

20 December 2013

To our Clients and Friends

INFORMATION LETTER regarding amendments to the legislation of the Republic of Kazakhstan on personal data and their protection

Further to the theme raised in Information Memorandum of ÆQUITAS dated 18 July 2013, we advise that for the purposes of implementing the new Personal Data Law¹, entered into force on 26 November 2013, special-purpose subordinate regulatory acts, governing the issues of personal data protection, namely, Rules for Determination of a List of Personal Data² and Rules of Protection Measures³, were adopted.

Each company (owner and/or operator of personal data database) shall independently establish a list of personal data in the volume required and sufficient for the performance of tasks being implemented by the company and also being based on the purpose for collecting such data.

In order to refer specific information to personal data, a company shall appoint a person responsible for the organization of work on the determination of a list of personal data. The responsible person shall analyze the tasks implemented by the company, following which he prepares a proposal on the determination of the list of personal data. In this respect the deadline for the preparation of proposals from the moment of the appointment of the responsible person until submission by him of a proposal shall not exceed thirty (30) calendar days. The company shall consider the proposal of the responsible person and take a decision on the approval of the list of personal data or return it for additional work on it. In case of the proposal's return the responsible person shall additionally work on it during five (5) calendar days and repeatedly submit it for the company's approval.

Pursuant to Rules of Protection Measures the owner and/or operator of personal data database shall take the following actions from the moment of personal data collection until their destruction or impersonalization for the purposes of ensuring protection of such data:

¹ Law No. 94-V of the Republic of Kazakhstan, On Personal Data and their Protection, dated 21 May 2013.

² Decree No. 1214 of the Government of the Republic of Kazakhstan, On the Approval of Rules for Determination by the Owner and/or Operator of a List of Personal Data, Required and Sufficient for Implementing Tasks by them, dated 12 November 2013.

³ Decree No. 909 of the Government of the Republic of Kazakhstan, On the Approval of Rules for Implementing by the Owner and/or Operator and also by a Third Party of Measures for Personal Data Protection, dated 3 September 2013.



-
- For ensuring protection of personal data in their collection and processing it is necessary to separate personal data from any other information, specifically, by way of their fixing on information carriers;
 - In the collection and processing of personal data it is necessary to determine the places for their storage (information carriers) and to establish a list of persons who carried out the collection and processing of personal data or have access to them;
 - When storing information carriers, the conditions ensuring safety of personal data and excluding an unauthorized access to them must be observed. The owner and/or operator shall independently determine measures required for ensuring such conditions and also the list of persons responsible for the implementation of the indicated measures.

We would be glad, pursuant to your inquiry, to submit more detailed information on the procedure for the formation of personal data list and the determination of measures for their protection. Also, we would like to remind that companies-employers which use personal data of their employees shall be obliged within three (3) months of the entering of the Personal Data Law into effect, ***namely prior to 26 February 2014***, to develop and to carry into effect the relevant acts of employers which regulate the issues of personal data protection, and, if such acts are available, to bring them into compliance with the requirements of the updated legislation. If required, we are ready to render assistance in the development of such acts of the employer and provide advice on said issues.

Best regards,

ÆQUITAS Law Firm