



On approval of the Rules for organization of the activities of payment organizations

Unofficial translation

Resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 № 215. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 20, 2016 № 142347.

Unofficial translation

Pursuant to subparagraph 52-1) of part two of article 15 of the Law of the Republic of Kazakhstan "On the National Bank of the Republic of Kazakhstan", the laws of the Republic of Kazakhstan "On State Services", "On Permits and Notifications", and subparagraph 1) of paragraph 1 of article 4 of the Law of the Republic of Kazakhstan "On Payments and Payment Systems" The Board of the National Bank of the Republic of Kazakhstan

RESOLVES:

Footnote. Preamble - as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 20.12.2021 № 116 (shall be enforced from 01.04.2022).

1. To approve the attached Rules for the organization of the activities of payment organizations.

2. The Department of payment systems (E.T. Ashykbekov) in accordance with the procedure established by the legislation of the Republic of Kazakhstan shall:

1) jointly with the Legal Department (N.V.Sarsenova) ensure the state registration of this resolution with the Ministry of Justice of the Republic of Kazakhstan;

2) send this resolution to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan":

for official publication in the information and legal system "Adilet" within ten calendar days after the state registration with the Ministry of Justice of the Republic of Kazakhstan;

for inclusion in the State Register of Regulatory Legal Acts of the Republic of Kazakhstan, Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan within ten calendar days from the date of the state registration with the Ministry of Justice of the Republic of Kazakhstan;

3) place this resolution on the official Internet resource of the National Bank of the Republic of Kazakhstan after its official publication.

3. The Directorate for the Protection of the Rights of Consumers of Financial Services and External Communications (A.L.Terentyev) shall, within ten calendar days after the state registration with the Ministry of Justice of the Republic of Kazakhstan, send this resolution for official publication in periodicals.

4. Control over the execution of this resolution shall be entrusted to the Deputy Chairman of the National Bank of the Republic of Kazakhstan G.O. Pirmatov

5. This resolution shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Chairman
of the National Bank*

D. Akishev

"AGREED"

Ministry of Information and Communications
of the Republic of Kazakhstan

Minister _____ D. Abayev

September 14, 2016

"AGREED"

Minister of National Economy
of the Republic of Kazakhstan

_____ K. Bishimbayev

September 23, 2016

Approved
by resolution of the Board
of the National Bank
of the Republic of Kazakhstan
dated August 31, 2016 № 215

Rules for the organization of the activities of payment organizations Chapter 1. General provisions

1. These Rules for organizing the payment organizations' operation (hereinafter referred to as the Rules) have been developed pursuant to subparagraph 52-1) of part two of Article 15 of the Law of the Republic of Kazakhstan "On the National Bank of the Republic of Kazakhstan", the laws of the Republic of Kazakhstan "On State Services", "On Permits and Notifications", subparagraph 1) of paragraph 1 of Article 4 of the Law of the Republic of Kazakhstan "On Payments and Payment Systems" (hereinafter referred to as the Law on Payments and Payment Systems) and establish the procedure for organizing the payment organizations' operation.

The procedure for organizing the payment organizations' operation includes record registration of payment organizations with the National Bank of the Republic of Kazakhstan (hereinafter referred to as the National Bank), maintenance by the National Bank of the register of payment organizations (hereinafter referred to as the register), provision of payment services by payment organizations, notification by payment organizations of the opening of branches, requirements for software and hardware tools of payment organizations and information security management system.

Footnote. Paragraph 1 - as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 20.12.2021 № 116 (shall be enforced from 01.04.2022).

2. The following concepts shall be used in the Rules prescribed by the Law on Payments and Payment Systems:

1) information about cyber-security incidents, including information about breaches, failures in information systems - information about separately or serially occurring failures in the operation of the information and communication infrastructure or its individual objects that imperil their proper functioning and (or) create conditions for illegal obtaining, copying, distribution, modification, destruction or blocking of electronic information resources of the payment organization;

2) a cyber-security incident, including violations, failures in information systems (hereinafter referred to as a cyber-security incident) - individually or serially occurring failures in the operation of the information and communication infrastructure or its individual objects that create a threat to their proper functioning and (or) conditions for illegal obtaining, copying, distribution, modification, destruction or blocking of electronic information resources of the payment organization;

3) cyber-security - the condition of protection of electronic information resources, information systems and information and communication infrastructure against external and internal threats;

4) threat to cyber-security - a set of conditions and factors that lead to a cyber security incident;

5) cyber-security assurance - a process aimed at maintaining the state of confidentiality, integrity and availability of information assets of a payment institution;

6) information and communication infrastructure protection perimeter - a set of software and hardware tools that separate the information and communication infrastructure of a payment institution from external information networks and provide protection against cyber security threats;

7) information and communication infrastructure of a payment institution (hereinafter - information infrastructure) - a set of information and communication infrastructure facilities intended to assure the technological environment functioning in order to form electronic information resources and provide access to them;

8) information asset of a payment institution - a set of information and of information and communication infrastructure used for its storage and (or) processing.

Footnote. Paragraph 2 - as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 20.12.2021 № 116 (shall be enforced from 01.04.2022).

3. The payment organization shall provide the following types of payment services if the registration number of the payment organization assigned by the National Bank (hereinafter referred to as the registration number) is available:

1) cash receiving services for payment without opening the bank account of the transmitter;

2) services for sale (distribution) of electronic money and payment cards;

- 3) services for receiving and processing payments made using electronic money;
- 4) services on processing payments initiated by the client in electronic form and transfer of the necessary information to a bank, a branch of a non-resident bank of the Republic of Kazakhstan, an organization engaged in certain types of banking operations, to make a payment and (or) transfer or accept money on these payments.

Footnote. Paragraph 3 - as amended by Resolution № 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (effective from December 16, 2020).

Chapter 2. Accounting of payment organizations in the National Bank

4. For record registration with the National Bank, the payment organization shall submit an application to the National Bank on paper or through the "electronic government" web portal according to the form of Annex 1 to the Rules, which contains, in addition, information about the head (members) of the payment organization's executive body (with attachment of copies of the diploma (diplomas) and document confirming the employment activity of the head (member) of the executive body of the payment organization in accordance with the Labor Code of the Republic of Kazakhstan.

Documents provided for by subparagraphs 1-1), 2), 3) and 7) of paragraph 2 of Article 16 of the Law on Payments and Payment Systems shall be attached to the application.

Footnote. Paragraph 4 as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication); as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated, 19.02.2024 № 10 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

5. Excluded by the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

6. Excluded by the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

7. The rules for performing the payment institution's activities contain the following mandatory conditions:

- 1) description of the payment services provided by the payment institution;
- 2) the procedure and terms for the provision of payment services to customers of the payment institution;
- 3) the cost of payment services (tariffs) provided by the payment institution;
- 4) the procedure for interaction with third parties providing technological support for payment services rendered by the payment institution;
- 5) information about the risk management system used by the payment institution;

- 6) the procedure for settling disputable situations and resolving disputes with clients;
- 7) the procedure for compliance with cyber-security measures;
- 8) description of the software and hardware and equipment required for the payment services implementation.

Footnote. Paragraph 7 - as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 20.12.2021 № 116 (shall be enforced from 01.04.2022).

8. Excluded by the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

9. Excluded by the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

10. The National Bank shall examine the application of the payment organization and make a decision on it within ten working days from the date of submitting the full package of documents provided for in paragraph 2 of Article 16 of the Law on Payments and Payment Systems.

If the payment organization resubmits the application in the case provided for in paragraph 2 of Article 17 of the Law on Payments and Payment Systems, the application shall be considered by the National Bank within the period provided for in part one of this paragraph.

Footnote. Paragraph 10 as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

11. Upon consideration of the application, the National Bank shall make a decision on the account registration of the payment organization or on refusal of the account registration of the payment organization.

12. In the event of changes and (or) additions to the documents provided for by paragraph 2 of Article 16 of the Law on Payments and Payment Systems, the payment organization shall submit the amended and (or) supplemented documents to the National Bank within ten calendar days from the date of entering such changes and (or) additions.

Footnote. Paragraph 12 as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

12-1. The payment organization that underwent accounting registration with the National Bank, if it is necessary to include additional payment services in the list of rendered payment services, shall submit to the National Bank the documents provided for by subparagraphs 1-1), 3) and 7) of paragraph 2 of Article 16 of the Law on Payments and Payment Systems, with the changes and (or) additions made, taking into account the payment services planned for rendering within ten calendar days from the date of such changes and (or) additions.

Footnote. Rules as added by paragraph 12-1 in accordance with the resolution of the Board of the National Bank of the RK dated 28.11.2019 № 221 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication); as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

13. Excluded by the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

14. Accounting registration of the payment organization formed as a result of voluntary reorganization of the payment organization (payment organizations) in accordance with Article 20 of the Law on Payments and Payment Systems shall be performed by the National Bank in accordance with the procedure provided for in this chapter.

15. The exception of the register of the reorganized (reorganized) payment organization (the payment organizations) shall be carried out by the National Bank in day of inclusion formed (formed) as a result of voluntary reorganization of the payment organization (the payment organizations) in the register.

Chapter 2-1. Procedure for providing the state service "Inclusion in the register of payment organizations registered with the National Bank of the Republic of Kazakhstan" (hereinafter referred to as the state service on account registration)

Footnote. Rules as added by chapter 2-1 in accordance with the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

15-1. The list of main requirements for the provision of the state service in accounting registration, including characteristics of the process, the form, content and result of the provision, as well as other information, taking into account the specifics of the state service rendering in accounting registration, is established in Appendix 2 to the Rules.

Footnote. Paragraph 15-1 as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

15-2. The employee of the National Bank, authorized to receive and register correspondence, on the date of receipt of the application, shall receive, register and send it for execution to the subdivision responsible for providing the state service on the account registration (hereinafter referred to as the responsible subdivision). Upon receipt of an application after the end of working hours, on weekends and holidays, according to the labour legislation of the Republic of Kazakhstan, applications shall be received during the next working day.

When the payment organization sends an application through the web portal "electronic government," the personal office automatically shall display the status of acceptance of the request for the provision of the state service, indicating the date and time of receipt of the result.

The National Bank shall receive information on the identity documents of the head of the payment organization and on the state registration (re-registration) of the legal entity from the relevant state information systems through the "electronic government" gateway.

15-3. The employee of the responsible subdivision within five working days from the date of registration of the application shall verify the completeness of the submitted documents.

If it is established that the submitted documents are incomplete, the responsible subdivision shall prepare and send a written reasoned refusal to further consider the application within five working days from the date of registration of the application.

15-4. If the fact of completeness of the submitted documents is established, the responsible subdivision shall review the documents within eight working days from the date of registration of the application for compliance with the requirements of the legislation of the Republic of Kazakhstan, prepare a draft notification of registration to grant permission (right) to provide payment services (hereinafter referred to as notification) by the payment organization according to Annex 3 to the Rules or a draft reasoned refusal.

The head of the responsible subdivision shall agree and sign the notification or reasoned refusal within two working days.

Upon approval and signing of the notification or reasoned refusal by the head of the responsible subdivision, the employee of the responsible subdivision on the day of making the decision shall include the payment organization in the register of payment organizations (when signing the notification), shall send to the payment organization the result of the provision of the state service on the account registration.

On the web portal "electronic government", the result of the provision of the state service on the account registration shall be sent to the payment organization in the form of an electronic document certified by an electronic digital signature (hereinafter referred to as the EDS) of the authorized person.

15-5. Information on the stage of provision of state service on registration shall be updated automatically in the information system for monitoring the provision of state services

Chapter 3. Maintaining the register

16. The register shall contain information on payment organizations registered with the National Bank.

The register shall be maintained by the National Bank in order to monitor the payment services market and shall be posted on the official Internet resource of the National Bank.

17. The National Bank, when making a decision on the registration of a payment organization within ten working days from the date of submission of the full package of documents provided for in paragraph 2 of Article 16 of the Law on Payments and Payment Systems shall:

1) assign a registration number to the payment organization and make an entry in the register according to the form according to Annex 4 to the Rules;

2) in writing send a notification to the payment organization on passing the account registration of the payment organization with indication of the registration number.

Footnote. Paragraph 17 in the wording of the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication); № 119 dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

18. When making a decision on rejecting the record registration of a payment organization, the National Bank, within ten working days from the date of receiving a full package of documents provided for in paragraph 2 of Article 16 of the Law on Payments and Payment Systems, shall send to the payment organization a motivated refusal to register with indication of the reason for refusal.

Footnote. Paragraph 18 as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

19. The National Bank shall maintain a file for each payment organization registered with the National Bank on paper or in electronic form.

20. The National Bank shall exclude the payment organization from the register on the grounds provided for in paragraph 1 of Article 18 of the Law on Payments and Payment Systems.

21. The payment organization within three working days from the date of entry into force of the court decision to terminate the activity of the payment organization or to make a decision on voluntary termination of activity by reorganization (accession, merger, division, allocation, transformation) or liquidation shall send to the National Bank in arbitrary written form a notification with the Annex of supporting documents.

22. The National Bank, within five working days from the date of exclusion by the National Bank of the payment institution from the register, shall notify the payment institution in writing at the actual location of the payment institution or the address specified in the application, and publish information on it on the National Bank's official Internet resource.

Footnote. Paragraph 22 as amended by Resolution № 119 of the Board of the National Bank of the Republic of Kazakhstan dated 21.09.2020 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

23. If the payment organization is excluded from the register within thirty calendar days from the date of notification by the National Bank of the exclusion from the register, the payment organization shall decide to change the name if the words "payment organization" or reorganization or liquidation of the payment organization is present in it.

23-1. Consent for voluntary reorganization of a payment organization shall be issued upon submission by the payment organization to the National Bank through the web portal "electronic government" of the decision on voluntary reorganization.

Footnote. The Rules were supplemented with paragraph 23-1 in accordance with the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated, 19.02.2024 № 10 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 3-1. Procedure for providing state service "Issue of consent for voluntary reorganization (accession, merger, separation, allocation, transformation) of payment organizations" (hereinafter referred to as the state service on voluntary reorganization)

Footnote. Rules as added by chapter 3-1 in accordance with the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

23-1. The issue of consent for voluntary reorganization of the payment organization shall be carried out when the payment organization submits a decision on voluntary reorganization to the National Bank on paper or through the web portal "electronic government."

The list of the main requirements for the provision of state service on voluntary reorganization, including the characteristics of the process, the form, content and result of the provision, as well as other information taking into account the peculiarities of the provision of state service on voluntary reorganization, shall be set out in Annex 5 to the Rules.

To the decision shall be attached the documents provided for in subparagraph 2), 4), 5) and 7) of paragraph 2 of Article 20 of the Law on Payments and Payment Systems.

23-2. The employee of the National Bank, authorized to receive and register correspondence, on the day of receipt of documents, shall receive, register and send for execution to the subdivision responsible for providing the state service on voluntary reorganization (hereinafter referred to as the responsible subdivision). Upon receipt of documents after the end of working hours, on weekends and holidays, according to the labour legislation of the Republic of Kazakhstan, the receipt of documents shall be carried out during the next working day.

When the payment organization sends an application through the portal, the personal office automatically displays the status of acceptance of the request for the provision of the state service, indicating the date and time of receipt of the result.

23-3. The employee of the responsible subdivision within five working days from the date of the registration of documents shall check their completeness.

If it is established that the submitted documents are incomplete, the responsible unit shall prepare and send a written reasoned refusal to further consider the application within five working days from the date of the registration of the application.

23-4. If the fact of completeness of the submitted documents is established, the responsible subdivision shall review the documents within eight working days from the date of registration of the documents for compliance with the requirements of the legislation of the Republic of Kazakhstan, prepare a draft notification on the issue of consent for voluntary reorganization (hereinafter referred to as the notification) or reasoned refusal;

The head of the responsible subdivision shall agree and sign the notification or reasoned refusal within two working days.

After the head of the responsible subdivision has agreed and signed the notification or reasoned refusal, the employee of the responsible division shall send the result of the state service on voluntary reorganization to the payment organization on the day of making the decision.

On the web portal "electronic government", the result of the provision of the state service on voluntary reorganization shall be sent to the payment organization in the personal office in the form of an electronic document certified by the EDS of the authorized person.

23-5. Information on the stage of provision of state service on voluntary reorganization shall be updated automatically in the information system for monitoring the provision of state services.

Chapter 3-2. Procedure for appeal against decisions, actions (omissions) of the National Bank and (or) its officials regarding state services

Footnote. Rules as added by chapter 3-2 in accordance with the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

23-6. Appeal of decisions, actions (omissions) of the National Bank and (or) its officials regarding state services shall be made in writing to the head of the National Bank.

The complaint of the payment organization shall indicate its name, postal address, outgoing number and date of submission of the complaint.

The complaint shall be signed by the payment organization.

Confirmation of acceptance of the complaint shall be its registration (stamp, incoming number and date) in the Office of the National Bank, specifying the name and initials of the person who accepted the complaint, the date and place of receipt of the response to the complaint.

The complaint of the payment organization on the provision of public services received by the National Bank is considered within five working days from the date of the registration.

In case of disagreement with the results of the provided state service, the payment organization shall file a complaint with the authorized body for evaluation and control over the quality of the provision of state services.

The complaint of the payment organization received by the authorized body for evaluation and control over the quality of state services shall be considered within fifteen working days from the date of the registration.

23-7. In the event of disagreement with the results of the state service rendered, the payment organization shall apply to the court in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Chapter 4. Provision of payment services by payment organizations

24. The payment organization, after providing the payment service, shall issue to the client a document confirming the fact of providing the payment service, on paper or by means of a telecommunication network.

25. In the case of payment services by the payment organization provided for in subparagraphs 1) and 4) of paragraph 3 of the Rules, the document confirming the fact of payment service provision shall contain the following details:

- 1) document number, date, month, year of its extract;
- 2) the name of the payment organization;
- 3) operation sum;
- 4) operation currency;
- 5) amount of the commission fee;
- 6) purpose of payment;
- 7) the name of the service provider (in case of payment service provided by subparagraph 1) of paragraph 3 of the Rules);
- 8) the name or bank identification code of a bank, a branch of a non-resident bank of the Republic of Kazakhstan or an organization engaged in certain types of banking operations, to which the payment organization provides information for making a payment and (or) transferring or accepting money for these payments in accordance with subparagraph 9) paragraph 1, Article 12 of the Law on Payments and Payment Systems (in the case of rendering of a payment service provided for in subparagraph 4) of paragraph 3 of the Rules).

It shall be allowed for the payment organization to provide additional bank details on the payment service provided in the document confirming the fact of providing the payment service.

Footnote. Paragraph 25 as amended by Resolution № 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (shall be enforced on 16.12.2020).

26. In case of payment services provided by the payment organization under subparagraphs 2) and 3) of paragraph 3 of the Rules, the document confirming the payment service is issued by the payment organization in accordance with the Rules of issue, use and

repayment of electronic money, as well as requirements to issuers of electronic money and electronic money systems in the territory of the Republic of Kazakhstan, approved by resolution № 202 of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 "On approval of the Rules of issue, use and repayment of electronic money, as well as requirements to issuers of electronic money and electronic money systems in the territory of the Republic of Kazakhstan", registered in the Register of State Registration of Regulatory Legal Acts under № 14298, Rules for issuing payment cards, as well as requirements for transactions servicing with their use in the territory of the Republic of Kazakhstan, approved by resolution № 205 of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 "On approval of the Rules for issuing payment cards, as well as requirements for operations with their use in the territory of the Republic of Kazakhstan", registered in the Register of the State Registration of Regulatory Legal Acts under № 14299.

27. The payment organization when providing payment services provided for in subparagraphs 1) and 2) of paragraph 3 of the Rules, through the payment agent and/or the payment subagent, shall:

1) ensure maintenance of the register of payment agents and (or) payment subagents in accordance with the internal document of the payment organization;

2) monitor compliance of the payment agent with the requirements of the Law on Payments and Payment Systems, as well as the terms of payment services provided for by the contract between the payment agent and the payment organization.

The control provided for in subparagraph 2) of part one of this paragraph shall be carried out in accordance with the agreement between the payment organization and the payment agent and (or) internal documents of the payment organization.

Footnote. Paragraph 27 as amended by the resolution of the Board of the National Bank of the RK dated 28.11.2019 № 221 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

28. The payment organization shall render payment services provided for in subparagraph 1) of paragraph 3 of the Rules, in accordance with the agreement between the payment organization and the service provider.

The payment organization shall render payment services for accepting payments to the budget without opening a client's bank account in accordance with an agency agreement for the provision of payment services between the payment organization and a bank, a branch of a non-resident bank of the Republic of Kazakhstan and (or) an organization engaged in certain types of banking operations.

Footnote. Paragraph 28 as amended by Resolution № 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (shall be enforced on 16.12.2020).

29. The payment organization shall render payment services as a payment agent of a bank, a branch of a non-resident bank of the Republic of Kazakhstan and (or) an organization

performing certain types of banking operations or a payment subagent in accordance with the agency agreement for the provision of payment services between a payment organization and a bank, a branch of a non-resident bank of the Republic and (or) an organization carrying out certain types of banking operations or a paying agent.

Footnote. Paragraph 29 as amended by Resolution № 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (shall be enforced on 16.12.2020).

30. The contract with the service provider and the agency agreement for the provision of payment services shall contain the conditions provided for in part four of paragraph 3 of Article 13 of the Law on Payments and Payment Systems.

31. When carrying out paying agent activities, the payment organization shall submit to the bank, a branch of a non-resident bank of the Republic of Kazakhstan, or an organization carrying out certain types of banking operations with which an agency agreement for the provision of payment services has been concluded, information on attracted payment subagents in accordance with the agreement between them.

Footnote. Paragraph 31 as amended by Resolution № 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (shall be enforced on 16.12.2020).

Chapter 5. Notification of payment organizations on opening of branches

32. The payment organization shall, within ten working days from the date of opening of a branch of the payment organization in the territory of the Republic of Kazakhstan and outside the Republic of Kazakhstan, shall submit to the National Bank a notification on opening of the branch according to the form according to Annex 6 to the Rules on paper or in electronic form through the financial automated information transport system.

To the notification of the opening of the branch shall be attached:

- 1) a copy of the decision of the management body of the payment organization on the opening of the branch and the election (appointment) of the first head of the branch of the payment organization;
- 2) notarized copy of the regulation on the branch;
- 3) business plan of the branch;
- 4) a copy of the power of attorney issued to the first head of the branch.

33. Documents provided for in paragraph 32 of the Rules shall be stored in the file of the payment organization on paper and in electronic form.

Chapter 6. Requirements for the software and hardware of payment institutions and the cyber-security management system

Footnote. The rules shall be supplemented by chapter 6 pursuant to the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 20.12.2021 № 116 (shall be enforced from 01.04.2022).

34. The software shall provide:

1) reliable storage of information, protection against unauthorized access, integrity of databases and complete safety of information in electronic archives and databases in the event of a complete or partial power outage at any time on any part of the equipment;

2) multi-level access to input data, functions, operations, reports implemented in the software, providing at least two levels of access: administrator and user;

3) control of completeness of the input data of the fields required to be filled in, necessary for conducting and registering operations (when performing functions or operations without complete filling of all the fields, the program provides the issuance of a corresponding notification);

4) information search according to the criteria and parameters defined for this information system, with saving of the request, as well as sorting of information according to any parameters (defined for this information system) and the ability to view information over previous dates, if such information is storable in the information system;

5) processing of information and its storage by date and time;

6) automated generation of the forms of reports filed by payment organizations to the National Bank, as well as reports on transactions performed;

7) maintenance and automated formation of logs of the internal accounting system. The software generates the log in full, also in part (for a specified date range, a specific date);

8) possibility of backing up and restoring data stored in accounting systems;

9) possibility of laying out the output documents on the screen, printer or file;

10) possibility of exchanging electronic documents;

11) registration and identification of events occurring in the information system with the preservation of the following attributes: the date and time of the start of the event, the name of the event, the user who performed the action, the record identifier, the date and time of the end of the event, the result of the event.

12) changing passwords of pre-installed accounts of perimeter security tools for information and communication infrastructure protection.

Footnote. Paragraph 34 as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated, 19.02.2024 № 10 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

35. Payment institutions shall ensure the creation and operation of cyber-security management system, which is part of the general management system of a payment institution, intended to manage the cyber-security assurance process.

36. The cyber-security management system shall assure protection of the information assets of the payment organization, with a minimum level of potential damage to the business processes of the payment institution.

37. The payment organization shall ensure the appropriate level of the cyber-security management system, its development and improvement.

38. To ensure confidentiality, integrity and availability of information of the payment organization, the payment organization shall perform the following functions:

- 1) organize the information security management system, coordinates and controls information security activities and measures to identify and analyze threats, counter attacks and investigate information security incidents;
- 2) provide methodological support for the information security assurance process;
- 3) select, implement and apply methods, tools and mechanisms for managing, assuring and controlling information security within its powers;
- 4) collect, consolidate, store and process information about information security incidents;
- 5) analyze information about information security incidents;
- 6) ensure implementation, proper operation of software and hardware tools that automate the information security assurance process, also providing access to them;
- 7) define restrictions on the use of privileged accounts;
- 8) organize and conduct activities to ensure awareness of the payment organization employees of the information security issues;
- 9) monitor the state of the information security management system of the payment organization;
- 10) periodically (at least once a year) update the payment organization administration on the state of the information security management system of the payment organization;
- 11) keep up-to-date the schemes of information and communication infrastructure protection perimeter and the list of administrators of means of ensuring its security;
- 12) install firewalls on the perimeter of information and communication infrastructure protection;
- 13) ensure the security of user access to Internet resources from the perimeter of information and communication infrastructure protection.

Footnote. Paragraph 38 as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated, 19.02.2024 № 10 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

39. The payment organization shall manage cyber security risks, indicating the criteria for an acceptable level in relation to information assets.

During realization of the cyber-security risks, an action plan shall be developed to minimize the occurrence of such risks.

40. Information about cyber-security incidents obtained when monitoring the activities of cyber-security assurance is subject to consolidation, systematization and storage.

41. The storage term of information about cyber-security incidents shall be at least 5 (five) years.

42. The payment institution shall establish the procedure of urgent measures to eliminate a cyber-security incident, its causes and consequences.

43. The payment organization shall maintain cyber-security incidents log reflecting all the information about the cyber-security incident, the measures taken and the proposed corrective measures.

44. The payment organization shall provide the National Bank with information on the following identified cyber-security incidents:

- 1) exploitation of vulnerabilities in application and system software;
- 2) unauthorized access to the information system;
- 3) "denied service" attack on the information system or data network;
- 4) infection of the server with malware or code;
- 5) unauthorized transfer of funds due to a violation of cyber-security controls;
- 6) cyber-security incidents that imperil the payment organization's stability.

Information about the cyber security incidents specified in this paragraph shall be provided by the payment organization as soon as possible, but no later than 48 hours from the moment of detection, by way of cyber-security incident card in accordance with the form of Appendix 7 to the Rules.

Information on processed cyber-security incidents shall be filed in electronic format using the platform of the National Bank for the exchange of cyber-security events and incidents.

For each cyber-security incident, a separate cyber- security incident card shall be filled out.

Annex 1
to Rules for the organization
of activities of
payment organizations
Form
National Bank
of the Republic
of Kazakhstan

Application

Footnote. Annex 1 in the wording of the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

(name and business identification number of the payment organization) hereby requests to register the payment organization and include the payment organization to the register of payment organizations

1. Payment organization location:

—

(index, city (region), district, street, house (office) number

(phone, fax, e-mail address, internet resource (if any)

2. Information on the state registration (re-registration) of payment organization:

(document name, number and date of issue, by whom)

3. List of planned payment services in accordance with paragraph 3 of the Rules of the organization

activity of the payment organizations:

1) _____;

2) _____;

3) _____

4. List of documents submitted in accordance with paragraph 2 of Article 16 of the Law of the Republic of Kazakhstan dated July 26, 2016 "On payments and payment systems":

1) _____;

2) _____;

5. Information on the head (members) of the executive body of the payment organization:

General information:

Surname, first name, patronymic name (if any)	_____ _____ (According to the identity document, in case of change of surname, first name, patronymic name – to specify when and for what reason the change occurred)
Individual Identification number	_____
Information on identity document	(document name, number, series (if any) and date of issue, by whom)
Place of residence	(place of residence, including home, office telephone numbers and e-mail address)
Citizenship	_____

Full list of places of work and positions:

№	Period of work (month/year)	Name of organization, of the occupied position	Position duties
1.			

Other information:

Presence of unexpunged conviction or outstanding conviction	Yes/no (if so, to specify the details of the sentence of the court, article of the Criminal Code of the Republic of Kazakhstan)
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If previously positioned the head, member of the management body, head, member of the executive body, chief accountant of the financial organization, during the period not more than one year before the decision on preservation of the financial organization or forced redemption of its shares, deprivation of the license of the financial organization, resulting in its liquidation and (or) termination of activities on the financial market, or entry into force of the court decision on forced liquidation of the financial organization or recognition of it as bankrupt in the procedure defined by the Law of the Republic of Kazakhstan dated March 7, 2014 "On Rehabilitation and Bankruptcy"	Yes/no (if so, to specify the name of the organization, position, details of the decision on preservation of the financial organization or forced repurchase of its shares, deprivation of the license of the financial organization, which resulted in its liquidation; (or) termination of activities on the financial market, or a court decision on compulsory liquidation of a financial organization or its recognition as bankrupt in accordance with the procedure established by the Law of the Republic of Kazakhstan dated March 7, 2014 "On Rehabilitation and Bankruptcy")
Other information (if any)	

I hereby confirm that the attached information has been verified and is accurate and complete.

I hereby agree to the use of information constituting a legally protected secret contained in information systems.

First head of the payment organization
or person authorized to sign

surname, first name, patronymic name (if any) signature

Annex 2
to the Rules for organization
of the activities of payment
organizations
Form

List of basic requirements to the provision of state service "Inclusion in the register of payment organizations passed record registration with the National Bank of the Republic of Kazakhstan"

Footnote. Annex 2 as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated, 19.02.2024 № 10 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1.	Name of the service provider	National Bank of the Republic of Kazakhstan
2.	Methods of provision of state service	Web portal of "electronic government" www.egov.kz, www.elicense.kz (hereinafter - the portal).
3.	Term of provision of state service	Within ten working days from the date of registration of application and complete list of documents.
4.	Form of provision of state service	Electronic (automated).
		Notification on passing the registration for granting permission (right) to provide by the payment

5.	Result of provision of state service	<p>organization of payment services established by the Law of the Republic of Kazakhstan “On Payments and Payment Systems” (hereinafter - the Law) or motivated refusal.</p> <p>Form of the result of provision of the state service: electronic</p>
6.	The amount of the payment charged from the service recipient when rendering state service and the ways of its collection in cases provided for by the legislation of the Republic of Kazakhstan	The service is provided free of charge.
7.	Work schedule of the service provider, the State Corporation and information objects	<p>1) service provider - from Monday to Friday from 9.00 to 18.30 hours with a break for lunch from 13.00 to 14.30 hours, except for weekends and holidays, in accordance with the labor legislation of the Republic of Kazakhstan.</p> <p>Schedule of documents acceptance and issuance of results of state service - from Monday to Friday from 9.00 to 17.30 hours with a break for lunch from 13.00 to 14.30 hours;</p> <p>2) portal - round the clock, except for technical interruptions due to repair works (when a service recipient applies after working hours , on weekends and holidays, according to the labor legislation of the Republic of Kazakhstan, acceptance of applications and issuance of results of the state service is carried out on the next working day).</p>
		<p>1) application in the form according to Annex 1 to the Rules for Organization of Payment Organizations' Activities approved by Resolution of the Board of the National Bank of the Republic of Kazakhstan № 215 dated August 31, 2016 (hereinafter - the Rules).</p> <p>2) copy of diploma(s) of the head (member) of the executive body of the payment organization;</p> <p>3) copy of the document confirming the employment activity of the head (member) of the executive body of the payment organization in</p>

8.	List of documents, required for provision of state service	<p>accordance with the Labor Code of the Republic of Kazakhstan;</p> <p>4) copies of documents confirming the formation of the authorized capital;</p> <p>5) charter, except for cases when the payment organization carries out activities according to the model charter;</p> <p>6) document determining the procedure of interaction of the payment organization with the relevant bank, branch of the non-resident bank of the Republic of Kazakhstan or organization, carrying out certain types of banking operations, carrying out money transfer under rendered payment services;</p> <p>7) rules of conducting activities of the payment organization approved by the management body of the payment organization.</p> <p>The list of mandatory conditions of the rules of conducting activities of the payment organization shall be established in the Rules.</p>
9.	Grounds for refusal to provide state service, established by the laws of the Republic of Kazakhstan	<p>1) submission of incomplete and (or) unreliable information to be reflected in the documents specified in paragraph 2 of Article 16 of the Law ;</p> <p>2) submission of incomplete list of documents or non-compliance of documents with the requirements of the Law and the Rules;</p> <p>3) if the head of the executive body of the payment organization does not meet the requirements set forth in Article 19 of the Law;</p> <p>4) if the payment organization within one year from the date of its state registration (re-registration) in the State Corporation “Government for Citizens” has not applied for registration.</p> <p>In case of refusal in the record registration the legal entity shall resubmit the application for record registration upon elimination of the reasons that caused the refusal in the record registration of the payment organization, or shall make a</p>

		<p>decision to change its name or reorganization or liquidation.</p> <p>Failure to eliminate the reasons that led to refusal in registration of the payment organization shall be the grounds for refusal in repeated consideration.</p>
10.	<p>Other requirements, subject to the particularities of provision of state service, including those provided in electronic form and via the State Corporation</p>	<p>The addresses of the places where the state service is provided are posted on the portal and on the official Internet resource of the service provider: www.nationalbank.kz, section "State Services".</p> <p>The service recipient has access to receive information about the procedure and status of the state service provision in the remote access mode through the Unified Contact Center for state services provision.</p> <p>Contact numbers of reference services on the issues of rendering state services are placed on the official Internet resource of the state service provider: www.nationalbank.kz, section "State Services". The Unified Contact Center on issues of state service provision: 8-800-080-7777, 1414.</p>

Annex 3
to Rules for the organization
of activities of payment
organizations

Footnote. Annex 3 in the wording of the resolution of the Board of the National Bank of the RK dated 19.03.2020 № 35 (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

Form

"ҚАЗАҚСТАН
РЕСПУБЛИКАСЫНЫҢ
ҰЛТТЫҚ БАНКІ"
РЕСПУБЛИКАЛЫҚ
МЕМЛЕКЕТТІК МЕКЕМЕСІ



REPUBLICAN STATE
INSTITUTION
"NATIONAL BANK OF THE
REPUBLIC OF KAZAKHSTAN"

[Bank details]

[Bank details]

	payment organization				payment organization	resource (if any)	services provided	
1	2	3	4	5	6	7	8	9

Annex 5
to the Rules for organization
of the activities of payment
organizations

List of basic requirements to the provision of state service

" Issuance of consent for voluntary reorganization (accession, merger, division, separation, spin-off, transformation) of payment organizations"

Footnote. Annex 5 as amended by the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 19.02.2024 № 10 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1.	Name of the service provider	National Bank of the Republic of Kazakhstan
2.	Methods of provision of state service	Web portal of "electronic government" www.egov.kz, www.elicense.kz (hereinafter - the portal).
3.	Term of provision of state service	Within ten working days from the date of registration of application and complete list of documents.
4.	Form of provision of state service	Electronic (automated).
5.	Result of provision of state service	Notification of the decision on the results of the approval or a motivated response on refusal to provide state service. Form of the result of rendering state service: electronic
6.	The amount of the payment charged from the service recipient when rendering state service and the ways of its collection in cases provided for by the legislation of the Republic of Kazakhstan	The service is provided free of charge.
		1) service provider - from Monday to Friday from 9.00 to 18.30 hours with a break for lunch from 13.00 to 14.30 hours, except for weekends and holidays, in accordance with the labor legislation of the Republic of Kazakhstan. Schedule of documents acceptance and issuance of results of state service - from Monday to Friday from 9.00 to 17.30 hours with a

7.	Work schedule of the service provider, the State Corporation and information objects	<p>break for lunch from 13.00 to 14.30 hours;</p> <p>2) portal - round the clock, except for technical interruptions due to repair works (when a service recipient applies after working hours, on weekends and holidays, according to the labor legislation of the Republic of Kazakhstan, acceptance of applications and issuance of results of the state service is carried out on the next working day).</p>
8.	List of documents, required for provision of state service	<p>1) decision on voluntary reorganization of the payment organization;</p> <p>2) documents describing the expected conditions, forms, procedure and terms of voluntary reorganization of the payment organization;</p> <p>3) agreement on joining (merger) signed by the heads of executive bodies of reorganized payment organizations;</p> <p>4) audit report in accordance with the legislation of the Republic of Kazakhstan on auditing activity;</p> <p>5) rules of activity of the payment organization formed as a result of voluntary reorganization.</p>
9.	Grounds for refusal to provide state service, established by the laws of the Republic of Kazakhstan	<p>1) establishment of unreliability of the documents submitted by the service recipient to receive a state service and (or) data (information) contained in them;</p> <p>2) non-compliance of the service recipient and (or) submitted materials, objects, data and information necessary for provision of state service with the requirements established by normative legal acts of the Republic of Kazakhstan;</p> <p>3) if the head of the executive body of the payment organization formed as a result of voluntary reorganization does not meet the requirements of Article 19 of the Law of the Republic of Kazakhstan “On Payments and Payment Systems” ;</p>

		4) if voluntary reorganization of payment organizations impedes control over the market of payment services, as well as causes harm to the interests of recipients of payment services.
10.	Other requirements, subject to the particularities of provision of state service, including those provided in electronic form and via the State Corporation	<p>The addresses of the places where the state service is provided are posted on the portal and on the official Internet resource of the service provider: www.nationalbank.kz, section "State Services".</p> <p>The service recipient has access to receive information about the procedure and status of the state service provision in the remote access mode through the Unified Contact Center for state services provision.</p> <p>Contact numbers of reference services on the issues of rendering state services are placed on the official Internet resource of the state service provider: www.nationalbank.kz, section "State Services". The Unified Contact Center on issues of state service provision: 8-800-080-7777, 1414.</p>

Annex 6
to Rules for the organization
of activities of
payment organizations
Form
National Bank of the Republic of
Kazakhstan

Notification of opening of the branch office

**(name, location and business identification number
of the payment organization)**

Footnote. Annex 6 in the wording of the resolution of the Board of the National Bank of the RK dated 28.11.2019 № 221 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Hereby announces of opening of the branch:
in the territory of the Republic of Kazakhstan (in case of opening):

(name, location and business identification number of the payment organization branch)

Details of the head: _____

(position, surname, first name, patronymic name (if any))

List of payment services provided by the branch of the payment organization in accordance

with paragraph 3 of the Rules for the organization of the activities of payment organizations:

- 1) _____ ;
- 2) _____ ;
- 3) _____ .

outside the Republic of Kazakhstan (in case of opening):

(name, location of payment organization branch)

Details of the head: _____

(position, surname, first name, patronymic name (if any))

List of payment services provided by the branch of the payment organization in accordance with

paragraph 3 of the Rules for the organization of the activities of payment organizations:

- 1) _____ ;
- 2) _____ ;
- 3) _____ .

I hereby confirm that the attached information has been verified and is accurate and complete.

I hereby agree to the use of information constituting a legally protected secret contained in information systems.

First head of the payment organization or the person authorized to sign

surname, first name, patronymic name (if any) signature

Annex 7
to Rules for the organization
of activities of
payment organizations

Form

Card of cyber-security incident

Footnote. The Rules have been supplemented by Appendix 7 pursuant to the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated 20.12.2021 № 116 (shall be enforced from 01.04.2022).

	Overview

№	Characteristics of the cyber-security incident	Information on the cyber security incident
1	Name of the cyber-security incident	
2	Date and time of detection (date, place, year and hour with indication of the time zone UTC+X)	
3	Place of detection (organization, branch, segment of the information infrastructure)	
4	Source of information on the cyber-security incident (user, administrator, cybersecurity official, a cybersecurity unit employee or a hardware)	
5	Methods used in realization of a cyber-security breach (social engineering, malware code)	
Content of the cyber-security incident		
6	Symptoms, signs of the cyber-security incident	
7	Main events (exploitation of vulnerabilities in application and system software; unauthorized access to the information system; attack "denied service" on the information system or data network; infection of the server with malware or code; making an unauthorized transfer of funds; cyber-security incidents that imperil the payment organization's stability)	
8	Affected assets (physical level of information infrastructure, level of network equipment, level of network applications and services, level of operating systems, level of technological processes and applications, and level of business processes of the payment organization)	
9	Status of the cyber-security incident (completed cyber-security incident, attempted cyber-security incident, suspected cyber-security incident)	
10	Damage	
11	Source of the threat (identifiers detected)	
12	Intentionality (intended, erroneous)	

Actions taken on the cyber-security incident		
13	Actions taken (identification of vulnerability, blocking , recovery)	
14	Planned actions to minimize occurrence of cyber-security risks	
15	Notification of the person (full name), officials, name of state bodies, organizations)	
16	Specialists involved (full name) place of work, position, telephone number)	

Responsible cyber-security officer

(full name) (signature)

Date " ____ " _____ 20 ____