

LATEST LEGISLATION AMENDMENTS ON PERSONAL DATA PROTECTION

[Law](#) No. 96-VII
Date: 30 December 2021

ATTENTION!

On 30 December 2021, the Kazakhstan President signed the Law on introduction of amendments into a number of regulatory legal acts governing, among other things, the personal data protection issues. The amendments in the personal data sphere will be put into effect starting 2 March 2022, which should allow all parties concerned to adapt their activities and documents with a view to the relevant amended requirements.

Please see below the most important amendments.

■ Consent to Collection and Processing of Personal Data

The amendments determine the data, which must be included into the subject's consent to collection and processing of his/her personal data:

- name (full name) and BIN (IIN) of the operator of the base containing personal data;
- full name of the subject;
- effective term of the consent;
- information on whether the operator will transfer personal data to third parties in the course of processing;
- information on whether cross-border transfer of personal data will take place in the course of processing;
- information on whether personal data will be disseminated in public sources; and
- list of collected and processed personal data.

Other information may be included in the form of consent at the discretion of the owner and/or operator of the base containing personal data.

■ Regulation of Dissemination of Personal Data in Public Sources

The amendments determine the specifics of disseminating personal data in public sources:

- amendments clarified that dissemination of personal data in public sources requires consent of the personal data subject or his/her legal representative, and established the exceptional cases where no such consent is required;
- it was established that processing (dissemination) of personal data obtained from public sources is only allowed in case of indicating the primary source; and

- amendments determined the term (1 business day), during which information about the personal data subject must be deleted from public sources in case they have been collected and processed in violation of the Kazakhstan legislation.

■ **Services Allowing to Exercise Control over Access to Personal Data**

The amendments introduced the concepts and determined the key provisions relating to the work of services allowing to exercise control over access to personal data. Such services may be state-owned and non-state and relate to the personal data contained in the state-owned and, accordingly, non-state informatization facilities. Control over access to personal data is ensured by way of:

- integration of the informatization facilities of the owners and operators of bases containing personal data with the state-owned and non-state services allowing to exercise control over access to personal data;
- provision of consent (rejection) to collection and processing of personal data by the subject or his/her legal representative via this service;
- withdrawal of the previously provided consent by the subject or his/her legal representative;
- notification of the subject of the actions with his/her personal data (review, change, addition, transfer, blocking, destruction);
- provision of information to the subject concerning the owners and operators that have consent to collection and processing of his/her personal data;
- notification of the subject concerning the requestors for access to his/her personal data; and
- notification of the subject of the access of third parties to his/her personal data.

■ **Other Important Amendments**

- It was clarified that the subject's consent is required in order to disseminate personal data, including in the form of cross-border transfer (with the exceptions stipulated by legislation), in public sources and transfer to third parties. We believe that this requirement implies that the subject's consent to these actions must be expressed in the explicit manner in the provided consent to collection and processing of personal data.
- From now on, owners, operators of the base containing personal data and third parties must register and keep records of the facts of transferring personal data to third parties, cross-border transfer of personal data and dissemination of personal data in public sources.
- It was established that the owners and operators of the base containing personal data must approve the documents determining the policy concerning collection, processing and protection of personal data. Furthermore, if so requested by the authorized agencies, the said persons must provide them with information concerning the methods and procedures applied to comply with the personal data protection legislation.
- The authorized agency in the personal data protection sphere will create the advisory board on the issues of personal data and protection thereof and will determine the procedure for its formation and activities. So far, the competence and obligations of such board are unclear.

Should you have additional questions in connection with this Legal Update, we would be happy to provide more detailed information.

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