



On approval of the Rules for keeping records of persons who have committed disciplinary offenses that discredit civil service

Unofficial translation

Order of the Prosecutor General of the Republic of Kazakhstan dated June 22, 2016 No. 113. Registered in the Ministry of Justice of the Republic of Kazakhstan on July 25, 2016 No. 13977.

Unofficial translation

In order to implement subparagraph 11-1) of paragraph 3 of Article 12 of the Law of the Republic of Kazakhstan dated December 22, 2003 "On state legal statistics and special records" **I HEREBY ORDER:**

Footnote. The preamble is in the wording of the acting Prosecutor General of the Republic of Kazakhstan dated 02.07.2020 No. 82 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. To approve the attached Rules for keeping records of persons who have committed disciplinary offenses that discredit civil service.
2. To recognize as invalid the order of the acting Prosecutor General of the Republic of Kazakhstan dated February 20, 2015 No. 36 "On approval of the Instructions for registration of persons brought to disciplinary responsibility for corruption offenses" (registered in the Register of state registration of regulatory legal acts No. 10347, published on March 13, 2015 in the legal information system "Adilet").
3. The Committee on legal statistics and special accounting of the General Prosecutor's Office of the Republic of Kazakhstan (hereinafter - the Committee) to ensure:
 - 1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
 - 2) within ten calendar days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, sending of its copy for official publication in periodicals and in the information and legal system "Adilet";
 - 3) sending a copy of this order within five calendar days from the date of its receipt to the Republican State Enterprise on the basis of the right of economic management "Republican Legal Information Center" of the Ministry of Justice of the Republic of Kazakhstan for placement in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan;
 - 4) placement of this order on the Internet resource of the General Prosecutor's Office of the Republic of Kazakhstan;
 - 5) sending this order to interested subjects of legal statistics and special accounting, as well as to the territorial bodies of the Committee for execution.

4. The Chairman of the Committee shall be authorized to oversee the execution of this order.

5. This order shall come into force ten calendar days after the day of its first official publication.

*Prosecutor General
of the Republic of Kazakhstan*

Zh. Asanov

Approved by the order
of the Prosecutor General
of the Republic of Kazakhstan
dated June 22, 2016 № 113

**Rules for
keeping records of persons who have committed
disciplinary offenses that discredit civil service
Chapter 1. General provisions**

1. These Rules establish a single procedure for keeping records of persons who have committed disciplinary offenses that discredit the civil service (hereinafter - the Rules).

2. The accounting of persons who have committed disciplinary offenses that discredit the civil service is carried out by the Committee on legal statistics and special accounting of the General Prosecutor's Office of the Republic of Kazakhstan (hereinafter referred to as the Committee) by maintaining a data bank in order to implement the Law of the Republic of Kazakhstan dated November 23, 2015 "On the civil service of the Republic Kazakhstan "(hereinafter - the Law).

3. The subjects of legal statistics and special accounting, which ensure, within the limits of their authority, the fulfillment of the requirements of the Law and the application of the disciplinary measures provided for therein, timely submit information accounting documents to the territorial bodies of the Committee (hereinafter - the territorial bodies) that monitor compliance with the requirements of these Rules.

4. All civil servants are subject to accounting in accordance with the legislation on civil service, who committed disciplinary offenses, discrediting the civil service.

**Chapter 2. Procedure for keeping records
of persons who have committed disciplinary offences, discrediting civil service**

5. The basis for accounting of persons who have committed disciplinary offenses that discredit the civil service is the fact that they committed a disciplinary offense that discredits the civil service specified in Article 50 of the Law, as well as the existence of an act of the head of a state body (official) on holding a person liable or decisions of relevant commissions authorized to review the disciplinary liability of civil servants.

6. The personnel department of the state body (persons replacing them) upon bringing the person to responsibility for the commission of a disciplinary offense discrediting the civil

service, within three working days from the issuance of the act (decision) on the disciplinary sanction, submits one copy of the registration card of a person who has committed a disciplinary offense, discrediting civil service, to the territorial bodies, in the form No. 1-DP (hereinafter referred to as the card) in accordance with appendix 1 to these Rules, with the mandatory attachment of copies of supporting documents on the disciplinary sanction, as well as a copy of the identity card of the person involved.

7. State bodies and officials whose activities are supervised by a military or transport prosecutor, submit the card to the military or territorial transport department of the Committee, respectively.

8. The following information is filled in the card details:

1) the name of the body in which the person who committed the disciplinary offense, discrediting the civil service, works or dismissed from;

2) the name of the state body that revealed the fact of a disciplinary offense discrediting the civil service;

3) the departmental affiliation of the person who committed the disciplinary offense, discrediting the civil service;

4) a brief plot of a committed disciplinary offense (to contain a clear meaning, not to allow abbreviations and to enter only the numbering of the article of the Law or its name);

5) qualification of a disciplinary offense discrediting the civil service, in accordance with the provisions of the Law;

6) the number of the act (decision) on imposing a disciplinary sanction, the date of issuance, full name (patronymic, if any) and the position of the person who issued the act on bringing to disciplinary liability;

7) the applied penalty measure;

8), 9), 10), 11) identification data of the person who committed a disciplinary offense, discrediting the civil service;

12), 13) the place of work and the position of the person who committed the disciplinary offense, discrediting the civil service.

9. The card is subject to signing by the head and responsible person of the personnel department (persons replacing them) of the body in which the person who committed the disciplinary offense, discrediting the civil service, works or dismissed from. The head and the person in charge indicate their name, position and date of filling out the card.

10. The details of the card are filled in block letters, blue or black ink, without erasures and corrections, or in print. The surname, name and patronymic of the person to be registered are entered with a capital letter. The place of work and position as well as the name of the body are entered without abbreviations.

11. After filling out, the card is an official information accounting document. The person who signed it is liable for entering knowingly false information in the manner established by

the legislation of the Republic of Kazakhstan on administrative offenses and the criminal legislation of the Republic of Kazakhstan.

12. After receipt of paper copies of cards in the territorial body, within 2 working days, the employee of the territorial authority checks the correctness and completeness of the details and enters the card into the data bank, with the obligatory attachment of a graphic copy of the card, supporting documents and identity card.

After entering, the card and supporting documents are stored in the territorial body in the manner prescribed by these Rules.

13. Cards containing incomplete or inaccurate information, completed in violation of the requirements of these Rules, or on the letterhead of an unidentified form, are not registered and must be returned to eliminate the deficiencies in the authority that issued them within 1 working day after receipt.

The updated cards within three working days from the date of receipt are subject to re-submission to the territorial body for registration.

14. Information on persons who have committed disciplinary offenses that discredit the civil service is stored for three years from the date of imposing a punishment, with the exception of information on persons in respect of whom a disciplinary sanction was imposed in the form of dismissal.

Information about the persons dismissed for committing disciplinary offenses that discredit the civil service is stored permanently.

15. In the event of a change or cancellation of the decision to hold a person liable for a disciplinary offense discrediting the civil service, the personnel department (persons replacing them) within three working days submits to the territorial body two copies of the message on this fact, certified by a seal, according to appendix 2 to these Rules, as well as in duplicate, the supporting materials, with simultaneous notification to the authority that revealed it.

One copy of the message and one copy of the material confirming the change or cancellation of the decision to hold the person liable for a disciplinary offense discrediting the civil service are submitted to the Committee by the territorial authority, which is the basis for the Committee to make adjustments to the centralized accounting data.

The adjustment is made by the employee of the Committee, responsible for maintaining this record, within 1 working day after receipt of paper copies of the message and materials.

Chapter 3. Grounds for applying to accounting

16. All persons applying for admission to the civil service, as well as during other verification activities in relation to a person, shall be subject to verification in accordance with the current legislation.

The forms of the blanks, the procedure for filling them out and sending them for verification according to the records, as well as the deadlines for execution, are identical to those established by the Rules for maintaining and using special records of persons who have

committed criminal offenses, held criminally liable, persons held criminally liable for committing a criminal offense and for fingerprinting records of detainees detained and convicted persons, approved by the order of the Prosecutor General of the Republic of Kazakhstan dated February 27, 2018 No. 29 (registered in the Register of state registration of regulatory legal acts under No. 16667).

The request for information about persons shall be carried out through the information service on the portal of the Committee portal "Requirement for an individual". In the absence of the possibility for registering subjects of legal statistics and special records on this portal, information shall be obtained by sending a request to the Committee and its territorial body, issued for each audited person separately.

Footnote. Clause 16 - as amended by the order. of the Prosecutor General of the Republic of Kazakhstan dated July 2, 2020 No. 82 (shall be enforced ten calendar days after the day of its first official publication).

17. The information about citizens who have changed the identification data received from the internal affairs bodies is checked by the employees of the territorial bodies within five working days on the accounting of persons who have committed disciplinary offenses discrediting the civil service.

If there is information regarding citizens who have changed personal data, the mark “has other personal data” is made in the database and the corresponding data is indicated.

Appendix 1 to the Rules
for keeping records of persons who
committed disciplinary offences
that discredit civil service
Form

Registration card of persons who have committed disciplinary offenses discrediting the public service (form No. 1-DO)

Footnote. Appendix 1 is in the wording of the order of the acting Prosecutor General of the Republic of Kazakhstan dated 02.07.2020 No. 82 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. _____

_____ (name of the body in which the person who committed a disciplinary offense discrediting the public service works or from which he was dismissed)

2. The state body that revealed the fact of committing a disciplinary offense, discrediting the public service

(name of the body)

3. Done: vocabulary props:

dictionary props: law enforcement officer.

dictionary props: an employee of special state bodies.

dictionary props: military officer.

dictionary props: employees of ministries.

vocabulary props: by a law enforcement officer.

vocabulary props: by an employee of special state bodies.

vocabulary props: by a military employee.

vocabulary props: by an employee of ministries.

4. Brief plot of the committed disciplinary offense _____

5. Qualification of a disciplinary offense discrediting the public service, in accordance with the

norms of Article 50 of the Law of the Republic of Kazakhstan

"On the Public Service of the Republic of Kazakhstan" paragraph _____ subparagraph _

6. Act (decision) on the imposition of a disciplinary sanction No. __ dated " __ " _____ 20__.

Position, surname, initials of the person who issued the act on bringing to disciplinary liability)

7. A penalty measure was applied: dismissal from office (01), demotion (02), warning of incomplete official compliance (03).

8. Information about the person who committed a disciplinary offense discrediting the public service

Surname, name, patronymic (if any) _____

9. Date of birth " ____ " _____ .

Individual identification number / _

10. Place of birth _____

11. Address of residence (registration) _____

12. Place of work _____

13. Position _____

14. Position, surname, initials, signature of the person who filled out the card _____

15. Date of filling in " ____ " _____ 20 ____.

16. Surname, initials, signature of the head _____

17. Date of registration in the territorial body " __ " _____ 20 __, material № __

18. Position, surname, initials of the person, signature of the employee of the territorial body who registered the card _____

Note: the card is an official statistical document; the persons who signed it shall be liable for entering deliberately false information in accordance with the procedure established by the legislation of the Republic of Kazakhstan on administrative offenses and the criminal legislation of the Republic of Kazakhstan.

Appendix 2 to the Rules
for keeping records of persons who
committed disciplinary offences
that discredit civil service
Form

**Committee on legal statistics and special accounting of the
General Prosecutor's Office of the Republic of Kazakhstan**

Copy: to the territorial body of _____ region

MESSAGE

**on changing (canceling) a decision to bring a person to
responsibility for a disciplinary offense,
discrediting the civil service**

1. Surname _____

1.1 Name _____

1.2 Patronymic (if any) _____

1.3 Date of birth " ____ " _____ .

2. Information on the applied measure of responsibility: _____

(indicate the basis, type and date of bringing to responsibility)

3. Information about the change (cancellation) of the decision: _____

(indicate the basis and date of the decision to change (cancel) the decision made)

4. Name of the body that made the decision: _____

5. Position, surname and signature of the person who wrote the message

6. Date of completion " ____ " _____ 20__ . Stamp here