**Questionnaires & Answers**

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| Q1 | **What obligations does your Government have to ensure the right of access to information** under international, regional and national laws? Please provide, in detail, **the relevant legislation that guarantees the right of access to information** on hazardous substances and wastes, as well as the mechanisms, including grievance mechanisms, which may be used by individuals and groups. |
| Hazardous Chemical Substances | There is *the Official Information Disclosure Act,* as a general law, established by the Korean government for securing the right of access to information. The Act is for securing the people's rights to know basically, which clarifies matters concerning the people's claims for the disclosure of information held and managed by public institutions and the obligations of public institutions to disclose such information.  *The Act on the Registration, Evaluation, etc. of Chemical Substances* and *the Chemicals Control Act*, which came into effect under the jurisdiction of the Ministry of Environment in 2015, have relevance to the people’s rights of access to information regarding hazardous chemical substances. Both come from the amendment and revision of the former Toxic Chemicals Control Act.  *The Act on the Registration, Evaluation, etc. of Chemical Substances* aims at protecting public health and the environment from any harm posed by chemical substances by means of registering, examining and evaluating information on chemical substances before manufacturing them in Korea or importing them to Korea. The purpose of *the Chemicals Control Act* is to protect the people’s life, properties and the environment from any damage caused by chemical substances, by means of indentifying management standards for hazardous chemicals and facilities handling hazardous chemicals and responding to possible chemical accident in a swift manner.  Under *the Act on the Registration, Evaluation, etc. of Chemical Substances*, the information such as name and hazards of chemical substances should be disclosed with the aim of ensuring that the public confirms and utilizes information on hazards and risks of chemical substances with ease. In this regard, an information processing system for chemical substances was developed and has been operating since 2015.  Under *the Chemicals Control Act*, the results of statistical survey on chemical substances and investigation on the discharged quantity of chemicals should be disclosed by place of business, promptly after the survey and investigation are completed. In addition, the Korean government ensures that the information such as safety management of chemicals, which is collected through the information processing system for chemical substances, is provided to a person handling the chemical substances, relevant institutions or the public.  The followings are the information on chemical substances, which is collected and analyzed in the information processing system for chemical substances  1. General information on chemical substances such as name, CAS Number and UN Number;  2. Information on chemical substances, which is managed under the laws related to toxic substance, restricted substance, prohibited substance, substance to be prepared for chemical accidents, dangerous substance, toxic gas, etc.;  3. Information on hazards and risks;  4. Information on the amount of chemical substance handled and a facility where handling chemical substance by place of business; or  5. Information that is required to prevent chemical accidents, including use, risks, accident prevention methods, etc. |
| Wastes | The people’s right to access to information is assured under *the Official Information Disclosure Act* where allowing the public to request the disclosure of information held and managed by public institutions and obliging the public institutions to disclose the information when a request is made.  When it comes to wastes-related information disclosure, *the Wastes Control Act* and *the Promotion of Installation of Waste Disposal Facilities and Assistance, etc. to Adjacent Areas Act* guarantee the right to access to information.  In addition, *The Act of Liability, Compensation and Relief from Damages Caused by Environmental Pollution* also assures the right to access to information. (Please refer to the attached relevant laws and regulations) |

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| Q2 | Please provide, in detail, **the scope and characteristics of hazardous substances and wastes-related information that is or may be accessible to the public?** More specifically, please explain what type(s) of information is provided, by whom, based on what criteria, and the time frame/frequency of data production including whether data collected is disaggregated by gender, age, disability status, etc. |
| Hazardous Chemical Substances | The scope of chemical substances that go public pursuant to *the Act on the Registration, Evaluation, etc. of Chemical Substances* covers the followings:  1. Name and registration number of chemical substance;  2. Use of chemical substance according to a chemical-use classification system;  3. Classification and labeling of chemical substance;  4. Identification of whether a chemical substance is a toxic substance, a substance subject to authorization, a restricted substance or a prohibited substance;  5. Outcomes regarding physical and/or chemical properties of chemical substance;  6. Outcomes regarding hazards and risks; or  7. Matters regarding safe use such as precautions when handling chemical substances.  Meanwhile, National Chemicals Information System (NCIS) was developed and has been operated. The followings are the major information provided by NCIS.  ① List of chemical substance  ② Hazards and risk information of chemical substance (safety test data, OECD SIDS data, etc.),  ③ Domestic and overseas laws and regulations, the status of regulations, etc.  Such information that is disclosed by the government through the above system results from the government’s examination on information submitted by manufacturer or importer of chemical substances (including businesses) pursuant to the relevant laws and regulations, or information confirmed by evaluation of the government by itself.  Under *the Chemicals Control Act*, a person who handles chemical substances requiring preparation for accidents should notify local residents in surroundings of the facility handling the chemical substances of the information on the substances at least once a year. When any revision or modification is made, the person should notify them of it as well. The scope of the information notified covers the followings:  1. Hazard information of hazardous chemicals handled, and dangers of relevant chemical accidents;  2. When chemical accident occurs, the scope of impact on air, water quality, ground water, soil, the environment, etc.  3. Action plans at a time when chemical accident occurs, including how to give early alarm and evacuate local residents. |
| Wastes | For waste-related information that is accessible to the public, the Ministry of Environment publishes and distributes the booklets entitled “Statistics on the Status of Production and Disposal of Wastes” and “Statistics on the Status of Production and Disposal of Controlled (Hazardous) Wastes” every year, and also posts them on the website of the Ministry of Environment to encourage the public to utilize the information. After each local government grasps and reports the statistical data, the data is compiled effectively for facilitating the public’s utilization. The statistical data contains the detailed status of production and disposal (e.g. incineration, landfill, recycling, etc.), by type of wastes, nationwide or of each local government, and the status of waste disposal businesses. In addition, a variety of publication about wastes-related study and research data is also available on the websites of the Ministry of Environment, relevant institutions or in reference rooms in order for the public to read and utilize them.  Under *the Promotion of Installation of Waste Disposal Facilities and Assistance, etc. to Adjacent Areas Act*, the State, local government or relevant association should, in (a) case(s) where it intends to install a waste disposal facility and choose its location, publicly announce the process and results of feasibility study on the location to local residents.  Under *the Wastes Control Act*, a person who installs and(or) operates waste landfill facilities should measure 28 pollutants in leachate generated from waste landfill facilities every day or at least once a week, and then submit the results of measurement to a regional environmental office or local government on a quarterly basis. An incineration facility (including incineration heat recovery facility) with a daily disposal capacity of more than 50 tons, a controlled waste (hazardous) landfill facility with landfill area of more than 10,000㎡ or a waste landfill facility of more than 150,000㎡ should examine the impact (e.g. air, surface water, ground water, soil and odor) that the installation and(or) operation of such facility has on its surroundings every three years, and submit the results to a regional environmental office or local government. The relevant regional environmental office or local government should make a public announcement of the data. |

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| Q3 | Please explain, in detail, **how the information on hazardous substances and wastes is made available to the general public.** In addition, what actions does the Government take to disseminate this information and to raise awareness about the adverse impacts of hazardous substances and wastes on human rights? How is this information tailored to the different constituencies? |
| Hazardous Chemical Substances | Please refer to the responses for Q1 and Q2, regarding the ways to disclose information on chemical substances.  To raise public awareness about the adverse impacts of hazardous substances and wastes on human rights, the legal system explained in the responses to Q1 and Q2 is developed and operated to publish information on hazards and risks of chemical substances. In addition, the following systems related to chemical substances are being operated as well:  1. National Chemicals Information System (NCIS): list, hazards and risks, etc. of chemical substances;  2. Pollutant Release and Transfer Register (PRTR) Information System: publication of the results of investigation on discharged quantity;  3. System for reporting, verification, statistics on discharged quantity: reporting and verifying discharged quantity, etc.;  4. Hazardous Chemical Substance Classification and Labeling System (GHS support system): ways to classify and label chemical substances;  5. REACH Help Desk: provision of overseas regulations on chemical substances;  6. Chemical Product Emergency Respond Information System (CEIS): provision of emergency response information for chemical accident;  7. Chemical Accident Response Information System (CARIS): provision of information on how to respond to chemical accidents;  8. Korea Information System for Chemical Safety Management (KISChem): provision of expertise regarding chemical substances. |
| Wastes | When it comes to the way to disclose the information on wastes to the public, the answer is same as that of Question 2.  In order to enhance public awareness about wastes’ negative impacts on human rights, as like the explanation for Question 2, wastes-related information is announced to the public, including the results of environmental impact assessment regarding wastes, the relevant study and the research data from home and abroad, etc. |

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| Q4 | Please provide examples of **how information on hazardous substances and wastes has been used to:**   * **Monitor** human rights affected by hazardous substances and wastes   (e.g., rights to health, safe and healthy working conditions, water and sanitation; healthy environment, etc.);   * **Protect the human rights of individuals and groups** from the adverse impacts of hazardous substances and wastes; * Promote other rights   (e.g., rights to health, safe and healthy working conditions, water and sanitation, healthy environment, etc.);   * **Prevent** potential **human rights violations** caused by the improper management of hazardous substances and wastes; * **Hold perpetrators accountable** and **seek remedy for victims** |
| Hazardous Chemical Substances | Information on chemical substances is utilized by operating the following systems, with a view to protect public health and the environment.  1. Investigation on distributed quantity of chemical substance: this is to understand information such as types, imported or manufactured quantity of chemical substances that are distributed in Korea, and then utilize the information in establishing safety management policies regarding chemical substances.  2. Investigation on discharged quantity of chemical substance: this is to secure the right-to-know of local community and workers about hazardous chemical substances, and draw voluntary emission reductions from businesses.  3. Registration, examination and evaluation of chemical substance: this is to designate hazardous chemicals and develop measures for risk management, by identifying and understanding unknown hazards of chemical substances.  4. Safety management about products of concern over risks: this is to prevent any damage on consumer’s health, by setting safety and evaluation criteria after evaluating risks of household products and biocidal products. In the case when inappropriate products are sold, necessary measures including recovery, disposal of the products may be taken. In addition, when severe damage to human health or the environment is incurred, emergency measures may be ordered to prevent further such damage.  5. Registration of hazardous substance business (authorization) & Off-site risk assessment: this is to protect human health and the environment in surroundings of a place of business, with safety management on a place of business where handling hazardous chemical substance(s).  6. Criteria for placement, installation and management of the facility handling hazardous chemicals: this is to set the criteria for safety management, and have a person who installs and operates a facility handling hazardous chemical substance(s) carry out safety diagnosis. This also allows the competent authority to make an order of suspension of business in violation of relevant laws, with a view to protect human health, including workers and local residents, and the environment in surroundings of the facility.  7. Liability of chemical accident: when a chemical accident occurs due to professional negligence or gross negligence, resulting in casualties or negative impacts on properties or the environment to the extent of meeting certain criteria, business suspension or fines could be imposed. The business operator causing the chemical accident may be ordered to minimize further damage and restore it. |
| Wastes | With the aim of preventing any environmental pollution and violation of human rights that are caused by wastes, and protecting the public health and human rights, the standards for safe discharge and disposal practices of wastes are legislated and compel its implementation. Competent institutions keep monitoring whether relevant facilities comply with the standards persistently.  A person or corporate body who discharges certain amount of wastes or controlled (hazardous) wastes from its place of business should report the information on discharged wastes to, or obtain an approval on controlled waste (hazardous) disposal plans from a regional environmental office or local government. Any person who intends to install a waste disposal facility or run waste disposal business should examine the impact that the installation and(or) operation of such waste disposal facility has on its surroundings and human health, and submit a report on the results to a regional environmental office or local government. The regional environmental office or local government verifies the report, and then issues an approval, if permissible. A person who installs and(or) operates a waste disposal facility that its size exceeds those prescribed by relevant laws should carry out monitoring on the impact that the installation and(or) operation of such waste disposal facility has on its surroundings, and announce its results every three years.  In addition, with the aim of preventing any environmental pollution caused by wastes and protecting the public health, safe disposal standards concerning discharge, transportation, disposal or recycling of wastes are legislated. To check whether places of business comply with the relevant laws or not, regional environmental offices and local governments should visit the places of business at least twice or maximum four times a year for monitoring on their compliance, pursuant to the relevant laws. To make sure that business operators are compelled to comply with the safe disposal standards, administrative dispositions such as criminal punishment, fine or suspension of business may be imposed to a person who violates the standards. In particular, a person in charge of discharge, transportation or disposal of wastes should input the details about taking-over of wastes in every phase of discharge, transportation and disposal into IT system, in order to prevent any inappropriate transportation or illegal disposal of wastes. By building and operating the real-time IT system, it is enable to carry out monitoring on the flow of wastes.  *The Act of Liability, Compensation and Relief from Damages Caused by Environmental Pollution* enacted and promulgated on 31 December 2014 clarifies that a person who have any damage on his/her life, physical safety or properties from environmental pollution (e.g. air pollution, water pollution, soil pollution, maritime pollution, noise or vibration), caused by the installation and(or) operation of facilities where discharging environmental pollutants (e.g. waste disposal facilities), may claim and receive indemnification for the damage. In this case, a business operator discharging environmental pollutants should have absolute liability for the environmental damage. The Act will be enforced in 2016. |

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| Q5 | **Which businesses are required to provide information on hazardous substances and wastes** (e.g., size, sector, operational context, ownership and structure, etc.)? Please explain, in detail, the obligations of these businesses have with regard to **the type of information they are obliged to provide**, to whom the information is made available, and **what measures may be taken if businesses fail to meet these obligations.** |
| Hazardous Chemical Substances | Please refer to the responses to Q1 and Q2, regarding the ways to provide information on chemical substances to the public.  In addition, a system for providing information has been operated with the aim of sharing hazard information of chemicals within supply chain of chemical substances. Details of the system are like the followings, and any violation against the relevant laws and regulations will lead to imposition of penalties or fines.  1. A person who transfers a chemical substance registered or a preparation containing such chemical substance to a transferee shall compile and provide the information, including the registration number, name of the substance, and hazards and risks, and instructions for safe use, to the transferee.  2. Upon request of a downstream user or a seller of a chemical substance or preparation, a manufacturer or importer of such chemical substance or preparation shall provide the downstream user or the seller with information on the substance such as its use, instructions for safe use, etc.  3. A person who transfers a product containing hazardous chemical substance should provide the information such as the name, use, condition, etc. of the contained substance to a transferee. |
| Wastes | *The Act of Liability, Compensation and Relief from Damages Caused by Environmental Pollution* prescribes the cases where enterprises are obliged to offer the information on wastes. When an environmental contamination accident occurs in waste disposal facilities, relevant enterprise has an obligation to promptly notify its full-time workers and local residents in the accident-affected area of the information on environmental contamination of the facility. Furthermore, the enterprise is obliged to take emergency measures necessary to prevent any or further damage. A person who has any damage caused by environmental contamination may request the provision or inspection of relevant information (equipment operation, facilities used, type and concentration of inserted or discharged substance, weather condition, time and place that the damage occurs, type of damage, etc.). Business operator who receives the request should provide the requested information or have the requester inspect the information. Any business operator who rejects this kind of information provision or inspection, or provides the information in a fraudulent manner should be fined not more than 5 million won.  Under *the Wastes Control Act*, the results of measuring pollutants (e.g. leachate from landfill facilities) discharged by installation and(or) operation of waste disposal facility, and the research results about impact on its surroundings should be announced through relevant certification or authorization institution. When the measurement results and the impact data on its surroundings are not submitted to a certification or authorization institution, implement order may be given. If the order is not performed by the enterprise, it should be imprisoned not more than two years or fined not more than 20 million won.  In addition, under *the Official Information Disclosure Act*, a person may make a request to disclose wastes information related to enterprises, and be offered the information through the Ministry of Environment, regional environmental office or local government. |

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| Q6 | When does **the Government limit the right of access to information on hazardous substances and wastes**? Are these criteria on limitation provided by law? Who has the authority to make decisions on the disclosure/non-disclosure of such information? |
| Hazardous Chemical Substances | Under *the Official Information Disclosure Act*, which is a general law related to disclosure of the information held and managed by public institutions, information disclosure may be restricted in certain conditions. Further details are the same as those of wastes.  *The Act on the Registration, Evaluation, etc. of Chemical Substances* clarifies the obligation of disclosure or provision of information on chemical substance. However, the information disclosure may be restricted when it is needed to protect the information because it falls under confidential business information pursuant to *the Unfair Competition Prevention and Trade Secret Protection Act*. In the event where a request is made to protect the relevant materials submitted at a time when applying for registration, the information is not disclosed for certain period, and a transferee of chemical substances and preparations may not provide the information that involves its confidential business information. When it comes to statistical survey and an investigation on discharged quantity of chemicals pursuant to *the Chemicals Control Act*, their outcomes should be not disclosed in cases that fall under any of the following subparagraphs:  1. When it is admitted that the outcomes are deemed to pose an obvious threat to the national security, the public order or the public well-being if they are disclosed;  2. When it is admitted that the outcomes can cause confusion in using them due to their lack of credibility; or  3. When it is admitted that there is the need not to disclose a part of the outcomes that is related to confidential business information. |
| Wastes | Under *the Official Information Disclosure Act*,every public institution should, upon receiving a request made for disclosing information related to businesses, decide whether or not to disclose the requested information within 10 days from the date on which such request is made, after reviewing whether the requested information falls under the legal limits of information disclosure. Then, the public institution should notify the requester of the information or the decision on not to disclose the information. When any requester is dissatisfied with a decision made by any public institution not to disclose information, the requester may raise an objection to relevant public institution. The public institution should hold the Information Disclosure Council to deliberate on whether or not to accept the objection, and then notify the requester of a result from the deliberation. The legal limits regarding information disclose of public institutions are specified under the Act. (Please refer to the attachment), and all other matters are obliged to open to the public.  Under *the Act of Liability, Compensation and Relief from Damages Caused by Environmental Pollution* and *the Wastes Control Act*, there is no limit on the right to access to information. |

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| Q7 | How does the Government ensure that **the right of access to this information is fulfilled** while also **respecting the confidentiality of business information**? If available, please indicate relevant cases and attach copies of relevant judgments. |
| Hazardous Chemical Substances | As responded to Q6, when it comes to confidential business information, any access to the information is restricted in principle. However, it should be disclosed, when appropriate, for the purpose of protecting public health. For instance, when being offered the information on chemical substances and preparations or the information on products containing hazardous chemical substances, the chemical substances may be hazardous chemical substance. In that case, the information on the chemical substance should be disclosed even though it involves confidential business information. |
| Wastes | Like the above answer to Q5, when it comes to the information necessary to be disclosed for protecting people’s properties or life including their lives, bodies or health from illegal or unfair business activities while respecting the confidentiality of business information by means of specifying the limits of information disclosure, the right to access to the information is fulfilled. These are clarified in relevant laws and regulations (please refer to the attachment) to avoid any confusion. |