SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON DISCLOSURE OF ADMINISTRATIVE INFORMATION FOR OPEN CITY ADMINISTRATION

Enactment No. 3792, Oct. 25, 2000
Partial Amendment No. 4070, Apr. 15, 2003
Partial Amendment No. 4235, Nov. 05, 2004
Amendment of Other Laws No. 4235, Mar. 17, 2005
Partial Amendment No. 4307, Sep. 30, 2005
Amendment of Other Laws No. 4410, Jul. 19, 2006
Amendment of Other Laws No. 4528, May. 29, 2007
Partial Amendment No. 4614, Apr. 03, 2008
Amendment of Other Laws No. 5137, Jul. 28, 2011
Partial Amendment No. 5301, May. 22, 2012
Amendment of Other Laws No. 5308, Jul. 26, 2012
Whole Amendment No. 5553, Aug. 01, 2013
Amendment of Other Laws No. 6386, Jan. 05, 2017
Amendment of Other Laws No. 7046, Mar. 28, 2019
Amendment of Other Laws No. 7156, May. 16, 2019
Amendment of Other Laws No. 7421, Dec. 31, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7518, Mar. 26, 2020
Partial Amendment No. 7735, Oct. 05, 2020
Partial Amendment No. 8215, Dec. 30, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to ensure transparency in the administrative operation of the Seoul Metropolitan Government and its affiliated executive agencies and guarantee citizens' right to know administrative information so as to ultimately realize open city administration through communication and cooperation by prescribing matters necessary for the disclosure of administrative information held by agencies of the Seoul Metropolitan Government subject to information disclosure pursuant to the Official Information Disclosure Act. <Amended on Jan. 5, 2017; Oct. 5, 2020>

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows: <Amended on May 16, 2019; Oct. 5, 2020>

1. The term "agency subject to disclosure" means any of the following agencies:

(a) The head office, subordinate agencies, business offices, and collegiate administrative agencies under the Seoul Metropolitan Government Ordinance on the Establishment of Administrative Organs and the Seoul Metropolitan Government Enforcement Rule of the Ordinance on the Establishment of Administrative Organs;

(b) Public corporations and public agencies established by the Seoul Metropolitan Government under the Local Public Enterprises Act;

(c) City-invested or City-funded institutions established by the Seoul Metropolitan Government under Article 2 (1) of the Act on the Operation of Local Government-Invested or -Funded Institutions;

2. The term "petitioner" means a private individual, legal entity, or organization that files a request for disclosure of administrative information with an agency subject to disclosure;

3. Deleted; <Oct. 5, 2020>

4. Deleted. <Oct. 5, 2020>

Article 3 (Principles of Disclosure of Information)

(1) Administrative information possessed and managed by an agency subject to disclosure is a precious public asset, the disclose of which shall be done in accordance with the provisions of relevant statutes, regulations, and this Ordinance. <Amended on Oct. 5, 2020>

(2) To satisfy citizens' right to know, the scope of administrative information subject to prior disclosure, including principal approved documents, shall be expanded even without a citizen's request.

(3) Information to be disclosed shall be classified and managed in a manner readily accessible thereto by citizens, and shall be promptly provided via information and communications networks.

(4) The details of information to be disclosed shall be conscientiously prepared and provided, in accordance with the purpose of providing such information.

Article 4 (Responsibilities of Agencies Subject to Disclosure)

(1) The head of an agency subject to disclosure shall classify and store administrative information subject to disclosure in a

systematic manner so as to be able to promptly respond to requests for the disclosure of administrative information. <Amended on Oct. 5, 2020>
(2) The head of an agency subject to disclosure shall prepare and keep a list of information, publish the list through an information disclosure system, etc. accessible via information and communications networks, and shall install and operate counters for receipt of requests for the disclosure of administrative information at places convenient for citizens' access. <Amended on Oct. 5, 2020>
(3) The head of an agency subject to disclosure shall pro-actively collect opinions from citizens to expand the scope of disclosable administrative information and to promote communication with citizens, and may provide an agency or organization that implements an appropriate program therefor with administrative and financial assistance. <Amended on Oct. 5, 2020>
(4) Where the head of an agency subject to disclosure discloses administrative information, he or she shall provide information accessible to visually impaired persons, and visually and hearing impaired persons (referring to persons with a combined loss of vision and hearing; hereinafter the same shall apply) and shall take necessary measures to make it convenient for them to request the disclosure of administrative information and to access to information. <Newly Inserted on Mar. 26, 2020; Oct. 5, 2020>
(5) The Mayor shall report the performance records of an implementation plan to the Seoul Metropolitan Council every year. <Newly Inserted on Mar. 26, 2020>
[Title Amended on Oct. 5, 2020]

Article 5 (Publication of Administrative Information)

(1) An agency subject to disclosure shall make public any of the following administrative information on a regular basis, even without a petitioner's request therefor: Provided, That this shall not apply to those classified as non-disclosure administrative information in accordance with statutes, regulations, other municipal ordinances: <Amended on Jan. 5, 2017; Dec. 31, 2019; Oct. 5, 2020>
1. Medium- and long-term comprehensive plans, medium- or long-term plans by sector, and important master plans by the Seoul Metropolitan Government;
2. An interim draft plan pertaining to a plan formulated by an executive agency, among the plans set forth in subparagraph 1;
3. The operational plan, budget, and financial statements of the Seoul Metropolitan Government for the pertinent year and reports on the management of its funds;
4. An operational plan, budget, and accounts settlement of institutions listed in subparagraph 1 (b) and (c) of Article 2 for the pertinent year;
5. The current status of debts and a plan for annual repayment of debts;
6. Details of business advancement expenses incurred by the Mayor, Vice Mayors, Director Generals, and divisions and institutions headed by a Grade-IV or higher-ranking public official of the Seoul Metropolitan Government; details of business advancement expenses incurred by the heads and executives of City-invested institutions and City funded institutions; and details of business advancement expenses incurred by the President, the Vice President, and Deans of the University of Seoul;
7. A plan for the adjustment of rents, fees, and various public utility charges levied by an agency subject to disclosure;
8. Findings of major statistical surveys conducted by the Seoul Metropolitan Government in connection with city administration by sector on a regular basis (such as speeds of traffic flow and traffic volume, amounts of waste generated, population and household statistics, industrial statistics, and statistics pertaining to urban planning);
9. The current status of negotiated contracts of a value of at least 10 million won, construction projects with a total construction cost of at least 100 million won, contracts for purchasing goods, and contracts for outsourcing services; matters regarding amendment to a contract; and details of budget implementation in connection with contracts by budget category;
10. Rulings on administrative appeals; decisions on petitions for objection against local taxes; and decisions on petitions for examination;
11. Reports on results of public hearings held by the Seoul Metropolitan Government in regard to various sectors of city administration;
12. Operational manuals containing guidelines, procedures, etc. for handling civil petitions and disclosing information;
13. Outcomes of various outsourced service projects, such as scientific services;
14. Results of meetings of various committees of the Seoul Metropolitan Government, including the investment examination committee, and meeting minutes;
15. The status of the Balanced Scorecard system of the Seoul Metropolitan Government;
16. Other activities an agency subject to disclosure deems necessary to disclose for the public good.
(2) The Seoul Metropolitan Government shall pro-actively disclose any of the following administrative information, in addition to the information set forth in paragraph (1): <Amended on Jan. 5, 2017; May 16, 2019; Dec. 31, 2019; Oct. 5, 2020>
1. Findings of water quality tests conducted by the Seoul Metropolitan Government on a regular basis on raw water and purified water for waterworks and findings of tests and measurements conducted on air, noise, etc. in connection with environmental conservation;
2. Findings of evaluations on business performance under subparagraph 1 (b) of Article 2;
3. A plan to fulfill commitments of the Mayor of the Seoul Metropolitan Government and results of performance of such

commitments;
4. Reports on activities of the citizens' ombudsmen of the Seoul Metropolitan Government;
5. Findings of evaluations conducted by specialized survey and research institutions commissioned by the Seoul Metropolitan Government on the level of citizens' satisfaction with public services provided by each autonomous Gu or affiliated agency, by an institution entrusted with administrative affairs of the Seoul Metropolitan Government, or by a private institution or company providing social public services;
6. Reports on the findings of inspection and examination of the safety of bridges, tunnels, and subways;
7. The current status of compilation and implementation of the budget for the safety management and maintenance of such structures as bridges and tunnels;
8. The current status of budget implementation for preparation against disasters and floods and for safety management;
9. The current status of outbreaks of infectious diseases;
10. Trends and the current status of the fluctuation of prices for agricultural and livestock products, findings of inspections on pesticide residues in agricultural products, and findings of inspections on the labeling of country of origin;
11. An audit plan and the findings of the audit and a report on the findings of the audit conducted by the Metropolitan Council on administrative affairs for the pertinent year.
(3) Details of the disclosure of administrative information falling under any subparagraph of paragraphs (1) and (2), and other details such as the interval, timing, and methods of disclosure shall be prescribed by rule of the Seoul Government. <Amended on Jan. 5, 2017; Oct. 5, 2020>

Article 6 (Bearing of Expenses)

Expenses incurred in the disclosure of administrative information shall be borne by the relevant petitioner, and the amount of such expenses and matters necessary for the procedure for levying fees for such expenses shall be prescribed by the Seoul Metropolitan Government Ordinance on Collection of Fees. <Amended on Mar. 28, 2019>

Article 7 (Establishment and Operation of Information Disclosure Council)

(1) The Mayor shall establish and operate an information disclosure council of the Seoul Metropolitan Government (hereinafter referred to as "Council") in accordance with Article 12 of the Official Information Disclosure Act (hereinafter referred to as the "Act"). <Amended on Jan. 5, 2017; Oct. 5, 2020>
(2) The Council shall consist of up to seven members, including its chairperson, and a majority of the members shall be commissioned by the Mayor, from among the persons with extensive expert knowledge and experience, after considering gender balance. <Amended on Oct. 5, 2020>
(3) A chairperson shall be elected by and from commissioned members; and a member appointed by the chairperson shall act on his or her behalf where the chairperson is unable to perform the official duties. <Amended on Oct. 5, 2020>
(4) The Director-General of Administrative Services shall serve as an ex-officio member. <Amended on Oct. 5, 2020>
(5) The term of office of a commissioned member shall be two years, which may be renewed consecutively, only once. <Amended on Oct. 5, 2020>
(6) A meeting of the Council shall be duly formed with the attendance of a majority of incumbent members, and a resolution shall be adopted by concurring votes of a majority of the members present at the meeting. <Amended on Oct. 5, 2020>
(7) A commissioned member may be paid allowances, and reimbursed for travel expenses, other necessary expenses, within budgetary limits. <Amended on Dec. 31, 2019; Oct. 5, 2020>
(8) The heads of the agencies listed in subparagraph 1 (b) and (c) of Article 2 shall establish and operate a separate information disclosure council; and the details shall be prescribed by their own rules or regulations. <Newly Inserted on Oct. 5, 2020>

Article 7-2 (Decommissioning of Members)

The head of an agency subject to disclosure may decommission a commissioned member in any of the following cases:
1. Where the member fails to faithfully perform his or her duties or causes injury to dignity as a member;
2. Where the member participates in deliberation despite meeting the grounds for exclusion, challenge, or recusal specified in Article 7-3, thereby leading to fairness issues;
3. Where the member is deemed to be incapable of performing his or her duties for other reasons.
[This Article Newly Inserted on Oct. 5, 2020]

Article 7-3 (Exclusion of, Challenge to, and Recusal by Members)

(1) In order to ensure fairness in deliberation, a member having direct interests in an agenda item shall not participate in deliberation on such item.
(2) An interested party to an agenda item may file an application for challenge, where there are reasonable grounds to believe that it would be difficult to expect fairness from the member.
(3) In cases falling under paragraph (1) or (2), a member may recuse himself or herself from deliberation.
[This Article Newly Inserted on Oct. 5, 2020]

Article 8 (Council's Functions)

The Council shall deliberate on the following matters: <Amended on Jan. 5, 2017; Oct. 5, 2020>

1. Matters on which the head of an agency subject to disclosure requests the Council to deliberate in connection with decision-making as to whether to disclose administrative information in response to a request for disclosure and the scope and method of such disclosure;
2. An objection filed under Article 18 or 21 (2) of the Act;
3. Other matters on which the head of an agency subject to disclosure deems necessary to be deliberated, for which the Council chairperson requests deliberation, or which have been brought to a Council meeting by the chairperson, in order to expand citizens' right to know.

Article 9 (Hearings)

If the Council deems it necessary, it may seek opinions from relevant public officials, petitioners, relevant experts, or other interested third parties. <Amended on Dec. 31, 2019>

Article 10 (Council Members' Duty)

No Council member shall divulge any confidential information which becomes known to him or her in the course of performance of his or her duties, even after dismissal from his or her office.

Article 11 (Evaluation and Reporting)

(1) The Mayor shall inspect and evaluate the status of information disclosure by agencies subject to disclosure at least twice a year; and shall disclose the findings thereof on information and communications networks such as the website. <Amended on Oct. 5, 2020>

(2) The methods for, timing of, and procedures for the inspection of disclosure status under the foregoing paragraph shall be prescribed by rules of the Seoul Metropolitan Government.

(3) The Mayor shall publish and disclose an evaluation report on the status of information disclosure by agencies subject to disclosure on an annual basis. <Amended on Oct. 5, 2020>

[Moved from Article 12; previous Article 11 deleted <Oct. 5, 2020>]

Article 12 (Relationship to Other Systems)

(1) This Ordinance shall not apply to administrative information subject to perusal, public announcement, public notice, preliminary notice, or the issuance of certified transcripts, abstracts, or other copies thereof under other statutes, regulations, or municipal ordinances.

(2) This Ordinance shall not apply to books or periodicals available to the general public for perusal or loan at a reference room or library of agencies subject to disclosure. <Amended on Oct. 5, 2020>

[Moved from Article 13; previous Article 12 moved to Article 11 <Oct. 5, 2020>]

Article 13 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rules of the Seoul Metropolitan Government.

[Moved from Article 14; previous Article 13 moved to Article 12 <Oct. 5, 2020>]

Article 14 (Enforcement Rules)

Necessary matters concerning the enforcement of this Ordinance shall be prescribed by rules of the Seoul Metropolitan Government.