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**ACT ON THE PROTECTION OF PERSONAL INFORMATION MAINTAINED
BY PUBLIC INSTITUTIONS**

[Enforcement Date 05. May, 2010.] [Act No.10012, 04. Feb, 2010., Amendment by
Other Act]

안전행정부 (개인정보보호과)02-2100-4491



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2025.03.11

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to ensure the people's rights to know and to secure the people's participation in state affairs and the transparency of the operation of state affairs by prescribing necessary matters concerning the people's claims for the disclosure of information kept and controlled by public institutions and the obligations of public institutions to disclose such information.

Article 2 (Definitions) For the purpose of this Act, the definitions of terms shall be as follows:

<Amended by Act No. 8171, Jan. 3, 2007; Act No. 10012, Feb. 4, 2010>

1. The term "information" means matters recorded in documents (including electronic documents; hereinafter the same shall apply), drawings, pictures, films, tapes, slides, and other media corresponding thereto that are made, acquired and managed by public institutions in order to discharge their duties;
2. The term "disclosure" means the act of public institutions allowing the people to inspect information, delivering copies and replications of the information to the people under the provisions of this Act or furnishing the people with information through the information and communications network (hereinafter referred to as the "information and communications network") under subparagraph 10 of Article 2 of the Electronic Government Act;
3. The term "public institution" means any State agency, local government, government-invested institution provided for in Article 2 of the Framework Act on the Management of Government-Invested Institutions and other institutions prescribed as such by the Presidential Decree.

Article 3 (Principles for Disclosing Information) All information held and managed by public institutions shall be disclosed under the conditions as prescribed by this Act.

Article 5 (Applicants for Information Disclosure) (1) Every people holds the right to request information disclosure.

(2) Requests for disclosing information made by any foreigners shall be prescribed by the Presidential Decree.

Article 6 (Obligations of Public Institutions) (1) Public institutions shall enforce this Act and abide by related Acts and subordinate statutes so as to respect the people's rights to request information disclosure.

(2) Public institutions shall create an information management system by which information can be properly kept and speedily searched, open an office and secure staff in charge of information disclosure and work to build an information disclosure system, etc. by making full use of the information and communications network.

Article 7 (Publication of Administrative Information) (1) With respect to the information falling under each of the following subparagraphs, public institutions shall prescribe the specific scope of its disclosure and the frequency, time and methods of its disclosure, etc. in advance and publish such standards and regularly publish the information according to such standards: Provided, That the same shall not apply to the information falling under each subparagraph of Article 9 (1):

1. Information pertaining to any policy that has a substantial impact on the life of the people;
2. Information pertaining to any work or any project, etc. which is undertaken under a State policy and requires the spending of a significant amount of budget;
3. Information that is needed to perform the administrative overseeing of detailed budget spending and project evaluation outcome;
4. Other information that is prescribed by the heads of public institutions.

(2) The heads of public institutions shall work vigorously to make information that the people need to know accessible to them in addition to the matters referred to in paragraph (1).

Article 8 (Making and Keeping of List of Information) (1) Public institutions shall make and keep a list of information that they hold and manage in a manner that the people can readily understand such list of information and publish the list of information through the information disclosure system, etc. by making full use of the information and

communications network: Provided, That in the event that any information that may not be disclosed under Article 9 (1) is entered in the list of information, such information may not be provided and disclosed.

(2) Public institutions shall secure a place for information-disclosure and facilities needed to disclose information in order to speedily and smoothly perform the clerical work of information disclosure.

Article 12 (Information Disclosure Council) (1) State agencies, local governments and government-invested institutions that are established in accordance with Article 2 of the Framework Act on the Management of Government-Invested Institutions (hereinafter referred to as "State agencies, etc.") shall each institute and operate an Information Disclosure Council (hereinafter referred to as the "Council") mandated to deliberate on whether or not to disclose information, etc. under Article 11.

(2) The Council shall consist of between 5 and 7 members, including one chairman.

(3) The members of the Council, with the exception of the chairman, shall be designated or commissioned from among public officials, officers and employees belonging to the relevant public institution and outside experts. A half of the members shall be commissioned from among outside experts with an in-depth knowledge of the working of State agencies, etc. or of the work of disclosing information: Provided, That with respect to any State agency exclusively in charge of the work falling under Article 9 (1) 2 or 4, the head of such State agency may separately set the commission ratio of outside experts and commission to not less than one outside expert.

(4) The chairman of the Council shall be designated or commissioned by the heads of State agencies, etc. from among persons who hold the same qualifications as those of the members referred to in paragraph (3).

(5) The provisions of Article 23 (4) and (5) shall apply mutatis mutandis to the Council's members.

(6) Necessary matters concerning the operation and function, etc. of the Council shall be prescribed based on the rules of the National Assembly, the rules of the Supreme Court, the rules of the Constitutional Court, the rules of the National Election Commission, and the Presidential Decree.

Article 13 (Notification of Decision on Whether or Not to Disclose Information) (1) Every public institution shall, when it decides to disclose information in accordance with Article

11, notify the relevant applicant of its decision, explicitly indicating the date, time and place of its disclosure, etc.

(2) Every public institution may, if it is feared to seriously impede the normal performance of its work on the grounds of an excessive quantity of information for disclosure, separately deliver the copies and replications of the relevant information on a periodic basis or deliver them simultaneously and make them available for public inspection.

(3) Every public institution may, if it is feared that the original forms of the relevant information will be stained or damaged or the reasonable grounds exist that make it possible to stain or damage such original copies when it discloses such information under paragraph (1), disclose the copies or replications of the relevant information.

(4) Every public institution shall, when it decides not to disclose information under Article 11, promptly notify in writing the relevant applicant of the fact. In this case, the public institution shall specifically and explicitly indicate the grounds for deciding not to disclose the information, and ways of and procedures for raising an objection.

Article 14 (Partial Disclosure of Information) In the event that any information, the disclosure of which is requested, consists of a part falling under any subparagraph of Article 9 (1) and the other part is possible to be disclosed, if it is possible to separate the two parts without being contrary to the purpose of requesting the disclosure of such information, the information shall be disclosed with the exception of the part falling under any subparagraph of Article 9 (1).

Article 15 (E-Disclosure of Information) (1) In the event that any applicant asks for disclosing information in the e-form, which is held and managed in the e-form by any public institution, the relevant public institution shall comply with the request of the applicant excepting cases where it is extremely difficult to comply with such request in view of the character of the relevant information.

(2) In the event that any applicant asks for disclosure of information that is not held and managed in e-form by any public institution, such public institution may disclose the information after converting it into e-form as long as such conversion is not feared to seriously impede the performance of the institution's work or distort the nature of the relevant information.

(3) Necessary matters concerning the disclosure of information in e-form, etc. shall be prescribed based on the rules of the National Assembly, the rules of the Supreme Court,

the rules of the Constitutional Court, the rules of the National Election Commission and the Presidential Decree.

Article 16 (Disclosure of Information that Can be Immediately Processed) The information that falls under each of the following subparagraphs and can be immediately or orally processed shall be disclosed without going through the procedures provided for in Article 11:

1. Information that is produced for the purpose of its disclosure to the public under Acts and subordinate statutes;
2. Various publicity materials that are produced for the purpose of publicizing to the general public;
3. Information, the disclosure of which has been already determined and its disclosure does not require a long time;
4. Other information that is prescribed by the heads of public institutions.

Article 18 (Raising of Objections) (1) When any applicant is dissatisfied with a decision made by any public institution not to disclose information or a decision made by any public institution to partially disclose information, he may raise an objection in writing to the relevant public institution within 30 days from the date on which he receives a notice on whether or not to disclose the information or from the date on which it is deemed to decide not to disclose the information under Article 11 (5).

(2) The relevant public institution shall decide on the objection raised and promptly notify the applicant in writing of such decision within 7 days from the date on which it receives the objection raised: Provided, That when the relevant public institution is unable to make the decision within the fixed period on the grounds of inevitability, the relevant public institution may extend the fixed period by no more than 7 days as calculated from the day following the date on which the fixed period expires and notify the applicant of the grounds for extending the fixed period.

(3) Every public institution shall, when it decides to turn down or dismiss any objection raised, notify the relevant applicant of the purport that he may file for an administrative appeal or an administrative hearing when it notifies the applicant of its decision under paragraph (2).

Article 19 (Administrative Appeal) (1) When any applicant is dissatisfied with a decision made by any public institution in connection with information disclosure, he may file an administrative appeal under the conditions as prescribed by the Administrative Appeals Act. In that case, administrative agencies that supervise the decisions of public institutions, other than state agencies and local governments, shall be the heads of the relevant central administrative agencies or the heads of the relevant local governments. <Amended by Act No. 8871, Feb. 29, 2008>

(2) Every applicant may file an administrative appeal without going through the procedures for filing administrative appeals required by Article 18.

(3) Any member who is involved in administrative appeals of decisions on whether or not to disclose information from among the members of the Administrative Appeal Committee shall not divulge secrets that the member has learned while performing his duties during his tenure and after his retirement.

(4) The members of the Administrative Appeal Committee referred to in paragraph (3) shall be deemed public officials in the application of the Criminal Act and the penal provisions of other Acts.

Article 20 (Administrative Litigation) (1) When any applicant is dissatisfied with a decision made by any public institution in connection with information disclosure, he may file for an administrative hearing under the conditions as prescribed by the Administrative Litigation Act.

(2) The presiding judge may, if deemed necessary, pursue or examine the information, the disclosure of which is requested, in private, without enrolling parties therewith.

(3) In the event that a disposition is taken to keep concealed or partially disclose the information pertaining to national security, national defense or diplomacy that is subject to the administrative litigation from among the information provided for in Article 9 (1) 2 and the relevant public institution substantiates procedures for classifying the information and setting the levels, types and nature of the classification, practical reasons for keeping the information secret and the grounds for not disclosing the information, etc., the presiding judge may order that the relevant information not be submitted.

Article 21 (Request Made by Third Party for Keeping Information Concealed) (1) Any third party who is notified of the fact of a request made for disclosing information under Article 11 (3) may ask the relevant public institution not to disclose the information pertaining to

that person within 3 days from the date of receipt of notification of the fact.

(2) Notwithstanding the request made by the third party not to disclose the information under paragraph (1), if any public institution decides to disclose such information, such public institution shall promptly notify in writing the third party of its decision to disclose the information, explicitly indicating the reason for deciding to disclose the information as well as the date of information disclosure, and the third party may raise an objection in writing to the relevant public institution or file for an administrative appeal or an administrative hearing. In this case, the third party shall raise an objection within 7 days from the date of notification of the decision.

(3) The relevant public institution shall give an interval of at least 30 days between the date on which the decision is made to disclose the information under paragraph (2) and the date on which the information is disclosed.

Article 23 (Composition of Committee, etc.) (1) The Committee shall consist of 9 members, including one chairman and one vice chairman.

(2) Committee members shall be the persons falling under each of the following subparagraphs. In this case, 5 members, including the chairman, shall be commissioned from among persons who are not public officials: <Amended by Act No. 7796, Dec. 29, 2005; Act No. 8854, Feb. 29, 2008>

1. Vice ministers or public officials in general service belonging to the Senior Civil Service, all of whom work for relevant ministries and agencies prescribed by the Presidential Decree;
2. Persons of profound learning and experience in information disclosure who are commissioned by the Minister of Public Administration and Security; and
3. Persons who are first recommended by civil groups (referring to civil organizations provided for in Article 2 of the Assistance for Nonprofit Non-Government Organizations Act) and are later commissioned by the Minister of Public Administration and Security.

(3) The terms of office for the chairman, the vice chairman and the members shall be 2 years and may be recommissioned: Provided, That the terms of office for public officials shall be the period during which they serve as public officials while holding their respective positions.

(4) The chairman, the vice chairman and the members shall be prohibited from divulging information they have obtained while performing their respective information-disclosure

duties or from committing the act of profiting personally from such information or compromising the interests of other persons using such information.

(5) The chairman, vice chairman or member who is not a public official shall be deemed a public official in the application of the Criminal Act and the penal provisions of other Acts.

(6) Necessary matters concerning the composition and operation of the Committee and procedures for resolution, etc. shall be prescribed by the Presidential Decree.

Article 24 (Overall Control of Systems, etc.) (1) The Minister of Public Administration and Security shall exercise overall control of policy development, system improvements and planning, etc. involving the disclosure of information under this Act. <Amended by Act No. 8854, Feb. 29, 2008>

(2) The Minister of Government Administration and Home Affairs may, upon receiving a request from the Committee for the need to efficiently operate the information-disclosure system, assess the actual state of the information-disclosure system operated by public institutions (excluding the National Assembly, courts, the Constitutional Court and the National Election Commission). <Amended by Act No. 8854, Feb. 29, 2008>

(3) The Minister of Public Administration and Security shall, if he makes the assessment referred to in paragraph (2), publish findings of the assessment after reporting them to the State Council through the Committee and with respect to matters that are recommended by the Committee as being necessary to be improved, the Minister of Government Administration and Home Affairs shall ask public institutions concerned to take measures to make such improvements. <Amended by Act No. 8854, Feb. 29, 2008>

Article 25 (Request for Submitting Material) The Secretary General of the National Assembly, the Minister of the Court Administration, the Secretary General of the Constitutional Court, the Secretary General of the National Election Commission and the Minister of Public Administration and Security may, if deemed necessary, ask public institutions to cooperate with them in submitting material, etc. concerning the disclosure of information. <Amended by Act No. 8854, Feb. 29, 2008>