

## KAZAKHSTAN

### 2<sup>nd</sup> Study Commission of the IAJ - 2021

#### **How data protection rules are impacting on civil litigation**

In Nur-Sultan Kazakhstan we decided that in 2020, our Second Study Commission will focus on how data protection rules are impacting on civil litigation. We have limited the questionnaire to five questions and we expect to receive short but concise answers. The questions are as follows:

#### ***1. Do you store digital data in your jurisdiction?***

**Answer:** We have an automated information and analytical system "Torelik" since January 2016, which has integrated the entire electronic archive of court documents, Internet resources of the courts and one of the main tools for dialogue with the courts - the "Court Cabinet" service.

The advantage of the Torelik information system is integration with internal and external information systems, which provided transition to paperless technologies for interaction with government and law enforcement agencies. Centralized architecture allows to store case materials and data in a central database, as they become available, provides online access of interested parties to documents and judicial acts. Participants of litigation have access to audio-video recording of the court session. Every year the platform is integrated, new services appear, and they are available to all interested parties.

#### ***2. How is it stored and for how long?***

**Answer:** Digital data is stored permanently.

#### ***3. Who has access to the digital data in your jurisdiction?***

**Answer:** All interested parties can obtain information about a specific case (criminal, civil, administrative) through the website "Judicial Office". Any interested person has the opportunity to send the relevant written documents to the court by means of electronic document management.

#### ***4. Are there digital data protection rules in place in your jurisdiction?***

**Answer:** On May 1, 2013, Kazakhstan adopted the Law "On Personal Data and Their Protection" (hereinafter - the Law). According to the Law, "personal data is information relating to a specific or determined on their basis the subject of personal data, recorded on an electronic, paper and (or) other material." The main purpose of this law is "to ensure the protection of human and civil rights and freedoms when collecting and processing his/her personal data" (Article 2)

For violation of the legislation on personal data and their protection, liability is provided for within the framework of the administrative and criminal codes of the Republic of Kazakhstan (Articles 147 and 211 of the Criminal Code of the Republic of Kazakhstan "Violation of privacy and the legislation of the Republic of Kazakhstan on personal data and their protection" and "Unlawful distribution of electronic information resources of limited access", Article 205 "Illegal access to information, to an information system or telecommunications network ", Article 208" Misappropriation of information ", Articles 79, 641 of the Administrative Code" Violation of the legislation of the Republic of Kazakhstan on personal data and their protection ") with punishment from fines to imprisonment.

***5. Who covers the costs relating to the storage and protection of the digital data in your jurisdiction?***

**Answer:** Department for ensuring the activities of courts at the Supreme Court of the Republic of Kazakhstan.

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