



On Informatization

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 11 January, 2007, No.217.

U n o f f i c i a l t r a n s l a t i o n

Footnote. The Law of the Republic of Kazakhstan dated November 24, 2015 No. 418-V (effective from 01/01/2016) expired.

Footnote. Throughout the text the words “to the authorized organization in the field of informatization”, “An authorized organization in the field of informatization”, “by the authorized organization in the field of informatization” are respectively substituted by the words “to the state technical service”, “State technical service”, “by the state technical service” in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication).

This Law establishes the legal basis of informatization, regulates social relations, arising upon creation, using and protection of electronic information resources and information systems.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) automatization – application of information-communication technologies for processing, systematization, storage and transmission of information in order of alleviation and extrusion of forms of human labour, increase in productiveness and transparency of processes;

1-1) informatization – organization, social and economic and research and technology process, directed to formation and development of electronic information resources, information systems on the basis of using of information technologies;

2) an authorized body in the field of informatization (hereinafter – an authorized body) – central state body, carrying out management in the field of informatization and “electronic government”;

3) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication)*

4) operator in the field of informatization – legal entity, created by resolution of the Government of the Republic of Kazakhstan, on which the tasks on integration of the

state information system and state electronic information resources, on participation in realization of uniform technical policy in the field of standardization, function of project integrator of infrastructure “electronic government”, are imposed;

5) informational works – an activity on creation of electronic information resources and information systems;

6) information system – system, intended for storage, processing, search, distribution, transmission and delivery of information with application of hardware and software complex;

7) depositing of information systems, program products, programme codes and normative and technical documentation (hereinafter – depositing) - transmission of copies of program products, programme codes and normative and technical documentation for storage in depository;

8) audit of information systems – system process of assessment of current state of information system, actions and events, arising in it, establishing a level of their compliance with defined criterion, technical regulations, standards, normative and technical documentation and (or) requirements of customer;

9) depository of information systems, program products, programme codes and normative-technical documentation (hereinafter – depository) – special storage, intended for provision of accumulation, description, storage and systematization of copies of program products, programme codes jointly with normative and technical documentation, accompanying it;

10) information and communication network – a set of technical, hardware and software of ensuring of interaction between information systems and between their constituents, as well as transmission of information resources;

10-1) monitoring system of information and communication network – a complex of organization and technical measures, directed to rendering assistance to possessor, owners and users of information systems, information and communication networks and electronic information resources on issues of safe use of information and communication technologies, including responding to computer incidents;

11) information service – service on provision of information resources to users;

12) information processes – processes of creation, gathering, processing, accumulation, storage, search, distribution and consumption of information;

13) information technology – a set of methods, productive processes and software and hardware tools, associated in a technological complex, ensuring gathering, creation, storage, accumulation, processing, search, output, copying, transmission and distribution of information;

14) hardware and software complex – a set of program and technical tools, ensuring information processes;

15) private key infrastructure – complex of information systems, organizational and technical measures, directed to management of registration certificates in accordance with the legislation of the Republic of Kazakhstan on electronic document and electronic digital signature;

16) program product – a set of computer programs, procedures, methods, rules and accompanied documentation of information processing system;

17) *Is excluded by the Law of the Republic of Kazakhstan dated 21.05.2013 No. 95 -V (shall be enforced upon expiry of ten calendar days after its first official publication);*

18) domain name – symbolic (alphanumeric) designation, formed in accordance with rules of addressing of Internet, intended for named address to the object of network and relevant to the defined network address;

19) interactive service – service on provision of electronic information resources to users at their requests or by agreement of the parties, requiring interchange of information;

20) web site – electronic information resource, technology of its maintenance and (or) use, functioning in open information and communication network, as well as operational structure, ensuring information interaction;

21) owner of web-site – a subject, exercising the rights of possession in total volume, use and disposal of web-sites;

22) computer incident – malfunctions separately or serially arising in the work of information system, information resources, information and communication networks, inviting danger to their appropriate functioning and (or) conditions for illegal receiving , copying, distribution, misrepresentation, modification, destruction or blocking of circulating information in them;

23) Interdepartmental commission of the Republic of Kazakhstan on coordination of works in the field of informatization - consultative and advisory body upon the Government of the Republic of Kazakhstan, carrying out coordination of works in the field of formation of “electronic government” and informatization of the state bodies;

24) documented information – information, recorded in tangible medium, having requisites, allowing to identify it;

25) confidential electronic and information resources – electronic information resources, not containing the state secrets, access to which is limited in accordance with the Laws of the Republic of Kazakhstan and their possessor or owner in the cases, provided by the legislation of the Republic of Kazakhstan;

26) information system “Address register” - hardware and software complex, intended for creation, accumulation, processing of details on addresses and their component parts and unification of address field of the Republic of Kazakhstan;

27) unified transport medium of the state bodies - telecommunications network located in the territory of the Republic of Kazakhstan, consisting of interdepartmental information and telecommunication network, intended for realization of regulatory and organizational objectives and interaction between themselves of bodies of local self-government, state bodies, including their territorial subdivisions and subordinated organization, as well as intended for ensuring interaction of electronic information resources and information systems “electronic government”;

28) operator of unified transport medium of the state bodies – legal entity, having a hardware and software complex of unified transport medium of the state bodies and providing communication services to the state bodies, territorial subdivisions and subordinated organizations, determined by the Government of the Republic of Kazakhstan;

28-1) state technical service – republican state enterprise on the basis of economic control rights, created by the resolution of the Government of the Republic of Kazakhstan;

29) user – a subject, applying to the information system for reception of necessary to them electronic information resources and using them;

30) transactional service – service on provision of electronic information resources to users, requiring interchange of information with application of electronic digital signature;

31) electronic information resources – information, stored in electronic form (information database), contained in the information systems;

32) owner of electronic information resources, information systems – a subject, exercising the right of possession, use and disposal of specified objects in the manner and procedure, determined by their possessor;

33) protection of electronic information resources, information systems – complex of legal, organization and technical measures, directed to their storage, prevention of illegal access to electronic information resources, information systems, including illegal actions on receiving, copying, distribution, misrepresentation,, destruction or blocking of information;

34) possessor of electronic information resources, information systems – a subject, exercising the rights of possession, use and disposal of electronic information resources and information systems in total volume;

35) state register of electronic information resources and information systems - systematized list, including collection of descriptions of electronic information resources and information systems;

36) “electronic akimat” – regional state management system on the basis of information and communication infrastructure, directed to efficient and qualitative performance of functions of local executive bodies;

37) electronic service – provision of informational, interactive and transactional services with application of information technologies to individuals and legal entities;

38) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89 -V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

39) state services, rendering in electronic form – state services, rendering with application of information technologies;

40) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89 -V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

41) “electronic government” – state management system on the basis of information and communication infrastructure, directed to timely and proper performance of state functions;

42) project integrator of infrastructure of “electronic government” – organization, carrying out project and organization, technical measures on ensuring interaction of interdepartmental information systems of “electronic government”;

43) web portal of “electronic government” – information system, representing unified access hole to all consolidated government information, including regulatory legal base, and state services, rendered in electronic form;

44) payment gateway of “electronic government” - automated information system, intended for ensuring interaction between information systems of second-tier bank, organizations, carrying out the separate types of bank operations, and “electronic government” upon effecting payments of individuals and legal entities;

45) operator of payment gateway of “electronic government” – a legal entity, more than fifty percent of voting shares (share of participation in a charter capital) of which belong to the national holding, national company, carrying out support of operations of payment gateway of “electronic government”. Owners of voting shares (share of participation in a charter capital) of operator of payment gateway of “electronic government” shall be the residents of the Republic of Kazakhstan;

46) gateway of “electronic government” – information system, intended for integration of information system of “electronic government” within realization of electronic services.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official

publication); dated 21.05.2013 No. 95-V (shall be enforced upon expiry of six months after its first official publication).

Article 2. The legislation of the Republic of Kazakhstan

1. The legislation of the Republic of Kazakhstan on informatization is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

3. *Is excluded by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

4. Force of this Law is not distributed to the content and methods of distribution of information.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 3. Objects and subjects of informatization

1. Objects of informatization shall be: electronic information resources, information systems, informational works and electronic services.

2. Subjects of informatization shall be: state bodies, individuals and legal entities, carrying out activity or entering into legal relations in the field of informatization in the territory of the Republic of Kazakhstan.

Chapter 2. STATE REGULATION AND CONTROL IN THE FIELD OF INFORMATIZATION

Article 4. Purposes and principles of the state regulation in the field of informatization

1. Purposes of the state regulation in the field of informatization are development of information infrastructure of the Republic of Kazakhstan, including formation of “electronic government”, as well as information support of social and economic development of country.

2. State regulation in the field of informatization is based on the following principles;

1) privacy right of citizens and strict observance of constitutional rights and freedoms of citizens;

2) equality of rights of individuals and legal entities for participation in activity in the field of informatization and use of its results;

3) free access and compulsory provision of electronic information resources (presumption of openness), containing information on activity of the state bodies, except for the electronic information resources, access of which is limited in accordance with the legislation of the Republic of Kazakhstan;

4) freedom of search, production and transmission of any electronic information resources, access of which is not limited in accordance with the legislation of the Republic of Kazakhstan;

5) safety ensuring of personality, society and state using the electronic information resources and application of information technologies;

6) timeliness of provision, objectiveness, completeness and reliability of electronic information resources in relation of which obligatory nature of its public distribution or provision to the state bodies is established by the legislation of the Republic of Kazakhstan;

7) ensuring of fair competition;

8) ensuring centralized management by the national electronic information resources and national information systems;

9) assurance of reliability and manageability of the scope of informatization on the basis of unitary standards in the territory of the Republic of Kazakhstan;

10) observance of technological neutrality upon establishment of requirements to application of information technologies;

11) restriction of gathering, processing of personal data by the purposes for which they are collected.

3. State control in the field of informatization shall be carried out in the form of verification and other forms.

Verification shall be carried out in accordance with the Laws of the Republic of Kazakhstan “On the state control and supervision in the Republic of Kazakhstan”. Other forms of the state control shall be carried out in accordance with this Law.

Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 No. 188 (the order of enforcement see Article 2); dated 06.01.2011 No. 378 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 No. 95-V (shall be enforced upon expiry of six months after its first official publication).

Article 5. Competence of the Government of the Republic of Kazakhstan in the field of informatization

Competence of the Government of the Republic of Kazakhstan shall include:

1) development of basic directions of the state policy in the field of informatization and organization of its carrying out;

2) ensuring of international cooperation;

3) providing conditions for market grouping of informational works and electronic services;

4) providing conditions of formation and functioning of “electronic government”, creation and development of the state electronic information resources and state information systems and their interaction in unified information space of the Republic of Kazakhstan;

5) creating conditions of development of system of electronic document management of the state bodies, application of electronic document and electronic digital signature;

6) organization of management of state-owned property in the field of informatization, development and implementation of measures on its use, ensuring protection of rights of the state and private property on electronic information resources and information systems;

7) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

8) approval of provision on Interdepartmental commission of the Republic of Kazakhstan on coordination of works in the field of informatization and its content;

9) determination of operator in the field of informatization, operator of payment gateway “of electronic government” and operator of unified transport medium of the state bodies;

10) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

11) approval of the list of documented information and electronic documents, provided in a mandatory manner by the state bodies and legal entities for formation of the state electronic information resources;

12) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

13) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

14) approval of procedure of certification of the state information systems and non-state information systems, integrated with the state information systems, for compliance with their requirements of information security and standards, adopted in the territory of the Republic of Kazakhstan;

15) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

16) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its first official publication);*

17) *Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011);*

18) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

19) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

19-1) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

20) performing other functions, imposed to it by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV; dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 34-V (shall be enforced from the date of its first official publication); dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 21.05.2013 No. 95-V (shall be enforced upon expiry of six months after its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. Competence of the authorized body

Competence of the authorized body shall include:

1) realization of the state policy in the field of informatization and “electronic government”;

2) carrying out of the state control in the field of informatization in order to compliance with the requirements of the Laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan and regulations of the Government of the Republic of Kazakhstan;

3) participation in works on standardization and confirmation of conformity in the field of informatization;

4) organization of development of investment projects in the field of informatization, realization of basic directions and development priorities and improving of the scope of informatization, improvement the quality, accessibility and stability of functioning;

5) development and approval of technical regulations in the field of informatization ;

5-1) approval of rules of maintenance of the state register of electronic information resources and information system and depository;

5-2) approval of the list of national electronic information resources and national information systems;

5-3) approval of rules of information exchange of information monitoring system of rendering of the state services with information systems;

5-4) determination of the list of electronic information resources on the state bodies and procedure of their placement on web-sites of the state bodies;

6) creating conditions for market performance of electronic services;

7) formation of “electronic government” and development of the state electronic information resources, information systems, information and communication networks, assurance of their compatibility and interaction in a unified information space of the Republic of Kazakhstan;

8) *Is excluded by the Law of the republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication)* ;

9) development and approval of regulatory legal acts in the field of informatization, as well as procedure of formation and functioning of national electronic information resources and national information systems, information and communication networks, audit procedure of information systems, investment projects in the field of informatization, as well as on issues of center of public service;

10) system development of attracting investments and incentive mechanism of development and realization of investment projects in the field of informatization;

11) carrying out of the cross-sector coordination of activity in the field of informatization and upon formation of “electronic government”;

12) development of international cooperation in the field of informatization and upon formation of “electronic government”;

13) registration of electronic information resources and information systems of the Republic of Kazakhstan;

14) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89 -V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

15) approval of procedure of tests, registration, transmission, storage, ensuring the completeness of deposit and presentation of details on registration, transmission and storage of program products, programme codes and normative and technical documentation in depository;

16) development and approval of operating rules and interaction of electronic information resources and information systems, as well as information and communication networks of the state bodies;

17) development and approval of estimation procedure of web-sites of the state bodies;

18) development and approval of forms of compulsory departmental accountability, prompt sheets, risk assessment criteria, semi-annuals plans of conduct of verifications in accordance with the Law of the Republic of Kazakhstan “On the state control and supervision in the Republic of Kazakhstan”;

19) carrying out of the state control for compliance of the state information systems , hardware and software complex, created and (or) acquired at the expense of budget funds, with the requirements of technical documentation (technical task, technical-and-economic assessment, technical specification);

20) carrying out control of functioning of web-sites of the central state bodies and akimats of regions, cities of republican significance and capital, as well as functioning of centers of public services and automatization of rendering of the state services;

21) attestation of the state information and non-state systems, integrated with the state information systems for compliance with their requirements of information security and standards;

22) participation in measures on acceptance for operation (commercial operation) of the state information systems;

23) development and approval of standard costs for the creation, development and maintenance of information systems;

24) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89 -V (shall be enforced upon expiry of ten calendar days after its first official publication);*

25) carrying out expert examination of technical-and-economic assessment, technical specification and technical task of information resources and information systems of created and (or) acquired at the expense of budget funds, as well as introduced amendments to them;

26) determination of registry, development and approval of procedure of registration, use and distribution of domain space of Kazakh segment of Internet;

27) coordination of activity on carrying-out of requirements of unified technological standards in using of information systems, information and communication networks for integration them into infrastructure of “electronic government” and responding to computer incidents;

28) *Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011);*

29) *Is excluded by the Law of the Republic of Kazakhstan dated 05.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

30) rendering assistance to possessors, owners and users of information systems, information and communication networks and electronic information resources on issues of safe use of information technologies, including prevention of illegal acts on reception, copying, distribution, misrepresentation,, destruction or blocking of information;

30-1) development of rules of determination on compliance of computer system with technical requirements for inclusion in the state register of cash register machine;

30-1) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

30-2) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

30-3) *Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication);*

30-4) development and approval of rules of issuing conclusions on compliance of computer system with the technical requirements for inclusion it to the state register of cash register machines;

31) exercising other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official

publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. Competence of central executive bodies in the field of informatization

Competence of central executive bodies in the field of informatization shall be included:

1) determination of procedure of creation and operation of the state information systems, interacting with the state electronic information resources in coordination with the authorized body, as well as procedure of rendering of electronic services with application of these information systems;

2) development and coordination with the authorized body of investment projects in the field of informatization and “electronic government”;

3) determination of procedure of information interaction between information systems of central executive bodies and information systems of local executive bodies jointly with local executive bodies;

4) formation of “electronic government”, development of the state electronic information resources and state information systems, information and communication networks of the state bodies, assurance of their compatibility and interaction in a unified information space of the Republic of Kazakhstan;

5) organization of access of individuals and legal entities to the state electronic information resources and state information systems;

6) ensuring of recording and registration of the state electronic information resources and state information systems, as well as depositing;

7) exercising other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. Competence of local executive bodies of regions (city of republican significance, the capital) in the field of standardization

1. Competence of local executive bodies of regions (city of republican significance, the capital) in the field of informatization shall be included:

1) determination of procedure of creation and operation of information systems, interacting with the electronic information resources of local executive bodies in coordination with the authorized body, as well as procedure of rendering of electronic services with application of these information systems;

2) development and coordination with the authorized body of investment projects in the field of informatization and “electronic government”, realized on the relevant administrative – territorial entity;

3) formation of “electronic akimat” and development of electronic information resources and information systems, information and communication networks of local executive bodies, assurance of their compatibility and interaction in a unified information space of the Republic of Kazakhstan;

4) organization of access of individuals and legal entities to the state electronic information resources and state information systems, as well as by allocation of nonresidential premises for organization of this access;

5) ensuring of recording and registration of the state electronic information resources, as well as depositing.

2. Local executive bodies of inferior administrative-territorial entity shall make proposals to the local executive bodies of region (city of republican significance, the capital) on organization of provision of electronic services on the relevant administrative-territorial entity.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Powers of operator in the field of informatization

Footnote. The title of Article 9 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication)

Operator in the field of informatization shall:

1) participate in planning, formation and analysis of investment projects of the state bodies in order of realization of unified technical policy in the field of informatization, as well as shall have a right to participate in their development;

2) ensure interaction of the state information systems, their integration capacity in the world information systems;

3) exercise functions of project integrator of infrastructure of “electronic government” of the Republic of Kazakhstan;

4) carry out of system and technique maintenance of software and hardware, implementation and (or) maintenance of national electronic information systems, as well as shall have a right to train personnel for these purposes;

5) ensure creation of technical conditions for the access of individuals and legal entities to the state electronic information resources and state information systems;

6) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV;*

7) ensure creation and technical support of web-site of the Government of the Republic of Kazakhstan and web-portal of “electronic government” of the Republic of Kazakhstan, as well as monitoring of web-sites of the state bodies of the Republic of Kazakhstan;

8) *Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2);*

9) render consulting and hands-on assistance to the state bodies upon formation of “electronic government”;

10) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV*

11) exercise functions of project management and technical support upon formation of “electronic government” of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV; dated 15.07.2010 No. 337-IV(the order of enforcement see Article 2); dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-1. State monopoly in the field of informatization

1. State technical service shall carry out the following types of activity, related to the state monopoly:

1) attestation investigation of information systems to the compliance them with the requirements of information security and standards, adopted in the territory of the Republic of Kazakhstan;

2) monitoring of ensuring protection of electronic information resources, information systems, information and communication networks of the state bodies, as well as non-state systems, integrated with the state information systems;

3) performance of tests of program products, program codes and expertise of normative and technical documentation of the state information systems;

4) expertise of investment projects, directed to creation, implementation and development of information systems of the state bodies for compliance with the requirements of information security;

5) technical support of unified access gateway to the Internet and unified mail gateway of the state bodies of the Republic of Kazakhstan;

6) maintenance of state register of electronic information resources, information systems and depository of information systems, program products, programme codes and normative and technical documentation;

7) organization and technical support of monitoring system of information and monitoring networks;

8) monitoring of server fault tolerance of domain names, serving the Kazakh domain name of top level;

9) maintenance of plans of addressing and numeration of information and communication networks of line operators, carrying out its activity in the territory of the Republic of Kazakhstan.

2. Prices for goods (works, services), produced or realized by the subjects of the state monopoly shall be established by the Government of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 9-1 in accordance of the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV; is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-2. Powers of operator of unified transport media of the state bodies

Operator of unified transport medium of the state bodies shall:

1) carry out integration of information-communication networks of the state bodies and their territorial subdivisions;

2) manage the planning, construction and development of unified transport medium of the state bodies;

3) carry out administration and service support of unified transport medium of the state bodies, system and technical service of hardware and software, technical measures, directed to ensure of functioning of unified transport medium of the state bodies;

4) carry out connection of bodies of local self-government, state bodies and their territorial subdivisions to the unified transport medium of the state bodies and world information resources in accordance with requirements of information security;

5) render communication services for ensure functioning of interdepartmental information systems to the bodies of local self-government, state bodies and their territorial subdivisions, connected to the unified transport medium of the state bodies;

6) carry out organization of protection of communication channels of unified transport medium of the state bodies.

Footnote. Chapter 2 is supplemented by Article 9-2 in accordance with the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 27.04.2012 No. 15-V shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-3. Powers of operator of payment gateway of “electronic government”

Operator of payment gateway of “electronic government” shall:

1) carry out support of operations of payment gateway of “electronic government”;

2) interact with the state bodies on issues of enlargement of the list of provided electronic services, requiring for payment;

3) interact with second-tier banks, organizations on issues of provision of transactional services of “electronic government” to the clients of second-tier banks and organizations;

4) carry out ensuring of guaranteeing of conducted operations within the payment gateway of “electronic government”;

5) carry out transfer operations without a license. National Bank of the Republic of Kazakhstan shall carry out control of execution the legislation of the Republic of Kazakhstan on payments and transmission of money by operator of payment gateway of “electronic government”.

Footnote. Chapter 2 is supplemented by Article 9-3 in accordance with the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Chapter 3. ELECTRONIC INFORMATION RESOURCES, PROCEDURE OF THEIR FORMATION AND USE

Article 10. Types of electronic information resources

1. Depending on right of property electronic information resources shall be divided into:

- 1) state;
- 2) non-state.

2. Depending on access mode electronic information resources shall be divided into :

- 1) publicly available;
- 2) limited access.

3. Electronic information resources, created, acquired and collected at the expense of budget funds, as well as acquired by the state bodies by other methods, established by the Laws of the Republic of Kazakhstan are deemed to be national.

State electronic information resources, having important strategic importance for the economy and security of the state are deemed to be national.

4. Electronic information resources, created and acquired at the expense of funds of individuals and legal entities, as well as acquired by them by other methods, established by the Laws of the Republic of Kazakhstan are deemed to be national.

5. Electronic information resources, which are provided or distributed by their possessor or owner without specifying conditions for their use, as well as details, access to which is free and not depend on the forms of their presentation and method of distribution, shall be publicly available.

6. Electronic information resources, containing details, access to which is limited by the Laws of the Republic of Kazakhstan or their possessor or owner in the cases, established by the legislation of the Republic of Kazakhstan, shall be the electronic information resources of limited access.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Article 11. Electronic information resources as an element of composition of property and object of right of property

1. Electronic information resources as an element of composition of property may be in the state and private property.

2. Grounds of commencement, change and termination of right of property and other rights to the electronic information resources shall be regulated by civil legislation of the Republic of Kazakhstan.

3. Possessor of electronic information resources shall be enjoy all the rights, provided by the Laws of the Republic of Kazakhstan, as well as shall have a right to:

- 1) transfer of electronic information resources to the economic management or operational administration;

2) establish regime and rules of processing, protection and access to the electronic information resources within its competence;

3) determine conditions of management of electronic information resources upon their storage, copying and distribution.

4. Electronic information resources, being a property of legal entities, shall be included in composition of their property in accordance with civil legislation of the Republic of Kazakhstan.

5. State electronic information resources, being in maintenance of the state bodies in accordance with their competence, shall subject to recording and protection in composition of the state property.

6. Subjects shall not lose their rights to the electronic information resources, provided by them in the obligatory procedure for formation of the state electronic information resources.

7. Possessor of electronic information resources, containing details, related to the state secret shall have a right to managed them according to the procedure, determined by the legislation of the Republic of Kazakhstan on the state secrets.

8. The state shall be obliged to buy the electronic information resources from individuals and legal entities in the case of appropriation them to the state secrets in accordance with the legislation of the Republic of Kazakhstan on the state secrets.

9. Right of property to information systems and other processing means of electronic information resources shall not create the rights of property to electronic information resources, belonging to other owners.

10. Rights to electronic information resources, included in composition of information systems shall be determined by agreement between the possessor of electronic information resources and information systems.

11. Electronic information resources, processing according to the procedure of provision of services or upon joint use of information systems and other processing means shall belong to the owner of electronic information resources. Belonging and use of derived products, created in this case shall be regulated by agreement.

Article 12. Formation and use of electronic information resources

1. Possessor and (or) owner of electronic information resources shall have a right to free use and distribute them in recognition of restrictions, established by the Laws of the Republic of Kazakhstan.

2. Use and distribution of electronic information resources, being a subject of information exchange between information systems shall be carried out according to the procedure, established by the possessor and (or) owner of these electronic information resources and information systems.

3. State electronic information resources shall be formed in order of ensuring of information needs of the state bodies, individuals and legal entities, as well as for rendering of the state services in electronic form. Program products, acquired or created for formation of the state information systems shall have an interface in Kazakh language.

4. Formation and use of national electronic information resources shall be carried out by the state bodies according to the procedure, established by the legislation of the Republic of Kazakhstan.

5. Formation, storage and use of electronic information resources of limited access, rights of protection and access to them shall be determined and provided by their possessor and (or) owners according to the procedure, established by the legislation of the Republic of Kazakhstan.

6. Provision of electronic information resources by the state bodies, individuals and legal entities shall be compulsory in the cases, provided by Article 14 of this Law.

7. Activity of the state bodies on formation of the state electronic information resources shall be financed at the expense of budget funds.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 15.04.2013 No. 89-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 13. Electronic information resources, containing the personal data

Footnote. The title of Article 13 is in the wording of the Law of the republic of Kazakhstan dated 21.05.2013 No. 95-V (shall be enforced upon expiry of six months after its first official publication).

1. Electronic information resources, containing personal data, shall be related to the category of confidential electronic information resources, gathering, processing of which is limited by the purposes, for which they are collected.

2. No one shall not have a right to require presentation of details on their private life, containing private and family secret, privacy of correspondence, phone conversation, postal, telegraphic and other messages of individuals, including details, concerning their origin, health, views, political and religious opinions from individuals for formation of electronic information resources, or require such details otherwise beyond their will.

3. Confidentiality compliance for the electronic information resources, containing personal data is compulsory from the date when these data were presented by individual to whom these data are related.

4. Use of electronic information resources, containing personal data on individuals in order of causing of property and (or) moral damage, restriction of realization of rights and freedoms, guaranteed by the Laws of the Republic of Kazakhstan shall not be allowed.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 No. 95-V (shall be enforced upon expiry of six months after its first official publication).

Article 14. Access to the electronic information resources

1. State electronic information resources of the Republic of Kazakhstan shall be publicly available, except for the electronic information resources of limited access.

2. Electronic information resources of limited access shall be divided into electronic information resources, related to the state secrets and confidential.

3. Appropriation of electronic information resources to the state secrets shall be carried out in accordance with the legislation of the Republic of Kazakhstan on the state secrets.

4. Appropriation of electronic information resources to the confidential shall be carried out according to the procedure, provided by the legislation of the Republic of Kazakhstan, except for the cases, provided by this Law.

5. May not be limited an access to the state electronic information resources, containing:

1) regulatory legal acts, except for the regulatory legal acts, containing the state secrets;

2) details on extraordinary situations, natural and industrial disasters, sanitation-and-epidemiological and other conditions, necessary for safety ensuring of citizens, inhabited localities and industrial facilities;

3) official details on activity of the state bodies;

4) details, collected in open information systems of the state bodies, archives and other organizations.

Chapter 4. INFORMATION SYSTEMS, TECHNOLOGIES AND MEANS OF THEIR ENSURING

Article 15. Types of information systems

1. Depending on the right of property, information systems shall be divided into:

1) state;

2) non-state.

2. Depending on access mode electronic information resources shall be divided into :
- 1) publicly available;
 - 2) limited access.
3. Information systems, created and (or) acquired at the expense of budget funds, as well as acquired by the state bodies by other methods, established by the Laws of the Republic of Kazakhstan shall be the state.

Information systems, containing from the state electronic information resources, having important strategic importance for the economy and security of the state shall be the national.

4. Information systems, created and (or) acquired at the expense of funds of individuals and legal entities, as well as acquired by them by other methods, established by the Laws of the Republic of Kazakhstan shall be the non-state.

5. Information systems, containing electronic information resources, which are provided or distributed by their processor or owner without specifying conditions for their use, as well as electronic information resources, access to which is free and not depend on the forms of their presentation and method of distribution, shall be publicly available.

6. Information systems, containing electronic information resources, access to which is limited by the Laws of the Republic of Kazakhstan or their processor or owner in the cases, established by the legislation of the Republic of Kazakhstan, shall be the information systems of limited access.

Article 16. Information systems as an object of right of property

1. Possessor of information system shall hold a right of possession, use and disposal of information system generally as property complex.

2. Procedure of operation of information system in the case, if the possessor of technical means, electronic information resources and information systems are different persons, shall be determined by agreement between these persons.

3. Possessor of information system shall have a right to prohibit or restrict transfer and distribution of electronic information resources, unless otherwise established by the possessor of electronic information resources.

Article 17. Creation, access and operation of the state information systems

1. State information systems shall be created for the purposes of rendering of electronic services, ensuring of information exchange, coordination of activity and process optimization of management in the state bodies and organizations.

2. State information systems shall be created in accordance with this Law and other regulatory legal acts of the Republic of Kazakhstan.

Development of suggestions on creation of the state information systems and procedure of their realization shall be carried out by Interdepartmental commission of the Republic of Kazakhstan on coordination of works in the field of informatization.

3. Introduction into operation of the state information system shall be carried out on the results of attestation for its compliance with the requirements of information security and upon condition of positive results of tests of program products, programme codes and expertizes of normative and technical documentation of the state information systems in testing laboratory and standards, adopted in the territory of the Republic of Kazakhstan.

4. An access to the state information system shall be determined by the rules, developed by the owner of the state information systems.

5. State information systems shall be created and stored in Kazakh and Russian languages. In these systems the volume of information in Kazakh language shall not be less than the volume of information in Russian language.

Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV; dated 15.07.2010 No. 337-IV (the order of enforcement see Article).

Article 18. Creation, access and operation of non-state information systems

1. Non-state information systems shall be created by individuals and legal entities in order of satisfaction of information needs, execution of information works and rendering of electronic services.

2. An access to the non-state information system and procedure of its operation shall be determined by its possessor and owner.

Article 19. Interaction of information systems

1. Possessors and (or) owners of the state and non-state information systems shall provide possibility of internetwork community for organization of information exchange and transfer of data between different information systems on the basis of use of standard data transfer protocol in the Republic of Kazakhstan.

2. Operational and search activity with the use of the state and non-state information systems shall be carried out in accordance with the legislation of the Republic of Kazakhstan on operational and search activity.

3. Non-state information systems, integrated with the state information systems, shall subject to attestation for compliance with their requirements of information security and standards, adopted in the territory of the Republic of Kazakhstan.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV.

Article 20. Compulsory requirements to the means of processing, storage and data back-up measure of electronic information resources in the state information systems

1. Technical means, which are used for storage, processing and transfer of electronic information resources, shall conform to the requirements in the field of technical regulation for assurance of reliability and security of functioning of the state information systems.

2. Owners of the state information systems, which are responsible for preservation, loss, distortion of the state electronic information resources, and if necessary shall carry their recovery, shall provide storage of the state electronic information resources, containing in the state information systems according to the procedure, established by the Laws of the Republic of Kazakhstan.

3. Production of backup copy of the state electronic information resources, containing in the state information system shall be the compulsory for owners of the state information systems.

Method of producing and storage of backup copy, containing the state electronic information resources shall insure safety of electronic information resources until the date of production the following backup copy.

Article 21. Use of information and communication networks

1. Use of information and communication networks shall be carried out in the territory of the Republic of Kazakhstan with compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of communication and other regulatory legal acts, regulating legal relations in the field of informatization and communication.

2. International information exchange with use of information and communication networks shall be carried out with compliance with the requirements of the legislation of the Republic of Kazakhstan and international treaties, concluded by the Republic of Kazakhstan.

3. In case of recognition the information by court, distributed on information and communication networks, contradicted to the requirements of this Law and other legislative acts of the Republic of Kazakhstan, authorized state bodies, line operators, possessors of web-sites shall be obliged to suspend or terminate distribution of media products or issuance of mass media in the territory of the Republic of Kazakhstan.

4. Court decision on suspension of distribution of media products or issuance of mass media, when the mass media is a web-site, shall entail prohibition on use of domain name with the same or a duplicate name for the term not more than three months.

Court decision on termination of distribution of media products or issuance of mass media, when the mass media is a web-site, shall entail revocation of registration of domain name and prohibition on use of domain name during one year with the same or a duplicate name, registration of which is reversed by court decision.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV.

Chapter 5. RECORDING, REGISTRATION OF ELECTRONIC INFORMATION RESOURCES, INFORMATION SYSTEMS AND AUDIT OF INFORMATION SYSTEMS

Article 22. Documentation of electronic information resources and details on information systems

Documentation of electronic information resources and details on information systems shall be carried out by their possessor and (or) owner in accordance with the requirements of record management, established by the legislation of the Republic of Kazakhstan on informatization, electronic document and electronic digital signature.

Article 23. Registration of electronic information resources and information systems in the state register of electronic information resources and information systems

1. Registration of electronic information resources and information systems in the state register of electronic information resources and information systems shall be carried out in order of: 1) systematization of details on electronic information resources and information systems;

2) informing individuals and legal entities of the Republic of Kazakhstan on details, contained in the state register of electronic information resources and information systems;

3) information support of the state bodies of the Republic of Kazakhstan;

4) provision of information to the developers of electronic information resources and information systems for organization of integration of electronic information resources and information systems, as well as data exchange between electronic information resources and information systems.

2. The state electronic information resources and state information systems shall subject to the compulsory recording in the state register of electronic information resources and information systems according to the procedure, established by this Law.

Nonobservance of this requirement shall entail invalidity of legal transaction with the state electronic information resources and information systems.

3. Recording of non-state electronic information resources and non-state information systems in the state register of electronic information resources and information systems shall be carried out on a voluntary basis according to the procedure, established by this Law.

4. Electronic information resources of limited access shall subject to registration in the state register of electronic information resources and information systems with observance of storage conditions and use according to the procedure, established by their possessor or owner.

5. Registration of electronic information resources and information systems shall be carried out at the expense of budget funds.

6. Registration of electronic information resources and information systems shall be conducted on the grounds of application on registration of electronic information resources and information systems, sent by the possessor or owner of electronic information resources and information systems on forms, approved by the authorized body.

7. Upon passing a registration, possessor or owner of electronic information resources and (or) information systems shall direct an original registration application form, signed and certified by possessor and owner of electronic information resources and (or) information systems, and relevant copies in hard copy and electronic format to the authorized body.

8. An authorized body shall check completeness and correctness of filling of registration application forms, during fifteen business days from the date of their reception.

9. In case of appropriate preparation of registration application forms, an authorized body shall conduct registration of electronic information resources and (or) information systems during five business days and shall obtain registered number.

10. An authorized body shall direct a copy of applications of the state technical service for introduction of details to the state register of electronic information resources and information systems during three business days from the date of registration.

11. State technical service shall introduce the relevant details on electronic information resources and (or) information systems to the state register of electronic information resources and information systems during five business days.

12. An authorized body shall issue a certificate of registration in the state register of electronic information resources and information systems during fifteen business days from the date of registration of electronic information resources and (or) information systems.

13. In case of appropriate preparation of registration application forms, an authorized body shall return registration application forms to the possessor and owner of electronic information resources and (or) information systems with specification of return reasons during fifteen business days from the date of their reception.

14. Possessor or owner of electronic information resources and (or) information systems shall resolve comments and repeatedly introduce them for registration to the authorized body from the date of reception of returned registration application forms.

15. Reconsideration of registration application forms of possessor or owner of electronic information resources and (or) information systems shall be carried out according to the procedure, established by this Law.

16. An authorized body may inquire an additional information on electronic information resources and information systems, necessary for improvement of composition or content of registration data, from the possessor or owner of electronic information resources and (or) information systems upon registration of electronic information resources and information systems.

17. Upon reception of inquiry on provision of additional information on electronic information resources and (or) information systems, necessary for registration, possessor or owner of electronic information resources and (or) information systems shall present a full reply during ten business days from the date of reception of relevant request.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV.

Article 24. Maintenance of the state register of electronic information resources and information systems

1. Maintenance of the state register of electronic information resources and information systems shall be provided by the authorized body and carried out by the state technical service.

2. Maintenance of the state register of electronic information resources and information systems shall involve introduction of data on electronic information resources and information systems to the state register of electronic information resources and information systems with subsequent update of these details.

3. Possessor or owner of registered electronic information resources and (or) information systems shall annually represent a message on updating of electronic

information resources and information systems or absence of updates or termination of their operation with motivated treatment of reasons of termination of operation to the authorized body not later than 30 March, on forms, approved by the authorized body.

4. Introduction of updated information on electronic information resources and information systems to the state register of electronic information resources and information systems shall be carried out according to the procedure and terms, which are established for registration of electronic information resources and information systems.

5. In case of nonpresentation of updated application or message on termination of operation of electronic information resource or information system within the established term, an authorized body shall direct a relevant official inquiry on necessity of updating of details to its (its) possessor or owner.

6. Upon reception of message on termination of operation of electronic information resource or information system, an authorized body shall carry out revocation of certification on registration of this electronic information resource or information system during five business days, and introduction of relevant amendments to the state register of electronic information resources and information systems shall be provided by the state technical service within a ten-day period.

7. Details of the state register of electronic information resources and information systems on electronic information resources and information systems in a part, not containing electronic information resources of limited access shall be publicly available and subject to placement on the Internet.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV.

Article 25. Depositing and maintenance of depository

1. Storage of copies of program products, programme codes and normative and technical documentation of information systems in depository shall be carried out in order of creation of unified system of recording, ensure of replacement of acquired program product in the case of its loss by possessor or owner, informing users on program products and their developers, as well as information support of the state bodies.

2. Basic tasks of depository shall be the gathering, systematization, collection and storage of program products, programme codes and normative and technical documentation and maintenance of register of program products of the Republic of Kazakhstan.

3. Program products, programme codes and normative and technical documentation, financing of which is carried out at the expense of budget funds, shall be subject to recording, registration and storage in depository.

4. Program products, registered in the state register of electronic information resources and information systems shall be subject to compulsory depositing.

5. Ensuring formation and maintenance of depository, as well as security and protection of program products, programme codes and normative and technical documentation shall be carried out by the state technical service. State technical service shall not have a right to change and (or) transfer the program products, programme codes and normative and technical documentation, stored in depository, to third persons.

6. Upon maintenance of depository on application of the possessor of program product, the state technical service may produce copies of program product for:

1) archiving of program product or ensuring of its security in the case of expiration date of the electronic media of deposit copy;

2) replacement of the original of program product in the case of its loss, destruction or unserviceability.

7. An authorized body shall carry out verification of maintenance of depository at least once a year.

8. Information system, program product, programme code and normative and technical documentation shall be subject to depositing.

9. Information system shall be subject to depositing in the following set:

1) source programme codes of information system, except for those protected by copyrights;

2) installation package of information systems;

3) additional software in the case of necessity, determined by the possessor or owner;

4) annotative or advertising description of information system;

5) normative and technical documentation – certification, description of information system, program and test methods, operational documentation;

6) other software and documents at the wish of the possessor and (or) owner.

10. Conception, programs in the field of informatization, normative and technical documentation for creation of the state information systems shall be transferred to the depository jointly with industrial assessment of the authorized body.

Footnote. Article 25 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV; dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Article 26. Confirmation of conformity in the field of informatization

1. Confirmation of conformity in the field of informatization shall be carried out in accordance with the legislation of the Republic of Kazakhstan on technical regulation.

2. Products in the field of informatization, subject to the compulsory confirmation of conformity shall be determined by the technical regulation in the field of informatization.

3. A document in the field of confirmation of conformity, issued by the foreign state shall be considered as valid in the territory of the Republic of Kazakhstan upon condition of its recognition in the state system of technical regulation in accordance with international treaties.

Article 27. An audit of information systems

1. An audit of information systems may be conducted at the stage of creation, implementation and operation of information systems on the initiative of possessors and (or) owners of these systems.

2. Conditions of presentation of confidential details shall be determined in the agreement for conduct of an audit.

3. A party, determined on agreed decision, shall bear expenses on conduct of an audit of information systems between possessor and (or) owner and developer of information system.

4. Conduct of an audit shall be carried out by the persons, having special knowledge and experience in the field of information technologies according to the procedure, determined by the authorized body.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Chapter 6. PROCEDURE OF INTERACTION OF THE STATE INFORMATION SYSTEMS WITHIN THE “ELECTRONIC GOVERNMENT”

Article 28. Conditions of formation of “electronic government”

Formation of “electronic government” in the Republic of Kazakhstan shall be carried out upon fulfillment of the following conditions:

1) adoption of decisions, coordinated by the state bodies on realization of “electronic government” on the basis of recommendation of Interdepartmental commission of the Republic of Kazakhstan on coordination of works in the field of informatization;

2) creation of subdivisions on informatization in the state bodies. In the absence of such subdivisions, the state bodies shall have a right to apply to the operator in the field

of informatization with proposals on rendering of services in the field of informatization by the operator upon creation and development of relevant infrastructure on a contractual basis;

3) creation of council of chief information officers of the state bodies;

4) technical support of basic components of “electronic government” by the operator in the field of informatization.

Footnote. Article 28 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication)

Article 29. State services, rendering in electronic form

1. State services, rendering in electronic form, by types of rendering shall be divided into informative, interactive and transactional, in order of automation - full-automatic and partially automatic. Full-automatic state service shall be the state service, rendering in electronic form, excluding the paper document management in the process of its rendering. Partially automatic state service shall be the state service, rendering in electronic form, containing subsequence of paper and electronic document management in the process of its rendering.

2. Application of individuals and (or) legal entities for obtainment of state service, rendering in electronic form, shall be carried out on the basis of user request.

3. State services, rendering in electronic form, shall be carried out in Kazakh and Russian languages.

Footnote. Article 29 is in the wording of the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

Article 30. Types of information systems of “electronic government”

1. Information systems of “electronic government” for their intended purpose and procedure shall be divided into departmental and interdepartmental.

2. Departmental information systems shall be the state information systems, ensuring filling of electronic information resources of “electronic government”.

3. Interdepartmental information systems of “electronic government” shall be departmental information systems, interacting among themselves.

Article 31. Basic components of “electronic government”

Functioning of infrastructure of “electronic government” shall be based on creation of basic components, which include:

- 1) web-portal and gateway of “electronic government”, integrated with departmental information systems, through which electronic services will be provided;
- 2) payment gateway of “electronic government”;
- 3) unified transport media of the state bodies of the Republic of Kazakhstan;
- 4) national register of identification numbers;
- 5) information system “Address register”;
- 6) infrastructure of public keys;
- 7) unified system of electronic document management of the state bodies of the Republic of Kazakhstan.

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Article 32. Interaction of basic components and information systems upon formation of “electronic government”

1. Procedure of interaction of interdepartmental and departmental information systems of “electronic government” shall be regulated by the regulatory legal acts, adopted by the state bodies by agreement with the authorized body.

2. The list of electronic information resources, transferred by the state bodies and organizations for formation of “electronic government” shall be coordinated with the authorized body.

3. State bodies shall ensure functioning and protection of electronic information resources of departmental information systems.

4. State bodies shall ensure formation and actualization (updating) of departmental electronic information resources, provided as electronic services of “electronic government”.

5. The list of bodies of local self-government, state bodies and their territorial subdivisions, which are obliged to connect their private networks to the unified transport media of the state bodies, shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 32 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. An access to the state electronic information resources of “electronic government”

An access to the state electronic information resources of “electronic government” shall be carried out according to the procedure, established by this Law.

Chapter 7. RIGHTS OF INDIVIDUALS AND LEGAL ENTITIES FOR THE ACCESS TO THE ELECTRONIC INFORMATION RESOURCES AND PROCEDURE OF THEIR PROVISION

Article 34. Right to reception and distribution of information

1. Possessors or owners of information systems, containing publicly available electronic information resources, shall be obliged to provide the interested information to them at the inquiry of individuals and (or) legal entities according to the procedure and on conditions, determined by this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. Unwarranted refusal in provision of information, contained in publicly available electronic information resources may be challenged in court.

Article 35. Providing an access to the electronic information resources on the ground of request

1. An access to the electronic information resources shall be carried out by sending an inquiry to the possessor or owner of information system in one of the following ways:

1) by sending an inquiry with the use of electronic mail or in the form of electronic document, certified by electronic digital signature;

2) by direct application of user to the publicly available electronic information resources.

2. Request, directed in the form of electronic document, certified by electronic digital signature, shall be equated with request, directed in hard copy and signed by the original signature of person, directed a request. Such requests shall subject to registration in accordance with rules of record management, established by possessor or owner of information system.

Article 36. Requirements, presenting to the inquiry

1. In the inquiry for obtaining an access to the electronic information resources shall be specified the following details:

1) surname, name, patronymic of person, requesting information;

2) upon application with inquiry on behalf of legal entity – full name of legal entity, position, surname, name and patronymic of person, filed with request;

3) contact information of person, filed with inquiry (mail address or e-mail address or phone number or fax machine), by which possessor or owner of the information

system may provide electronic information resources or contact with the person, requesting information;

4) the content of inquired electronic information resources, name and content of document or requisites of documents known to him;

5) other details, necessary for execution of the request;

6) desired method of execution of the request.

2. If the person requests electronic information resources about himself or on behalf of legal entity on provision of electronic information resources about this legal entity, he (she) shall be obliged to specify in an inquiry the requisites of documents, proving his (her) identity and (or) current position in a legal entity, to which the inquiry is directed.

Article 37. Terms of execution of requests

1. An inquiry shall be executed not later than five business days from the date of its reception, unless otherwise provided by the legislation of the Republic of Kazakhstan.

2. Terms of consideration, established by this Law, shall be calculated from the business day, following the date of registration of the request.

3. If for possessor or owner of information system is necessary to specify a subject of inquiry and if an additional time is required for provision of inquired electronic information resources, he (she) may prolong the term for execution of inquiry up to fifteen business days. Upon that he (she) shall be obliged to notify a person, filed an inquiry on extension of term with specification of reasons during five business days.

Article 38. Recognition of inquiry as executed

Inquiry on provision of electronic information resources shall be considered as executed, if:

1) electronic information resource is transferred to the requesting person, by the method, provided by this Law;

2) an inquiry is transferred on accessory and informed to a person about it, requesting an electronic information resource;

3) possibilities of acquaintance with information, published in public sources, is explained to the person, directed a request.

Article 39. Notification on information, published in public sources

If the inquired electronic information resources are published in public resources, possessor or owner of information system shall have a right to notify a person to that, without issuance of inquired electronic information resource, not later than five

business days with simultaneous direction of details to him about methods and access site to the inquired electronic information resources.

Article 40. Refusal in execution of request

1. Possessor or owner of information system shall refuse in execution of request, if:

1) in relation of inquired electronic information resource, an access restriction is in force and a person, directed an inquiry does not possess a right of access to the inquired electronic information resource;

2) does not have an inquired electronic information resource and he is not aware, at whose disposal it contains;

3) it is not possible to find out upon improvement of subject matter of an inquiry, on issuance of which particular electronic information resource, a inquired person is applied;

4) expenses for execution of inquiry is not paid by person, requesting an electronic information resource, if the payment of expenses is provided by the legislation of the Republic of Kazakhstan or agreement;

5) an inquiry is not conform to requirements, established by Article 36 of this Law.

2. Possessor or owner of information system shall notify a person, directed a request, on refusal in execution of inquiry during five business days on the grounds, provided by paragraph 1 of this Article.

Chapter 8. PROTECTION OF ELECTRONIC INFORMATION RESOURCES AND INFORMATION SYSTEMS

Article 41. Purposes of protection of electronic information resources and information systems

1. Protection of electronic information resources and information systems is adoption of legal, organization and technical (software and hardware) measures in order of:

1) ensure integrity and security of electronic information resources, non-admission of their unauthorized alteration or destruction;

2) confidentiality compliance of electronic information resources of limited access;

3) exercise a right to the access of electronic information resources;

4) non-admission of unauthorized influence to the processing means and transmission of electronic information resources.

2. Protection of electronic information resources and information systems is directed to the non-admission of unauthorized actions by:

1) blocking of electronic information resources, in other words commission of actions, leading to restriction or closure of access to information system and electronic information resources, provided by it;

2) modification of electronic information resources, in other words introduction of amendments in the programs, data basis, textual information, being in tangible medium ;

3) copying of electronic information resource, in other words information transfer to another tangible medium;

4) use of program products without permission of rightholder;

5) violation of work of information systems and (or) program products or violation of functioning of information and communication network.

Article 42. Organization of protection of electronic information resources

1. Protection of electronic information resources shall be organized:

1) by person, distributing electronic information resources in relation of publicly available electronic information resources;

2) by possessor, owner or operator in the field of informatization, containing such electronic information resources in relation of electronic information resources, an access of which is limited by the Law;

3) by possessor or owner of electronic information resources in relation of electronic information resources, an access of which is limited by their possessor or owner.

2. Persons, specified in paragraph 1 of this Article shall be obliged to take measures providing:

1) prevention of unauthorized access to the electronic information resources;

2) timely detection of facts of unauthorized access to the electronic information resources, if such unauthorized access is not able to prevent;

3) minimization of adverse consequences of violation of access procedure to information;

4) non-admission of influence to the processing means and transmission of electronic information resources;

5) possibility of early recovery of electronic information resources, changed or destroyed in consequence of unauthorized access to them.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication).

Article 43. Protection measures of electronic information resources and information systems

1. Agreements, in which access conditions to the defined electronic information resources and responsibility for violation of access conditions and use of electronic information resources are established, concluded by possessor or owner of electronic information resources with information user shall be referred to the legal protection measures of electronic information resources.

2. Ensuring of particular treatment of access in the territory (in premise), where an access to information (material objects), as well as an access isolation to information in a circle of persons and character of information is carried out, shall be referred to organizational protection measures of electronic information resources and information systems.

3. Measures on physical protection of information systems, use of information security products, as well as cryptographic, as well as an access control system and registration of facts of access to information shall be referred to the technical (software and hardware) protection measures of electronic information resources and information systems.

4. Use of technical (software and hardware) protection measures of electronic information resources shall not cause harm or create a threat of causing of harm to life, health and property of citizens.

Article 44. Protection of electronic information resources of personal character

1. Possessors or owners of information systems, received electronic information resources, containing personal data, shall be obliged to take measures on their protection from disclosure. Such responsibility arises from the date of reception of electronic information resources, containing personal data, and until its destruction or sanitation or until reception of consent to its disclosure from the person, to whom these data are related.

2. Subsequent transfer of electronic information resources, containing personal data, is permitted only with a consent of person, to whom they are related, or on other grounds, established by the Laws of the Republic of Kazakhstan.

Chapter 9. FINAL PROVISIONS

Article 45. Responsibility for violation of the legislation of the Republic of Kazakhstan on informatization

Violation of the legislation of the Republic of Kazakhstan on informatization entails responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 46. Procedure of enforcement of this Law

1. This Law enters into force from the date of its official publication, except for subparagraph 2) of Article 28, which enters into force from 1 January, 2007.

2. The Law of the Republic of Kazakhstan shall be considered to have lost force dated 8 May, 2003 “On informatization” (Bulletin of the Parliament of the Republic of Kazakhstan, 2003, No. 10, Article 52; 2004, No. 23, Article 142; 2006, No. 3, Article 22).

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of the Republic of Kazakhstan

P r e s i d e n t

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