



On approval of the Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

Invalidated Unofficial translation

Order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated June 29, 2019 no. 146/HK. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 1, 2019 no. 18949. Abolished by the Order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated February 29, 2024 No. 110/NK.

Unofficial translation

Footnote. Abolished by the Order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 29.02.2024 № 110/NK (effective after ten calendar days from the date of its first official publication).

In accordance with subclause 31) of Article 7 of the Law of the Republic of Kazakhstan "On Informatization", **I HEREBY ORDER:**

Footnote. The Preamble as amended by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 27.09.2022 № 347/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. To approve the attached Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government".

2. To declare to be no longer in force the order of the acting Minister for Investments and Development of the Republic of Kazakhstan dated January 28, 2016 № 131 "On approval of the Rules for recording and storage of the developed software, source program codes (if available) and a set of settings for licensed software of the information systems of state bodies" (registered with the Register of State Registration of Regulatory Legal Acts as № 13319, published on March 10, 2016 in "Adilet" Information Legal System).

3. Department of Digitalization of the Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order, direction of it in Kazakh and Russian languages to the Republican State Enterprise on the right of economic management "Institute of Legislation and Legal Information of the Republic of Kazakhstan" of the Ministry of Justice of the Republic of Kazakhstan for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) posting of this order on the Internet resource of the Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan;

4) within ten working days after state registration of this order, submission to the Legal Department of the Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan of information about implementation of measures stipulated by sub-clauses 1), 2) and 3) this clause.

4. Control over execution of this order shall be entrusted to the vice-minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan.

5. This order shall come into force upon expiry of ten calendar days from the date of its first official publication.

*Minister of Digital Development,
Innovations and Aerospace Industry
of the Republic of Kazakhstan*

Approved
by the order of the
Minister of Digital Development,
Innovations and Aerospace
Industry of the
Republic of Kazakhstan
dated "29" __06__2019
№ __146/HK__

Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

Footnote. The Rules as amended by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 03.05.2023 № 171/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government" (hereinafter referred to as the Rules) have been developed in accordance with sub-clause 31) of Article 7 of the Law of the

Republic of Kazakhstan "Об информатизации" "On informatization" and shall determine the procedure for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government".

2. These Rules shall use the following definitions:

1) the authorized body in the field of informatization (hereinafter referred to as the authorized body) – central executive body carrying out leadership and intersectoral coordination in the field of informatization and "electronic government";

2) a source program code – the text of a computer program in a programming language or markup language that can be read by humans and reused;

3) language that can be read by humans and reused;

3) repository – an object storage, structured by type of information and provided on the basis of information and communication services of the operator of information and communication infrastructure of "electronic government";

4) architectural portal of "electronic government" – an object of informatization designed for accounting, storage and systematization of information about objects of informatization of "electronic government", architecture of "electronic government" for the purposes of further use by state bodies for monitoring, analysis and planning in the field of informatization;

5) compilation – translation of a program from a high-level language to a machine language;

6) compiled modules (components) of a software product – software product created directly by developers, as well as third-party developers, files with settings and working data necessary for compilation, installation and full functioning of the software product.

3. The recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government" shall be carried out in accordance with clause 1 of Article 40 of the Law of the Republic of Kazakhstan "On Informatization" and software, included in the register of trusted software and products of electronic industry (hereinafter referred to as the register) in accordance with clause 3-1 of Article 54 of the Law of the Republic of Kazakshtan "On Informatization" in order to create a unified accounting system, to ensure the replacement of the acquired software product in case of loss, to ensure the possibility of reuse.

Chapter 2. Procedure of recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

4. Recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government" body shall be organized by the authorized body and shall be implemented by the operator of information and communication infrastructure of "electronic government" (hereinafter referred to as the operator).

5. The following items shall be subject to recording and storage:

1) source program codes of the objects of informatization of "electronic government" and software included in the Register, which include:

source program codes, written directly by the developers of the software product, as well as third-party codes used in the project;

service files required for manual or automatic compilation;

description of the compilation process (indicating the development environment and its version), features of the development environment settings necessary for compiling the software product;

2) boot file, which includes:

generated software product installation program packages;

3) additional software, if necessary, determined by the owner or holder of the object of informatization of "electronic government" and software included in the Register;

4) a file that contains database structure;

5) a set of settings of licensed software used for the developed software.

6. Recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government", shall be carried out after commissioning the object of informatization of "electronic government" into production operations.

7. The owner and (or) holder of the "electronic government" informatization object, within ten working days after putting the the object of informatization of "electronic government" into commercial operation, shall send to the operator an application for accounting and storage of the developed software, source program codes (if any) and a set of licensed settings software for the the object of informatization of "electronic government" (hereinafter referred to as the application), in the form according to Annex 1 to these Rules.

8. The operator shall register the application in the form according to Annex 2 to these Rules at the architectural portal of the "electronic government" and within three working days shall generate a repository for the acceptance of the developed software, source program codes (if any) and a set of licensed settings software for the "electronic government" informatization object.

9. After generation of the repository within three working days the operator shall accept from the owner and (or) the holder of the object of informatization of "

electronic government" the developed software, source program codes (if available) and sets of settings for licensed software of the objects of informatization of "electronic government" according to clause 5 of these Rules with notifying the authorized body within five working days after their adoption.

10. For the purpose of multiply use and (or) in the event of loss by the owner and (or) holder of the "electronic government" informatization object, the Operator shall provide him/her with access to the repository for downloading software developed by him, source program codes (if available) and a set of settings for licensed software of the objects of informatization of "electronic government" with notifying the authorized body.

11. In case of termination of operation of the object of informatization of "electronic government" the owner and (or) the holder of the object of informatization of "electronic government" within ten working days shall notify the operator thereof.

The operator shall , within three working days after receiving the notification, transfer the developed software, source program codes (if available) and a set of settings for the licensed software of the object of informatization of "electronic government" to the owner and (or) holder of the object of informatization of "electronic government" according to the act of acceptance and transfer (hereinafter referred to as the act of acceptance and transfer) in the form according to Annex 3 to these Rules with notifying the authorized body.

12. The owner and (or) the holder of the object of informatization of "electronic government" after accepting from the operator the developed software, source program codes (if available) and a set of settings for the licensed software of the object of informatization of "electronic government" shall ensure their transfer to the state archive in accordance with Article 13 of the Law of the Republic of Kazakhstan "On National Archival Fund and Archives".

13. The operator, no later than the 10th day of the month following the end of the six-month period, shall provide the authorized body with a report (in any form) on the work carried out as part of the accounting and storage of developed software, source program codes (if any), a set of settings for licensed software of the object of informatization of "electronic government" and software included in the Register.

14. The owners and (or) possessors of the software, after its inclusion in the Register, within five working days shall ensure the transfer to the operator of the developed software, source program codes (if any) and a set of settings for the licensed software in accordance with clause 5 of these Rules.

Transfer of developed software, source program codes (if available) and a set of settings for licensed software is carried out upon application (in any form), which shall be attached with:

1) Acceptance and transfer certificate according to Annex 3 to the Rules, in two copies;

2) agreement on confidentiality and non-disclosure of information to third parties according to Annex 4 to the Rules, in two copies;

3) electronic storage medium with source codes.

15. The operator shall, within five working days after receiving the documents in accordance with clause 14 of these Rules, carry out the verification of information indicated in the acceptance and transfer certificate with those placed on the electronic storage medium.

16. The operator shall send a reasoned refusal to accept for registration and storage of the developed software, source program codes (if available) and a set of licensed software settings if:

1) There is no software in the Register;

2) The information specified in the acceptance and transfer certificate does not correspond to the information actually placed on the electronic storage medium;

3) malfunction of the electronic storage medium.

17. When accepting the developed software, source program codes (if any) and a set of settings for licensed software for accounting and storage, the operator shall sign with the owner and (or) holder of the software an acceptance and transfer certificate and an agreement on confidentiality and non-disclosure of information to third parties with notifying the authorized body within five working days after their acceptance.

18. The completeness and accuracy of the developed software, source program codes (if available) and a set of licensed software settings transferred to the operator for accounting and storage is ensured by its owner and (or) holder.

19. Owners and (or) holders of software included in the Register before January 1, 2023, shall transfer to the operator the developed software, source program codes (if available) and a set of settings for licensed software for accounting and storage.

Annex 1

to the Rules for recording and
storage of the developed software,
source program codes (if available),
a set of settings for licensed software
of the objects of informatization of
"electronic government"

Form

Application for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

Full name of an applicant organization or surname, name, patronymic (if any) of an applicant individual:

Name of developed software, source program codes (if available) and a set of settings of licensed software of the object of informatization of "electronic government":

Code of information system from the architectural portal of "electronic government":

The number of copies: _____

Each in the following configuration:

№	Name of CD/ file/ document	CD serial number	Volume of CD (MB)	Number of sheets of a hard copy	Original (O) Copy (C)

Information about the owner of software products, program codes and standards, regulations and specifications

Full name of the owner _____

Departmental subordination: _____

Abbreviated name of the organization: _____

Address: | _____ |
postal code

Tel.: _____ Fax: _____
E-mail: _____ Http:// _____

Contact person: _____

surname, name, patronymic (if any) in full

Information about the developer of software products, program codes
and standards, regulations and specifications

Full name of the organization or surname, name, patronymic (if any)
individual: _____

Departmental subordination: _____

Abbreviated name of the organization: _____

Address: | _____ | _____
postal code

Tel.: _____ Fax: _____

E-mail: _____ Http:// _____

Contact person: _____

full surname, name, patronymic (if any)

Information about authors

Author (s): _____

Information about certification: _____

Year of issue: _____

Version: _____

Language of programming: _____

Date of release: _____

Annotation (purpose): _____

Minimum system requirements

Type of computer, processor, co-processor, frequency: _____

RAM memory

required on (RAM): _____

the hard disc drive: _____

Operational systems: _____

Video system: _____

Acoustic system: _____

Additional equipment: _____

Additional software means: _____

Other: _____

Protection from illegal distribution (existence, general characteristics):

Sources of financing (underline): republican budget, local budget, state non-budgetary funds,
own funds, grant funds, external loans, credit, funds of other legal entities and individuals.

Seal (if any)
date

signature of the owner

Annex 2

to the Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

Form

Registration of applications

Item №	Application №	Date of receipt	Name of state body	Applicant (head that signed the application)	Received	
					Surname, name, patronymic (if any)	signature

Annex 3

to the Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

Form

Acceptance and transfer certificate

"__" _____

Astana city

This is to certify that _____

(name of organization)

accepted for storage the source software codes and a set of settings from _____

(name of organization),

in accordance with the data below:

1. Software name _____

(hereinafter referred to as the software).

2. short annotation of the software _____

(purpose and the scope of application)

3. Information about source software codes and a set of settings:

Item №	Disc labeling (name and software version)	Directory name on disk	File name	File size, MB	Programming language used (if necessary)	Programming language version	Development framework	Development framework version	File modification on date
1	2	3	4	5	6	7	8	9	10

1) Application software source codes:

Item №	Disc labeling (name and software version)	Directory name on disk	Name of library/software platform/file	Size, MB	Programming language (if necessary)	Library version
1	2	3	4	5	6	7

2) Source codes and executable files of used libraries and software platform(s) (if necessary):

<p>4. From the Organization accepting the software source codes</p> <p>_____ (position)</p> <p>_____</p> <p>(surname, name, patronymic (if any))</p> <p>_____ signature</p> <p>Seal</p>	<p>From the Organization transferring the software source codes:</p> <p>_____ (position)</p> <p>_____</p> <p>(surname, name, patronymic (if any))</p> <p>_____ signature</p> <p>Seal</p>
<p>5. Contact details of the person from the organization, accepting source codes for recording and storage:</p> <p>1) surname, name, patronymic (if any): _____;</p> <p>2) position: _____</p> <p>3) work phone: _____, mobile phone: _____;</p> <p>4) E-mail: _____@_____.</p>	<p>Contact details of the person from the organization, transferring source codes for recording and storage:</p> <p>1) surname, name, patronymic (if any): _____;</p> <p>2) position: _____</p> <p>3) work phone: _____, mobile phone: _____;</p> <p>4) E-mail: _____@_____.</p>

Annex 4

to the Rules for recording and storage of the developed software, source program codes (if available), a set of settings for licensed software of the objects of informatization of "electronic government"

Form

Agreement on confidentiality and non-disclosure of information to third parties

Astana city

"__" _____ 202__

Name/Surname, name, patronymic (if any) of the owner (holder)

developed software, source program codes (if available) and a set of settings for licensed software, hereinafter referred to as the Owner (Owner), represented by

_____,
acting on the basis of _____,

on the one hand, and Joint Stock Company "National Information Technology", hereinafter referred to as "Operator",

represented by _____

_____,
acting on the basis of the Charter, on the other hand, further collectively referred to as the "Parties",

in order to preserve and non-disseminate information, we have entered into this Agreement on Confidentiality and Non-Disclosure of Information (hereinafter referred to as the Agreement) on the following:

Chapter 1. General provisions

1.1. For the purposes of the Agreement the concepts (terms, definitions) are used, which, when presented in the text with capital letters, shall mean the following:

1) confidential information – information in respect of which, in accordance with the law, the Agreement, internal acts of the owner (holder), access is limited (confidentiality is established), that is, a mandatory requirement for the person (Operator) who has received Access (Admission) to this information is established not to transfer (not disclose) such information to Third parties without the written consent of the owner (holder);

2) Confidential information under this Agreement includes source codes of application software and executable files of used libraries and software platform(s);

3) "third parties" - any individual or legal entity, with the exception of the Parties, as well as their employees and affiliates;

4) "non-disclosure and non-use of confidential information" - any intentional or unintentional familiarization by the Operator (its officials, employees, partners) of third parties, be they legal entities or individuals, with confidential information of the owner (holder), in any form;

5) access – registration of the Operator's right to access confidential information (any part of it), in the form and within the limits determined by the Owner (Owner), and on the conditions that the Operator keeps this information secret, does not disclose it to third parties, creates appropriate conditions for storing such information and does not use them in any other way, except as determined by the Agreement and (or) written consent (permission) of the owner (holder) or his authorized person;

6) disclosure – actions (inaction) of the Operator, including transfer, distribution, disclosure, leakage, as a result of which confidential information in any possible form (

oral, written or other form, including using technical means) becomes known to third parties, without the written consent of the owner (holder) or his authorized person or in violation of such consent, or contrary to the Agreement, as well as failure to take all measures necessary to maintain confidential information, as a result of which such information was disclosed;

Chapter 2. Obligations of the Operator

2.1. The Operator shall, in accordance with subclause 19) of Article 13 of the Law of the Republic of Kazakhstan "On Informatization", carry out the recording and storage of the developed software, source program codes, a set of settings of licensed software of the objects of informatization of "electronic government", as well as software, included in the register of the trusted software and the electronic industry products and undertake the following obligations:

2.2. to use confidential information only in connection with fulfillment of obligations, indicated in clause 2.1 of this Agreement;

2.3. not to disclose Confidential information that becomes known to him to third parties;

2.4. perform the requirements of this Agreement.

Chapter 3. Measures to protect information

3.1. The Owner (Holder) shall transfer to the Operator access to confidential information under conditions that the Operator shall take measure to protect it, which ensure:

3.1.1. prevention of unauthorized access to confidential information (familiarization with such information of third parties and (or) transfer of such information to specified persons);

3.1.2. timely detection and suppression of unauthorized access to confidential information;

3.1.3. constant monitoring of ensuring the level of protection of confidential information;

3.1.4. preventing impact on technical means of storing confidential information;

3.1.5. accounting of persons who have access to confidential information;

3.1.6. prevention of unauthorized influence on confidential information (impact on information in violation of established rules for changing information, leading to distortion, falsification, destruction (complete or partial), theft, unlawful interception, copying, blocking access to information, as well as loss, destruction or failure functioning of a material storage medium);

3.1.7. prevention of unintentional impact on confidential information (impact on information due to user errors, failure of hardware and software, natural phenomena or other events not aimed at changing information, leading to distortion, forgery, destruction (complete or partial), theft, unlawful interception, copying , blocking access to confidential information, as well as loss, destruction or malfunction of an electronic storage medium);

3.1.8. prevention of intentional impact on confidential information (deliberate impact, including electromagnetic and (or) impact of another physical nature, carried out for an unlawful purpose).

Chapter 4. Liability of the Parties

4.1. Disclosure of confidential information by the Operator shall be the basis for prosecution under the legislation of the Republic of Kazakhstan.

4.2. The basis for holding the Operator liable shall be the identified facts of unlawful use and (or) Disclosure of Confidential Information and (or) losses caused to the Owner (Owner) by the Operator as a result of the culpable unlawful behavior (action or inaction) of the Operator and the causal relationship between the culpable unlawful behavior and the damage caused losses.

Chapter 5. Final provisions

5.1. The Agreement shall be valid from the date of its signing by the Parties. In additions, the Parties, being aware that the right of the owner (holder) for the protection of confidential information from unauthorized use arises notwithstanding the fulfillment of any formalities (its registration, receipt of certificate etc.) in respect of this confidential information and shall be valid for the entire period of the validity period of the right of the owner (holder) for the protection of confidential information.

5.2. The Agreement, as well as all , а также all legal relations arising in connection with the execution of the Agreement shall be regulated and subject to interpretation in accordance with the legislation of the Republic of Kazakhstan.

5.3. All disputes and disagreements arising from or in connection with the Agreement shall be resolved through negotiations between the Parties.

5.4. The contents of the Agreement shall not be subject to disclosure to third parties except as required by law.

5.5. The Agreement is made in 2 (two) copies and signed by the Parties, one copy for each of the Parties.

Signatures of the parties

The Owner (Holder):

Operator

Seal

Seal

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Justice of the Republic of Kazakhstan