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Secrecy Laws in Korea

Choong Kee Lee*

I. Introduction

The major pieces of Korean legislation providing for confidentiality of financial information include the Emergency Presidential Order Regarding Real Name Financial Transactions and the Protection of Confidentiality (the Order),¹ the Securities Exchange Act,² the Bank Act,³ the Credit Card Business Act,⁴ the Law Regarding Use and Protection of Credit Information,⁵ and the Ministry of Finance and Economy (MOFE) Regulation to the Foreign Exchange Management Act.⁶ Perhaps the best starting point for investigating Korean secrecy law involves an examination of section four of the Order, as its provisions on confidentiality are the most comprehensive.⁷

While this legislation serves as the basic legal framework for Korean secrecy law, it is important to recognize that such legislation is supplemented by advisory guidelines issued by the Ministry of Finance and Economy, and by rules promulgated by the Korean Federation of Banks. These guidelines and rules are sometimes

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1. The Order was issued in August 1993 pursuant to the authority under the Korean Constitution to issue Emergency Executive Orders and was subsequently ratified by the Korean National Assembly. The Emergency Presidential Order Regarding Real Name Financial Transactions and the Protection of Confidentiality, No. 16 (1993) [hereinafter the Order].

2. Securities Exchange Act, No. 973 (1962).

3. Bank Act, No. 139 (1950).

4. Credit Card Business Act, No. 3928 (1987).

5. Law Regarding Use and Protection of Credit Information, No. 4866 (1995).

6. Ministry of Finance and Economy Regulation to the Foreign Exchange Management Act, No. 4447 (1991).

7. Other Korean legislation providing for the protection of confidence is subordinate to the authority of the Order. Section 15 (2) declares that in case of any conflict between the provisions in the Order and the provisions of other law, the former should prevail. Furthermore, coverage under the Order is far reaching. While the protection of confidentiality provided in the Securities Exchange Act is applicable only to the transactions conducted by securities companies, investment advisory companies and the Korean Securities Depository Corporation, protection under the Order applies to most financial institutions.

more restrictive and specific than the legislation in providing protection of confidentiality. This article examines the confidentiality provisions provided for by the Order.

II. Requirements of Confidentiality in the Presidential Order

The treatment of financial information is governed by section four of the Order. This section imposes the obligation of confidentiality primarily upon "persons working for financial institutions."⁸ The obligation is imposed directly upon individual persons rather than upon institutions or companies employing them.⁹ However, by making institutions or companies liable for their employees' breach of confidence, the Order indirectly obliges the institutions or companies to take measures to establish efficient internal secrecy mechanisms and to keep abreast of their operation.¹⁰ Of course, where there is a written request or consent of the real name customer¹¹ and, in the case of a trust-deposit, where the requester is the trustor or the beneficiary of the trust-deposit, the financial institution is free from the imposed obligation of confidence.¹²

Besides the primary obligation of confidence upon persons working for financial institutions, section 4 of the Order prohibits any disclosure for such financial information.¹³ This prohibition on disclosure requests may be lifted only if such a request is made by government authorities in accordance with authorizing Acts.¹⁴

A. *Obligation of Confidence on "Persons Working for Financial Institutions"*

Under section 4 of the Order, the "persons working for financial institutions" are not allowed to provide or disclose to others, "any materials or information relating to any financial transactions."¹⁵ Any person who provides or discloses such information in contravention of section 4 is guilty of a criminal

8. "Financial institutions" are defined in detail in section 2 of the Order, and include most institutions dealing with financial transactions. The Order, *supra* note 1, § 2.

9. *See id.* § 4(1).

10. *Id.* § 14.

11. For example, the nominal party to a financial transaction.

12. *Id.* § 4(1).

13. *Id.*

14. *Id.* The Acts will be discussed in detail in Part V.

15. The phrases, "persons working for financial institutions" and "protected financial information" are explained in detail in the following paragraphs.

offense and subject to imprisonment up to three years and/or a fine of not more than 20m Won.¹⁶

B. "Persons Working for Financial Institutions"

The "persons working for financial institutions" to whom the obligation of confidence is attached are defined in section 2 of "The Rules for the Operation of Section 4 of the Order" (the Rules).¹⁷ They include directors, officers, agents, representatives, and other employees who deal with or process material or information on financial transactions.¹⁸ From the language of the provision, it seems irrelevant whether the person in question occupies a ministerial or research position in the financial institution, or whether the person is working on a part-time or permanent basis, or on a contractual or voluntary basis, as long as the person is actually in the course of dealing with or processing financial information.¹⁹ Outside professionals could also qualify as "person[s] in the financial institution" if they have advised the institution on financial matters and thereby have acquired financial information.²⁰

C. "Protected Financial Information"

The types of financial materials or information which put the persons working for financial institutions under the obligation of confidence are also explained in the Rules.²¹ They include: 1) the details of a particular person's financial transactions; 2) any original document or its copies regarding financial transactions which are in a financial institution's possession; and 3) any information which has been derived from the document or copies.²² However, if the materials or information are in such a state that any recipient of the information or materials cannot deduce customer identity or cannot deduce particular transactions, such materials or information may not be regarded as worthy of confidentiality.²³ For example,

16. Approximately 16,000 Pounds. The Order, *supra* note 1, § 12.

17. Presidential Decree No. 14273 (1994) [hereinafter The Rules].

18. *Id.* § 2.

19. To catch a wide range of persons, such interpretation is certainly desirable. Explanatory Material To the Rules for the Operation of Section 4 of the Order (1994) [hereinafter Explanatory Material].

20. This is true because in most cases the professionals can be regarded as their agents or employees.

21. The Rules, *supra* note 17, § 3.

22. *Id.*

23. Explanatory Material, *supra* note 19, at 2.

information comprised of pure statistics on financial transactions in general, or concerning unspecified transactions which do not disclose a specific identity or transaction, is beyond protection under section 4 of the Order.²⁴

D. Prohibition of Request for Protected Information

In addition to the primary obligation of confidence, section 4 of the Order prohibits any disclosure request for the protected information.²⁵ This prohibition could be lifted, but only if such a request is made by government authorities in accordance with authorizing Acts.²⁶ Otherwise, the person who has made such a request will be in contravention of the prohibition in section 4, guilty of a criminal offense, and liable to imprisonment up to 3 years and/or a fine of not more than 20m Won.²⁷ The institution, financial or otherwise, employing such a liable person is also liable to pay the same amount of a fine if the violations occurs in the course of employment unless the institution proves that it has taken due care to prevent such violation from occurring.²⁸

III. Provision of Protected Financial Information With “Customer Request”

A. Who Can “Request” Provision of Information?

Where there is a written request from a real name customer (including the trustor or beneficiary in the case of trust-deposit), or the person acting in his place, persons working for financial institutions would be relieved of the obligation of confidence and be permitted to provide protected information relating to the transactions.²⁹ Where more than one person is involved in a relevant transaction, or the number of the persons acting in the place of a customer is more than one,³⁰ each person may make a valid request to the persons in financial institutions.³¹

24. *Id.* at 2.

25. The Order, *supra* note 1, § 4(1).

26. *Id.*

27. *Id.* § 12.

28. *Id.* § 14.

29. The Order, *supra* note 1, § 4(1).

30. For example, a number of successors in case of succession.

31. Explanatory Material, *supra* note 19, at 3.

B. *Secondary Obligations in a Customer Request Situation*

Where there is a written request from such persons for the provision of information, the employees of the financial institution, while freed from the primary obligation of confidence, are still required to exercise substantial care in the provision process.³² They must check the identity of the real name customer³³ and the rights of the requesting persons acting in the place of the real name customer.³⁴ Ultimately, if the financial institution's employees are not satisfied with the identification presented by the requestor, they may refuse to honor such request.³⁵ These obligations may be regarded as secondary obligations which are incidental to the primary obligation of confidence and are imposed to prevent leakage of the protected information to other persons.³⁶

C. *To What Extent is Financial Information Provided?*

Although section 4 of the Rules is silent in this respect, where there is a "specific reference" to the kind or scope of requested information in a customer request, it seems clear that the person in the financial institution must comply with such request and provide the information as long as it concerns that particular transaction.³⁷ Ironically, a question may arise if the request of a real name customer does not specify the kind or scope of the information needed.³⁸ Here the test applicable in a "government authorities request"³⁹ could be taken into account and the requestee should ensure that the minimum extent necessary for the purpose of the provision or disclosure has been requested.⁴⁰ It is therefore very likely that such a test of "minimum" provision or disclosure could

32. The Rules, *supra* note 17, § 4.

33. *Id.* § 4(1).

34. *Id.* § 4(2).

35. The Order, *supra* note 1, § 4(3).

36. The Rules, *supra* note 17, § 4(3); *see also* Explanatory Material, *supra* note 19, at 3.

37. The customer (or his representative) is entitled to use his own financial information as the rightful owner of the information. The Rules, *supra* note 17, § 4.

38. As a practical matter, in order to adequately answer the request the persons in financial institutions need to know what information is sought by their customers.

39. *See infra* Part V.

40. The Order, *supra* note 1, § 4(1).

also apply where the customer does not specify the scope of the information to be provided in the request.⁴¹

IV. Provision Of Protected Information to Third Parties With "Customer Consent"

A. *Who Can "Consent To" the Provision of Information to Third Parties?*

As protected information can be provided to rightful persons at their request, it can likewise be provided to others with the consent of the rightful persons.⁴² However, methods of granting valid consent to the provision of such information to third parties varies greatly from those requesting such provision for one's self.⁴³ Particularly, where there is more than one person rightfully entitled to the information,⁴⁴ the Rules require the consent of all interested parties for the provision to the third parties.⁴⁵ The result is that while each rightful person can lawfully request provision of information to himself or herself, disclosure of protected information to others requires the consent of all persons rightfully entitled to that information.⁴⁶

B. *Obligations Upon Financial Institutions In Customer Consent Situations*

In disclosing the protected information to third parties, financial institutions are required to receive from the real name customer, "written consent" containing the following details: 1) the identity of the recipient of the information; 2) the identity of the information-providing financial institution; 3) the scope of information to be provided; 4) the date of the written consent; 5) a valid duration of the written consent; 6) an imprint of the real name customer's seal registered in the financial institution or an official registry, or the customer's signature representing the customer's

41. Otherwise the person in the financial institution may refuse to honor the request on the ground that such request is not adequate to relieve their obligation of confidence. See generally KOREA DEVELOPMENT BANK, EXPLANATORY MATERIAL TO BANKING SECRECY (1994) [hereinafter BANK MATERIAL].

42. The Rules, *supra* note 17, § 5.

43. Compare § 4(1) with § 5(1) in the Rules. The Rules, *supra* 17, §§ 4(1) & 5(1).

44. For example, in case of succession, legacy, or joint account deposit.

45. The Rules, *supra* note 17, § 5(1).

46. BANK MATERIAL, *supra* note 41, at 3.

personal delivery of consent, or a civil servant's delivery of consent in the course of his official duty.⁴⁷ The financial institutions may also question real name customers to verify the written consent where consent is unclear or suspicious.⁴⁸

V. Exceptions To Obligation of Confidence and Prohibition of Request

Although section 4(1) of the Order initially emphasizes the primary obligation of confidence and prohibits the release of protected financial information, the second sentence of section 4(1) lists several situations in which the prohibition of a request can be lifted, thus relieving financial institutions of the primary obligation of confidence. These situations will be looked at in turn.

A. *Where a Request is Made by Government Authorities*

In requesting the provision of financial information, government authorities should designate a particular office of the financial institution for receipt of the information, and should make particular reference in writing to: 1) the customer's individual details;⁴⁹ 2) the purpose of provision; and 3) the contents of the requested information.⁵⁰

1. *Request for and Disclosure of Information in Administration of Justice*— Where financial institutions are requested to provide materials or information by judicial order or warrants, they must comply with such requests.⁵¹

2. *Request for and Disclosure of Information pursuant to Tax Legislation*— Tax authorities are also allowed to request the provision of financial information.⁵² Where responsible authorities request information for the purpose of inquiry or investigation

47. The Rules, *supra* note 17, § 5(1).

48. *Id.* § 5(2).

49. "Customer's individual details" include one of the following:

1. customer name
2. registered resident number (or passport number)
3. account number
4. number of negotiable instrument
5. other evidentiary material showing identity of customer.

The Rules, *supra* note 17, § 7.

50. The Order, *supra* note 1, § 4(2).

51. *Id.* § 4(1)(1).

52. *Id.* § 4(1)(2).

pursuant to the provisions of tax legislation, the financial institutions should respect such a request and provide the requested information.⁵³ Similarly, where materials regarding tax matters are required to be submitted under the provisions of tax legislation, the submission of such materials does not lead to the breach of the obligation of confidence.⁵⁴

3. *Request for and Disclosure of Information for Supervision of Financial Institutions*— Financial regulators are also permitted to request financial information from financial institutions in the course of exercising their regulatory functions.⁵⁵ The Minister of Finance and Economy, the Superintendent of the Office of Bank Supervision, the Governor of the Securities Supervisory Board, and the Governor of the Insurance Supervisory Board may all request provision of financial information if it is necessary for the purpose of supervising or inspecting relevant financial institutions such as banks, securities firms, and insurance companies.⁵⁶ On such occasions, the financial institutions must comply with requests and provide responsive information.⁵⁷

4. *Provision of Information By Request of Overseas Regulatory Authorities*— In the United Kingdom, the primary restriction on disclosure of information does not preclude disclosure for the purpose of enabling or assisting overseas regulatory authorities exercising their regulatory functions.⁵⁸ However, the Korean Presidential Order does not contain such provisions permitting Korean regulatory authorities to assist overseas financial regulatory authorities requesting assistance in connection with overseas regulatory functions or inquiries carried out by them or on their behalf,⁵⁹ nor does other major legislation regarding financial institutions.⁶⁰ Therefore it is possible that the Korean secrecy law

53. *Id.*

54. *Id.*

55. The Order, *supra* note 1, § 4(1)(3).

56. *Id.*

57. *Id.*

58. See Financial Services Act, § 179-182 (1986), and Companies Act, § 82-88 (1989).

59. However, if the requesting power of financial regulators is to be interpreted widely, there is room for them to request such information on behalf of the overseas regulators.

60. Such provisions are not found in the Securities Exchange Act, the Bank Act or the Insurance Business Act.

will prevent Korean authorities from assisting overseas regulatory authorities in obtaining necessary financial information.

5. *Request for and Disclosure of Information pursuant to other Legislation*— Disclosure of protected information is also allowed where provision of information is requested in accordance with the provisions of other Acts requiring the compulsory disclosure of information to a number of unspecified persons.⁶¹ Such Acts include the Conduct of Civil Servants Act, the Audit and Inspection Board Act, and the Official Elections and Prevention of Election Fraud Act.⁶²

B. Scope of Information to be Provided

1. *Limitation by Reference to Individual Details*— The request by government authorities should refer to the individual details of a certain customer or account number.⁶³ The scope of the provided information is always affected by that reference, and thus, limited to the information relating to the mentioned person or the account.⁶⁴ For example, where an authority requests financial information with particular reference to the name of "A", the requested financial institution may have to provide the information as is related to "A", but no more.⁶⁵ The disclosure of other information relating to the transfer of B's asset into A's account or the transfer from A's account to C's account may be justified by the request, but the disclosure of other information regarding B or C, unrelated to A, may not be justified by the request referring to A's name only. Separate requests would be necessary to obtain other information relating to B and C.⁶⁶

2. *Limitation by purpose of Provision: Minimum Extent*— Where government authorities request disclosure of information pursuant to the provisions of authorizing Acts, they should submit a request in writing, referring to the purpose of

61. The Order, *supra* note 1, § 4(1)(5).

62. *E.g.* The Committee on Conduct of Civil Servants may require the head of a financial institution to provide financial materials regarding particular civil servants. Conduct of Civil Servants Act, § 8.

63. *See supra* Part V. A.

64. Explanatory Material, *supra* note 19, at 6.

65. *Id.*

66. *Id.*

provision of the information.⁶⁷ Therefore the scope of the provided information would be limited by the purpose of the request. Furthermore, the persons in financial institutions have to ensure that the provision does not exceed "the minimum extent necessary for that purpose."⁶⁸

VI. Provisions between Financial Institutions or within Offices of Financial Institution

A. *Provision of Information "Within" Financial Institution*

The protected information in a financial institution can be transferred to offices of the same institution if necessary for the regular operation of business.⁶⁹ Such provision includes, the exchange of information between the head office, branch offices, and other kinds of representative offices.⁷⁰ In addition, a financial institution's provision of information to other institutions entrusted with parts of its activities, is also regarded as the provision "within" the institution.⁷¹

B. *Provision of Information "Between" Financial Institutions*

The provision of information "between" financial institutions is also allowed.⁷² This includes: 1) a financial institution's provision of information to "other financial institutions" in the course of its business; 2) a financial institution's provision of information to "other institutions specializing in collecting, maintaining, and transferring financial information pursuant to legislation or agreements between financial institutions";⁷³ and 3) a financial institution's provision of information to "other institutions dealing with settlements of financial transactions between financial institutions."⁷⁴

67. See *supra* Part V. A.

68. The Order, *supra* note 1, § 4(1).

69. The Order, *supra* note 1, § 4(1)(4).

70. The Rules, *supra* note 17, § 6(1).

71. *Id.*

72. The Order, *supra* note 1, § 4(1)(4).

73. Such as the Korean Federation of Banks, the Korean Securities Depository Corporation, the Korean Institute for Insurance Development.

74. Such as the Korean Clearing House. Presidential Decree, *supra* note 17, § 6(2).

VII. Additional Obligations upon Financial Institutions

A. *Obligation to Record Request and Provision*

Where there has been a written consent by a customer, or a request by a court order or search warrant or by the head of a relevant tax authority, or where the provision of information has been requested in accordance with other authorizing Acts,⁷⁵ and/or where financial institutions have provided information to persons other than their customers pursuant to authorizing Acts,⁷⁶ the institutions must record such consent, request, or provision of information.⁷⁷ Such records are required to be kept for three years from the date of the provision of information, and in case of the refusal of the provision, from the date of the request of information.⁷⁸

B. *Obligation to Notify Customer of Provision of Information.*

1. *Obligation to Notify Customer*— Where a financial institution has provided information pursuant to a customer's written consent, a request by court order or search warrant, by the head of relevant tax authority, or other requests in accordance with other authorizing Acts,⁷⁹ the financial institution is required to notify the relevant customer of such provision within ten days.⁸⁰ In the notification to the customer, the following information should be included; a description of the material contents of the provided information, the purpose of the provision, the name of the recipient, and the date of the provision.⁸¹

2. *Deferment of Notification*— Where a financial institution is requested in writing to delay its notification to the relevant customer, the financial institution should respect such request for deferment.⁸² In the request for deferment, one of the following reasons should be specified: 1) A potential risk to the life or safety

75. These Acts appear in Part V.A.5, *supra*.

76. See generally Part V.A.

77. The Rules, *supra* note 17, § 8(1).

78. *Id.* § 8(2).

79. These Acts appear in Part V.A.5, *supra*.

80. The Rules, *supra* note 17, § 9(1). But where such notification is requested to be deferred under section 9(2) and (3), within ten days from the end of the deferred period. *Id.* §§ 9(2),(3).

81. *Id.* § 9(1).

82. *Id.* §§ 9(2), 9(3).

of certain persons which such a notification might increase or cause; 2) a potential risk of interruption in the administration of justice which such a notification might cause, particularly where there is a danger of destruction of evidence, or of threatening a witness; or 3) a potential risk of delay or interruption in the process of inquiry and investigation which such notification might unduly cause.⁸³

VIII. Obligation of Confidence upon Direct Recipients

Any person who knows or has received protected information from a financial institution pursuant to the provisions in authorizing Acts will be subject to the same obligation of confidence.⁸⁴ Such persons include ones working in "government authorities"⁸⁵ and "financial institutions."⁸⁶ These persons are not permitted to provide or disclose any information,⁸⁷ nor are they allowed to use such information for purposes other than the purpose of the provision.⁸⁸

IX. Obligation of Confidence upon Third Party Recipients

The Order does not expressly refer to the obligation of confidence upon third party recipients.⁸⁹ However, because the information provided to the authorized recipients can be leaked or disclosed to third parties, it is also necessary to attach the obligation of confidence to certain third party recipients.⁹⁰ The question is how to attach such obligation.⁹¹ Although section 4 of the Order does not directly touch on this point, it expressly extends the prohibition of request to "any requesters" of protected informa-

83. *Id.*

84. The Order, *supra* note 1, § 4(4).

85. Such as a court employee, responsible tax authorities, financial regulators, and other authorities eligible to receive such information pursuant to section 4(1) V and its relevant legislation. *Id.* § 4(1).

86. *Id.* For example, both financial and other institutions which are entrusted with financial information under section 6(2) of the Rules. The Rules, *supra* note 17, § 6(2).

87. The Order, *supra* note 1, § 4(4).

88. *Id.*

89. *Id.* § 4.

90. For the circumstances in which an obligation of confidence attaches to third parties in English law, see GURRY, BREACH OF CONFIDENCE 269 (1982).

91. For the method in English law, see Gurry, *Breach of Confidence*, in ESSAYS IN EQUITY 116, 119 (Finn ed., 1985).

tion.⁹² Therefore it is arguable that one might infer that the obligation of confidence is similarly implied upon any recipient, including third party recipients.

X. Prohibition of Request against Recipients of Information

The request of protected information is prohibited not only against persons in financial institutions, but against any other recipients of the information.⁹³ From the wording of section 4(4), it seems immaterial who the recipients are. It may not matter whether the request is made against the persons in government authorities or financial institutions or other institutions.⁹⁴ It also seems immaterial whether they are indirect recipients or have obtained information in good faith. Therefore, an investigative journalist or detective is likely to be in breach of the regulation if he requests protected information from a third party recipient who has fortuitously obtained leaked and tainted information.⁹⁵

XI. Enforcement of Confidentiality of Information

A. Preventative Measures

One defect in the newly introduced secrecy system lies in the lack of preventative remedies against the illegal disclosure of financial information.⁹⁶ Where there is a probable danger of the disclosure of financial information, customers or other legitimate authorities should be authorized to seek an injunction to prevent such a disclosure. Such a remedy is not expressly stipulated in the Order or the Rules.

B. Restitutionary Measures

1. *Damages for Tort Liability*— Under the Korean Civil Code, any person who has caused loss to any other person through an unlawful act, whether negligently or purposely, is liable to

92. The Order, *supra* note 1, § 4(4).

93. *Id.*

94. *Id.*

95. The third party recipient, himself, might be exempted from the liability for the disclosure of information if the recipient has obtained and disclosed the information in good faith.

96. In respect to trade secrets, the trade secret holder may apply to the courts for the prohibition of a breaching action. Prevention of Unfair Competition Act, § 10.

compensate for the loss through damages.⁹⁷ Therefore, where any person has disclosed financial information without authorization and thereby inflicted any pecuniary loss to a real name customer or any other person or institution, he will likely be liable for damages incurred by the breach.⁹⁸ Even where the disclosure of financial information has caused non-pecuniary loss such as unfavorable customer reputation, such disclosure may also constitute a tort and involve monetary damages.⁹⁹

2. *Vicarious Liability*— In addition, the financial institution or other institution which has employed such a liable person is also subject to liability to compensate for the loss, provided that the loss has been caused in the course of that person's employment.¹⁰⁰ However, institutions may avoid the liability by proving that they have exercised due care in employing and directing the employee in the course of business, or that despite the employer's exercise of due care the loss would nevertheless have occurred.¹⁰¹ Where a civil servant has breached the obligation of confidence in the course of his duty, the government authority employing the person might be liable, but the applicable law will be the Government Compensation Act rather than the Civil Code.¹⁰²

C. *Criminal Offense for Person in Breach and his Employer*

In addition to a monetary compensation penalty, unauthorized disclosure of information may lead to the commission of a criminal offense.¹⁰³ Any person who has requested or provided the protected information in contravention of section 4 is guilty of a criminal offense and liable for imprisonment up to three years and/or a fine of not more than 20m Won.¹⁰⁴

Moreover, the Order extends the same criminal liability to the employers of such a liable person.¹⁰⁵ Any "legal person" or "individual person" employing the person in breach will be liable

97. Korean Civil Code, § 394, 763 [hereinafter The Code]. Instead of the monetary compensation, restoration can be ordered if there is agreement to such effect.

98. *Id.*

99. The Code, *supra* note 96, § 751. Non-pecuniary loss may also be compensated by money. *See id.* §§ 394, 763.

100. *Id.* § 756(1).

101. *Id.*

102. Government Compensation Act, § 8.

103. The Order, *supra* note 1, § 12.

104. *Id.*

105. *Id.* § 14.

for the same amount if the employed person violates the prohibition while carrying out the duties of his employment, although the employer may be exempted from the liability if the employer has exercised due care to prevent such violations.¹⁰⁶ An interesting question arises as to the scope or definition of the "legal person" who assumes this secondary liability, particularly in respect to regulatory authorities because some regulatory authorities are clearly declared as legal persons in their incorporating Acts, and are therefore particularly vulnerable to section 14 of the Order.

106. *Id.*