

On National Archival Fund and Archives

Unofficial translation

The Law of the Republic of Kazakhstan dated 22 December, 1998 No. 326-1.

Unofficial translation

Footnote. Title, as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005).

Footnote. Through the whole text the words " regions (the city of republican significance, the capital)", " region (the city of republican significance, the capital)", " regional (the city of republican significance, the capital)" are substituted respectively by the words "of regions, cities of republican significance, the capital", "of region, city of republican significance, the capital", "in regionals, cities of republican significance, the capital", "by regional, cities of republican significance, the capital" by the Law of the Republic of Kazakhstan dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

The present Law regulates public relations in the field of collection, acquisition, storage, state accounting and use of documents of the National Archive Fund of the Republic of Kazakhstan and state management of archival affairs in the Republic of Kazakhstan.

Footnote. Preamble with the change introduced by the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

Article 1. Main definitions, used in the present Law

The following basic concepts are used in this Law:

- 1) Special State Archives - an archival institution or subdivision of a state body of the Republic of Kazakhstan specified in paragraph 1 of Article 22 of this Law;
- 2) Archive - a legal entity or its structural subdivision which collects, acquires, assembles, regulates, stores, records and uses archival documents;
- 3) Archival collection - a set of documents united on one or several features, formed in the activity of fund-formers;
- 4) Archive fund - a set of historically or logically connected archive documents;
- 5) Archival document - a document that is preserved or to be preserved due to its significance for society and the state, as well as having value for the owner;

6) Record keeping of archive documents (hereinafter referred to as record keeping) - establishment of the number and composition of archive documents in record keeping units and fixation of each record keeping unit belonging to a certain complex and their total number in record keeping documents;

7) user of archival documents - a natural or legal person who applies to archival documents to obtain information for the purpose of its use;

8) arrangement of archival documents (hereinafter - arrangement) - a set of works on formation of archival documents in units of storage (files), description and registration of such units of storage (files) in accordance with the legislation of the Republic of Kazakhstan on the National Archival Fund and archives;

9) Transfer of archival documents into electronic form - creation of electronic copies of archival documents and transfer of data to information systems determined by the authorized body in the field of informatization in coordination with the authorized body;

10) Archiving - the sphere of activity of individuals and legal entities related to the formation of the National Archive Fund of the Republic of Kazakhstan, the formation of archives, archive funds and collections, the organization of the collection, acquisition, ordering, storage, accounting and use of archival documents;

11) especially valuable document - archival document of the National Archive Fund of the Republic of Kazakhstan, which is of lasting historical, cultural and scientific value, especially important for the society and the state;

12) Documentation support of management - activity of legal entities on documentation and organization of work with documents from the moment of their creation, receipt and up to their transfer for archival storage;

13) departmental archive - institution or structural subdivision of the state legal entity, which collects, regulates, temporarily stores, records, uses archival documents and state records of documents of the National Archive Fund of the Republic of Kazakhstan;

14) private archive - non-state legal entity or its structural subdivision that collects, acquires, assembles, regulates, stores, records and uses archival documents, or archival documents of an individual that have arisen as a result of its activities, collection and acquisition;

15) personnel documents - a set of documents confirming the labor activity of employees and information about the retention and allocation of money for their pension provision;

16) National Archive Fund of the Republic of Kazakhstan (hereinafter referred to as National Archive Fund) - a set of state and non-state archive funds, collections and archive documents having historical, scientific, social, economic, political or cultural significance;

17) document - information recorded on a tangible medium, which allows to identify it;

18) State insurance fund of copies of documents - a set of insurance copies of particularly valuable documents;

19) State Archives - a state institution that has the right to collect, acquire, acquire, complete, regulate, permanently store, record and use the documents of the National Archives ;

20) Central State Archives - the State Archives, which is under the jurisdiction of the central executive body in charge of the management of archival affairs and documentation support of management;

21) official document - a document created by a natural or legal person, executed and certified in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

22) Authorized body - central executive body, which carries out management in the sphere of archiving and documentation support of management;

23) state registration of documents of the National Archive Fund (hereinafter - state registration) - system of registration of documents of the National Archive Fund at the level of the region, the city of republican importance, the capital and the state as a whole, including information on the number and composition of the archival funds, the number of storage units ;

24) National Archive Fund document - an archive document which has passed the state examination of the value of the documents, has been registered with the state and is subject to permanent storage;

25) e-government service integrator - a legal entity designated by the Government of the Republic of Kazakhstan, responsible for methodological support for the development of e-government architecture, as well as other functions specified in the Law of the Republic of Kazakhstan “On Informatisation”.

Footnote. Article 1 of the Law of the Republic of Kazakhstan dated 16.05.2018 No. 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); as amended by Law of the Republic of Kazakhstan No. 141-VII of 14.07.2022 (shall become effective ten calendar days after the date of its first official publication).

Article 2. National Archive fund and Archiving work

A footnote. Title of Article 2 with the change introduced by the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforce upon the expiration of ten calendar days after the day of its first official publication).

1. The National Archive Fund is an integral part of the historical and cultural heritage of the people of Kazakhstan and is protected by the state as a national heritage of the Republic of Kazakhstan.

2. The National Archival Fund also includes archival documents, stored outside the Republic of Kazakhstan and returnable to the Republic of Kazakhstan in accordance with the international agreements.

3. The National Archival Fund serves the needs of society and the state, exercise the rights and legitimate interests of citizens.

4. The state takes care of the development and improvement of keeping archive. Saving the documents of the National Archival Fund shall be obligation of all individuals and legal entities.

Footnote. Article 2 with the changes made by the Law of Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 3. Legislation of the Republic of Kazakhstan on the National Archival Fund and Archives

Legislation of the Republic of Kazakhstan on the National Archive Fund and Archives is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

Chapter 2. National Archival Fund

Article 4. Composition of the National Archival Fund

1. The National Archival Fund includes:

- 1) legislative acts and other official documents;
- 2) management, scientific and research, design, technology, patent-licensing, cartographic, geodetic, geological, telemetry and other special documentation;
- 3) electronic information resources, computer-oriented and audiovisual documentation;
- 4) documentary monuments of history and culture;
- 5) personal documents and other documents, representing the national value;
- 6) other documents, submitted to the ownership of the Republic of Kazakhstan;
- 7) insurance copies of particularly valuable documents.

2. shall be excluded by the Law of the Republic of Kazakhstan dated 16.05.2018 No. 155-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

Footnote. Article 4 as amended by the laws of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (see Article 2); dated 16.05.2018 No. 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 5. Fundamentals of formation and sources of acquisition of the National Archive fund

Footnote. Title of Article 5 of the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

1. The basis for the formation of the National Archive Fund are the documents of the National Archive of the Republic of Kazakhstan, the central state archives, the Presidential

Archive of the Republic of Kazakhstan, the Library of the First President of the Republic of Kazakhstan - Elbasy, special state archives, state archives of regions, cities of national importance, the capital, cities, districts, libraries and museums.

2. The sources of acquisition of the National Archive Fund are:

1) departmental archives of the Executive Office of the President of the Republic of Kazakhstan, the Parliament and local representative bodies, the Constitutional Court, the Government, central and local executive bodies, courts, prosecutorial authorities and other public legal entities of the Republic of Kazakhstan, including those located abroad;

2) private archives.

3. The National Archive Fund may also be replenished by donation, will, purchase of archival documents owned by individuals and legal entities.

4. State takes measures to return the documents of historical heritage of the Republic of Kazakhstan, found to be outside its territory, promotes and finances the search and return to homeland of the documents, collected and historically associated with the Republic of Kazakhstan.

Footnote. Article 5, as amended – by the Law of the Republic of Kazakhstan dated 10 November, 2001 No. 256; the Republic of Kazakhstan dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); No. 155-VI of 16 May 2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication); No. 157-VII of 05.11.2022 (shall come into force on 01.01.2023).

Article 6. Procedure for attributing archival documents, archival funds and collections to the composition of the National Archive Fund, establishing the sources of its acquisition

1. Archival documents, archive funds and collections shall be attributed to the National Archive Fund, sources of its acquisition shall be established, and they shall be excluded from the National Archive Fund on the basis of the state expert examination of the value of the documents. The criteria of the value of documents are their origin, content, and external features.

2. State expertise of the documents value is carried out by the Central Expert and Verification Commission formed by the authorized body and (or) expert and verification commissions formed by the National Archive of the Republic of Kazakhstan, central state archives, the Archive of the President of the Republic of Kazakhstan, special state archives, local executive bodies of regions, cities of republican importance and the capital.

3. On the basis of the conclusion of the expert verification commission the authorized body:

1) approves the lists of sources of acquisition of the National Archive Fund, agreed with the relevant local executive bodies;

2) makes a decision on assignment of archival documents, archival funds and collections to the National Archive Fund, as well as their exclusion from its composition. Exclusion for political and ideological reasons is prohibited;

3) establishes the terms of storage and the procedure for destruction of documents of no historical or other value and which have lost their practical significance;

4) agrees on sectoral (departmental) lists of documents formed in the activities of state and non-state organizations, with an indication of the period of storage, developed by state bodies responsible for the management of the relevant branch (sphere) of state administration, or non-governmental organizations.

4. It is not allowed to destroy archival documents of the sources of acquisition of the National Archive Fund located:

1) in republican ownership, without coordination with the National Archive of the Republic of Kazakhstan or central state archives, the Archive of the President of the Republic of Kazakhstan and special state archives;

2) in communal ownership, without coordination with the local executive body of the region, city of republican importance, the capital;

3) in private ownership, without coordination with the authorized body or local executive body of the region, the city of republican importance and the capital, depending on the location of the archive.

Footnote. Article 6 of the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be expiration of the expiration of ten calendar days after the day of its first official publication).

Article 7. Guarantees and protection of property rights on the documents of the National Archival Fund

1. Documents of the National Archival Fund shall be in state and private property.

2. State property includes:

1) documents in republican ownership, stored in the National Archive of the Republic of Kazakhstan, central state archives, the Archive of the President of the Republic of Kazakhstan, the Library of the First President of the Republic of Kazakhstan - Elbasy, special state archives, state libraries and museums;

1-1) documents formed and forming as a result of the activities of the President, Parliament, Government, central executive bodies, the Supreme Court, the General Prosecutor's Office, the National Bank of the Republic of Kazakhstan and other state republican legal entities;

2) documents in communal property, stored in regional, cities of republican significance, the capital, city and district state archives and their branches, formed and forming as a result of the activities of local government and self-government bodies, courts, prosecutor authorities, public utilities and other state legal entities;

3) State insurance fund of copies of documents.

3. Private property includes documents of natural and non-state legal entities and their associations, formed as a result of their activities or with collecting, acquisitions.

4. The authorized body shall be entitled to possess and use the documents of the National Archival Fund, that are owned by the state, within the limits, established by the legislation of the Republic of Kazakhstan.

5. An archive document may be removed from the archive without the consent of the owner on the grounds provided by the laws of the Republic of Kazakhstan.

6. Documents of the National Archive Fund, owned by the state, cannot be subject to denationalization and privatization, purchase and sale, exchange or gift, in other words subject to the transactions involving the transfer of ownership, as well as cannot be exported to permanent storage in other states.

7. Documents of the National Archive Fund, that are in private ownership, may be the object of purchase and sale, exchange or gift, as well as may be taken out of the Republic of Kazakhstan only after the prior written consent of the owner with the authorized body, and subject to the delivery of duplicates or copies of these documents for permanent storage in the State Archive.

8. Transfer of the ownership to the state on the documents of individuals and non-state legal entities shall be made by agreement of the parties. Individuals can set term limits of access to them for no more than 70 years since the transfer to the archive.

Footnote. Article 7, as amended – by the Law of the Republic of Kazakhstan dated 10 November, 2001 No. 256; dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 8. Ownership of archive documents in reorganization or liquidation of legal entities

1. Upon privatization of state organizations the documents of the National Archival Fund, created before privatization, shall retain the status of state property, except otherwise provided by the legislation of the Republic of Kazakhstan.

2. Archives of state entities, transferred to the administration of foreign companies or individuals, shall retain the status of state property and must be returned to the state.

3. During the reorganization of legal entities, the documents of the National Archive Fund and its personnel are transferred to the legal successors in an orderly manner.

4. In the event of liquidation of legal entities, the documents of the National Archives and personnel of the National Archives shall be transferred in an orderly manner for storage to the relevant state or special state archive in coordination with the authorized body.

Footnote. Article 8, as amended by the Laws of the Republic of Kazakhstan dated 10.11.2001 No. 256; dated 07.03.2014 No. 177-V (shall be enforced upon expiry of ten

calendar days after its first official publication); No. 155-VI dated 16.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 3. State registration, storage, preservation, transfer to permanent storage of documents of the National Archival Fund

Article 9. State accounting

A footnote. Title of Article 9 with the change introduced by the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

1. Documents of the National Archive Fund, regardless of their form of ownership, shall be subject to the centralized state registration.

2. Legal entities that store documents of the National Archive Fund shall keep state records of data on the composition of documents in the manner determined by the authorized body and submit these data to the local executive body of the region, the city of national importance and the capital.

Footnote. Article 9, as amended – by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005); dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 10. State Stock Catalogue

1. The Authorized Body shall maintain the State Fund Catalogue containing information on the documents of the National Archive Fund and sources of its acquisition.

2. The Authorized Body shall be obliged to ensure accessibility and use of the information of the State Catalogue to satisfy the requests of state bodies, individuals and legal entities, except for the cases stipulated by Article 16 of this Law.

Footnote. Article 10 of the Law of the Republic of Kazakhstan dated 16.05.2018 No. 155-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

Article 11. Storage of documents of the National Archival Fund

1. The documents of the National Archive Fund, which are in state ownership, pass through the stage of temporary storage in departmental and private archives, and then are transferred to the relevant state archives, which are granted the exclusive right of permanent storage of documents of the National Archive Fund.

2. The National Archives of the Republic of Kazakhstan, the Central State Archives, the Presidential Archives of the Republic of Kazakhstan, the Library of the First President of the Republic of Kazakhstan - Elbasy, the special State Archives and the State Archives of

Regions and Cities are responsible for the permanent storage of the documents of the National Archives of the Republic of Kazakhstan.

3. For the purpose of collection, acquisition, storage, state accounting and use of the documents of the National Archive Fund by individuals and legal entities, departmental and private archives are created.

4. Obligations for the storage and use of privately owned documents of the National Archive Fund are fixed in contracts concluded by their owners with the National Archive of the Republic of Kazakhstan, the central state archives, the Archive of the President of the Republic of Kazakhstan, the Library of the First President of the Republic of Kazakhstan - Elbasy or local executive bodies of regions, cities of republican importance and the capital.

5. Compilation of private archives by the originals of official documents of the National Archival Fund that are in public property is prohibited.

6. Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).

Footnote. Article 11, as amended by the Laws of the Republic of Kazakhstan dated 10.11.2001 No. 256; dated 20.12.2004 No. 13 (shall be enforced from 1 January 2005); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 12. Preservation of documents of the National Archival Fund

1. Owners of documents of the National Archive Fund shall be obliged to keep the documents in conditions ensuring their preservation. The State Archives shall establish the State Insurance Fund for copies of documents.

The State Insurance Fund of copies of documents shall be kept separately from the original documents of the National Archive Fund in a specially equipped repository of archival documents (archive repository).

2. Documents of the National Archival Fund (state-owned), as well as buildings, facilities and equipment of the state archives and their branches shall not be subject to alienation.

3. Archival funds, archive collections, and their parts can be classified in accordance with the procedure established by the law as the objects of historical and cultural heritage of the Republic of Kazakhstan and included in the list of monuments of history and culture.

Footnote. Article 12, as amended by the Laws of the Republic of Kazakhstan dated 10.11.2001 No. 256; dated 01.03.2011 No. 414-IV (shall be enforced from the date of first publication); No. 155-VI of 16 May 2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

Article 13. Transfer of documents of the National Archival Fund for permanent storage

1. Documents of the National Archival Fund, owned by the state, after the storage time in the departmental archives shall be transferred for permanent storage in the state archives.

1-1. The transfer of documents of the National Archive Fund in an orderly manner is made at the expense of the legal entities transferring the archives in accordance with the rules of documentation, documentation management and use of electronic document management systems in state and non-state organizations, rules of reception, storage, accounting and use of documents of the National Archive Fund and other archival documents by departmental and private archives.

2. (Paragraph 2 is excluded – No. 256 dated 10.11.2001).

3. Transfer of documents of the National Archival Fund, owned by the state, for permanent storage in the other states shall be made in exceptional cases by the authorized body under the decision of the Government of the Republic of Kazakhstan.

Footnote. Article 13, as amended – by the Law of the Republic of Kazakhstan dated 10 November, 2001 No. 256; dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005); No. 155-VI of 16 May 2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

Chapter 4. Using of documents of the National Archival Fund

Article 14. Procedure for the use of documents of the National Archival Fund

A footnote. Article 14 shall be excluded by the Law of the Republic of Kazakhstan dated 16.05.2018 No. 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 15. Guarantees of the rights and interests of individuals and legal entities to use documents of the National Archival Fund

1. Information, contained in archive documents that are in public property, is protected by the legislation of the Republic of Kazakhstan as the intellectual property of the state.

2. Documents that are in the state archives of the Republic of Kazakhstan and their branches, as well as information system to them are opened for public use in a year after their arrival in the state archives and branches.

3. Use of documents of the National Archival Fund that are in private ownership is carried out only with the consent of the owner.

4. Individuals and legal entities of the Republic of Kazakhstan shall have the right to use the documents of the National Archival Fund that are open for use and stored in state and departmental archives and their branches free of charge. Restrictions on the use of documents to certain categories of individuals and legal entities shall be established by Article 16 of this Law.

5. State, departmental and private archives are obliged to provide individuals and legal entities, on the basis of archival documents, with the information they need to protect their rights and legitimate interests. Natural and legal persons have the right to receive certified copies and archive extracts from the archive document. Copies and extracts issued by state archives and their branches, departmental and private archives are official documents with legal force of originals.

Footnote. Article 15, as amended – by the Law of the Republic of Kazakhstan dated 10 November, 2001 No. 256; dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); No. 155-VI dated 16.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 15-1. Transfer of archive documents into electronic form

1. State bodies shall be obliged to ensure the transfer of archival documents required for the provision of public services into an electronic form on an ongoing basis.

2. Transfer of archival documents specified in paragraph 1 of this article into an electronic form shall be performed by the "electronic government" service integrator.

3. Access to archival documents transferred into electronic form is open to all interested state bodies in compliance with the requirements for protecting state, commercial and other legally protected secrets.

4. An electronic copy of an archive document, certified by an electronic digital signature of an authorized employee of the state archive or departmental archive, is equivalent to the original of the archival document.

Footnote. Chapter 4 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

Article 16. Restrictions in the use of documents of the National Archival Fund

1. Restrictions in the use of documents of the National Archival Fund, containing the state secrets and non-state secrets, the order of their declassification and provision for public use are determined by the legislation of the Republic of Kazakhstan.

2. shall be excluded by the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

3. Using of archive documents, which preserves the right of owners to restrict access, is possible only with their consent or the consent of their successors (heirs).

4. Originals of particularly valuable documents, as well as archival documents with poor physical condition, are not issued to users of archival documents. Instead, they are given copies.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 16.05.2018 No. 155-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

Article 16-1. Responsibilities of the users of documents of the National Archival Fund

Users of documents of the National Archival Fund shall:

- 1) ensure the preservation of the documents used;
- 2) prevent distortion and falsification of the text of documents used;
- 3) when publishing documents, indicate the place of their storage and its owner.

Footnote. It is supplemented by Article 16-1 – by the Law of the Republic of Kazakhstan dated 10 November, 2001 No. 256.

Article 17 The basis and procedure for the provision by state archives of paid activities for the sale of goods (works, services)

A footnote. Title of Article 17 in the wording of the Law of the Republic of Kazakhstan dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated November 2, 2020 No. 370-VI (shall be enforced ten calendar days after the day of its first official publication).

1. State archives have the right to provide paid activities for the sale of goods (works, services).

Paid activities for the sale of goods (works, services) include:

- 1) ordering;
- 2) on orders (applications) of individuals and legal entities, courses and seminars on teaching the modern basics of documentation and documentation management;
- 3) restoration, conservation, binding of archival files and documents, production of archival boxes;
- 4) production of insurance copies, restoration of the text of archival documents;
- 5) copying archival documents;
- 6) translation of archival documents into electronic form on orders (applications) of individuals and legal entities, with the exception of archival documents specified in paragraph 1 of Article 15-1 of this Law;
- 7) organization and holding of documentary exhibitions on orders (applications) of individuals and legal entities;
- 8) identification by orders (applications) of individuals and legal entities of information of genealogical and thematic nature;
- 9) development of lists of documents indicating the periods of storage, nomenclatures of cases;

10) publication and sale of methodological literature, collections of archival documents, educational and other publications;

11) depositary storage of archival documents.

2. In commercial use of documents, the ownership right on them is preserved for their owner.

Footnote. Article 17, as amended by the Laws of the Republic of Kazakhstan dated 10 November 2001 No. 256; dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005); dated 5 July, 2006 No. 165 (the order of enforcement see Article 2); dated 8 May, 2007 No. 247 (shall be enforced from the day of its official publication); No. 155-VI dated 16.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 11.02.2020 No. 370-VI (shall be enforced ten calendar days after the day of its first official publication).

Chapter 5. State regulation and administration of archive-keeping

Article 18. State regulation of archive-keeping

1. Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

1-1. Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

2. The issues of state regulation of keeping archive, carried out by the authorized body shall be:

1) Implementation of a unified state policy in the sphere of archiving and documentation support of management;

2) the adoption of the rules for issuing the documents of the National Archival Fund;

2-1) shall be excluded by the Law of the Republic of Kazakhstan dated 16.05.2018 No. 155-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);

2-2) shall be excluded by the Law of the Republic of Kazakhstan dated 16.05.2018 № 155 -VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication);

2-3) approval of the list of standard documents formed in the activities of state and non-state organizations, indicating the period of storage;

2-4) shall be excluded by the Law of the Republic of Kazakhstan dated 16.05.2018 № 155 -VI (to be put into enforced ten calendar days after the day of its first official publication);

2-5) approval of standard state archives staff;

2-6) approval of the rules for the provision of paid activities for the sale of goods (works, services) by state archives and their spending money from the sale of goods (works, services);

2-7) approval of centralized state accounting rules;

- 2-8) approval of the rules of creation and storage of the State Insurance Fund of copies of documents;
- 2-9) setting prices for goods (works, services) sold by state archives;
- 3) the approval of regulations on the Central expert review commission and expert review commissions of the central state and special state archives;
- 4) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 5) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);
- 6) the apostilization of archival letters of verifications and copies of archive documents, issued by the state archives of the Republic of Kazakhstan;
- 7) the establishment of an information network and a database on the documents of the National Archival Fund;
- 8) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159 -V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 9) the organization of development and implementation of automated archival technologies;
- 10) organization of publication and use of documents of the National Archival Fund to meet the needs and requirements of the state, society and citizens;
- 11) the formation and functioning of the National Archival Fund and the State Insurance Fund of copies of documents, the provision of the centralized state registration of documents of the National Archival Fund;
- 12) the protection of documentary monuments of history and culture, owned by the republic, their storage and use;
- 13) the collection and return to the Republic of Kazakhstan of the archive documents on its history, located overseas;
- 14) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 15) the methodological guidance and coordination of activities of the bodies for administration and maintenance of keeping archive;
- 16) inter-sectoral organizational and methodical management of the issues of archiving and documentation support of management;
- 17) state control over compliance with the legislation of the Republic of Kazakhstan on the National Archive Fund and archives;
- 18) the representation of the Republic of Kazakhstan in the international organizations on archive-keeping;
- 19) the exercise of other powers, stipulated by the laws of the Republic of Kazakhstan, the decrees of the President of the Republic of Kazakhstan and the resolutions of the Government of the Republic of Kazakhstan.

3. The issues of state regulation of relations and administration of archive-keeping, carried out by the local executive body of the region, the city of republican significance and the capital shall be:

1) implementation of the unified state policy in the sphere of archiving and documentation support of management on the territory of the region, the city of republican importance and the capital;

2) the organization of storage, compilation and use of documents of the National Archival Fund, adopted for storage, and documents of the state archives of the regions, the city of republican significance and the capital;

3) the conducting of state registration and preservation of documents of the National Archival Fund, stored in the state archives of the regions, the city of republican significance and the capital;

4) the protection of documentary monuments of history and culture that are in communal ownership, their storage and use;

5) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) the organization of expertise for scientific and practical value of documents;

7) the development of a database on the documents of the National Archival Fund, stored in the state archives of the region, the city of republican significance and the capital;

8) organizational-methodical management of issues of archiving and documentation support of management on the territory of the region, the city of republican importance and the capital;

8-1) state control over observance of the legislation of the Republic of Kazakhstan on the National Archive Fund and archives on the territory of the region, the city of republican importance and the capital, except for the sources of acquisition of the National Archive of the Republic of Kazakhstan and central state archives;

9) the organization of execution of requests of individuals and legal entities;

10) the approval of provisions on expert review commission;

11) the use of documents of the National Archival Fund to meet the needs of the state, individuals and legal entities;

12) the collection and return of archive documents on the history of the region, the city of republican significance and the capital;

13) the exercise, in favor of the local state administration, of other powers, assigned to the local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 18 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014

No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 11.02.2020 No. 370-VI (shall be enforced ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 18-1. State control over compliance with the legislation of the Republic of Kazakhstan on the National Archive fund and Archiving work

State control over compliance with the legislation of the Republic of Kazakhstan on the National Archive Fund and archives shall be carried out in the form of inspection and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 18-1 of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced ten calendar days after the day of its first official publication).

Article 19. State administration of archive-keeping

1. The state administration of archival affairs shall be carried out by the authorized body and local executive bodies of regions, cities of republican significance, the capital.

2. Instructions of the authorized body shall be binding for individuals and legal entities.

3. (Is excluded).

Footnote. Article 19, as amended – by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005).

Article 20. System of the bodies of administration and maintenance of archive-keeping in the Republic of Kazakhstan

The system of the bodies of administration and maintenance of keeping archive shall include:

1) authorized body, local executive bodies of regions, cities of republican significance, the capital;

2) Archive institutions: National Archives of the Republic of Kazakhstan, Central State Archives, Library of the First President of the Republic of Kazakhstan - Elbasy, special state archives, state archives of regions, cities of republican importance, capital, cities and districts.

Footnote. Article 20, as amended – by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005); dated 16.05.2018 № 155-VI

(shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 21. Financing of State Archives

Financing of the state archives is carried out at the expense of:

- 1) budget funds;
- 2) funds received for the provision of paid activities for the sale of goods (works, services).

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated November 2, 2020 No. 370-VI (shall be enforced ten calendar days after the day of its first official publication).

Article 22. Special state archives of the Republic of Kazakhstan

1. In order to ensure national security in the Ministry of Defense of the Republic of Kazakhstan, the National Security Committee of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, the State Security Service of the Republic of Kazakhstan, the General Prosecutor's Office of the Republic of Kazakhstan, the anti-corruption service, the economic investigation service, special state archives may be created.

2. Creation of the special state archives is carried out by the act of the President of the Republic of Kazakhstan.

3. State bodies of the Republic of Kazakhstan, in which special state archives are created in the order established by this Law, shall be vested with the right to collect, acquire, permanently store and use archival documents related to their activities.

4. The order of activity of the special state archives of the state bodies of the Republic of Kazakhstan is determined by regulatory legal acts.

Footnote. Article 22, as amended by the Laws of the Republic of Kazakhstan dated 08.05.2003 No. 413; dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 27.05.2010 No. 279-IV (the order of enforcement see Art. 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 04.07.2014 No 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014, No 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 16.05.2018 № 155-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official

publication); dated 06.10.2020 No. 365-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 6. International cooperation

Article 23. International relations and contacts

1. Individuals and legal entities - owners of the documents of the National Archival Fund may establish and maintain international relations and direct contacts.

2. State shall promote the expansion of contacts between archival institutions of the Republic of Kazakhstan and other countries in the mutual use of the available archive documents, if it does not harm the interests of the Republic of Kazakhstan.

Article 24. International treaties

If an international treaty ratified by the Republic of Kazakhstan stipulates norms other than those contained in the legislation of the Republic of Kazakhstan on keeping archive, the rules of the international treaty shall apply.

Article 25. The right of access to the archives of foreigners and stateless persons

1. Foreigners and stateless persons shall use the archive documents on the same basis, as citizens of the Republic of Kazakhstan.

2. Laws of the Republic of Kazakhstan may establish restrictions for citizens of those states that provide for restriction of access of the citizens of the Republic of Kazakhstan to their archives.

Article 26. Export of documents of the National Archival Fund outside the Republic of Kazakhstan

1. Export of documents of the National Archival Fund, owned by the state, outside the Republic of Kazakhstan is prohibited.

2. Authorized body of the Republic of Kazakhstan shall have the right to permit temporary export of documents of the National Archival Fund, owned by the state, outside the Republic of Kazakhstan in accordance with the procedure, approved by the Government of the Republic of Kazakhstan.

Chapter 7. Final Provisions

Article 27. Responsibility for violation of the legislation of the Republic of Kazakhstan on the National Archival Fund and archives

1. Individuals and legal entities, guilty of violating the legislation on archive-keeping, shall be liable in accordance with the laws of the Republic of Kazakhstan.

2. Damage to the National Archival Fund shall be compensated in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 27, as amended by the Law of the Republic of Kazakhstan dated 04.06.2009 No. 162-IV (the order of enforcement see Art. 2).

The President
of the Republic of Kazakhstan

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