



On approval of the Rules for the creation, maintenance and use of the business partners register

Invalidated Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated June 3, 2021 No. 372. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 08/17/2023 No. 697

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 08/17/2023 No. 697 (effective after ten calendar days after the date of its first official publication).

Note of ILLI!

Shall come into effect from 01.07.2021.

In accordance with paragraph 4 of Article 25-1 of the Entrepreneurial Code of the Republic of Kazakhstan dated October 29, 2015, the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To approve the attached Rules for the creation, maintenance and use of the business partners register.
2. This Resolution shall come into effect on July 1, 2021, and is subject to official publication.

*Prime Minister
of the Republic of Kazakhstan*

A. Mamin

Approved
by the Resolution of the
Government of the
Republic of Kazakhstan
dated June 3, 2021 No. 372

The Rules for the creation, maintenance and use of the business partners register

Chapter 1. General Provisions

1. These Rules for the creation, maintenance and use of the business partners register (hereinafter referred to as the Rules) have been developed in accordance with paragraph 4 of Article 25-1 of the Entrepreneurial Code of the Republic of Kazakhstan, paragraph 2 of Article 7, subparagraph 3-3) of paragraph 1 of Article 11 of the Law of the Republic of Kazakhstan dated January 12, 2007 "On National registers of identification numbers", subparagraph 9-3) of Article 9 of the Law of the Republic of Kazakhstan dated May 21, 2013 "On personal data and their protection" (hereinafter

referred to as the Law "On personal data and their protection") and shall determine the procedure for the creation, maintaining and using the business partners register.

2. The following basic concepts shall be used in these Rules:

1) preliminary index - a part of the scoring index, reflecting the good faith of a business entity, calculated using the information of one state body. The preliminary shall be is used to comply with information security and ensure the confidentiality of tax, customs secrets and personal data. The calculation of the preliminary index shall be carried out in the protected perimeter of the relevant state body;

2) potential counterparty - a legal entity or an individual entrepreneur with whom the entrepreneur plans to conclude a deal;

3) business partners register - an information system integrated with the objects of informatization of state bodies and organizations, containing information about business entities that do not constitute a secret protected by laws;

4) business identification number (hereinafter referred to as BIN) - a unique number generated for a legal entity (branch and representative office) and an individual entrepreneur operating in the form of a joint venture;

5) individual identification number (hereinafter referred to as IIN) - a unique number generated for an individual, including an individual entrepreneur, carrying out activities in the form of personal entrepreneurship;

6) National Certification Authority of the Republic of Kazakhstan (hereinafter referred to as NCA) - a certification authority that shall provide electronic digital signature tools and registration certificates to individuals or legal entities for the generation of electronic documents in state and non-state information systems;

7) Government intranet (hereinafter referred to as GI) - a telecommunications network that is part of the information and communication infrastructure of "electronic government" and is designed to ensure the interaction of local (except for local networks that have access to the Internet), departmental and corporate telecommunications networks state bodies, their subordinate organizations and local governments, as well as other informatization entities, determined by the authorized body, in compliance with the required level of information security;

8) scoring indexes - a set of indexes used in the analysis of the integrity of a business entity and reflecting the risks associated with entering into business relations with a business entity. Scoring indexes shall be formed based on information from the business partners register;

9) "electronic government" gateway (hereinafter referred to as e-Gov Gateway) - an information system designed to integrate objects of informatization of "electronic government" with other objects of informatization;

10) electronic digital signature (hereinafter referred to as EDS) - a set of electronic digital symbols created utilizing an electronic digital signature and confirming the authenticity of an electronic document, its ownership and the invariance of the content.

3. The business partners register shall be designed to provide entrepreneurs with the opportunity to independently assess the integrity of a potential counterparty.

4. Users of the business partners register shall be individuals and legal entities.

5. The assessment of the integrity of business entities shall be carried out by users independently based on information provided by the business partners register.

Chapter 2. Procedure for the creation of the business partners register

6. The business partners register shall be created by the National Chamber of Entrepreneurs of the Republic of Kazakhstan (hereinafter referred to as the NCE).

7. The user of the business partners register shall receive the following information about the business entity:

a report containing information about a business entity based on data from information systems of state bodies and open sources;

information on the inclusion of a business entity in registers, lists, and lists formed by authorized state bodies according to their competence.

8. Information exchange of the business partners registry system with the e-Gov Gateway shall be carried out utilizing electronic messages in the "request-response" mode using the EDS issued by the NCA.

9. Information exchange participants (hereinafter referred to as Participants) shall provide access to interaction services around the clock, except for a technical failure and technological interruptions in the operation of information systems, which the participant who is planning a technological interruption in the operation of information systems shall inform other participants of at least 36 hours before work starts.

The participants in the information exchange shall be state bodies - the owners of information systems and NCE - the owner of the information system of the business partners register.

10. Protection of information during information exchange shall be ensured in accordance with subparagraph 9-3) of Article 9 of the Law of the Republic of Kazakhstan "On personal data and their protection", as well as the requirements of the Law of the Republic of Kazakhstan dated November 24, 2015 "On informatization".

11. Users of the business partners register shall have access to scoring indexes assigned to business entities:

the taxpayer's conscientiousness index is an indicator of the probability that a potential partner applies transactions (operations) for which actions to issue an invoice

and (or) other documents may be recognized by a court or by a decision of a criminal prosecution body to terminate a pre-trial investigation on non-rehabilitating grounds as committed without actually performing work, provision of services, shipment of goods;

financial stability index - an indicator of the probability that the counterparty will not be able to fulfil its obligations due to existing financial problems;

payment discipline index - an indicator of the probability that an entrepreneur may have problems receiving payment from a counterparty;

The business reputation index is a summary indicator that combines the totality of all factors.

12. The business partners register shall include a service for calculating scoring indexes.

13. Scoring indexes of the business partners register shall be calculated at the request of the user based on information received from government agencies, and open sources of information.

14. When calculating scoring indexes using information constituting tax, customs secrets and personal data, preliminary indexes shall be applied.

15. The calculation of preliminary indexes shall be carried out by the state body that is the owner of the information that is a tax, customs secret and personal data.

16. Preliminary indexes shall represent the assignment to a business entity of a risk value in numerical terms or a numerical risk value with the assignment to a certain risk category (high, medium, low).

17. The calculated preliminary indexes shall be transferred to the business partner registry service for calculating scoring indexes.

18. The final calculation of scoring indexes in accordance with paragraph 11 of these Rules shall be carried out by the business partner registry service for calculating scoring indexes based on information received from government agencies, open sources of information, and other data sources, as well as the obtained values of preliminary indexes.

19. The calculation of preliminary indexes shall be carried out by the state body that is the owner of tax, customs secrets and personal data, based on the calculation algorithm provided by the NCE.

20. The algorithm for calculating scoring indexes and preliminary indexes shall be developed by the NCE based on the analysis and modelling of a test sample of depersonalized test data on business entities provided by government agencies.

21. To ensure the preservation of tax, customs secrets and personal data when developing an algorithm for calculating scoring indexes and preliminary indexes:

The NCE shall provide state authorities with the requirements for a sample of business entities for the formation of depersonalized test data;

state bodies shall provide a selection of depersonalized data on business entities based on the provided requirements for test data;

to form a sample of anonymized test data on business entities, the state body that manages the provision of taxes and payments to the budget shall form a randomly generated list of entrepreneurs and assign them an identification number;

state bodies shall provide depersonalized data on entrepreneurs according to the list of entrepreneurs formed by the state body in charge of ensuring tax revenues and payments to the budget;

Based on the received impersonal data on entrepreneurs, the NCE shall develop an algorithm for calculating scoring and preliminary indexes for each state body.

Chapter 3. Procedure for maintaining the business partners register

22. The business partners register shall be maintained by the NCE in accordance with the Law of the Republic of Kazakhstan dated July 4, 2013 "On the National Chamber of Entrepreneurs of the Republic of Kazakhstan".

23. The business partners register shall provide users with information about business entities.

24. Information about business entities shall be formed through information interaction with government agencies and other data owners:

1) the state body exercising management in the field of ensuring the receipt of taxes and payments to the budget, shall provide the following information on registered business entities for the last three years:

BIN/IIN;

date of registration (state registration);

date of deregistration;

reason for deregistration;

date of commencement and termination of the suspension of activities;

residence of the taxpayer;

tax authority - the place of registration of the taxpayer;

applicable tax regime;

data on the semi-annual schedule of tax audits carried out especially based on a risk assessment;

data on non-submission of tax reporting by the taxpayer (tax agent);

data on rehabilitation and bankruptcy, which are not confidential information in accordance with the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy;

data on the tax burden coefficient of the taxpayer (tax agent), calculated in the manner determined by the authorized body, except for individuals not registered with the tax authorities as individual entrepreneurs and not engaged in private practice;

data on the results of categorizing taxpayers depending on the degree of risk;
the amount of taxes and payments to the budget paid (transferred) by a taxpayer (tax agent), except for individuals;

the amount of the tax debt of the taxpayer (tax agent);

data on the submission by the taxpayer of a tax application for a tax audit in connection with liquidation (termination of activities);

data on the measures of responsibility applied concerning the taxpayer (tax agent) who violated the tax legislation of the Republic of Kazakhstan;

data (BIN/IIN of a business entity) on the presence (absence) of registration as a taxpayer of a non-resident operating through a permanent establishment, structural unit or without establishing a permanent establishment in accordance with Article 650 of the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget (Tax Code)" (hereinafter referred to as the Tax Code).

When calculating preliminary indexes in accordance with paragraphs 14, 15, 16, 17, 18, 19, 20 and 21 of these Rules, the state body in charge of ensuring tax revenues and payments to the budget shall use the following information on registered business entities for the last three of the year:

authorized capital;

total capital;

total assets;

total liabilities;

fixed assets;

the amount of taxes and customs payments to the budget paid (transferred) by the taxpayer (tax agent), broken down by types;

the total amount of taxes paid;

total annual income adjusted for;

taxable income taking into account losses incurred;

corporate income tax;

total deductions;

value added tax;

the amount of the refund to the taxpayer from the budget of the excess of the amount of value added tax, attributable to the offset, over the amount of the accrued tax;

property tax;

transport tax;

number of staff;

deductions from the wage fund (disaggregated by type of tax);

lists of registered business entities;

inactive taxpayers;

recognized as pseudo-enterprises;
absent at the legal address;
declared bankrupt;
declared inactive;
whose registration has been declared invalid;
reorganized in violation of the Tax Code;
having a tax debt;

2) the authorized state body that ensures the functioning of the state electronic register of permits and notifications, shall provide information on issued, reissued, suspended, cancelled, extended, renewed and terminated permits and their duplicates, as well as received notifications;

3) the authorized body in the field of state registration of legal entities provides information on registered, operating, liquidated and other business entities, including:

identification information:

BIN;

the status of the subject;

the registration authority that registered the organization;

date of initial registration;

date of the last re-registration (if any);

name in the state language;

name in Russian;

name in English (if any);

abbreviated name in the state language (if any);

abbreviated name in Russian (if any);

abbreviated name in English (if any);

form of organization;

legal form (if any);

type of private enterprise (if any);

classification data of a legal entity:

method of formation (for legal entities);

type of ownership;

commercial organization;

business entity (for legal entities);

international organization (for legal entities);

with the participation of foreign investors (for legal entities);

with the participation of stateless persons (for legal entities);

activities are carried out according to a model charter (for legal entities);

information about branches, and representative offices;

information about liquidation;

grounds for termination of activity;
liquidation type;
date of the decision on liquidation;
date of registration of liquidation;
type of reorganization;
BIN of the assignee;
supervisor:
information about the position of the head (if any);
position of the head (if any);
date of appointment (if any);
date of removal from office or termination of appointment to the position of manager (if any);
country of permanent residence;
country of citizenship;
belonging to citizenship;
IIN (if any);
surname;
name;
patronymic;
activities:
primary occupation;
OKED code;
name of the type of activity in the state language;
name of the type of activity in Russian;
location address:
address registration code (if any);
postcode;
code according to the classifier of administrative-territorial objects (hereinafter referred to as CATO);
geonym code (if any);
name of the region in the state language;
name of the region in Russian;
the name of the district in the state language;
name of the district in Russian;
the name of the rural district in the state language;
the name of the rural district in Russian;
the name of the settlement in the state language;
the name of the settlement in Russian;
street name in the state language;

street name in Russian;
type of building (if any);
building number;
block number (if any);
case number (if any);
type of premises (if any);
number of the room;
office number;
information about the founders of legal entities:
BIN (if any);
country of incorporation;
registration number in the country of incorporation (for non-residents);
date of (re) registration;
full name in the state language;
full name in Russian;
information about the founders of individuals:
country of permanent residence;
belonging to citizenship;
country of citizenship;
IIN (if any);
tax number in the country of incorporation (for non-residents);
surname;
name;
patronymic;
the total number of participants, founders;
including individuals;
including legal entities;
information about the parent organization of the branch or representative office:
BIN (if any);
country of incorporation;
registration number in the country of incorporation (for non-residents);
date of (re) registration;
full name in the state language;
full name in Russian;
type of activity (for non-residents);

4) the authorized body in the field of state statistics provides data on business entities:

BIN/IIN;
CATO code;

type of economic activity according to CCEA;
name of the type of economic activity;
secondary CCEA (if any/directly the code and its name);
code according to the classifier of the dimension of legal entities, branches and representative offices by the number of employees (hereinafter referred to as CBO);
name of the CBO;

5) the authorized body for the formation of a unified register of addresses of real estate objects on the territory of the Republic of Kazakhstan shall provide information on the location of real estate objects registered for business entities on the territory of the Republic of Kazakhstan;

6) the central state body that regulates activities in the field of accounting and financial reporting shall provide information on business entities from the depository of financial statements of public interest organizations:

taxpayer registration number (hereinafter referred to as TRN) and BIN/IIN;
date of state registration;
basic indicators;
profile;
special data;
executive agency;
affiliates;
licenses;
board of directors;
information about the founders;

financial statements in the forms established by regulatory legal acts for organizations of public interest;

financial analysis of the enterprise according to the submitted report (express analysis of financial and economic activities, performed based on information included in the financial reporting depository);

audit reports;
decisions of governing bodies;
founding documents;
promotional information;

7) the authorized body for the formation of legal statistics and the maintenance of special records provides information on the search for persons concerning business entities (founder/head);

without the transfer of personal data, the calculated preliminary indexes shall be transmitted according to information about:

inspections of business entities;
bringing business entities to administrative and criminal liability.

When calculating preliminary indexes according to paragraphs 14, 15, 16, 17, 18, 19, 20 and 21 of these Rules, the authorized body for the formation of legal statistics and the maintenance of special records shall use the information for the last three years ;

8) The Supreme Court of the Republic of Kazakhstan shall provide information on civil cases:

- instance;
- region;
- court;
- type of production;
- case number;
- date of the judicial act;
- type of judicial act;
- the text of the judicial act;

9) the authorized body for the formation of information about vehicles and their ownership shall provide information on registered vehicles of car owners at the request of BIN/IIN of business entities;

10) entities of natural monopolies (hereinafter referred to as ENM), to form a register of business partners, shall provide information on the facts of non-payment for a period of more than one month of payments for utility services of legal entities, individual entrepreneurs with monthly updating of the information that they send to the NCE.

ENM shall provide data every month, no later than the 30th day of the month following the reporting month, and the NCE shall place the submitted data in the business partners register;

11) the authorized body that carries out state regulation and control of activities in the field of state registration of rights to real estate and state technical inspection of real estate shall provide the following information:

- IIN of the right holder;
- BIN of the right holder (company);
- full name of the copyright holder (company);
- indication of residential/non-residential stock;
- year of commissioning of the facility;
- cadastral number of the object;
- cadastral number of the primary object;
- cadastral number of the land plot;
- land area;
- built-up area;
- type of real estate;

number of storeys;
effective area;
the taxable value of the object (if any);
information about the presence of encumbrances;
information about the presence of restrictions;
the location of the object;
region;
district/city;
object address (settlement, street, house, apartment);
purpose of the object;
information about registered encumbrances:
type of encumbrance;
the content of the encumbrance;
interested party;
form of common ownership, share;
transaction amount (value);
the size of the main obligations (collateral amount);
encumbrance period;
date, time of registration of the encumbrance;
grounds for encumbrance:
type of document;
number and date of the document;

12) the authorized body in the field of state registration of acts of civil status, amendments, restoration, and cancellation of civil status records shall submit to the business partners register information for publication in the business partners register on the list of legal entities affiliated with the counterparty, individual entrepreneurs having an individual, consisting in a close relationship (parent, brother, sister, son, daughter), marriage, as well as property (brother, sister, parent, son or daughter of a spouse who is the owner or head of the counterparty. Therewith, details of the affiliation of legal entities and individual entrepreneurs shall not be transferred;

13) the authorized body in the field of transport and communications shall provide the following information:

information on the number of registered violations of transport legislation by a legal entity;

information on the availability of a certificate and a card for admission to international transportation;

information on the number of cards for admission to international transportation (determines the number of vehicles of a legal entity admitted to international transportation).

25. To maintain relevance and improve the accuracy of risk forecasting, NCE periodically, at least once a year, shall refine the algorithms for calculating scoring and preliminary indexes.

26. Refinement of algorithms for calculating scoring and preliminary indexes shall be carried out according to paragraphs 19, 20 and 21 of these Rules.

scoring and preliminary indexes, within 10 (ten) business days from the receipt of the request, state bodies provide the NCE with a test sample in accordance with paragraphs 19, 20 and 21 of these Rules.

Chapter 4. Procedure for use of the business partners register

28. Information about a business entity shall be provided to users in the form of displaying information on the registry portal, as well as in the form of an electronic document certified by an EDS, for carrying out entrepreneurial and other activities that do not contradict the legislation of the Republic of Kazakhstan.

29. The provision of information shall be carried out online, taking into account the speed of formation and provision of information at the source of information.

30. Collection, processing and protection of personal data of business entities contained in the business partners register shall be carried out in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection.

31. Registration of users, search for business entities, requesting information about business entities, and providing users with information about business entities shall be carried out on the portal of the business partners register.

32. The request for information regarding legal entities and individuals that are a business entity is subject to confirmation of its status as a business entity in the business partners register.

The search for business entities shall be carried out on the following grounds:

BIN or IIN;

name and legal form of the legal entity;

surname, name and patronymic (if any) and (or) the name of an individual entrepreneur.

33. The user of the business partners register requests information about a business entity.

34. The time for generating a report to the user from the information system of the business partners register shall be no more than 1 (one) hour, subject to the uninterrupted functioning of the Government Intranet, e-Gov Gateway and information systems of other participants.

35. The business partners register shall be used:

by users to independently assess the integrity of business entities, as well as the risks associated with cooperation with a potential counterparty;

by state bodies and other state institutions to the extent of the information, they need to carry out their functions.

36. The business partners register shall register each fact of verification by the user of a business entity, and provide the user with the opportunity to receive an electronic report on the fact of verification indicating the date and time of verification, reflecting the information received, reflecting the values of scoring indexes, and also provides business entities with the opportunity to obtain information about users who requested information about him/her, indicating the date and time of the request.

37. To check a potential counterparty, information on state registration, types of activities carried out, presence/absence in the registers of state bodies, amounts of taxes paid and tax debts, information on licenses, permits to engage in certain types of activities, the value of the taxpayer's integrity index shall be provided to entrepreneurs on the portal register of business partners free of charge.