

Are you in trouble because of illegal and
unfair administrative dispositions?
**The Seoul Metropolitan Citizens’
Ombudsman Commission** is here for you.



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Greetings

The Citizens' Ombudsman Commission is a collegiate administrative agency directly under the Seoul Mayor where seven permanent ombudsmen and around 30 investigators conduct audits, investigate grievance petitions, and monitor public projects.

Of course, Seoul has its own audit body like other cities and regions. For an audit requested by 'citizens', however, the Citizens' Ombudsman Commission, whose independence is guaranteed, investigates what is wrong and right and correct the wrongs.

All public servants of the Seoul Metropolitan Government handle in good faith any petition filed by citizens. However, the Citizens' Ombudsman Commission resolves petitions from citizens when it should be investigated more fairly and objectively or requires mediation and arbitration for enhancement of citizens' rights.

Seoul is the first city in Korea which has introduced an integrity contract ombudsman system. Carrying on with this system, the Citizens' Ombudsman Commission monitors whether public projects including construction, purchases, and services are performed in a fair and transparent manner.

Our commission can do more for citizens when citizens use us more. It will further improve the administration in the Seoul Metropolitan Government and better protect the rights and interests of its citizens. Fellow Seoul citizens, please utilize the Citizens' Ombudsman Commission more. It will make Seoul a better place.

Thank you.

November 2019

Park Kunyong

Chairperson
Seoul Metropolitan Citizens' Ombudsman Commission

**Poor administration and handling, isn't it frustrating?
The Citizens' Ombudsman Commission will get it right.**

01 What is the Purpose of the Seoul Metropolitan Citizens' Ombudsman Commission?



The Citizens' Ombudsmen, with their independent status guaranteed, monitor the civil administration from the citizens' perspective to take care of and protect the citizens' rights and interests against illegal and unfair administrative dispositions.

First it conducts audits of the matters requested by residents, or the issues commissioned by the city council for audit, and demands corrective actions and censure against the related officials if there are problems identified by the audits.

Second it monitors all kinds of public projects. It keeps a close watch on the main construction projects, services, purchases of goods, consignment projects, and subsidy programs over a specific amount, throughout the entire process, from bidding and order to construction, to secure fairness, transparency, and integrity of their implementations.

Third it investigates and resolves matters resulting in the infringement of citizen civil rights and interests and the civil inconvenience or burdens caused by illegal, unfair, or passive dispositions or unreasonable administrative systems. It holds jury courts for complaints when necessary in order for amicable adjustment or arbitration in the process of handling civil petitions for grievance.



Note!

What is the Ombudsman System?

Ombudsman means Tribune in the Swedish language, indicating a kind of administration inspector whose role is to keep the sole lead of a government in check. It is a supplementary relief system to investigate and take care of any violation or infringement by the administrative bodies on the rights and freedoms of the people from a third party's perspective in a quick and fair manner. The first ombudsman system was enacted in Sweden as 'a system to protect the freedom and rights of the people' in 1809. Today, most advanced democratic countries of the world have adopted the system, though the forms of organization and concrete authorities differ slightly by nation.

02 History of the Seoul Metropolitan Citizens' Ombudsman Commission



Long before the launch of the Citizens' Ombudsman System, the Seoul Metropolitan Government had operated a 'Civil Auditor' system to monitor the civil administration from 1997 and an 'Ombudsman System for Clean Contract' from 2000, respectively. The city integrated the two systems into an organization named the 'Citizens' Ombudsman' in 2007.

In the course of its activities, it was necessary for the organization to have stronger independence and expertise. In July 2014, a 'TF Commission for Audit System Innovation' consisting of outside experts was set to pursue the development of the ombudsman system. The improvement plans made by the TF Commission passed through public hearings, panel discussions, and so on to collect extensive opinions from all areas.

Based on those plans and assessments, the 'SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE OPERATION OF THE CITIZENS' OMBUDSMAN COMMISSION AND RESIDENTS' AUDIT PETITION' was enacted on 8 Oct. 2015, and the Seoul Metropolitan Citizens' Ombudsman Commission was formally launched on 4 Feb. 2016.

History of Seoul Metropolitan Citizens' Ombudsman Commission

1. Introduction of the System for Citizens Request for Audit (15 Jan. 1996)

2. Operation of 'Civil Auditor' of the Seoul Metropolitan Government (10 Apr. 1997)

- Enactment of 'Regulation on Civil Auditor Operation' (Directive)
- Two Auditors with one year of service term
- Enactment of 'Ordinance on Operation of Civil Auditor of Seoul Metropolitan Government and Citizens' Request for Audit' (20 May 2000)

3. Operation of 'Ombudsman for Clean Contract' (15 Sep. 2000)

- Enactment of 'Regulation on Installation and Operation of Ombudsman for Clean Contract'
- Five Ombudsmen with two-year service terms

4. Integration of 'Civil Auditor' and 'Ombudsman for Clean Contract' into the 'Citizens' Ombudsman'

- Decision on Integration of Ombudsman of Seoul Metropolitan Government (Mayoral Policy No.582 on 30 Oct. 2007)
- General Revision of 'Ordinance on Operation of Civil Auditor of Seoul Metropolitan Government and Citizens' Request for Audit' (3 Apr. 2008)

5. Revision of 'Ordinance on Operation of Civil Auditor of Seoul Metropolitan Government and Citizens' Request for Audit' (30 Jul. 2012)

- Increased the number of Ombudsmen for civil audit from five to seven
- Installed the 'citizen participation ombudsman'

6. Installation of 'Seoul Metropolitan Citizens' Ombudsman Commission' (Independent collegiate administrative institute independent under the Mayor)

- Enactment of 'Ordinance on Operation of Seoul Metropolitan Citizens' Ombudsman Commission of Seoul Metropolitan Government and Citizens' Request for Audit' (8 Oct. 2015)
- Granting of functions for audit by residents (citizens), public project monitoring, and settlement of civil complaints.

7. Formal Launch of 'Seoul Metropolitan Citizens' Ombudsman Commission' (2 Feb. 2016)

03 What has been Changed since the Launch of the Commission?



Reorganization to the Collegiate Administrative Institute under the Mayor

- ▶ When the ombudsmen belonged to the audit department, they had insufficient independence from the executives and did not have independent office organization under their control. Therefore, they could not be immersed in their ombudsman work and had difficulties in enhancing their expertise.
- ▶ The 'Seoul Metropolitan Citizens' Ombudsman Commission' was installed as an independent collegiate administrative institute with separate supporting manpower organized in order to overcome such limitations of ombudsman activities and to activate civil administration monitoring, heralding a new beginning for independent monitoring activities.

Expanded Roles of Citizens' Ombudsman

- ▶ The main roles of the previous ombudsman were audit by residents (citizens) and public project monitoring.
- ▶ The roles of the Commission were expanded to investigate and settle the overall civil petitions for grievances.

Secured Independence, Fairness and Transparency in Connection with its Duty

- ▶ The independence from the executives in connection with its duty and the ombudsmen's expertise were improved.
- ▶ Accordingly, it is expected to contribute to the enhancement of the reliability of ombudsman activities and citizens' satisfaction with Seoul's administration services.

Strengthened protection of citizens' rights

- ▶ The Commission monitors the civil administration intensively from the citizens' perspective to improve the level of transparency and ethics in administrative services.
- ▶ It independently addresses civil complaints caused by illegal and unfair administrative dispositions of officials in a fair and transparent manner in order to protect the citizens' rights and interests and to realize strengthened administrative policies and ethical practices.

04 Who is Working in the Seoul Metropolitan Citizens' Ombudsman Commission?



Organization of Seoul Metropolitan Citizens' Ombudsman Commission

Qualifications of Ombudsmen

[Article 4 of the 'SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE OPERATION OF THE CITIZENS' OMBUDSMAN COMMISSION AND RESIDENTS' AUDIT PETITION']

- Those who served as a public official of at least Grade 4 at the local government or central administrative agency and as a public official of at least Grade 5 in audit for no less than 4 years;
- Those who are licensed as a lawyer, judicial scrivener, accountant, or tax accountant with experience of no less than 4 years in their respective field;
- Those who served as an associate professor or higher-level position in relevant fields such as accounting, law, and public administration;
- Those who served as an associate professor or higher-level position in relevant fields such as civil engineering and architecture;
- Those who are certified as an engineer (including architect) with experience of no less than 4 years in their respective field; and
- Those who worked as the head of a civil society organization or department with full-time experience of no less than 4 years;

※ A civil society organization refers to a group registered on the administrative organization according to the 'Assistance for Non-Profit, Non-Governmental Organization Act.'

✔ A person who meets more than one of the above qualifications can apply for the position of Ombudsman.

- ▶ **Service Term of Ombudsmen** : Three years(Consecutive service terms are not allowed.)
- ▶ **Status of Ombudsmen** : Time selective public official with limited terms appointed by the Mayor(the chairman, however, is a full-time, open position)
- ▶ **Number of the Ombudsmen and staff** : 7 Ombudsmen, 29staff

Seoul Metropolitan Citizens' Ombudsman Commission(Chairman and 6 Commission Members)

General Operation Team	Civil Audit Team	Grievance Complaint Investigation Team 1	Grievance Complaint Investigation Team 2	Public Project Monitoring Team
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05 The Commission's Proactive Activities to Protect Citizens' Rights and Interests



I Audits by Residents & Citizens

1. Audits by Residents

What is an Audit by Residents?

- It is a system in which the relevant residents request for audits to the relevant ministers, mayor, or governor if administrative measures taken under the right of a local government head are recognized to either be in conflict with the relevant laws and regulations or to harm the public interest significantly.

※ Article 16 of the 'Local Government Law' (Audit Request of the Residents)

Target of Request

- Affairs processed by the autonomous districts
- Affairs processed by the Seoul Metropolitan Government

※ Exceptions of Audit Request

- Affairs that are related to investigations or court trials
- Affairs that may infringe on the privacy of individuals
- Affairs that have had audits by another organization or are currently under audit
- Affairs that are currently in residents' lawsuits or are concluded in the court.

Requirements for Audit Request

- Affairs processed by the autonomous districts: more than a certain number of signatures by residents no younger than 19 years of age are required.

More than 200 Residents	More than 150 Residents	More than 100 Residents
Jongno-gu, Seongdong-gu, Gwangjin-gu, Nowon-gu, Eunpyeong-gu, Mapo-gu, Geumcheon-gu, Seocho-gu, Gangseo-gu, Gangnam-gu, Songpa-gu, Seongbuk-gu, Yangcheon-gu	Dongjak-gu, Gangbuk-gu, Guro-gu, Jungnang-gu, Yeongdeungpo-gu, Gangdong-gu	Yongsan-gu, Dongdaemun-gu, Dobong-gu, Gwanak-gu, Seodaemun-gu, Jung-gu

- Affairs processed by the Seoul Metropolitan Government: more than 200 signatures by residents no younger than 19 years of age are required.

Procedures of Request and Processing

Processing Procedure	Contents	Processing Period
Request for Audit by Residents	<ul style="list-style-type: none"> Submission of audit request application and representative's power of attorney to Seoul Metropolitan Citizens' Ombudsman Commission Specify in the audit request application the affairs for audit among the illegal and unfair measures taken by the local government Submit the representative's power of attorney with the names and signatures of the relevant residents 	
Receipt of Issued Certificate of Representative	<ul style="list-style-type: none"> Receipt of certificate of representative and representative's power of attorney issued by the Seoul Metropolitan Government 	
Residents' Signature on the List of Audit Request Application	<ul style="list-style-type: none"> Write the name, registration number, address, and signing date on the list. Present the certificate of representative to request for residents' signature 	Within 3 months
Announcement of Audit Request and Public Reading of the Applicants List	<ul style="list-style-type: none"> Announcement of audit request on the Seoul Metropolitan Government homepage. Public reading and display of the applicants list at the district office and the community service centers for 10 days. During the reading period, formal objection to the signature can be filed. 	For 10 days
Deliberation by the Audit Request Council	<ul style="list-style-type: none"> Deliberation and decision of Audit Request Council Deliberation on requirements for the audit request (e.g. if the affair is related to an investigation or trial) The results of deliberation and decision of the council are informed to the representative of the audit request applicants. 	
Implementation of Audit and Making Public of the Audit Findings	<ul style="list-style-type: none"> If the council decides on the implementation of an audit, ombudsmen perform the audit process. The audit findings are informed to the representative of the audit request applicants and made public on the Seoul Metropolitan Government homepage. The actions taken for the audit findings are made public on the Seoul Metropolitan Government homepage. 	Within 60 days (Extendible)

2. Audits by Citizens

What is an Audit by Citizens?

- It is a system in which more than 50 citizens or a representative of a civic group for public interest request an audit to the Mayor of the Seoul Metropolitan Government in response to administrative measures taken by the administrative organization belonging to the Seoul Metropolitan Government, autonomous districts (limited to the affairs devolved by the city), or local corporations/public corporation established by the city and committed affairs institutes of the city are illegal and/or unfair.

※ Article 12-14 of the 'Ordinance on Operation of Seoul Metropolitan Citizens' Ombudsman Commission and Residents' Request for Audit'

Target of Request

- The Seoul Metropolitan Government and its administrative organizations
- Autonomous districts (limited to the affairs devolved by the city)
- City affiliated institutes
- Affairs Consignment agencies (limited to the committed affairs)

※ Exceptions of Audit Request

- Affairs with respect to the city council
- Affairs related to an administrative judgment, trial or investigation
- Affairs with respect to the private relationship of rights and duties or privacy of individuals
- Affairs that have been previously audited by another organization or are currently under audit

Requirements for Audit Request

- Representative who has acquired the joint signatures of over 50 citizens over 19 years of age
- Representative of a civic group registered on the administrative organization according to the 'Assistance for Non-Profit, Non-Governmental Organization Act.'

※ Limited to the affairs that have direct impact on the range of purposes of the relevant group

Procedures of Request and Processing

Processing Procedure	Contents	Processing Period
Request for Audit by Citizens	<ul style="list-style-type: none"> Submission of citizens' audit request application to Seoul Metropolitan Citizens' Ombudsman Commission - Applicant who is not the representative of a civic group must submit a list of applicants with the signatures of more than 50 Seoul citizens. 	
Deliberation by the Seoul Metropolitan Citizens' Ombudsman Commission	<ul style="list-style-type: none"> Deliberation and decision of Seoul Metropolitan Citizens' Ombudsman Commission - Deliberation on requirements for the audit request (e.g. if the affair is related to an ongoing investigation or trial) - The results of deliberation and decision of the Commission are informed to the representative of the audit request applicants. 	According to the discussion of deliberation schedule
Implementation of Audit and Making Public of the Audit Findings	<ul style="list-style-type: none"> If the Commission decides on the implementation of an audit, the ombudsmen perform the audit process. The audit findings are informed to the representative of the audit request applicants and made public on the Seoul Metropolitan Government homepage. The actions taken for the audit findings are made public on the Seoul Metropolitan Government homepage. 	Within 60 days (Extendible)

II Investigation and Settlement of Civil Petition for Grievance

What is the Civil Petition for Grievance?

- A Civil Petition for Grievance refers to civil complaints against matters that result in the infringement of civil rights and interests of citizens and civil inconveniences or burdens caused by illegal, unfair, or passive dispositions (including actual action and nonperformance), or unreasonable administrative systems.

※ Article 2 of the 'Ordinance on Operation of Seoul Metropolitan Citizens' Ombudsman Commission and Residents' Request for Audit'

※ Article 2 of the 'Civil Petition Treatment Act'

※ Paragraph 5 of Article 2 of the 'Act on Installation and Operation of Anti-corruption and Civil ight Commission'



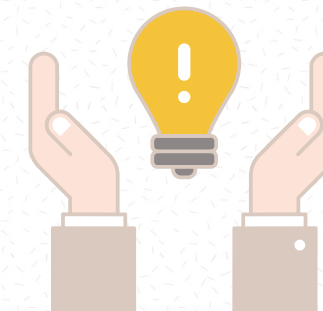
Note!

Difference between General Civil Complaints and Civil Petition for Grievance

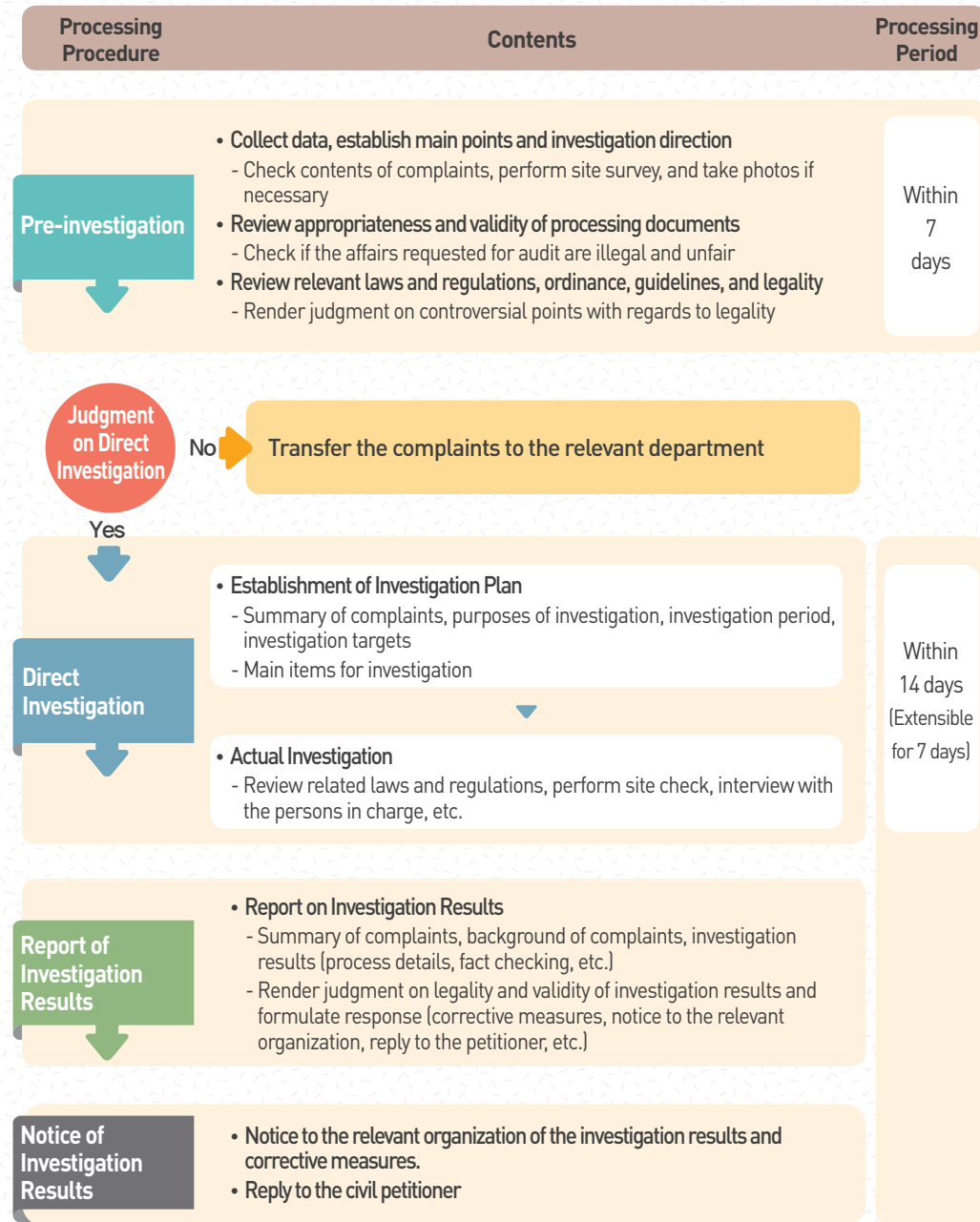
Whereas general civil complaints are used to request for administrative actions from the administrative organization including all kinds of licenses and permissions, the civil petition for grievance is defined as a request for the secondary settlement of the affairs that are caused by the results of the primary administrative actions that result in the infringement of the citizens' rights or interests and civil inconvenience or burdens.

How to File Civil Complaints

- Internet (Eungdapso, an integrated reception place at <http://eungdapso.seoul.go.kr>)
- Post/Visit: Seoul City Hall - 110 Sejong-daero, Jung-gu, Seoul, Korea
- Telephone: Dasan Call Center:120, Counseling Center of Citizens' Ombudsman:82-2-2133-7777
- Fax: 82-2-768-8846



Workflow Diagram



III Evaluation and Audit for Public Projects

What is the evaluation and audit for public projects?

- ▶ The evaluation and audit for public projects is the process by which the Citizens' ombudsman or 'civil participation ombudsman' checks and monitors the administrative transparency and fairness of the public projects ordered by the headquarters of the city, branch offices, city affiliated institutes, and so on.



Note!

What is the 'Civil Participation Ombudsman'?

'Civil Participation Ombudsmen' participate in the affairs under the jurisdiction of Citizens' ombudsman, acting in supplementary and complementary roles by presenting proposals for system improvements regarding the entire civil administration and policies. It consists of 35 persons in total in 7 areas including female welfare, city safety, general administration, etc. The citizen ombudsmen are selected by the Commission applying the qualifications for Citizens' ombudsman and are appointed by the Mayor.

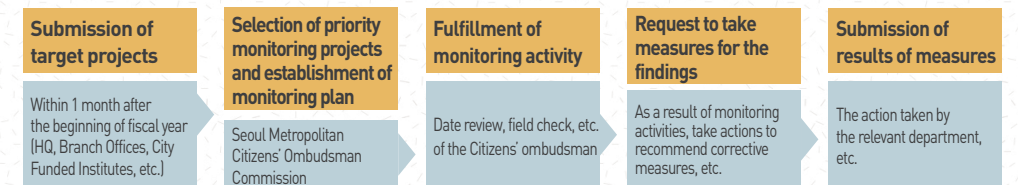
Target Projects

- ▶ Construction projects over KRW 3 billion in total amount
- ▶ Services over KRW 500 million or purchases of goods over KRW 100 million
- ▶ Other projects that the Commission decides to monitor and evaluate

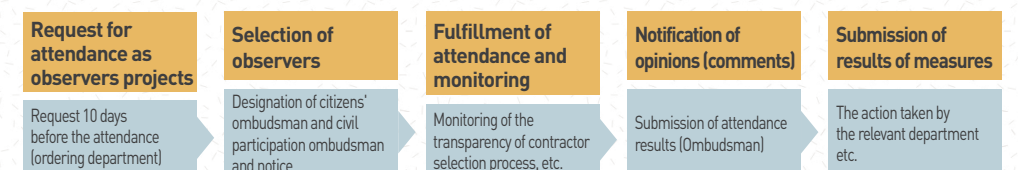
※ Target Institutes: HQ of the city, branch offices, city-funded institutes, autonomous districts (affairs committed by the city), affair consignment agencies (consigned affairs) and subsidized institutes

Activity Procedures

▶ Procedure of Field Monitoring Activity



▶ Procedure of Attendance



IV Operation of Jury Court for Civil Complaints

What is the Jury Court for Civil Complaints?

- ▶ To settle the civil petitions for grievances that, because of a sharp confrontation of opinions between the parties interested, are not easily resolved, the Commission creates a jury by inviting Citizens' Ombudsman, legal experts, and outside experts in a neutral position for the amicable adjustment and arbitration of civil complaints.



Target for Deliberation

- ▶ Long-term unsettled civil petitions for which the petitioner and the relevant institute have significantly different opinions
- ▶ Unprecedented or repeated civil petitions remaining unsettled over a long period of time

※ Exceptions of Audit Request

- Affairs which are related to the legal relationship between private persons or related to the privacy of individuals
- Affairs which are currently on the way of relief procedures (lawsuits, reconciliation, adjustments, administrative judgments, etc.) or such procedures that are completed.
- Affairs which do not belong to the jurisdiction of the Mayor

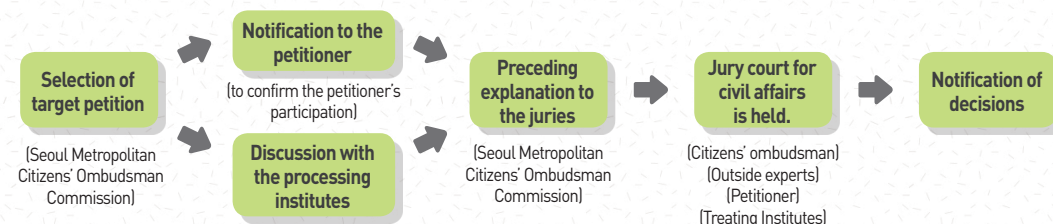
Constitution of Jury: Approximately 6 members

- ▶ Citizens' ombudsman, Civil Participation Ombudsman, Lawyer, Civil Jury, etc.

※ Manpower pool for the citizen jury system

- Citizens' Ombudsman: 6 persons, Citizen participation ombudsman: 35 persons, Outside experts (lawyers, qualified architects, accountants, etc.): 21 persons, and Citizen Juries: 27 persons (Autonomous District: 25, Internet: 2)

Operating Procedure



Measures according to the Adjustment and Arbitration

- ▶ For the quoted matters, notification is made to the treating institutes for improvement or correction.
- ▶ When the petitioner protests against the results, filing of administrative appeal or administrative trial is introduced to the petitioner.

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE OPERATION OF THE CITIZENS' OMBUDSMAN COMMISSION AND RESIDENTS' AUDIT PETITION

[Enforced on Sept. 26, 2019] [Seoul Metropolitan Government Ordinance No. 7283; Amended in whole on Sept. 26, 2019]

Seoul Metropolitan Government (Citizens' Ombudsman Commission) +82-2-2133-3127

CHAPTER 1 GENERAL PROVISIONS

▶ Article 1 : Purpose

The purpose of this Ordinance is to define matters required to establish and operate the Citizens' Ombudsman Commission of the Seoul Metropolitan Government to monitor the city administration and investigate grievance petitions under Article 5 of the Act on Public Sector Audits and Article 32 of the Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission and matters delegated to the Ordinance with regard to Resident Audit Petitions and matters required for its enforcement under Article 16 of the Local Autonomy Act and Article 26 of the Enforcement Decree thereof.

▶ Article 2 : Definitions

The following are the definitions of the terms used in this Ordinance:

1. "Grievance petition" means civil petition for grievance under Article 2.1.b of the Civil Petitions Treatment Act;
2. "Civil society organization" means any organization registered with the central administrative agency or local government under Article 4.1 of the Assistance for Non-Profit, Non-Governmental Organizations Act;
3. "Public project" means construction, service, and purchase performed by the agency under any of the subparagraphs in Article 8; and
4. "Integrity contract compliance" means complying with an integrity pledge under Article 6-2 of the Act on Contracts to which a Local Government is a Party.

CHAPTER 2 ORGANIZATION AND OPERATION OF THE CITIZENS' OMBUDSMAN COMMISSION

▶ Article 3 : Establishment and Function of the Citizens' Ombudsman Commission

- ① The Citizens' Ombudsman Commission of the Seoul Metropolitan Government (hereinafter referred to as the "Committee"), a collegiate administrative agency, shall be established under the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") to monitor the city administration, investigate grievance petitions, and conduct audits requested by Resident Audit Petitions.

② The Commission shall resolve any of the following matters:

1. Planning and outcome of audit, investigation, and public project monitoring and evaluation;
2. Requests for discipline, disciplinary penalties, censure, and reimbursement orders;
3. Requests, recommendations, and opinions for improving the city administration and systems;
4. Active administration indemnity and re-review;
5. Requests for the organization and personnel quota of the secretariat of the Committee;
6. Budget requests and account closing for the Committee;
7. Establishment, amendment, and abolishment of the operational rules of the Committee;
8. Matters related to the recusal and abstinence of Committee Members;
9. Whether to conduct an audit requested by a Citizen Audit Petition; and
10. Other matters deemed necessary to resolve in a meeting by the Chair.

③ Despite the foregoing ②, minor matters from Articles 3.②.1 to 3.②.4 defined in the operational rules of the Commission may be resolved by the Chairperson or Members ex officio.

▶ Article 4 : Organization of the Citizens' Ombudsman Commission

① The Citizens' Ombudsman Commission shall consist of three to seven members (hereinafter referred to as the "Commission Chairperson and Members").

② The one who is recognized as having professionalism for the business of the Commission among those who meet qualification requirements under the Decree of the Appointment of Local Public Officials and other applicable laws shall be appointed as the Commission Chairperson (hereinafter referred to as the "Chairperson") as an open position, and those who meet any of the following requirements shall be appointed as Commission Members (hereinafter referred to as "Members") as a part-time public official with a fixed term:

1. Those who served as a public official of at least Grade 4 at the local government or central administrative agency and as a public official of at least Grade 5 in audit for no less than 4 years;
2. Those who are licensed as a lawyer, judicial scrivener, accountant, or tax accountant with experience of no less than 4 years in their respective field;
3. Those who served as an associate professor or higher-level position in relevant fields such as accounting, law, and public administration;
4. Those who served as an associate professor or higher-level position in relevant fields such as civil engineering and architecture;
5. Those who are certified as an engineer (including architect) with experience of no less than 4 years in their respective field; and
6. Those who worked as the head of a civil society organization or department with full-time experience of no less than 4 years;

③ The term of Members including the Chairperson shall be three 3 years, and they shall not be re-appointed for an additional term.

▶ Article 5 : Disqualification of Citizen Audit Ombudsmen

Those subject to any of the following subparagraphs shall not become a Citizens' Ombudsman:

1. Those subject to any of the subparagraphs of Article 31 of the Local Public Officials Act and any of the subparagraphs of Article 15.1 of the Act on Public Sector Audits; and
2. Public officials of an agency subject to audit and investigation under Article 8, who retired less than 2 years ago.

▶ Article 6 : Guaranteed Status of Citizens' Ombudsmen

The Mayor shall not terminate the appointment of a Citizen Audit Ombudsman or transfer the Ombudsman to another position against his or her will unless the Ombudsman is applicable to any of the subparagraphs of Article 10 of the Act on Public Sector Audits.

▶ Article 7 : Roles and Responsibilities of Members

① Members shall monitor the city administration from the perspective of citizens and protect their interests from any unlawful and unfair administrative action.

② Each commission member shall independently perform audit, investigation, and monitoring activities for any of the following subparagraphs:

1. Any audit requested by a Citizen Audit Petition under Article 12;
2. Any audit requested by a Resident Audit Petition under Article 15;
3. Investigation, mediation, and arbitration of a grievance petition under Article 19;
4. Monitoring and evaluation for a public project under Article 21;
5. Any ex officio audit under Article 24;
6. Any audit or investigation requested by the Seoul Metropolitan Government Council (hereinafter referred to as the "Seoul Council"); and
7. Any audit or investigation requested by outside agencies including the Board of Audit and Inspection and the Audit Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Audit Committee").

③ Despite the foregoing ②, any of the following subparagraphs shall be excluded from Members' scope of audit, investigation, and monitoring activities:

1. Matters related to the Seoul Council;
2. Matters for which remedy proceedings such as administrative trial and lawsuit are ongoing or confirmed under other applicable laws;
3. Matters for which an audit is ongoing or confirmed by the Board of Audit and Inspection, the Audit Committee, or other administrative agencies; provided, however, that this shall not apply in the event that there is any new matter or any material matter omitted in the audit even though it is audited by other agencies;
4. Matters for which an investigation or probe is ongoing by the Prosecutors' Office, the police, or other investigative authorities;
5. Matters for which any proceedings to mediate the interests of parties such as conciliation, resolution, mediation, or arbitration are ongoing, ruled, or confirmed under applicable laws; and
6. Matters that are deemed not appropriate for Members to audit by the Audit Petition Review Committee of the Seoul Metropolitan Government under Article 16.

▶ Article 8 : Scope of Authority for Members

Members may have the authority to perform audit, investigation, and monitoring activities under Article 7. ② in the following scope; provided, however, that any audit requested by a resident audit petition shall follow the Local Autonomy Act (hereinafter referred to as the "Act") and the Enforcement Decree thereof (hereinafter referred to as the "Enforcement Decree"):

1. Seoul City Hall, direct agencies, offices, and collegial administrative agencies of the Seoul Metropolitan Government (hereinafter referred to as the "City");
2. Autonomous gus in the Seoul Metropolitan Government (hereinafter referred to as the "Autonomous Gu"); provided, however, that they are only applicable to Article 166 to Article 171 of the Act;
3. Any public enterprise established by the City under the Local Public Enterprises Act or any research institute invested or funded by the City under the Act on the Operation of Local Government-Invested Research Institute; and
4. Any entity, organization, or individual who has received business or subsidies from the City.

▶ Article 9 : Commission Meeting

- ① The Chair shall convene and chair a meeting of the Commission (hereinafter referred to as the "Commission Meeting") when requested by a majority of the registered Members or deemed necessary by the Chairperson.
- ② In the event that the Chairperson is vacant, the Member in the order of most years of service shall assume the Chairperson's roles described under Article 1 as acting Chairperson. In the event that two or more Members have the same highest number of years of service, the older member shall become acting Chairperson.
- ③ In the event that the Chairperson cannot perform his or her roles temporarily due to an accident or other reasons, the Member designated by the Chairperson shall serve as acting Chairperson for the roles under Article 1; provided, however, the order set forth in the foregoing ② shall be followed if there is no designated Member.
- ④ Any Commission Meeting shall meet the quorum with the presence of a majority of registered Members and make a resolution with approval from a majority of the present Members.

▶ Article 10 : Dismissal, Recusal, and Abstinance

- ① Any Member subject to any of the following subparagraphs shall be dismissed from the concerned activities:

1. The Member is a party to or has any conflict of interest in audit, investigation, or monitoring;
2. Audit, investigation, or monitoring is related to the Member's relatives or those who used to be relatives of the Member under Article 777 of the Civil Act;
3. The Member has been involved in matters subject to audit, investigation, or monitoring for work-related or occupational reasons such as service, advice, and research;
4. The Member becomes a witness or expert witness in any lawsuit related to matters subject to audit, investigation, or monitoring;
5. The Member was involved with matters subject to audit, investigation, or monitoring before he or she was appointed as a Member; and
6. The Member had or has a special relationship with any contractor subject to monitoring and evaluation as a service provider or advisor.

- ② The head of any agency or department subject to audit, investigation, or monitoring may request the Commission to recuse any Member from whom it is difficult to expect a fair audit or investigation, and the Commission may put to a vote whether to recuse such a Member. In this case, the Member who is requested to recuse himself or herself shall not participate in the vote.
- ③ In the event that any Member is subject to any dismissal reason set forth in any of the subparagraphs of Article 10.① or any other reason that renders him or her difficult to perform a fair audit, investigation, or monitoring activity, the Member shall abstain himself or herself from the activity with approval from the Chairperson.

▶ Article 11 : Secretariat and Its Staff

- ① The Commission shall have a secretariat and its staff (hereinafter referred to as the "Auditor") to support its operation and the work of its Members, and the operational rules of the Commission may define the scope of work between Members and the Auditor.
- ② The organization and personnel quota of the secretariat shall follow the Seoul Metropolitan Government Ordinance on the Establishment of Administrative Organizations and the Seoul Metropolitan Government Ordinance on the Public Official Quota.

- ④ The Auditor shall have professionalism and qualities required to perform audit work. The minimum qualification requirements for the Auditor shall be defined by the operational rules of the Commission.
- ⑤ The Mayor shall prepare means that allow the Auditor to work for the long term.

CHAPTER 3 CITIZEN AUDIT PETITION

▶ Article 12 : Citizen Audit Petition

- ① In the event that the administration of any agency or its staff in any of the subparagraphs of Article 8 is considered unlawful and unfair, those in any of the following subparagraphs may file an audit petition (hereinafter referred to as the "Citizen Audit Petition") with the Commission.

1. Representative who has gathered joint signatures from at least 50 citizens aged 19 or older; and
2. Representative of a civil society organization with at least 100 permanent members (only limited to matters directly related to the organization's project scope).

- ② Despite the foregoing ①, anything subject to any of the following subparagraphs shall not be a Citizen Audit Petition:

1. Any matter subject to any of Articles 7.③.1 to 7.③.5; and
2. Any matter related to private rights or privacy.

- ③ Those who wish to file a Citizen Audit Petition according to the foregoing ① (hereinafter referred to as the "Petitioner") shall fill out and submit the attached form along with other documentation to the Commission. The submission of electronic documents through the information system shall be construed as having submitted the attached form.

▶ Article 13 : Audit Decision

The Commission shall convene a meeting when there is a Citizen Audit Petition under Article 12.①, decide whether to conduct an audit upon review or confirmation on any of the following subparagraphs, and notify its outcomes to the Petitioner:

1. Review on the requirements of a Citizen Audit Petition;
2. Confirmation on the validity of signatures in a list of Petitioners in a Citizen Audit Petition (e-signatures from the information system shall be deemed valid); and
3. Review on the eligibility of a Citizen Audit Petition for the Committee's audit.

▶ Article 14 : Notification and Disclosure of Audit Outcomes

- ① The Commission shall conclude an audit within sixty days from the audit date under Article 13 unless there is any other special reason and notify the audit's outcomes to the representative for Petitioners and the head of an agency or department subject to the audit within ten days thereafter.
- ② The Commission shall notify and disclose the outcomes of actions taken by the agency or department as a result of the audit conducted in the foregoing ① to the representative for Petitioners.

CHAPTER 4 RESIDENT AUDIT PETITION AND AUDIT PETITION REVIEW COMMITTEE

▶ Article 15 : Resident Audit Petition

- ① An audit petition filed with the Mayor for business under the authority of an Autonomous Gu and its head pursuant to Article 16 of the Act (hereinafter referred to as the "Resident Audit Petition") shall exceed the number of joint resident signatures defined in the Autonomous Gu's Ordinance.
- ② An audit petition filed with the responsible Minister for business under the authority of the City and its Mayor pursuant to Article 16 of the Act shall have signatures from at least 200 residents aged 19 or older.

▶ Article 16 : Establishment and Function of the Audit Petition Review Committee

To review and resolve any of the following subparagraphs for a Resident Audit Petition under Article 26 of the Enforcement Decree, the Audit Petition Review Committee of the Seoul Metropolitan Government (hereinafter referred to as the "Review Committee") shall be established under the Mayor:

1. Review on the requirements of a Resident Audit Petition;
2. Confirmation on the validity of signatures in a list of Petitioners in a Resident Audit Petition;
3. Review and decision on any objection about signatures in a list of Petitioners; and
4. Other matters put to a meeting by the Mayor in relation to a Resident Audit Petition.

▶ Article 17 : Organization of the Review Committee

- ① The Review Committee shall consist of nine to 13 Review Members including one Review Chair and one Vice Review Chair.
- ② Review Members shall be appointed or nominated by the Mayor among those in any of the following subparagraphs; provided, however, that Review Members appointed from 17.②.3 to 17.②.8 shall account for more than half of all Review Members, and three Review Members including two members of the Seoul Council shall be recommended by the Seoul Council:

1. Head of an audit department in the Seoul Metropolitan Government (ex-officio);
2. Public officials who are Deputy Mayor/Director-General or higher in the City;
3. Members of the Seoul Council recommended by the Seoul Council;
4. Those qualified as a judge, prosecutor, lawyer, or judicial scrivener;
5. Those qualified as a certified public accountant, engineer, architect, or tax accountant;
6. Those recommended by a civic group (non-profit non-governmental organizations under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act);
7. Those who serve as an associate professor or higher-level position in law, accounting, civil engineering, or architecture at a university; and
8. Others fully knowledgeable and experienced about audit work.

- ③ The term of any Review Member appointed by the Mayor under the foregoing ② shall be two years. Any Review Member may be dismissed under Article 8-2 of the Seoul Metropolitan Government Ordinance on the Establishment and Operation of Various Committees. The term of a Review Member newly appointed to fill a vacancy shall be the remaining term of the former Review Member.

▶ Article 18 : Operation of the Review Committee

- ① The Review Chair shall convene and chair a meeting for the Review Committee.
- ② In the event that the Review Chair cannot perform his or her job due to unavoidable reasons, the Vice Review Chair shall serve as acting review chair. In the event that both the Review Chair and the Vice Review Chair cannot perform their job due to unavoidable reasons, the Review Member in the order of seniority shall serve as acting review chair.
- ③ Any meeting for the Review Committee shall meet the quorum to conduct its business with the presence of a majority of the registered Review Members and make a resolution with approval from a majority of the present Review Members.
- ④ The Review Chair shall have relevant public officials, Petitioners, and other stakeholders come to a meeting and state their opinions or request them to submit required materials if deemed necessary to efficiently address agenda items in the Review Committee's meeting.
- ⑤ Any Review Member shall not participate in a review or resolution for any of the following matters with regard to a Resident Audit Petition:

1. Matters related to work in the Review Member's department; and
2. Matters related to the Review Member or his or her relatives.

- ⑥ The Review Committee shall have one secretary and one clerk to better perform office work; the secretary shall be an officer responsible for Resident Audit Petitions, and the clerk shall be a staff member responsible for Resident Audit Petitions.
- ⑦ The secretary shall perform work in any of the following subparagraphs and report major review outcomes to the Mayor:

1. Office work on the operation of the Review Committee;
2. Preparation and record-keeping of review agendas and meeting minutes; and
3. Other matters required to operate the Review Committee.

CHAPTER 5 INVESTIGATION INTO GRIEVANCE PETITIONS

▶ Article 19 : Investigation into Grievance Petitions

- ① The Commission may launch an investigation into grievance petitions filed with the City if deemed necessary within Members' scope of authority and work under Articles 7 and 8.② An audit petition filed with the responsible Minister for business under the authority of the City and its Mayor pursuant to Article 16 of the Act shall have signatures from at least 200 residents aged 19 or older.
- ② The Commission may request the head of a relevant agency or department to submit related materials for a grievance petition investigation, and the head shall comply with such a request.
- ③ The Commission shall notify the Petitioner and the head of a relevant agency or department of a grievance petition investigation's outcomes without any delay and make recommendations or express opinions to the head of a relevant agency or department when deemed necessary to improve the city administration or systems.

▶ Article 20 : Notification, Check, and Inspection of Outcomes

- ① The head of an agency or department shall respect the recommendations or opinions it received under Article 19.③ and notify the Commission of its actions taken for such recommendations or opinions within thirty days upon receiving such recommendations or opinions.
- ② The Commission may check or inspect actions taken for recommendations or opinions under Article 19.③.

CHAPTER 6 MONITORING AND EVALUATION FOR PUBLIC PROJECTS

▶ Article 21 : Public Projects Subject to Monitoring and Evaluation

Members shall monitor and evaluate the ordering, bidding, win-bidding, contracting, and contract compliance of public projects subject to any of the following subparagraphs deemed necessary by the Commission to conduct monitoring and evaluation to ensure fairness and transparency (hereinafter referred to as the "Public Projects Subject to Monitoring and Evaluation"):

1. Construction whose total cost exceeds KRW 3 billion;
2. Service worth more than KRW 500 million;
3. Purchase worth more than KRW 100 million; and
4. Any other public project deemed necessary by the Committee to conduct monitoring and evaluation to ensure fairness and transparency in outsourcing and support projects.

▶ Article 22 : Submission of and Request for Materials

- ① The head of an agency or department which enforces public projects in any of the subparagraphs in Article 21 (hereinafter referred to as the "Enforcement Agency/Department") shall submit a list of the public projects to the Commission within one month from the commencement date of every fiscal year.
- ② The Commission may request the Enforcement Agency/Department to submit materials to check the integrity contract compliance of public projects subject to monitoring and evaluation, and the head of the Enforcement Agency/Department shall submit the materials within seven days upon receiving such a request.
- ③ The head of the Enforcement Agency/Department shall request the Commission for the witness of its Members in a proposal evaluation committee to select the contractor no later than seven days before such a committee, and the Commission may allow its Members or Citizen Participatory Ombudsmen appointed under Article 25 to witness the committee.
- ④ The heads of departments who operate the Construction Technology Review Committee of the Seoul Metropolitan Government and the Contract Review Committee of the Seoul Metropolitan Government shall submit to the Commission their review materials and schedules for public projects under any of the subparagraphs of Article 21 no later than seven days before such review.
- ⑤ In addition to Articles 22.① to 22.③, the Commission may request the Enforcement Agency/Department to submit materials required to monitor and evaluate public projects as necessary, and the head of the Enforcement Agency / Department shall submit them no later than seven days upon receiving such a request.
- ⑥ The Commission may obtain authorization from the head of a department managing the information system including budget and financial accounting to electronically receive materials submitted under Article 22.① or directly use the information system. In this case, it shall be construed that the Enforcement Agency/ Department has submitted the materials under Article 22.①.
- ⑦ In the event that the Commission wishes to receive materials submitted under Article 22.① electronically under Article 22.①, it shall be construed that the head of the Enforcement Agency/Department has provided consent unless it otherwise conflicts with governing laws.

▶ Article 23 : Handling of Monitoring and Evaluation

- ① The Committee may make recommendations or express opinions in the event that the city administration or systems need to be improved as a result of monitoring and evaluation on public projects.
- ② The Committee may have additional operational rules for the monitoring and evaluation of public projects and integrity contract compliance.

CHAPTER 7 EX OFFICIO AUDIT

▶ Article 24 : Ex Officio Audit

- ① Members may conduct an ex officio audit after obtaining the Commission's resolution when deemed necessary to carry out such an audit in investigating and addressing grievance petitions and monitoring and evaluating public projects.
- ② The Chairperson shall consult with the head of the Audit department before the Commission's resolution.

CHAPTER 8 OTHERS

▶ Article 25 : Qualification for the Citizen Participatory Ombudsman

- ① The Commission may appoint experts as Citizen Participatory Ombudsmen to strengthen audit, investigation, and monitoring in professional fields for any of the subparagraphs in Article 7.②.
- ② Citizen Participatory Ombudsmen shall consist of no more than 35 people in six fields, including women's welfare, urban safety, industrial economy (living environment), urban transportation (transportation planning), education culture, and general administration, by considering the gender ratio.
- ③ The qualification of Citizen Participatory Ombudsmen shall follow any of the subparagraphs in Article 4.②, and the Commission's operational rules may be defined additionally for their qualification if necessary.
- ④ Citizen Participatory Ombudsmen shall be appointed by the Mayor upon the Commission's review after receiving recommendations from civil society organizations, academia, and the legal community or applications from those qualified under Article 25.③.
- ⑤ The term of Citizen Participatory Ombudsmen shall be two years, and the Ombudsmen may be appointed for only one additional term; provided, however, that in the event that Citizen Participatory Ombudsmen do not do any activity more than one year after appointment, the Mayor may dismiss them.
- ⑥ Citizen Participatory Ombudsmen may directly participate in the Committee's audit, investigation, and monitoring, present their opinions, provide advice to the Committee, or make suggestions to improve policies and systems across the city administration.

▶ **Article 26 : Citizen Participation in Audit**

Members may have civil society organizations and other experts in their respective field in addition to Citizen Participatory Ombudsmen when necessary for audit, investigation, and monitoring.

▶ **Article 27 : Compensation**

Compensation or travel expenses may be paid to Review Members under Article 17, Citizen Participatory Ombudsmen under Article 25, and citizens participating in an audit under Article 26 within the budget range pursuant to the Seoul Metropolitan Government Ordinance on Committee Compensation and Travel Expense Payment.

▶ **Article 28 : Confidentiality**

Anyone involved in the work of the Commission shall not disclose confidential information obtained over the course of such work.

▶ **Article 29 : Reporting**

The Commission shall report to the Mayor and the Seoul Council its activities up to the end of June and December by the end of July and January of the next year, respectively.

▶ **Article 30 (Committee Organizational Rules)**

Other matters required to enforce this Ordinance may be defined in the organizational rules of the Commission by the Commission's resolution.

Addendum [No. 7283; Sept. 26, 2019]

Article 1 : Enforcement Date This Ordinance shall enter into force upon the day of its announcement.

Article 2 : Transition for Actions, Appointment, and Nomination Conducted under the Previous Ordinance

- ① Any action or measure conducted according to the previous Ordinance at the time of the enforcement of this Ordinance shall be construed as having been conducted under this Ordinance.
- ② Any Citizens' Ombudsman, Citizen Participatory Ombudsman, and Member of the Audit Petition Review Committee appointed or nominated under the previous Ordinance at the time of the enforcement of this Ordinance shall be construed as having been appointed or nominated under this Ordinance.

Article 3 : Applicability to the Term of the Citizens' Ombudsman

Despite the foregoing Article 2.①, the term of any Citizens' Ombudsman, Citizen Participatory Ombudsman, and Member of the Audit Petition Review Committee appointed or nominated under the previous Ordinance shall follow the previous Ordinance.