

# SMART GRID CONSTRUCTION AND UTILIZATION PROMOTION ACT

Act No. 10714, May 24, 2011

Amended by Act No. 11690, Mar. 23, 2013

Act No. 12154, Jan. 1, 2014

Act No. 13859, Jan. 27, 2016

Act No. 14674, Mar. 21, 2017

## Article 1 (Purpose)

The purpose of this Act is to create smart grids and facilitate the use thereof to develop related industries, cope proactively with global climate changes, lay foundations for future industries oriented to low carbon and green growth, and ultimately contribute to the innovation of the environment for the use of energy and the growth of the national economy.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. The term "power grid" means electrical facilities necessary to generate electric power and supply it to electric power users and the system that controls and manages such facilities;
2. The term "smart grid" means a power grid for maximizing the efficiency in the use of energy by supplying electric power by means of information and communications technologies applied thereto, through which suppliers and users of electric power can exchange information on a real-time basis;
3. The term "smart grid information" means all kinds of data or knowledge processed by optical or electronic means for the creation and use of a smart grid and expressed in codes, letters, voice, sound, or images;
4. The term "smart grid technologies" means technologies specified by Ordinance of the Ministry of Trade, Industry and Energy for the creation and use of smart grids;
5. The term "smart grid project" means any of the following projects for supplying goods for the creation and use of a smart grid or for providing services by using a smart grid:
  - (a) A project for construction of infrastructure for smart grids;
  - (b) A project for manufacturing apparatuses or products for smart grids;
  - (c) A project for providing services through a smart grid;
6. The term "smart grid business entity" means a person engaged in a smart grid business.

### **Article 3 (Responsibilities of Government, etc.)**

(1) The Government shall prepare measures for systematic growth of the smart grid industry by improving regulations on smart grid projects and creating an environment for successfully inducing investment from the private sector.

(2) Smart grid business entities shall participate in measures taken by the Government for the systematic growth of the smart grid industry and shall cooperate with the Government in such measures.

### **Article 4 (Relationship to Other Acts)**

Except as otherwise expressly provided for in the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. and other Acts, the creation and use of smart grids and the collection, utilization, and protection of smart grid information shall be governed by this Act.

### **Article 5 (Establishment and Implementation of Master Plans for Smart Grids)**

(1) The Government shall establish and implement a master plan for creation and facilitation of use of smart grids (hereinafter referred to as "master plan") for every five years.

(2) A master plan shall include the following matters:

1. Matters regarding the goals and direction-setting of medium- and long-term policies on smart grids;
2. Matters regarding the development, substantiation, distribution, and diffusion of smart grid technologies;
3. Matters regarding the operation and use of smart grids;
4. Matters regarding the promotion of the smart grid industry;
5. Matters regarding the standardization, testing, inspection, and certification of smart grids;
6. Matters regarding the training of professional human resources for smart grids;
7. Matters regarding advancement into overseas markets and international cooperation for the smart grid industry;
8. Matters regarding the protection of smart grid information and securing stability;
9. Matters regarding investment in smart grids;
10. Matters regarding the improvement of systems for smart grids;
11. Other matters necessary for creating and facilitating the use of smart grids.

(3) If the Government intends to establish or revise the master plan, it shall bring the plan or revision to the Green Growth Committee under Article 14 of the Framework Act on Low Carbon, Green Growth for deliberation: Provided, That the foregoing shall not apply to proposed revision to a minor matter specified by Presidential Decree.

(4) Except as otherwise provided for in paragraphs (1) through (3), matters necessary for the establishment and implementation of master plans shall be prescribed by Presidential Decree.

### **Article 6 (Establishment and Implementation of Implementation Plans for Smart Grids)**

(1) The Minister of Trade, Industry and Energy shall establish and implement an implementation plan for the creation and facilitation of the use of smart grids (hereinafter referred to as "implementation plan") every year in order to implement the master plan. <Amended by Act No. 11690, Mar. 23, 2013>

(2) An implementation plan shall include the following matters:

1. A detailed action plan for the implementation of the master plan for each year;
2. Matters regarding the coordination of other plans and policies related to master plans;
3. Matters regarding the goals and performance management for the relevant year;
4. Matters regarding the role of each related central administrative agency, each local government, and other corporations, organizations, or institutions participating in the creation and facilitation of the use of smart grids;
5. Other matters necessary for the creation and facilitation of the use of smart grids.

(3) Except as otherwise provided for in paragraphs (1) and (2), matters necessary for the establishment and implementation of implementation plans shall be prescribed by Presidential Decree.

#### **Article 7 (Prior Consultation)**

If a central administrative agency, a local government, or an institution specified by Presidential Decree intends to establish and implement a plan for the creation and the use of smart grids, it shall consult with the Minister of Trade, Industry and Energy thereon in advance. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 8 (Preparation and Disclosure of Statistics of Smart Grids)**

(1) In order to establish and implement a plan for smart grids efficiently, the Minister of Trade, Industry and Energy shall prepare and manage statistics of smart grids, in consultation with the Commissioner of the Statistics Korea. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) In order to facilitate the use of smart grids, the Minister of Trade, Industry and Energy shall disclose the statistics under paragraph (1) to the public: Provided, That the foregoing shall not apply to the non-disclosable information under Article 9 of the Official Information Disclosure Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 9 (Establishment, etc. of Plans for Conversion to Smart Grids)**

(1) If necessary to ensure the participation of suppliers and users of electric power, the Minister of Trade, Industry and Energy may establish and implement a plan for the conversion by period and by phase (hereinafter referred to as "conversion plan") with regard to the introduction and replacement of instruments and products of suppliers and users of electric power. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Trade, Industry and Energy shall endeavor to improve the systems related to electronic equipment under subparagraph 16 of Article 2 of the Electric Utility Act and the electrical appliances under subparagraph 1 of Article 2 of the Electrical Appliances and Consumer Products Safety Control Act. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13859, Jan. 27, 2016>*

(3) If necessary to implement a conversion plan efficiently, the Minister of Trade, Industry and Energy may designate target areas, target instruments and products, target services, and target business entities, and provide them with necessary administrative and financial support. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) When the Minister of Trade, Industry and Energy establishes a conversion plan, he/she shall publicly notify thereof without delay through the Official Gazette. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 10 (Support for Research and Development)**

In order to invigorate the research and development of smart grids, the Government may provide a person who performs any of the following activities with necessary administrative and financial support:

1. Development of smart grid technologies;
2. Development of educational courses relating to smart grids and training of human resources;
3. Other activities specified by Presidential Decree in order to invigorate the research and development of smart grids.

#### **Article 11 (Promotion, etc. of International Cooperation)**

(1) In order to take the initiative in coping internationally with climate changes and promote the advancement into international markets for smart grid projects, the Minister of Trade, Industry and Energy shall grasp international trends and promote international cooperation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) In order to promote international cooperation in smart grid projects, the Minister of Trade, Industry and Energy may render assistance in projects for the exchange of technology and human resources relating to smart grids, international standardization and international joint research and development of smart grids. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 12 (Registration, etc. of Smart Grid Business Entities)**

(1) A person who intends to implement a smart grid project under any of the following subparagraphs shall meet the standards for registration with regard to professional human resources, capital, and other relevant elements and shall register with the Minister of Trade, Industry and Energy: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A project for the construction of infrastructure for smart grids;
2. A project for providing smart grid services.

(2) If a person intends to modify any of the material facts specified by Presidential Decree, among facts registered pursuant to paragraph (1), it shall make registration for such modification.

(3) The procedures and methods for the registration and modified registration under paragraphs (1) and (2) and other matters necessary for registration shall be prescribed by Presidential Decree.

#### **Article 13 (Revocation of Registration)**

If any of the following events occurs with respect to a smart grid business entity registered in accordance with Article 12 (1), the Minister of Trade, Industry and Energy may revoke the registration: Provided, That such registration shall be revoked if any event under subparagraph 1 occurs: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. If a business entity has itself registered by fraud or other improper means;
2. If a business entity fails to meet the standards for registration under Article 12 (1);

3. If a business entity fails to register to modify any of the material facts, in violation of Article 12 (2);
4. If a business entity received support under this Act by fraud or other improper means or used subsidies for any other purpose.

#### **Article 14 (Subsidization, etc. for Invested Expenses)**

(1) Where a smart grid business entity registered in accordance with Article 12 (1) makes an investment necessary for the realization of public interests, such as publicness and safety of smart grids, as prescribed by Presidential Decree, the Government may fully or partially subsidize the business entity for expenses incurred therein.

(2) Expenses to be incurred in the subsidization under paragraph (1) may be disbursed from the fund or budget under any of the following subparagraphs: <Amended by Act No. 12154, Jan. 1, 2014>

1. The Electrical Industry Foundation Fund under Article 48 of the Electric Utility Act;
2. The Fund for Promotion of Information and Communications under Article 41 of the Information and Communications Technology Industry Promotion Act;
3. The Special Accounts for Energy and Resources-Related Projects under the Act on the Special Accounts for Energy and Resources-Related Projects.

#### **Article 15 (Certification)**

(1) In order to ensure stability and interoperability of smart grids, the Minister of Trade, Industry and Energy may issue a certification on any of the following matters, as prescribed by Ordinance of the Ministry of Trade, Industry and Energy: <Amended by Act No. 11690, Mar. 23, 2013>

1. Instruments and products for smart grids;
2. Smart grid services;
3. Buildings in which instruments and products for smart grids are installed.

(2) Standards for certification under paragraph (1) (hereinafter referred to as "certification standards") shall be prescribed by Presidential Decree after consultation with related central administrative agencies.

(3) If any of the following events occurs with respect to a person who obtained certification, the Minister of Trade, Industry and Energy shall revoke the certification: <Amended by Act No. 11690, Mar. 23, 2013>

1. If a person obtained a certification by fraud or other improper means;
2. If a person fails to meet the standards for certification under paragraph (2).

(4) A person who is certified under paragraph (1) may place the mark of certification on relevant instruments or products for smart grids or advertise the fact that he/she is certified (including advertisements by Internet or any other electronic means; the same shall apply hereinafter), as prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

(5) No person who has not been certified pursuant to paragraph (1) shall place the mark of certification under paragraph (1) or any similar mark or advertise that he/she is certified.

#### **Article 16 (Certifying Agencies)**

(1) In order to efficiently perform certification under Article 15 (1), the Minister of Trade, Industry and Energy may designate a person who meets the standards prescribed by Presidential Decree with regard to

professional human resources, financial capability, and other relevant elements as a certifying agency. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If any of the following events occurs with respect to a certifying agency designated pursuant to paragraph (1), the Minister of Trade, Industry and Energy may revoke the designation: Provided, That such designation shall be revoked if any event under subparagraph 1 occurs: <Amended by Act No. 11690, Mar. 23, 2013>

1. If it is designated by fraud or other improper means;
2. If it fails to meet the standards for designation under paragraph (1).

(3) Matters necessary for the designation of certifying agencies under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 17 (Promotion of Standardization)**

(1) In order to ensure the stability and interoperability of smart grids, the Minister of Trade, Industry and Energy may establish standards for technologies, products, and services relating to smart grids and publicly notify thereof. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may recommend smart grid business entities to comply with the standards under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 18 (Designation, etc. of Central Districts)**

(1) If necessary to establish smart grids and promote the increased use of smart grids, the Minister of Trade, Industry and Energy may designate central districts of smart grids (hereinafter referred to as "central districts"), as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If necessary to develop and operate central districts, the central government or a local government may fully or partially subsidize costs of development and operating expenses.

(3) If necessary to develop and operate central districts, the Minister of Trade, Industry and Energy may request the head of a related central administrative agency or the head of a local government to provide special exceptions as to administration. <Amended by Act No. 11690, Mar. 23, 2013>

(4) If any of the following events occurs, the Minister of Trade, Industry and Energy may revoke the designation of a central district: Provided, That such designation shall be revoked if any event under subparagraph 1 occurs: <Amended by Act No. 11690, Mar. 23, 2013>

1. If a central district was designated by fraud or other improper means;
2. If a reasonable ground exists to conclude that it is impractical to achieve purposes of the designation of a central district.

#### **Article 19 (Designation, etc. of Institutions Assisting in Promotion of Smart Grid Industry)**

(1) In order to render assistance in the following activities efficiently, the Minister of Trade, Industry and Energy may designate a person who meets the standards prescribed by Presidential Decree with regard to professional human resources and other relevant elements as an institution assisting in the promotion of the smart grid industry (hereinafter referred to as "assisting institution"): <Amended by Act No. 11690, Mar. 23, 2013>

1. Survey and research on policies and systems for the promotion of the smart grid industry;
  2. Implementation of projects for the substantiation of smart grid technologies;
  3. Distribution and diffusion of technologies, instruments, and products for smart grids;
  4. Protection of smart grid information and ensuring safety.
- (2) The Minister of Trade, Industry and Energy may subsidize an assisting institution, within the budgetary limits, for expenses to be incurred in performing the activities under any subparagraph of paragraph (1). *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) If any of the following events occurs with respect to an assisting institution, the Minister of Trade, Industry and Energy may revoke the designation of the assisting institution: Provided, That such designation shall be revoked if any event under subparagraph 1 occurs: *<Amended by Act No. 11690, Mar. 23, 2013>*
1. If it is designated by fraud or other improper means;
  2. If it fails to meet the standards for designation under paragraph (1).
- (4) The procedure for the designation of assisting institutions under paragraph (1) and other matters necessary for the designation shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 20 (Smart Grid Association)**

- (1) In order to promote the robust development of the smart grid industry and pursue common interests of smart grid business entities, smart grid business entities may establish the smart grid association (hereinafter referred to as the "Association") with authorization by the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The Association shall be a corporation.
- (3) The Association shall be duly formed by completing the registration of its establishment with the register office having jurisdiction over its principal place of business.
- (4) Except as otherwise provided for in this Act, the provisions regarding incorporated associations in the Civil Act shall apply mutatis mutandis to the Association.

#### **Article 21 (Collection and Management of Smart Grid Information)**

In order to manage and operate smart grids efficiently, the Minister of Trade, Industry and Energy may collect statistical information on smart grids from smart grid business entities and manage such information by type, sector and supply stage. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 22 (Collection of Personal Information on Smart Grids, etc.)**

- (1) No one shall collect or process information about an individual, which can be identified with the individual's name, resident registration number, or other information (hereinafter referred to as "personal information on smart grids") among smart grid information without consent of the individual (hereinafter referred to as "subject of information").
- (2) The subject of information may demand a person who holds smart grid information about him/her to inspect, correct or delete the information: Provided, That no one may demand the deletion of information

about him/her if collecting such information is permitted specifically by any other Act.

(3) Upon receiving a demand under paragraph (2), the person who holds smart grid information shall conduct an inspection thereon without delay to inspect, correct, or delete the information and take other necessary measures and then notify the subject of information of the results thereof.

#### **Article 23 (Provision and Sharing of Smart Grid Information, etc.)**

(1) If necessary to provide smart grid services smoothly, a smart grid business entity may request another smart grid business entity to provide or share smart grid information.

(2) If a person intends to provide or share smart grid information, in which personal information on smart grids is included, pursuant to paragraph (1), he/she shall notify the subject of information of all the following matters to obtain consent thereto:

1. The person who desires to have the provided or shared personal information on smart grids;
2. Purposes of holding and using the personal information on smart grids by the person under subparagraph (1);
3. The duration of holding and using the personal information on smart grids by the person under subparagraph (1);
4. Items of the provided personal information on smart grids.

(3) No person who has access to smart grid information provided or shared pursuant to paragraph 1 or 2 shall provide the information to a third party or use the information for any purpose other than the purpose for which the information is provided, unless the subject of information consents to it or any other Act specifically provides otherwise.

(4) Unless an extenuating circumstance exists, a person who receives a request under paragraph (1) shall accept the request for agreement in good faith.

(5) If it is impossible to reach agreement under paragraph (4) or the parties fail to reach agreement, either party may request the Minister of Trade, Industry and Energy to mediate the case, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 24 (Assurance of Appropriateness of Collection and Utilization of Smart Grid Information)**

(1) The Minister of Trade, Industry and Energy may establish a standard terms and conditions for the collection and utilization of smart grid information and may recommend smart grid business entities to implement such standard terms and conditions. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Trade, Industry and Energy may recommend smart grid business entities to formulate regulations on the following matters and to implement such regulations: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Standard procedures for inspection, correction, or deletion of smart grid information;
2. Other matters for ensuring the appropriateness of collection and utilization of smart grid information.

#### **Article 25 (Protective Measures for Smart Grids)**

(1) The Minister of Trade, Industry and Energy shall formulate and implement protective measures for smart grids with participation of central administrative agencies related to smart grids, local governments,

smart grid business entities, and users of smart grid services. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Trade, Industry and Energy may render assistance in the formulation of measures for the protection of smart grids, in which organizations of smart grid business entities or organizations of smart grid service users participates, and in their activities. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 26 (Protective Measures, etc. for Smart Grid Information)**

(1) Smart grid business entities shall take the following protective measures in order to ensure the reliability and safety of smart grid information:

1. Technical and physical protections, such as the installation and operation of an information protection system for preventing and coping with electronic intrusions under subparagraph 2 of Article 2 of the Act on the Protection of Information and Communications Infrastructure;
2. Technical protections to prevent unlawful disclosure, alteration, and deletion of smart grid information;
3. Administrative protections, such as the securing of organizations and human resources for protecting smart grid information and the formulation and implementation of plans therefor.

(2) No smart grid business entity or a person who is or was engaged in any business relating to a smart grid shall disclose confidential information acquired in connection with his/her duties to any other person.

(3) The Minister of Trade, Industry and Energy shall consult with heads of related central administrative agencies to formulate guidelines for the protections under paragraph (1) and publicly notify thereof and may recommend smart grid business entities to comply with the guidelines. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 27 (Performance Inspection, etc. of Information Protections)**

(1) The Minister of Trade, Industry and Energy may conduct an inspection on any of the following smart grid business entities every year to ensure the compliance with the guidelines under Article 26 (3): <Amended by Act No. 11690, Mar. 23, 2013>

1. A business entity engaged in the construction of infrastructure for smart grids;
2. A smart grid service provider who meets the standards prescribed by Presidential Decree, such as the number of users.

(2) If necessary to verify whether a person meets the requirements under paragraph (1) 2, the Minister of Trade, Industry and Energy may request a related administrative agency, an agency that holds relevant data, or a smart grid business entity to furnish him/her with necessary data or to confirm relevant facts. <Amended by Act No. 11690, Mar. 23, 2013>

(3) If found necessary as a result of the inspection to ensure the compliance under paragraph (1), the Minister of Trade, Industry and Energy may recommend improvements, issue an order to make improvements, or give an instruction as necessary with a period specified for compliance with the recommendation, order, or instruction. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Matters necessary for the procedure for the inspection to ensure the compliance with the guidelines under paragraph (1) shall be prescribed by Presidential Decree.

### **Article 28 (Ensuring Interoperability of Smart Grids)**

If necessary to secure the interoperability of smart grids, the Minister of Trade, Industry and Energy may recommend smart grid business entities to establish a cooperation system between them with regard to the following matters: <Amended by Act No. 11690, Mar. 23, 2013>

1. Compatibility of instruments and products for smart grids;
2. Sharing of smart grid information;
3. Interworking between smart grids and smart grid services.

### **Article 29 (Prohibition of Intrusions, etc. into Smart Grids)**

No one shall commit any of the following acts:

1. Trespassing on a smart grid without a right of access or beyond the permitted limit of access;
2. Fabrication, destruction, concealment, or divulgence of smart grid information without a justifiable ground;
3. Propagation of a malicious program (referring to a program that is likely to obstruct the stable operation of a power grid, such as a computer virus) into a smart grid with intent to obstruct the operation of a smart grid;
4. Generation of an error in processing smart grid information by sending a large amount of signals simultaneously or by forcing the grid to process an unjust command with intent to obstruct the operation of a smart grid.

### **Article 30 (Compensation for Damage)**

If a smart grid business entity violates any provision of this Chapter in connection with the collection, processing, or utilization of smart grid information and consequently inflicts a damage on any third person, it shall be liable for such damage: Provided, That the foregoing shall not apply where it is proved that such damage has not been caused by an intentional act or caused by negligence of the smart grid business entity.

### **Article 31 (Submission of Data, etc.)**

If necessary to formulate a master plan or an implementation plan, establish smart grids, and facilitate the use of smart grids, the Minister of Trade, Industry and Energy may request a related central administrative agency, local government, or legal entity, organization, or institution that participates in a smart grid project to submit necessary data. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 32 (Fees)**

A person who intends to obtain certification pursuant to Article 15 shall pay fees, as prescribed by Presidential Decree.

### **Article 33 (Hearings)**

If the Minister of Trade, Industry and Energy intends to make any of the following dispositions, he/she shall hold a hearing: <Amended by Act No. 11690, Mar. 23, 2013>

1. Revocation of the registration of a smart grid business entity under Article 13;

2. Revocation of the certification under Article 15 (3);
3. Revocation of the designation of a certifying agency under Article 16 (2).

#### **Article 34 (Delegation of Authority)**

The Minister of Trade, Industry and Energy may delegate part of his/her authority under this Act to the heads of affiliated agencies or heads of local governments, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 35 (Entrustment of Business Affairs)**

The Minister of Trade, Industry and Energy may entrust institutions or organizations relating to smart grids with some business affairs, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 36 (Legal Fiction of Public Officials in Application of Penalty Provisions)**

Any of the following persons shall be deemed a public official for the purposes of any penalty provision under Articles 129 through 132 of the Criminal Act: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. An executive or an employee of an assisting institution;
2. An executive or an employee of an institution or organization engaged in business affairs entrusted by the Minister of Trade, Industry and Energy pursuant to Article 35.

#### **Article 37 (Penalty Provisions)**

A person who trespasses on a smart grid without a right of access or beyond the permitted limit of access, in violation of subparagraph 1 of Article 29, shall be punished by imprisonment with labor for not more than ten years or by a fine not exceeding 100 million won. *<Amended by Act No. 14674, Mar. 21, 2017>*

#### **Article 38 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won: *<Amended by Act No. 14674, Mar. 21, 2017>*

1. A person who collects or processes smart grid information without consent from the subject of information, in violation of Article 22 (1);
2. A person who provides or shares smart grid information without consent from the subject of information, in violation of Article 23 (2);
3. A person who provides a third party with smart grid information, or who uses smart grid information for any purpose other than for which smart grid information is provided, in violation of Article 23 (3);
4. A person who divulges confidential information acquired in connection with his/her duties to a third party, in violation of Article 26 (2);
5. A person who fabricates, destroys, conceals, or divulges smart grid information without a justifiable ground, in violation of subparagraph 2 of Article 29;
6. A person who propagates a malicious program, in violation of subparagraph 3 of Article 29;
7. A person who generates an error in processing smart grid information, in violation of subparagraph 4 of Article 29.

### **Article 39 (Administrative Fines)**

(1) A person who fails to take necessary measures, in violation of Article 22 (3), shall be punished by an administrative fine not exceeding 30 million won.

(2) Any of the following persons shall be punished by an administrative fine not exceeding ten million won:

1. A person who performs smart grid business without the registration under Article 12 (1);

2. A person who fails to comply with an order or instruction of improvement under Article 27 (3).

(3) Any of the following persons shall be punished by an administrative fine not exceeding three million won:

1. A person who fails to register modifications to a material fact, in violation of Article 12 (2);

2. A non-certified person who places a mark of certification or any similar mark, or who falsely advertises as he/she is certified, without such certification, in violation of Article 15 (5).

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **ADDENDUM**

This Act shall enter into force six months after the date of its promulgation.

*ADDENDA <Act No. 11690, Mar. 23, 2013>*

#### **Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

**Articles 2 through 7 Omitted.**

*ADDENDA <Act No. 12154, Jan. 1, 2014>*

#### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.

**Article 2 Omitted.**

*ADDENDA <Act No. 13859, Jan. 27, 2016>*

#### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 19 Omitted.**

*ADDENDUM <Act No. 14674, Mar. 21, 2017>*

This Act shall enter into force six months after the date of its promulgation.

