

Second Study Commission

Civil Law and Procedure

63rd Annual Meeting of the IAJ – San José (Costa Rica)

Questionnaire 2020

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?

Yes. A court can commission a person who possesses a document including digital data to send the document to the court based on Code of Civil Procedure.

2. How is it stored and for how long?

It depends on a content of digital data and who stores the data.

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

In most cases, a prior consent of a person is necessary to provide the personal data to a third party. But a court can commission a person who possesses a document including the personal data to send the document to the court without the prior consent of the person based on Code of Civil Procedure because there is an exception that the

prior consent is not necessary when the provision of personal data is based on laws and regulation.

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

Yes. The Act on the Protection of Personal Information.

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

It depends on a content of digital data and who stores the data.