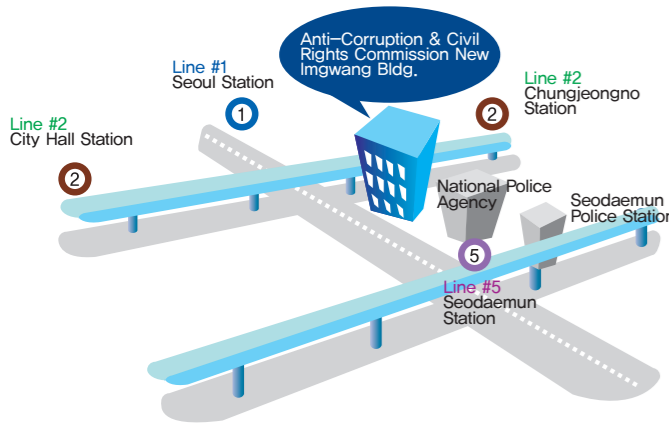


Consult the Commission  
without Worry! Call 110!

110



Anti-Corruption & Civil Rights Commission

87, Tongil-ro, Seodaemun-gu, Seoul 120-705, Republic of Korea  
TEL : 82-2-360-6570-8 / FAX : 82-2-360-3528  
Website : www.acrc.go.kr

## Public interest violation cases by category

### Health

#### Distribution of HIV-infected blood

- A blood donation agency mismanages its donation program and blood supply, distributing HIV-infected blood (violation of the Blood Management Act).

#### Relevant laws and regulations

The Medical Service Act and 44 other laws



### Environment

#### Illegal dumping of waste

- A manufacturer used agricultural land to discard thousands of tons of industrial waste containing chemicals prohibited from being dumped (violation of the Wastes Control Act)

#### Relevant laws and regulations

The Natural Environment Conservation Act and 49 other laws



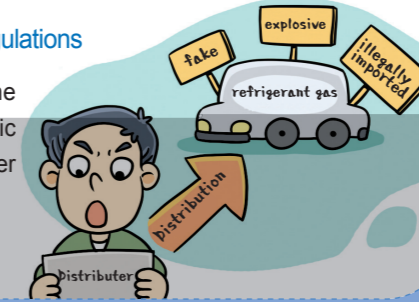
### Safety

#### Sales of explosive refrigerant gas

- An un-licensed trader imports fake vehicle air conditioner refrigerant gas that is explosive and sells it to car repair shops (violation of the High-Pressure Gas Safety Control Act)

#### Relevant laws and regulations

The Special Act on the Safety Control of Public Structures and 55 other laws



### Customer interest

#### Sales of fake sesame oil

- A sesame oil producer mixes low quality imported sesame oil and cooking oil and sells it as 100% Korean sesame oil (violation of the Agricultural Products Quality Control Act)

#### Relevant laws and regulations

The Framework Act on Consumers and 23 other laws



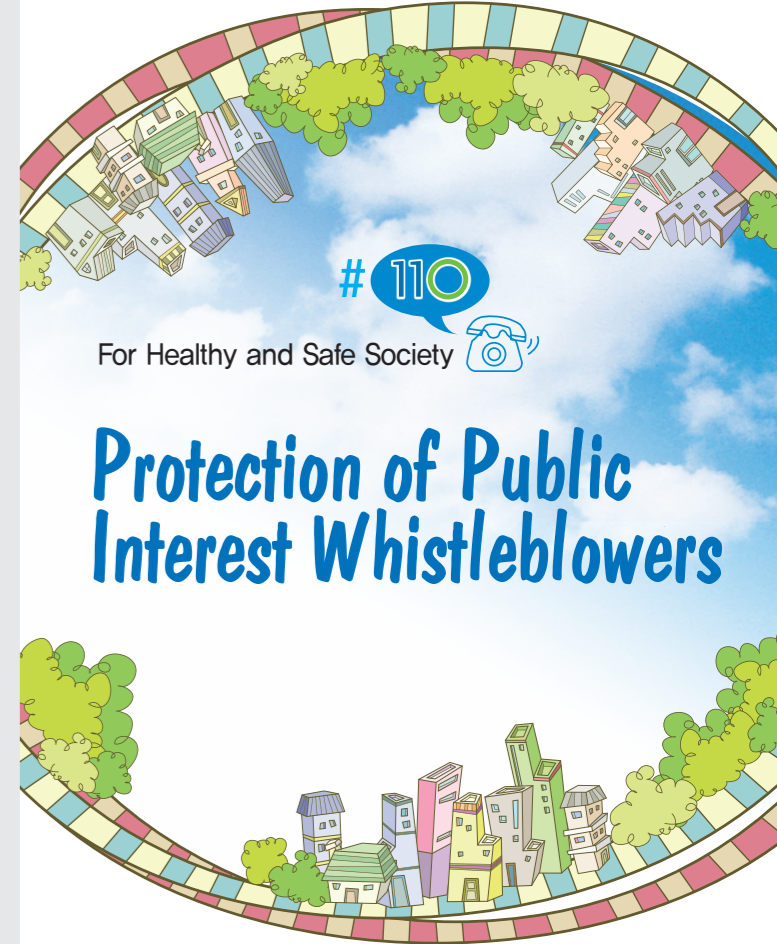
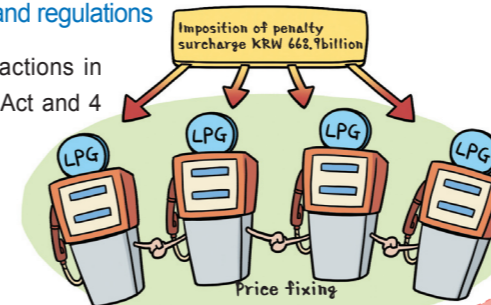
### Fair Competition

#### Collusion among LPG providers

- Refineries colluded for six years to control the price of LPG (violation of the Monopoly Regulation and Fair Trade Act)

#### Relevant laws and regulations

The Fair Transactions in Subcontracting Act and 4 other laws



#110

For Healthy and Safe Society

## Protection of Public Interest Whistleblowers

We protect you when  
you follow your conscience

Anti-Corruption & Civil Rights Commission

# Act on the Protection of Public Interest Whistleblowers

## to protect you when you follow your conscience

### What is the Act on the Protection of Public Interest Whistleblowers?

The Act was implemented to ensure people's livelihoods and create a more transparent and ethical social climate by protecting and supporting people who report violations of the public interest. (Effective from Sept. 30, 2011)

### What are violations of the public interest?

A violation of the public interest refers to an act subject to penal punishments and administrative dispositions, including the cancellation of a permit or license, and the suspension of business, under any of 180 rules and regulations such as the Agricultural Products Quality Control Act. Examples of such violations include infringement on the health and safety of the public, the environment, consumer interests and fair competition.

### You can report a violation of the Public Interest to the Following Agencies

- (1) The representative or employer of a business that violates the public interest
- (2) Relevant administrative or supervisory bodies
- (3) Investigative agencies
- (4) The Anti-Corruption and Civil Rights Commission
- (5) A member of the National Assembly
- (6) Relevant public institutions executing the acts and regulations regarding the violations of the public interest

### You are NOT retaliated as a result of your public interest whistleblowing

Protective Measures	Personal confidentiality→Ban informing, revealing or publicizing personal information
	Personal protection→Provide protective measures to those who are potentially under threat to their lives and their persons as a result of their whistleblowing activities.
	Ban on personnel disadvantages: Recover one's original status should the whistleblower be dismissed, lose his or her position, or be disadvantaged in some other way because of whistleblowing.

### When a public interest whistleblowing case directly results in the recovery of or increase in revenue for the central or local governments:

- ➔ Provide the whistleblower with a reward of up to KRW 1 billion

### When the public interest whistleblowing report causes damages or expenses related to medical treatment, residential relocation, litigation, wage loss or other reasons:

- ➔ Provide relief funds

### We mitigate the burden on the public interest whistleblower

- If a report on a violation of the public interest reveals the whistleblower's own crime or illegal activities, penal or disciplinary punishment is mitigated or waived.
- Even though a public interest whistleblowing report violates the work-related confidentiality obligation, the whistleblower is deemed not to have violated said obligation.

### Those who reveal the personal information of a public interest whistleblower or who retaliate are punished.

Punishment	Violation
Disciplinary measures	<ul style="list-style-type: none"> <li>• Revealing or publicizing the personal information of a public interest whistleblower</li> <li>• Retaliating against a public interest whistleblower</li> </ul>
Punishment	Imprisonment for not more than 3 years or a fine not exceeding KRW 30 million <ul style="list-style-type: none"> <li>• Revealing or publicizing the personal information of a public interest whistleblower and his/her supporters</li> <li>• Investigative agency staff member who reveals the details of a public interest whistleblowing case</li> </ul>
	Imprisonment for not more than 2 years or a fine not exceeding KRW 20 million <ul style="list-style-type: none"> <li>• Retaliating against a public interest whistleblower and his/her supporters with regard to their personal status</li> <li>• Not carrying out protective measures ordered by the ACRC</li> </ul>
	Imprisonment for not more than 1 year or a fine not exceeding KRW 10 million <ul style="list-style-type: none"> <li>• Retaliating economically and administratively against a public interest whistleblower and his/her supporters</li> <li>• Obstructing public interest whistleblowing report or forcing the rescission of the report</li> </ul>

## How the Whistleblower is Protected

"Mr. B," the representative of a fishery product importer, has imported feed-grade cod heads and other fishery products, a category for which importation is banned. He declared them as edible cod and sold them to department stores, large supermarkets and restaurants for ten years, making illicit profits in the billions of won.

"Mr. A," an employee of the company, happened to find this out and consulted his supervisor, "Mr. C." However, no corrective action was taken, and "Mr. A" reported the case to the Anti-corruption and Civil Rights Commission.

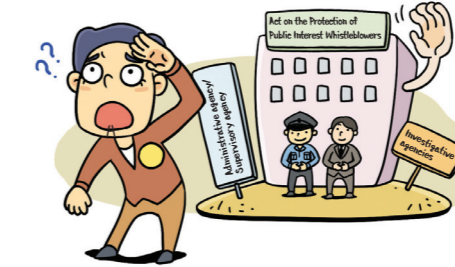
After "Mr. A"'s report sparked an investigation into "Mr. B"'s illegal behavior, "Mr. B" attempted to intimidate the would-be whistleblower "Mr. A" into rescinding the report. "Mr. A," however, refused to give in, and "Mr. B" fired him.

#### Tip

In the end, "Mr. B" was sentenced to one year in prison and fined KRW 2.05 billion for violating the Food Sanitation Act.

### What institution may "Mr. A" report the case to?

The importer representative "Mr. B"; city, the relevant county and district offices; the Korea Food and Drug Administration; an investigative agency; the Anti-Corruption and Civil Rights Commission; or a member of the National Assembly



### Can "Mr. A" receive a reward or relief money?

He is entitled to receive a reward up to KRW 229 million because the penalty was set at KRW 2.05 billion. He can also obtain relief money if his whistleblowing incurs damages or losses related to medical treatment, costs to relocate his residence or a loss in his wages.

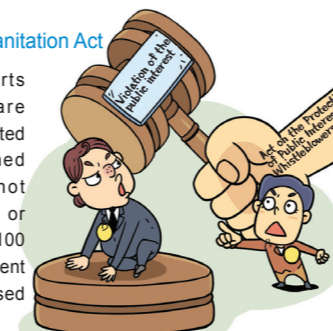


### Does the practice reported by "Mr. A" constitute a violation of the public interest?

The practice is subject to the punishments prescribed in Article 94 of the Food Sanitation Act because it endangers the public health.

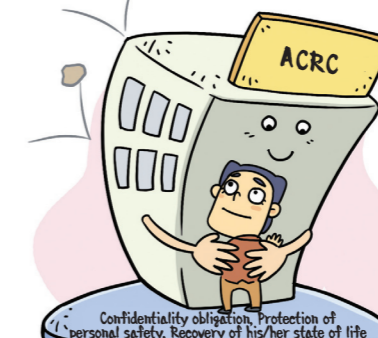
#### Article 94 of the Food Sanitation Act

Any person who imports and sells foods that are banned from being imported or sold may be punished by imprisonment for not more than seven years or by a fine not exceeding 100 million won, or imprisonment and a fine may be imposed concurrently.



### What protective measures are "Mr. A" entitled to?

He can be reinstated if he is deemed to have been dismissed as a result of his public interest whistleblowing.



### What punishment would "Mr. B," who dismissed "Mr. A," receive?

Should "Mr. B" not carry out the protective measures ordered by the ACRC, he would be sentenced to not more than 2 years or fined up to KRW20 million.

