



## **On dactyloscopic and genomic registration**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 30 December 2016 № 40-IV LRK.

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This Law regulates public relations in the field of dactyloscopic and genomic registration in the Republic of Kazakhstan.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Basic definitions used in this Law**

The following basic definitions are used in this Law:

1) biological material - tissues and excretions of a person or a body (remains) of a deceased person, containing genomic information;

2) biological relatives - persons who are in blood relationship: parents (parent), children, grandfather, grandmother, grandchildren, blood and half-blood, cousins, second cousins, uncles, aunts, nephews;

3) genomic information – the coded information about certain fragments of human deoxyribonucleic acid or an unidentified corpse, allowing to establish its identity, and personal data (if any) in accordance with the requirements of this Law;

4) genomic registration - activities carried out by authorized state bodies in the field of fingerprint and (or) genomic registration for the collection, processing, protection of genomic information, selection, storage, use, destruction of biological material, identification or confirmation of a person's identity;

5) dactyloscopic information - biometric data on peculiarities of the structure of papillary patterns of fingerprints and (or) the palms of human hands or an unidentified corpse, allowing to establish its identity, and personal data in accordance with the requirements of this Law;

6) authorized state bodies in the field of dactyloscopic and (or) genomic registration - the bodies of internal affairs, the authorized state body in the field of foreign policy activities, the national security bodies, the authorized state body in the field of transport, carrying out dactyloscopic and (or) genomic registration of citizens of the Republic of Kazakhstan, foreigners and stateless persons within their competence;

7) blocking of dactyloscopic or genomic information – the actions to temporarily stop collecting, accumulating, changing, supplementing, using, transferring, depersonalizing, destroying dactyloscopic or genomic information;

8) destruction of dactyloscopic or genomic information – the actions, as a result of which it is impossible to restore dactyloscopic or genomic information;

9) depersonalization of dactyloscopic or genomic information – the actions, as a result of which it is impossible to determine the belonging of dactyloscopic or genomic information to a specific person without using additional information;

10) processing of dactyloscopic or genomic information – the actions aimed at accumulation, storage, change, addition, use, transfer, depersonalization, blocking and destruction of dactyloscopic or genomic information;

11) use of dactyloscopic or genomic information – the actions with dactyloscopic or genomic information aimed at achieving the goal of dactyloscopic or genomic registration;

12) dactyloscopic registration – the activities carried out by the authorized state bodies in the field of dactyloscopic and (or) genomic registration for collecting, processing, protecting of dactyloscopic information, establishing or confirming of a person's identity;

13) material carriers - dactyloscopic or information cards, carriers of magnetic, electronic or other types of recording, containing dactyloscopic or genomic information;

14) an unidentified corpse - a body (remains) of a deceased person whose identity at the time of detection of the body (remains) is not established.

**Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **Article 2. Scope of this Law**

This Law regulates relations related to dactyloscopic and genomic registration of citizens of the Republic of Kazakhstan, foreigners and stateless persons in cases provided for by this Law.

## **Article 3. Legislation of the Republic of Kazakhstan on dactyloscopic and genomic registration**

1. Legislation of the Republic of Kazakhstan on dactyloscopic and genomic registration is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other normative legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

## **Article 4. Principles of dactyloscopic and genomic registration**

Dactyloscopic and genomic registration is conducted in accordance with the principles of:

- 1) observance of constitutional rights and freedoms of a man and citizen;
- 2) legality;
- 3) obligatoriness;
- 4) humanism;
- 5) confidentiality;
- 6) safety for human health;
- 7) respect for the honor and dignity of the individual.

## **Article 5. Purpose of dactyloscopic and genomic registration**

Dactyloscopic and genomic registration is conducted for the purpose of establishing and (or) confirming the identity on the basis of dactyloscopic or genomic information.

**Article 6. Rights and duties of authorized state bodies in the field of dactyloscopic and (or) genomic registration**

1. Authorized state bodies in the field of fingerprint and (or) genomic registration within their competence shall have the right to collect, process fingerprint information or collect, process, protect genomic information, select, store, use and destroy biological material.

2. Authorized state bodies in the field of dactyloscopic and (or) genomic registration within their competence are obliged:

1) to take and observe necessary measures, including legal, organizational and technical, to protect dactyloscopic or genomic information in accordance with international treaties ratified by the Republic of Kazakhstan and this Law;

2) to take measures to collect, accumulate, store, transfer, block, depersonalize, modify, supplement, use, destroy dactyloscopic or genomic information in the cases established by this Law.

**Footnote. Article 6 by amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

**Article 7. Rights and duties of citizens of the Republic of Kazakhstan, foreigners and stateless persons in dactyloscopic and (or) genomic registration**

1. Citizens of the Republic of Kazakhstan, foreigners and stateless persons, legal representatives of minors, guardians of persons recognized as legally incompetent by a court decision, in dactyloscopic and (or) genomic registration are entitled to:

1) familiarization with their dactyloscopic and (or) genomic information or dactyloscopic and (or) genomic information of the person whose legitimate interests they represent, and (or) obtaining such information;

**Note!**

**The effect of subparagraph 2) in terms of appealing against the actions (inaction) of state bodies and their officials related to the collection and (or) processing, protection of their fingerprint information or fingerprint information of a person whose legitimate interests they represent as suspended dated 01.01.2024 by Article 39 of this Law.**

2) appeal, in accordance with the procedure established by the laws of the Republic of Kazakhstan, the actions (inaction) of state bodies and their officials related to the collection and (or) processing, protection of their fingerprint and (or) genomic information or fingerprint and (or) genomic information of the person whose legitimate interests they represent.

1-1. Citizens of the Republic of Kazakhstan shall have the right to undergo the procedure of fingerprinting and (or) selection of biological material in cases established by this Law.

2. Citizens of the Republic of Kazakhstan, foreigners and stateless persons subject to dactyloscopic and (or) genomic registration shall undergo the dactyloscopic procedure and (or) selection of biological material in cases stipulated by this Law.

**Footnote. Article 7 as amended by the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021); dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).**

## **Article 8. Basic requirements for collection, processing and protection of dactyloscopic and genomic information**

1. Dactyloscopic and genomic information refers to personal data of restricted access.

2. Conditions for collection and processing of dactyloscopic and genomic information should exclude the possibility of its loss, distortion and unauthorized access to it, as well as unauthorized and (or) unintentional access and (or) impact on electronic information resources with dactyloscopic or genomic information.

3. Dactyloscopic and genomic information is subject to protection, which is guaranteed by the state. Collection and processing of dactyloscopic and genomic information are carried out only in cases of ensuring its protection.

Protection of dactyloscopic and genomic information is carried out in accordance with the legislation of the Republic of Kazakhstan on information, on personal data and their protection, state secrets.

4. State bodies that collect and (or) process dactyloscopic and (or) genomic information are required to maintain the confidentiality of dactyloscopic and (or) genomic information and ensure its protection.

5. Collection, processing, protection of fingerprinting and (or) genomic information, selection, storage, use, destruction of biological material shall be carried out in accordance with the Rules for fingerprinting and genomic registration.

**Footnote. Article 8 with the amendment introduced by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **Article 9. Blocking, depersonalization, transfer of dactyloscopic or genomic information**

1. Authorized state bodies in the field of dactyloscopic and (or) genomic registration shall carry out depersonalization, as well as removal of depersonalization of dactyloscopic or genomic information.

2. Authorized state bodies in the field of dactyloscopic and (or) genomic registration perform blocking of dactyloscopic or genomic information in the event that information is available on violation of conditions of its collection, processing, as well as the removal of blocking after the conduct of verification activities and eliminating violations.

3. Authorized state bodies in the field of dactyloscopic and (or) genomic registration shall block and (or) depersonalize, and remove the blocking and (or) depersonalization of

dactyloscopic or genomic information on the basis of joint normative legal acts with state bodies that carry out operational search, intelligence, counterintelligence activities.

4. Transfer of dactyloscopic or genomic information to courts, law enforcement, special state bodies, executive enforcement, inquiry, investigation agencies, shall be carried out on the basis of the laws of the Republic of Kazakhstan in accordance with the rules of dactyloscopic and genomic registration.

5. Dactyloscopic or genomic information can be transferred by authorized state bodies in the field of dactyloscopic and / or genomic registration to foreign states in accordance with international treaties ratified by the Republic of Kazakhstan and laws of the Republic of Kazakhstan.

## **Chapter 2. CONDUCT OF DACTYLOSCOPIC REGISTRATION**

### **Article 10. Persons subject to dactyloscopic registration**

1. Citizens of the Republic of Kazakhstan who applied to receive an identity card and (or) passport of a citizen of the Republic of Kazakhstan for the first time, as well as for their restoration or replacement, shall be subject to dactyloscopic registration with their consent.

2. Those who have reached the age of sixteen shall be subject to mandatory dactyloscopic registration:

1) citizens of the Republic of Kazakhstan, foreigners and stateless persons in respect of whom a decision was made to issue a seafarer's identity card of the Republic of Kazakhstan;

2) foreigners and stateless persons when applying for a temporary or permanent residence permit in the Republic of Kazakhstan;

3) foreigners and stateless persons who applied to obtain a residence permit for a foreigner in the Republic of Kazakhstan, a stateless person's certificate for the first time or for its restoration or replacement;

4) foreigners and stateless persons applying for the status of an asylum seeker, applying to receive a refugee certificate and (or) travel document for the first time or for their restoration or replacement;

5) foreigners and stateless persons subject to deportation from the Republic of Kazakhstan or subject to international treaties on readmission ratified by the Republic of Kazakhstan;

**Note of the ILLI !**

**The effect of subparagraph 6 has been suspended until 01.07.2025 by Article 39 of this Law.**

6) foreigners and stateless persons when receiving visas of the Republic of Kazakhstan.

3. Persons who have passed dactyloscopic registration when re-applying on the issues specified in paragraph 1, subparagraphs 2), 3), 4), and 6) of paragraph 2 of this Article, shall undergo the verification procedure in the manner determined by the Government of the Republic of Kazakhstan.

4. Children aged from twelve to sixteen years shall be subject to dactyloscopic registration when receiving a passport of a citizen of the Republic of Kazakhstan on a voluntary basis in the manner prescribed by paragraph 2 of Article 11 of this Law. Children under twelve years of age shall not be subject to dactyloscopic registration.

5. Persons with physical disabilities that exclude the possibility of fingerprinting shall be exempt from mandatory dactyloscopic registration when issuing identification documents, based on the conclusion of the medical advisory commission. The list of diseases that are the grounds for exemption from dactyloscopic registration shall be approved by the authorized body in the field of healthcare in agreement with the Ministry of Internal Affairs of the Republic of Kazakhstan.

Foreigners and stateless persons subject to deportation from the Republic of Kazakhstan or subject to international readmission treaties ratified by the Republic of Kazakhstan with physical disabilities (absence of all fingers on both hands or absence of papillary patterns on the nail phalanges of all fingers of both hands) shall be subject to dactyloscopic registration on the palms of the hands.

If a person doesn't have all fingers or hands on both hands, he/she shall be exempt from:

- 1) undergoing dactyloscopic registration, unless otherwise provided by this Law;
- 2) procedures for confirming identity using dactyloscopic information when crossing the State Border of the Republic of Kazakhstan.

**Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).**

#### **Article 11. Procedure for collecting dactyloscopic information**

1. Dactyloscopic registration shall be carried out in relation to:

1) the persons specified in paragraph 1 of Article 10 of this Law - internal affairs bodies, in the case of issuing a passport of a citizen of the Republic of Kazakhstan in foreign institutions of the Republic of Kazakhstan - the authorized state body in the field of foreign policy activities;

2) the persons specified in subparagraph 1) of paragraph 2 of Article 10 of this Law - the authorized state body in the field of transport;

3) persons specified in subparagraphs 2) - 4) of paragraph 2 of Article 10 of this Law - internal affairs bodies;

4) persons specified in subparagraph 5) of paragraph 2 of Article 10 of this Law - internal affairs bodies, national security bodies in accordance with their competence;

5) persons specified in subparagraph 6) of paragraph 2 of Article 10 of this Law - the authorized state body in the field of foreign policy activities, internal affairs bodies in accordance with their competence.

2. For children aged twelve - sixteen years, dactyloscopic registration is carried out with their consent in the presence and on the basis of a written application of the legal representative of the child.



3. Dactyloscopic registration of a citizen of the Republic of Kazakhstan, foreigner or stateless person whose incapacity is established by a court is conducted in the presence and on the basis of a written application of his guardian.

4. Collection of dactyloscopic information is carried out in accordance with the rules for conduct of dactyloscopic and genomic registration.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).**

#### **Article 12. Information contained on material carriers with dactyloscopic information**

List of information contained on material carriers with dactyloscopic information when issuing identification documents, visas of the Republic of Kazakhstan, issuing a permit for permanent or temporary residence in the Republic of Kazakhstan, as well as information contained in dactyloscopic information of foreigners and stateless persons subject to deportation from the Republic of Kazakhstan or those subject to international readmission treaties ratified by the Republic of Kazakhstan shall be determined in the manner approved by the Government of the Republic of Kazakhstan.

**Footnote. Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).**

#### **Article 13. Modifying and (or) supplementing dactyloscopic information**

Modifying and (or) supplementing the dactyloscopic information of persons who have undergone dactyloscopic registration are carried out in accordance with the rules for conduct of dactyloscopic and genomic registration.

#### **Article 14. Accumulation and storage of dactyloscopic information**

Accumulation and storage of dactyloscopic information obtained during dactyloscopic registration are carried out by the bodies of internal affairs by forming an electronic information resource in accordance with the legislation of the Republic of Kazakhstan.

Accumulation and storage of dactyloscopic information of persons for whom a decision was taken to issue a seafarer's identity document of the Republic of Kazakhstan are carried out by the authorized state body in the field of transport by forming an electronic information resource in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 15. Terms of storage of dactyloscopic information**

1. Internal affairs bodies, the authorized state body in the field of transport shall store dactyloscopic information in databases about persons indicated:

in paragraph 1 of Article 10 of this Law, – after establishing the fact of their death, in cases of recognition of a citizen as missing or declaring a citizen dead by a court, loss or renunciation of citizenship of the Republic of Kazakhstan before the date when they would have turned one hundred years old;

in subparagraphs 1) - 6) of paragraph 2, paragraph 4 of Article 10 of this Law - ten years from the date of registration.

2. After the expiration of deadlines specified in paragraph 1 of this Article, internal affairs bodies, the authorized state body in the field of transport shall store dactyloscopic information about persons who have passed dactyloscopic registration on the basis of subparagraphs 1) - 6) of paragraph 2, paragraph 4 of Article 10 of this Law, in archives on material carriers for forty years.

**Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).**

#### **Article 16. Using dactyloscopic information**

Dactyloscopic information of citizens of the Republic of Kazakhstan, foreigners and stateless persons, obtained during dactyloscopic registration, is used for:

- 1) confirmation and / or identification of citizens of the Republic of Kazakhstan, foreigners and stateless persons;
- 2) registration and control of foreigners and stateless persons on the territory of the Republic of Kazakhstan;
- 3) ensuring safety of the individual, society and the state;
- 4) registration and control of persons crossing the State border of the Republic of Kazakhstan, through the procedure for verifying the identity using the dactyloscopic information.

Citizens of the Republic of Kazakhstan who have passed dactyloscopic registration, foreigners, and stateless persons shall be exempt from the identity verification procedure based on dactyloscopic information when crossing the State Border of the Republic of Kazakhstan upon written request from special state bodies, the Ministry of Defense of the Republic of Kazakhstan, the authorized state body in the field of foreign policy, as well as in cases provided for in paragraph 5 of Article 10 of this Law.

**Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).**

#### **Article 17. Destruction of dactyloscopic information**

1. Dactyloscopic information is destroyed by the bodies of internal affairs, the authorized state body in the field of transport, which carry out its accumulation and storage.

2. Dactyloscopic information shall be destroyed upon expiration of its terms of storage provided for in Article 15 of this Law.

3. Destruction of dactyloscopic information is carried out according to the acts approved by the heads of the authorized divisions of the bodies of internal affairs, the authorized state body in the field of transport, indicating:

- 1) date, ground for destruction of dactyloscopic information;
- 2) surname, name, patronymic (if any), sex, date and place of birth, individual identification number (if any), number of identity document of the registered person;



3) method of destruction;

4) surname, name, patronymic (if any), post and signature of persons who destroyed dactyloscopic information.

### **Chapter 3. CONDUCT OF GENOMIC REGISTRATION**

#### **Article 18. Persons subject to genomic registration**

1. The following persons are subject to mandatory genomic registration:

1) persons convicted of grave or particularly grave crimes, as well as crimes provided for in articles 120, 121, 122, 123 and 124 of the Criminal Code of the Republic of Kazakhstan;

2) unidentified persons whose biological material was seized during the pre-trial investigation in accordance with the procedure established by the criminal procedural law of the Republic of Kazakhstan for unsolved grave or particularly grave crimes, as well as crimes provided for in articles 120, 121, 122, 123 and 124 of the Criminal Code Republic of Kazakhstan;

3) unidentified corpses.

2. Biological relatives of missing citizens, first of all, parents (parent) and (or) children (child), and in their absence, other biological relatives, depending on the degree of kinship, are subject to genomic registration with their consent in the manner established by this Law.

#### **Article 19. Procedure for genomic registration**

Genomic registration is carried out in the following order:

1) selection of biological material from persons subject to genomic registration, unidentified corpses, as well as the seizure of biological material of unidentified persons during the pre-trial investigation from the places of unsolved grave or particularly grave crimes in accordance with the legislation of the Republic of Kazakhstan;

2) biological material of persons specified in subparagraph 1) of paragraph 1 of Article 18 of this Law shall be forwarded to an authorized division of the bodies of internal affairs for obtaining genomic information and performing genomic registration;

3) biological material of persons specified in subparagraph 2) of paragraph 1, paragraph 2 of Article 18 of this Law and unidentified corpses shall be forwarded to an authorized division of the bodies of internal affairs for carrying out research and conduct of genomic registration or forensic authorities of the Ministry of Justice of the Republic of Kazakhstan ( hereinafter - forensic examination bodies), or to an individual performing forensic expert activity on the basis of a license, to conduct a forensic examination.

Forensic examination bodies or an individual performing forensic expert activity on the basis of a license send a copy of the genomic information obtained during the forensic molecular genetic examinations to the authorized division of the bodies of internal affairs for genomic registration.

#### **Article 20. Information obtained in selection of biological material**

1. When selecting biological material for genomic registration for each convicted person, an information card shall be made by the employee of the institution or the body executing the punishment, where the following information is entered:

1) surname, name, patronymic (if any), citizenship, sex, date and place of birth, information on registration at the place of residence or place of stay, individual identification number (if available) or name and number of the identity document from which the data were taken on the person being registered;

2) the name of the division of the state body that carries out the selection of biological material for genomic registration;

3) the date and the basis for selection of biological material for genomic registration;

4) article of the Criminal Code of the Republic of Kazakhstan, on which the person was convicted;

5) surname, name, patronymic (if available), post and signature of the official who selected the biological material;

6) the signature of the person from whom the biological material was taken for genomic registration, with the exception of a minor. If a registered person refuses to sign the information card, a record is made in it about this;

7) signatures of legal representatives of minors.

2. When selecting biological material for genomic registration from biological relatives of the missing citizens in the procedure established by the criminal procedure law of the Republic of Kazakhstan, the inquiry, investigation bodies shall enter information into the information card specified in subparagraphs 1) - 3), 5) - 7) of paragraph 1 of this article, as well as the signature of the guardian of a person recognized incapable by a court decision. A copy of the procedural protocol is attached to the information card.

3. When selecting biological material for genomic registration of unidentified individuals whose biological material is seized during the pre-trial investigation in the manner established by the criminal procedure law of the Republic of Kazakhstan, the inquiry and investigation bodies shall enter the following information into the information card:

1) the name of the division of the state body that carries out the selection of biological material for genomic registration;

2) the date and basis for the seizure of biological materials, the number of the criminal case or the registration number in the information registration book;

3) qualification of the act, date and place of committing the crime;

4) surname, first name, patronymic (if it is indicated in the identity document), position and signature of the official.

A copy of the procedural protocol is attached to the information card.

4. When selecting biological material for genomic registration of unidentified corpses, the information specified in paragraph 3 of this article, as well as the date and place of detection

of an unidentified corpse, sex, special signs and the cause of death (if any) are recorded in the information cards. A copy of the procedural protocol is attached to the information card.

**Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 21. Selection and use of biological material**

1. Selection of biological material for genomic registration is carried out:

1) from the convicted persons subject to genomic registration - by the bodies of internal affairs;

2) from unidentified persons whose biological material was seized during the pre-trial investigation in accordance with the procedure established by the criminal procedure law of the Republic of Kazakhstan, - by inquiry and investigation bodies conducting criminal proceedings, with the involvement of specialists from the authorized division of the bodies of internal affairs and (or) forensic medicine and compliance with the requirements of the Criminal Procedure Code of the Republic of Kazakhstan;

3) from biological relatives of the missing citizens – by the bodies of internal affairs;

4) from unidentified corpses – by the bodies of internal affairs with the involvement of a specialist in forensic medicine.

2. Selection of biological material from biological relatives of missing citizens for genomic registration is carried out on the basis of their written application.

Selection of biological material from a minor who is a biological relative of a missing person is carried out with his consent in the presence and on the basis of a written application of his legal representative.

Selection of biological material from a person found incapable by a court decision and being a biological relative of a missing person is conducted in the presence and on the basis of a written application of his guardian.

3. In case of poor initial selection of biological material that excludes obtaining genomic information, the biological material of convicts subject to genomic registration, biological relatives of the missing citizens is repeatedly selected at the request of the authorized division of the bodies of internal affairs that perform genomic registration.

4. Biological material selected for genomic registration is used to obtain genomic information.

5. Biological material for genomic registration shall not be selected when condemning a person who passed it earlier.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 22. Terms of storage of biological material**

1. Terms of storage of biological material of biological relatives of missing citizens, unidentified persons, as well as unidentified corpses seized during pre-trial investigation and recognized as material evidence in a criminal case shall be determined in accordance with the requirements of article 118 of the Criminal Procedure Code of the Republic of Kazakhstan.

2. Biological material selected for genomic registration of convicted persons shall be stored from the day of its selection until obtaining genomic information from it.

### **Article 23. Destruction of biological material**

1. Biological material of biological relatives of missing citizens, unidentified persons, unidentified corpses, seized during pre-trial investigation and recognized as material evidence in a criminal case, after receiving genomic information is returned to the inquiry, investigation bodies.

2. Biological material obtained during genomic registration of convicted persons shall be destroyed after the expiration of its term of storage established by paragraph 2 of Article 22 of this Law by the authorized division of the bodies of internal affairs after receiving genomic information on the acts approved by its head, indicating:

- 1) the date, grounds for destruction of biological material;
- 2) surname, name, patronymic (if any), sex, date and place of birth, individual identification number (if any), number of the identity document of the registered person;
- 3) method of destruction;
- 4) surnames, names, patronymics (if any), posts and signatures of officials who carried out destruction of biological material, the name of the authorized division.

### **Article 24. Information contained on material carriers with genomic information**

A material carrier with genomic information shall contain information from the information card established by this Law, as well as:

- 1) the name of a division of a state body that has obtained genomic information;
- 2) number of the criminal case;
- 3) number and date of the forensic expert or expert opinions;
- 4) genomic information;
- 5) the name of the biological object and the procedural status of the person whose genomic information was obtained as a result of forensic examination or research.

### **Article 25. Obtaining genomic information**

Obtaining of genomic information on persons subject to genomic registration is carried out using:

- 1) the biological material of convicts subject to genomic registration, - by the authorized division of the bodies of internal affairs;
- 2) the biological material of unidentified persons seized during the pre-trial investigation, the biological relatives of the missing citizens, from unidentified corpses - by the authorized

division of the bodies of internal affairs or by the forensic examination body, by an individual, performing forensic expert activity on the basis of a license, in case of appointment of forensic examination by inquiry, investigation bodies.

#### **Article 26. Modification and / or supplementation of genomic information**

Modification and (or) supplementation of genomic information of persons who have undergone genomic registration are carried out in accordance with the rules for conduct of dactyloscopic and genomic registration.

#### **Article 27. Accumulation and storage of genomic information**

Accumulation and storage of genomic information obtained during genomic registration is carried out by the bodies of internal affairs in electronic information resources in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 28. Use of genomic information**

1. Genomic information obtained as a result of genomic registration is used for the purposes of:

1) prevention, disclosure and investigation of criminal offenses, as well as detection and identification of persons who committed them;

2) search for missing persons of the Republic of Kazakhstan, foreigners and stateless persons permanently residing or temporarily staying in the Republic of Kazakhstan;

3) establishment of citizens of the Republic of Kazakhstan, foreigners and stateless persons by unidentified corpses;

4) establishment of family relations of wanted or established persons.

2. Genomic information of biological relatives of missing citizens is used for the purposes provided for by subparagraph 3) of paragraph 1 of this article.

#### **Article 29. Terms of storage of genomic information**

1. Genomic information of the convicted person subject to genomic registration shall be stored from the day of genomic registration until the expiry of twenty-five years after the fact of his death established, and in the absence of information on death or declaring him dead by a court - until the date when he would turn one hundred years old.

2. Genomic information obtained during genomic registration of unidentified persons, whose biological material was seized during the pre-trial investigation is stored twenty-five years from the date of genomic registration.

3. Genomic information obtained during genomic registration of biological relatives of missing citizens is stored until the location of the missing person is found or the criminal case is closed for lack of an event or a crime.

4. Genomic information obtained during genomic registration of unidentified corpses is stored until the identity of the deceased person is established, but not more than twenty five years from the date of genomic registration.

#### **Article 30. Destruction of genomic information**

1. Genomic information obtained as a result of genomic registration is destroyed by the bodies of internal affairs that store it, after the expiration of the terms of storage provided for in this Law.

2. Genomic information of the acquitted person subjected to genomic registration after his conviction is destroyed not earlier than one year after the entry of the acquittal of the court into legal force.

3. Destruction of genomic information obtained during genomic registration is carried out by the authorized division of the bodies of internal affairs under the acts approved by its head, indicating:

1) the date and grounds for destruction of genomic information;

2) the registration number of genomic information;

3) surname, name, patronymic (if any), sex, date and place of birth, individual identification number (if any), number of the identity document of the registered person;

4) method of destruction;

5) surnames, names, patronymics (if any), posts and signatures of officials who carried out destruction of genomic information, the name of the authorized division.

The act of destruction of genomic information of an unidentified corpse indicates the name of the inquiry, investigation body and the official who initiated the genomic registration, the number of the criminal case, the qualification of the act, the date and place of detection of the unidentified corpse.

#### **Chapter 4. STATE REGULATION IN THE FIELD OF DACTYLOSCOPIC AND GENOMIC REGISTRATION**

##### **Article 31. Competence of the Government of the Republic of Kazakhstan in the field of dactyloscopic and genomic registration**

The Government of the Republic of Kazakhstan in the field of dactyloscopic and genomic registration:

1) develops the main directions of the state policy in the field of dactyloscopic and genomic registration and organizes their implementation;

2) approves the rules for conduct of dactyloscopic and genomic registration;

3) performs other functions entrusted to it by the Constitution, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

##### **Article 32. Competence of the bodies of internal affairs of the Republic of Kazakhstan in the field of dactyloscopic and genomic registration**

Bodies of internal affairs of the Republic of Kazakhstan in the field of dactyloscopic and genomic registration:

1) develop the rules for conduct of dactyloscopic and genomic registration;

2) develop and approve the rules for formation, maintenance of dactyloscopic and genomic information databases;



3) exercise other powers provided for by laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Article 33. Competence of the authorized state body in the field of foreign policy activities in the field of dactyloscopic registration**

The authorized state body in the field of foreign policy in the field of dactyloscopic registration:

1) develops and approves the rules for collection and processing of dactyloscopic information from citizens of the Republic of Kazakhstan, who claim to obtain a passport of a citizen of the Republic of Kazakhstan abroad, foreigners and stateless persons in obtaining visas of the Republic of Kazakhstan;

2) conducts dactyloscopic registration in accordance with the legislation of the Republic of Kazakhstan;

3) exercises other powers provided for by laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Article 34. Competence of the authorized state body in the field of transport in the field of dactyloscopic registration**

Authorized state body in the field of transport in the field of dactyloscopic registration:

1) develops and approves the rules for formation, maintenance of a database of dactyloscopic information of persons with respect to whom a decision was taken to issue a seafarer's identity document of the Republic of Kazakhstan;

2) conducts dactyloscopic registration of persons in respect of whom a decision was taken to issue a seafarer's identity document of the Republic of Kazakhstan, in accordance with the legislation of the Republic of Kazakhstan;

3) exercises other powers provided for by laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Article 35. Competence of the national security bodies of the Republic of Kazakhstan in the field of dactyloscopic registration**

The national security bodies of the Republic of Kazakhstan in the field of dactyloscopic registration:

1) develop and approve the rules for procedure for verifying the identity by dactyloscopic information when crossing the State Border of the Republic of Kazakhstan and formation, maintenance of a dactyloscopic information database of these persons;

2) exercise other powers provided for by laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Article 36. Supervision over compliance with legality in the field of dactyloscopic and genomic registration**

On behalf of the state, the prosecution bodies exercise the highest supervision over compliance with legality in the field of dactyloscopic and genomic registration.

Footnote. Article 36 in the new wording of the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Chapter 5. FINAL PROVISIONS**

### **Article 37. Procedure for appeal of actions (inaction) of authorized state bodies in the field of fingerprint and/or genomic registration**

Actions (inaction) of authorized state bodies in the field of fingerprint and (or) genomic registration and their officials may be appealed in the procedure prescribed by the Laws of the Republic of Kazakhstan.

Footnote. Article 37 - in the wording of the Law of the RK dated 29.06.2020 № 351-VI ( shall enter into force on 01.07.2021).

### **Article 38. Responsibility for violation of the legislation of the Republic of Kazakhstan on dactyloscopic and genomic registration**

Violation of the legislation of the Republic of Kazakhstan on dactyloscopic and genomic registration entails responsibility in accordance with the laws of the Republic of Kazakhstan.

### **Article 39. Order of enactment of this Law**

This Law shall come into force on January 1, 2021.

Suspend until January 1, 2024:

1) subparagraph 2) of paragraph 1 of Article 7 of this Law in terms of appeal against the actions (inaction) of state bodies and their officials related to the collection and (or) processing, protection of their fingerprint information or fingerprint information of the person whose legitimate interests they represent;

2) Chapter 2 of this Law;

3) Article 37 of this Law in terms of appeal against actions (inaction) of authorized state bodies in the field of fingerprint registration and their officials;

4) Article 38 of this Law in terms of liability for violation of the legislation of the Republic of Kazakhstan on fingerprint registration.

To suspend until July 1, 2025 the effect of subparagraph 6) of paragraph 2 of Article 10 of this Law regarding the registration and issuance of visas at international airports of the Republic of Kazakhstan and visas issued in electronic format without visiting foreign institutions of the Republic of Kazakhstan.

Footnote. Article 39 as amended by the Law of the RK dated 29.06.2021 № 58-VII (shall enter into force on 01.01.2021); dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 No. 50-VIII (shall be enforced from 01.01.2024).

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