

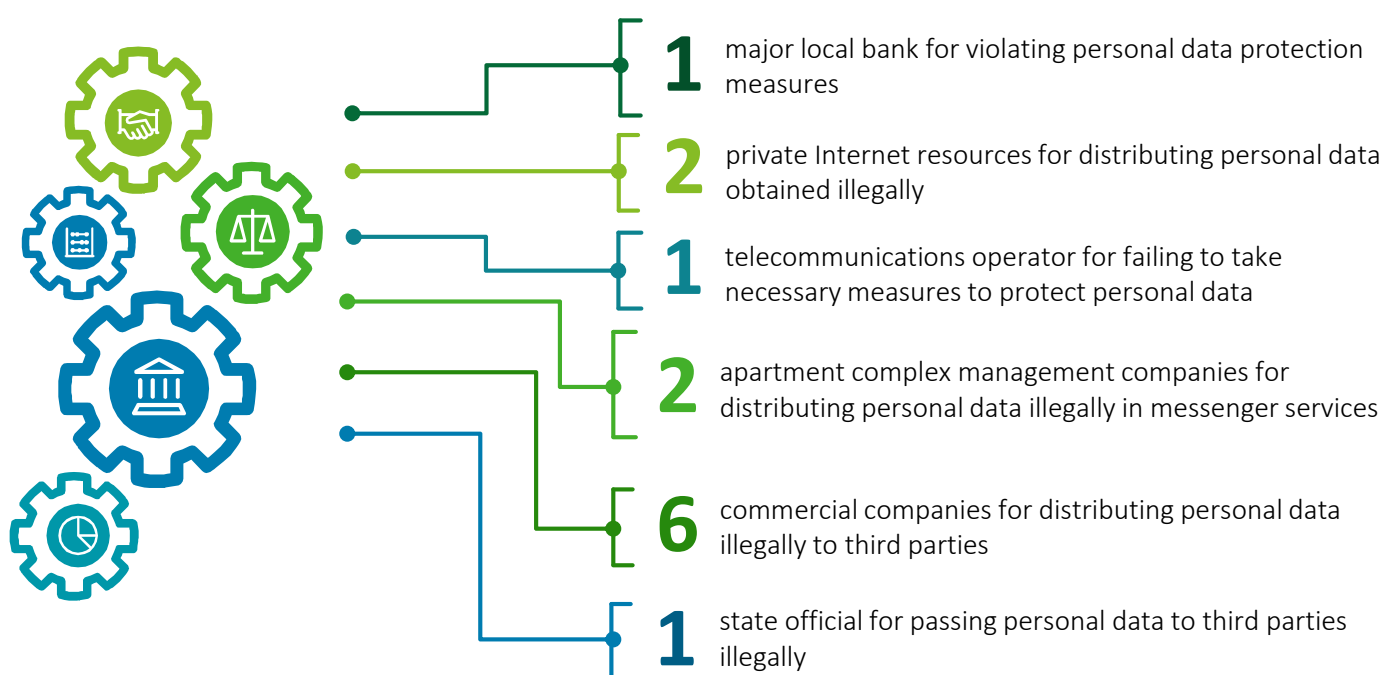


Personal data protection in Kazakhstan

Statutory changes and the cases of liability for violations

The Law *On Personal Data and its Protection* (the "Law") has been amended a number of times in recent years to reinforce the protection of personal data and consolidate control over how owners, operators and third parties comply with legal requirements for collecting and processing of personal data.

In addition to legislative changes, there have been cases on administrative liability for non-compliance with personal data protection measures in Kazakhstan. In particular, administrative fines have been imposed on:



The authorized body responsible for protecting personal data – the Ministry of Digital Development, Innovation and Aerospace Industry (“Ministry”) identified the following violations during inspections:

01

No person responsible for organising the collection and processing of personal data

02

Failure to notify on data security incidents related to illegal access to restricted personal data








03

The failure by persons working with restricted personal data to use means of identification and authentication

Obligations of companies in relation to personal data

As almost every company has to collect or process personal data at one time or another, whether it be employee or customer/counterparty data, they all have a number of obligations under the Law, and non-compliance may result in administrative and criminal liability.

Main personal data-related obligations include:

-  1 Approving a list of personal data deemed necessary and sufficient to operate
-  2 Obtaining the subject's consent for collecting and processing data
-  3 Appointing a person responsible for organising personal data processing
-  4 Adopting and complying with all necessary personal data protection measures
-  5 Ensuring personal data is stored in a database located in Kazakhstan
-  6 Complying with requirements on the cross-border transfer of personal data and its transfer to third parties
-  7 Destroying personal data once the reason for collecting and processing it has been achieved, and also once the relevant storage period has passed
-  8 Providing information to the personal data subject within the terms provided by law
-  9 Taking additional protection measures when processing restricted personal data

Our services

We are pleased to offer the following personal data and data protection services:

Overview of Kazakhstan personal data legislation and GDPR	<ul style="list-style-type: none">• Provide an overview of the requirements of Kazakhstan personal data legislation and GDPR (General Data Protection Rules) focusing on the main requirements for collection and processing of personal data, as well as measures for protecting it, tailored to company activities;• Analyse the necessity to comply with GDPR requirements;• Compare GDPR and Kazakhstan legislation with respect to additional requirements for the collection and processing of personal data.
Development of internal personal data documentation	<ul style="list-style-type: none">• Develop a template for personal data subjects to provide consent to collect and process personal data; draft corporate personal data policy in accordance with statutory requirements and draft regulations for the collection and processing of personal data;• Draft an order for the appointment of a person responsible for overseeing the processing of personal data, as well as documentation regulating the activities of this person;• Draft an agreement on the mutual responsibility and obligations of the parties, if several persons (companies) are involved in collecting and processing personal data.
Due diligence of personal data internal documents and processes	<ul style="list-style-type: none">• Perform due diligence of the existence of personal data documentation and company processes and their compliance with legal requirements, including documentation on restricted personal data; identify possible risks and ways to mitigate such risks;• Train company employees on the key points and responsibilities to ensure the protection of personal data.
Support during inspections and help in appealing inspection results	<ul style="list-style-type: none">• Full support during official inspections, as well as during any appeal of inspection results with a higher authority or in court, which could include:<ul style="list-style-type: none">• drafting appeals/statements of claim;• filing statements of claim with the court of first instance;• representing company interests in court and with a higher authority;• submitting appeals with any higher level of court, if necessary.

Our experience



Multinational company developing and selling network equipment

Analysis of possible options for implementing a data exchange cloud platform to calculate employee salaries; analysis of the current data exchange process for compliance with Kazakhstan legislation



Diversified healthcare corporation

Overview of Kazakhstan personal data legislation for the purpose of creating an shared services center outside of Kazakhstan



American household appliance manufacturing company

Legal advice on personal data issues and the drafting of a corporate policy for collecting and processing personal data



Russian financial conglomerate

Legal analysis of Kazakhstan personal data legislation, including cross-border data transfers and cloud solutions within the bank's activities



Major international telecommunications company

Legal analysis of Kazakhstan personal data legislation, including cross-border transfer and cloud solutions as part of the telecom operator's activities



Turkish household appliance manufacturing company

Legal analysis of the requirements and consequences of current transactions with personal data under Kazakhstan legislation

Our team



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