article 20 Disciplinary Action, etc.**

The head of the agency, should he or she has received a report under Article 19 (4), may take necessary measures including disciplinary actions against the public official concerned.

#### **Article 21 Disposal of Money and other Articles Prohibited**

(1) A public official who has received money and other articles in violation of Article 14 or 17 (2) shall immediately return the money and other articles received in excess of or in violation of the prescribed standards to the offering party. In which case, the public official concerned may request the expenses for return thereof from the head of the agency to which he or she belongs, by attaching documentary evidence.

(2) In the event the money and other articles to be returned under paragraph (1) are subject to loss, decay, deterioration, or it is difficult to return them because the name or address of the offering party is not obvious, the public official concerned shall immediately report such fact to the head of his or her agency and then dispose them according to the decisions by the head of the agency.

## **CHAPTER VI**

### **SUPPLEMENTARY PROVISIONS**

#### **Article 22 Education**

(1) The head of a central administrative agency, etc. shall provide a schedule for education of public officials under his or her control to guarantee their compliance with this Decree and conduct education as set in the schedule at least once a year.

(2) The head of a central administrative agency, etc. shall give education under this Decree to newly appointed public officials under his or her control.

#### **Article 23 Designation of Code of Conduct Officer**

(1) The head of a central administrative agency, etc. shall designate a code of conduct officer at the agency and agencies under his or her control whose head is a public official of Grade four or higher or of other equivalent position: Provided, that this shall not apply when it is not appropriate to designate a code of conduct officer at the agency under his control in the light of its scale, character, and geographic position.

(2) The code of conduct officer shall be responsible for duties related to the education and consultation of the public officials at his or her agency, and whether they should comply with the code of conduct, as stipulated in this Decree.

(3) The code of conduct officer shall not disclose any secrets learned in the process of consultation under this Decree.

(4) For an agency that has not designated a code of conduct officer under paragraph (1), the code of conduct officer responsible for its superior agency shall conduct the affairs of such agency with regard to the Code of Conduct for Maintaining, etc. the Integrity of Public Officials.

#### **Article 24 Operation, etc. of Code of Conduct by Agency**

(1) The head of a central administrative agency, etc. may establish a detailed code of conduct for maintaining, etc. the integrity public officials for the said agency (hereinafter referred to as the “agency specific code of conduct”) in consideration of the character of the said agency within the scope of necessity for the enforcement of this Decree.

(2) The head of a central administrative agency, etc., when establishing or amending the agency specific code of conduct under paragraph (1), shall notify the Korea Independent Commission Against Corruption thereof.

(3) Should the Korea Independent Commission Against Corruption deem that the agency specific code of conduct notified under paragraph (2) is inappropriate or partial, it may recommend remedial actions to the agency concerned.

(4) The Korea Independent Commission Against Corruption may advise matters necessary to operate the agency specific code of conduct under paragraph (1).

### **ADDENDUM**

(1) (Enforcement Date) This Decree shall enter into force three months after the date of promulgation.



(2) (Applicable Cases concerning Report on Outside Lecture, etc.) The provisions of Article 15 shall apply to the outside lecture, etc. which is conducted on and after the enforcement date of this Decree.

(3) (Applicable Cases concerning Prohibition of Borrowing Money) The provisions of Article 16 shall apply to the borrowing of money or the rent of real estate made on and after the enforcement date of this Decree.