



## On approval of the Regulations for the collection, processing of personal data

### *Unofficial translation*

Order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated October 21, 2020 № 395/ҒК. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 23, 2020 № 21498.

### Unofficial translation

In compliance with subparagraph 7) of paragraph 1 of Article 27-1 of the Law of the Republic of Kazakhstan dated May 21, 2013 "On personal data and their protection" I  
**ORDER:**

1. To approve the attached Rules for the collection and processing of personal data.
2. The Committee for Information Security of the Ministry of Digital Development, Innovation 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) posting this order on the Internet resource of the Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan;
  - 3) within ten working days after the state registration of this order, the submission to the Legal Department of the Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan information on the implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph.
3. Control over the implementation of this order shall be entrusted to the supervising vice minister of digital development, innovation and aerospace industry of the Republic of Kazakhstan.
4. This order shall be enforced upon the expiration of ten calendar days after the day of its first official publication.

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

*B. Mussin*

Approved by order  
Minister of Digital Development,  
innovation and aerospace  
Republic of Kazakhstan  
dated October 21, 2020 № 395 / ҒК

## Regulations for the collection, processing of personal data Chapter 1. General provisions

1. These Rules for the collection and processing of personal data (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 7) of Paragraph 1 of

Article 27-1 of the Law of the Republic of Kazakhstan “On Personal Data and Its Protection” (hereinafter referred to as the Law) and shall determine the procedure for the collection and processing of personal data.

**Footnote. Paragraph 1 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/ HK (shall come into effect ten calendar days after the day of its first official publication).**

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

1) personal data - information relating to a specific subject of personal data or determined on its basis, recorded on electronic, paper and (or) other tangible media;

2) blocking of personal data - actions to temporarily stop the collection, accumulation, modification, addition, use, distribution, depersonalization and destruction of personal data;

3) accumulation of personal data - actions to systematize personal data by entering them into a database containing personal data;

4) collection of personal data – actions aimed at obtaining personal data;

5) destruction of personal data - actions as a result of which it is impossible to restore personal data;

6) depersonalization of personal data - actions as a result of which it is impossible to determine the ownership of personal data by the subject of personal data;

7) database containing personal data (hereinafter referred to as the Database) – a set of ordered personal data;

8) the owner of the database containing personal data (hereinafter referred to as the Owner ) - a state body, individual and (or) legal entity exercising, in accordance with the laws of the Republic of Kazakhstan, the right to own, use and dispose of the database containing personal data;

9) operator of the database containing personal data (hereinafter referred to as the Operator) - a government body, individual and (or) legal entity collecting, processing and protecting personal data;

10) non-state service for controlling access to personal data (hereinafter referred to as the Non-state service) - a service that ensures information interaction between owners and (or) operators, third parties with the subject of personal data when accessing personal data contained in non-state information objects, including receipt from the subject personal data consent to the collection, processing of personal data or their transfer to third parties;

11) state service for controlling access to personal data (hereinafter referred to as the State service) - a service that ensures information interaction between owners and (or) operators, third parties with the subject of personal data and the authorized body when accessing personal data contained in informatization objects of state bodies and (or) state legal entities, including obtaining consent from the subject of personal data for the collection, processing of personal data or their transfer to third parties;

12) the authorized body in the field of personal data protection (hereinafter referred to as the Authorized body) - the central executive body that provides leadership in the field of personal data protection.

**Footnote. Paragraph 2 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/ HK (shall come into effect ten calendar days after the day of its first official publication).**

3. These Rules apply to the relations arising between owners, operators, subjects, as well as third parties in the process of collecting and processing personal data.

4. The collection and processing of personal data shall be carried out by the owner and (or ) operator, as well as a third party with the consent of the subject or his legal representative in the manner determined by these Rules, except for the cases provided for in Paragraph 4-3 of these Rules and Article 9 of the Law.

The collection and processing of personal data of a deceased (recognized by the court as missing or declared dead) subject shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Paragraph 4 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/ HK (shall come into effect ten calendar days after the day of its first official publication).**

4-1. Distribution of personal data in publicly available sources shall be permitted with the consent of the subject or his/her legal representative.

**Footnote. The Rules are supplemented by Paragraph 4-1 in accordance with the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/HK (shall come into effect ten calendar days after the day of its first official publication).**

4-2. The requirements of Paragraph 4-1 of these Rules shall not apply to owners of information in cases of publication of information, the obligation to publish which is established by the laws of the Republic of Kazakhstan.

**Footnote. The Rules are supplemented by Paragraph 4-2 in accordance with the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/HK (shall come into effect ten calendar days after the day of its first official publication).**

4-3. Re-collection, processing and distribution by third parties of personal data published based on Paragraphs 4-1 and 4-2 of these Rules shall be permitted, provided there is a link to the source of information.

**Footnote. The rules are supplemented by Paragraph 4-3 in accordance with the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/HK (shall come into effect ten calendar days after the day of its first official publication).**

4-4. Processing of personal data in the form of cross-border transfer of personal data, except for cases provided for in Article 16 of the Law, distribution of personal data in publicly available sources, as well as their transfer to third parties, on condition of the consent of the subject.

**Footnote.** The rules are supplemented by Paragraph 4-4 in accordance with the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/ҒҚ (shall come into effect ten calendar days after the day of its first official publication).

5. Collection and processing of personal data by the owner and (or) operator of personal data is allowed in the amount determined by the List of personal data, necessary and sufficient to perform the tasks being performed (hereinafter referred to as the List of personal data).

The list of personal data is determined and approved in accordance with the Rules, determination by the owner and (or) operator of the list of personal data necessary and sufficient to perform the tasks they carry out, approved by the Government of the Republic of Kazakhstan dated November 12, 2013 № 1214.

6. The subject or his/her legal representative gives (withdraws) consent to the collection and processing of personal data in writing, through a government service, non-government service, or in another way that allows confirmation of receipt of consent.

When collecting and (or) processing personal data contained in information objects of state bodies and (or) state legal entities, consent shall be provided through a government service.

**Footnote.** Paragraph 6 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/ҒҚ (shall come into effect ten calendar days after the day of its first official publication).

7. The collection and processing of personal data is carried out subject to the provision of measures to protect personal data in accordance with the Rules for the implementation by the owner and (or) operator, as well as a third party, of measures to protect personal data, approved by the Government of the Republic of Kazakhstan dated September 3, 2013 № 909.

## **Chapter 2. Collection of personal data**

8. Personal data shall be collected after obtaining the consent of the subject or his/her legal representative, provided in accordance with Article 8 of the Law, except for the cases provided for in Paragraph 4-3 of these Rules and Article 9 of the Law.

**Footnote.** Paragraph 8 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/ҒҚ (shall come into effect ten calendar days after the day of its first official publication).

9. The subject, in accordance with paragraph 2 of Article 24 of the Law, is obliged to submit his personal data in cases established by the laws of the Republic of Kazakhstan.

### **Chapter 3. Personal data processing Paragraph 1. Accumulation and storage of personal data**

10. The accumulation of personal data is carried out in accordance with Chapter 2 of these Rules, necessary and sufficient for the performance of tasks carried out by the owner and (or) operator, as well as a third party.

11. Personal data shall be stored by the owner and (or) operator, as well as by a third party in a database located on the territory of the Republic of Kazakhstan.

**Footnote. Paragraph 11 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/ HK (shall come into effect ten calendar days after the day of its first official publication).**

**12. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/HK (shall come into effect ten calendar days after the day of its first official publication).**

#### **Paragraph 2. Change and addition of personal data**

13. The subject has the right to demand from the owner and (or) operator to change and supplement his personal data if there are grounds confirmed by the relevant documents.

**14. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/HK (shall come into effect ten calendar days after the day of its first official publication).**

15. The subject has the right to know about the presence of the owner and (or) operator, as well as a third party, of his personal data, as well as to receive information containing:

confirmation of the fact, purpose, sources, methods of collecting and processing personal data;

list of personal data;

terms of processing personal data, including the terms of their storage.

At the same time, in order to obtain information, the subject or his legal representative sends an appeal (request) to the owner and (or) operator or a third party in writing or in the form of an electronic document or in another way using elements of protective actions that do not contradict the legislation of the Republic of Kazakhstan.

16. The owner and (or) operator shall provide information related to the entity within 3 (three) business days from the date of receipt of the application from the entity or its legal representative, unless other terms are provided for by the laws of the Republic of Kazakhstan.

In case of refusal to provide information to the subject or his legal representative, the owner and (or) operator, within a period not exceeding 3 (three) working days from the date of receipt of the request, shall submit a reasoned response, unless other terms are provided for by the laws of the Republic of Kazakhstan.

#### **Paragraph 3. Use, distribution and anonymization of personal data**

17-1. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/ҒК (shall come into effect ten calendar days after the day of its first official publication).

18. Dissemination of personal data in cases that go beyond the previously stated purposes of their collection, is carried out with the consent of the subject or his legal representative.

19. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/ҒК (shall come into effect ten calendar days after the day of its first official publication).

20. Depersonalization is carried out by the owner and (or) operator or a third party prior to their distribution, by any method of depersonalization that does not contradict the legislation of the Republic of Kazakhstan, allowing to solve the tasks of processing personal data.

21. The procedure for anonymizing personal data excludes the possibility of reverse recovery of the original personal data.

Reimbursement of the expenses of the owner and (or) operator or third party for the depersonalization of personal data is carried out at the expense of the person who requested the depersonalized personal data, unless otherwise determined by an agreement with the owner and (or) operator or a third party.

22. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/ҒК (shall come into effect ten calendar days after the day of its first official publication).

23. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/ҒК (shall come into effect ten calendar days after the day of its first official publication).

#### **Paragraph 4. Blocking and destruction of personal data**

24. The subject or his/her legal representative contacts the authorized body to check the owner and (or) operator, as well as a third party for compliance with the requirements for the collection and processing of personal data.

The authorized body shall consider the application of the subject or its legal representative, with the involvement of the owner and (or) operator, as well as a third party, within the time limits established by Paragraphs 1 and 3 of Article 76 of the Administrative Procedure Code of the Republic of Kazakhstan.

Footnote. Paragraph 24 - as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 31.03.2022 № 102/ҒК (shall come into effect ten calendar days after the day of its first official publication).

25. If there is information about a violation of the conditions for the collection, processing of personal data, the subject requires the owner and (or) operator, as well as a third party, to block his personal data.

Personal data collected and processed by the owner and (or) operator, as well as by a third party in violation of the legislation of the Republic of Kazakhstan, as well as in other cases established by the Law and other regulatory legal acts of the Republic of Kazakhstan, are subject to destruction at the request of the subject.

26. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/HK (shall come into effect ten calendar days after the day of its first official publication).

27. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/HK (shall come into effect ten calendar days after the day of its first official publication).

28. Excluded by order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 18.04.2023 № 157/HK (shall come into effect ten calendar days after the day of its first official publication).

#### **Paragraph 5. Processing of personal data in the activities of courts**

Footnote. Paragraph 5 was excluded by the order of the acting Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 03.02.2023 № 41/HK (shall come into effect ten calendar days after the day of its first official publication).