



## **On approval of the Rules for transfer of information constituting state secrets in connection with performance of joint and other work**

### *Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated May 31, 2001 N 743

Unofficial translation

**Footnote. Heading is changed in the Kazakh language, the text in Russian is not changed by the Decree of the Government of the Republic of Kazakhstan dated 22.04.2021 No. 259 ( shall be enforced ten calendar days after the day of its first official publication).**

In accordance with paragraph 4 of Article 26 of the Law of the Republic of Kazakhstan dated March 15, 1999 "On State Secrets", the Government of the Republic of Kazakhstan decides to:

1. Approve the attached Rules for transfer of information constituting state secrets in connection with performance of joint and other work.
2. This decree comes into force from the date of signing and is subject to publication.

*Prime-Minister of the  
Republic of Kazakhstan*

Approved  
by the Decree of the Government  
of the Republic of Kazakhstan  
dated May 31, 2001 № 743

## **Rules for transfer of information constituting state secrets in connection with performance of joint and other work**

**Footnote. The Rules as amended by the Decree of the Government of the Republic of Kazakhstan dated 22.04.2021 No. 259 (shall be enforced ten calendar days after the day of its first official publication).**

1. These Rules for transfer of information constituting state secrets in connection with performance of joint and other work (hereinafter referred to as the Rules) are developed in accordance with Article 26 of the Law of the Republic of Kazakhstan dated March 15, 1999 "On State Secrets" (hereinafter referred to as the Law) and define the procedure for transfer of information constituting state secrets of the Republic of Kazakhstan (hereinafter referred to as state secrets), in connection with performance of joint and other work.

2. The following concepts are used in these Rules:

1) joint and other work - work carried out by the customer and executor of the order using state secrets;

2) customer - a state body or organization, by order of which work is carried out related to the use of state secrets;

3) executor of the order - non-state (commercial) organizations or a citizen of the Republic of Kazakhstan fulfilling the order, the execution of which requires the use of state secrets.

3. The transfer of state secrets by the customer to the executor in connection with performance of joint and other work provides for the following sequence:

1) receipt by the customer from the state body, which, in accordance with Article 15 of the Law, disposes state secrets, of a written permission on the possibility of transferring relevant information to the executor of the order and only to the extent necessary for performance of these works;

2) conclusion of an agreement for joint and other work between the customer and the executor of the order;

3) sending by the customer of a written notice to the national security authorities of the Republic of Kazakhstan (hereinafter referred to as the national security authorities) at the place of activity of the executor of the order on the concluded agreement for joint and other work and transfer of necessary state secrets.

4. In order to obtain written permission on the possibility of transferring state secrets to the executor of the order, the customer sends a written request to the state body empowered to classify information as state secrets.

The request specifies:

1) full name, business identification number, legal address of the executor indicating the surname, name, patronymic (if any) of his head or surname, name, patronymic (if any) of a citizen indicating an individual identification number, place of work (study), position and place of residence, as well as the authority that issued the identity document;

2) a list of state secrets planned for transfer, the names of their carriers, secrecy stamps, account numbers, copy numbers, the number of sheets of secret documents or other secret materials;

3) substantiation of the need to transfer state secrets;

4) the terms for which it is planned to transfer state secrets;

5) information on the availability of a permit to carry out work using state secrets and (or) admission of an official or a citizen of the Republic of Kazakhstan to state secrets (number, date, validity period and by whom issued).

The request is accompanied by a draft agreement for joint and other work, concluded between the customer and the executor of the order.

5. The state body, the head of which is empowered to classify information as state secrets, within ten working days from the date of their receipt, considers the request of the customer and sends to his address a written response signed by the head or a person replacing him, about the possibility of transferring of state secrets to the executor of the order or a reasoned

refusal, indicating the reasons preventing the transfer of state secrets to the executor of the order.

6. The transfer of state secrets to organizations or citizens of the Republic of Kazakhstan is carried out on the basis of an agreement for joint and other work concluded between the customer and the executor of the order.

In the agreement for joint and other work concluded between the customer and the executor of the order, in accordance with civil law, it is necessary to resolve the following issues:

1) the procedure for exercising control by the customer and the responsibility of the executor of the order to ensure the safety of state secrets both during the work and upon completion;

2) conditions for financing of works (services) for protection of state secrets;

3) information on the availability of permission from the national security authorities of the Republic of Kazakhstan to carry out work using state secrets or a formalized admission of an official or a citizen of the Republic of Kazakhstan to state secrets (number, date, validity period and by whom issued);

4) list of state secrets planned for the transfer (the list is drawn up as an independent annex to the agreement for joint and other work, which indicates the names of the transferred documents (carriers), secrecy stamps, account numbers, copy numbers, number of sheets).

In cases where the subject of the agreement for joint and other work is the maintenance of information systems in a secure design, classified as state secrets, owned by the customer, then instead of the names of the transferred documents (carriers), a certificate in any form is attached to the agreement for joint and other work, which reflects a brief description of the circulating information constituting state secrets in the serviced information systems.

The structural division responsible for concluding an agreement for joint and other work, as well as monitoring its execution, is determined by the head of the customer.

7. Before obtaining a written permission from the state body empowered to dispose state secrets, on the possibility of transferring their state secrets, the conclusion of an agreement on joint and other work and the transfer of state secrets is not allowed.

8. As part of the performance of joint and other work, the organization of activities for protection of state secrets carried out by the executor of the order is assigned to the divisions for protection of state secrets of:

1) the executor of the order, functioning without foreign participation;

2) the customer at the place of joint and other work;

3) subjects of the quasi-public sector in relation to legal (individual) entities affiliated with them in accordance with the legislative acts of the Republic of Kazakhstan;

4) other organizations that are actually located within the same city (settlement) with the executor of the order, functioning without foreign participation and with one hundred percent participation of the state in its authorized capital and empowered by the Government of the

Republic of Kazakhstan to provide services in the field of protecting state secrets (in this case, the executor of the order concludes with this organization, which is actually located within the same city (settlement) with the executor, an agreement on the use of the services of its division for protection of state secrets, which is indicated in the permit for work using the state secrets of both contracting parties).

On the conclusion of an agreement on provision of services in the field of protection of state secrets, the organization informs in writing the branches of the courier service and the special postal service.

9. The organization of control over protection of state secrets during joint and other work is assigned to the customer of these works in accordance with the provisions of the agreement concluded by the parties.

If the executor of the order violates his obligations to protect state secrets during joint and other work, the customer has the right to suspend the execution of the order until the violations are eliminated, and in case of repeated violations, raise the issue of canceling the order and permission to carry out work using state secrets and bringing guilty persons to responsibility. At the same time, material damage caused by the executor of the order to the state represented by the customer is subject to recovery in accordance with the legislation of the Republic of Kazakhstan.

10. In cases of a change in functions, forms of ownership, liquidation or termination of work using the state secrets of the customer, an addendum to the agreement is drawn up with the executor of the order indicating the assignee of the customer of joint and other work, if this assignee has the authority to carry out work using the specified information. At the same time, the national security authority at the place of the activity of the executor of the order and state bodies in case of use of their state secrets must be notified in writing.

In cases of changes in functions, forms of ownership, liquidation or termination of work using the state secrets of the executor of the order, the customer, together with the executor of the order, takes measures to ensure the protection of state secrets and their carriers. At the same time, state secrets transferred to the executor of the order under the agreement for joint and other work are returned to the customer.

11. The transfer of state secrets to the executor of the order without obtaining permission from the national security authorities to carry out activities related to the use of state secrets, and without registration of the admission of an official or a citizen of the Republic of Kazakhstan to state secrets is not allowed.