

LATEST LEGISLATION AMENDMENTS ON PERSONAL DATA PROTECTION

[Law](#) No. 141-VII
Date: 14 July 2021

ATTENTION!

On 14 July 2022, Kazakhstan adopted the Law No. 141-VII "On Introduction of Amendments into Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Promotion of Innovations, Development of Digitalization, Information Security and Education". The amendments worth paying attention relate to the Law on Informatization and will enter into force starting 1 January 2023.

The definition of **critically important communication infrastructure facilities** (CICIF) updated by a reference to the restricted access personal data generally allows referring any information resources where personal data are stored to such facilities, and the owners of the databases containing personal data – to the owners of CICIF. Accordingly, if a computer system is included in the list of CICIF (this list is updated by the Kazakhstan Government each year), its owner will have to comply, among other things, with requirements, as follows:

- to take measures on compliance with the unified requirements in the sphere of information and communication technologies and information security within one year of the date of being included in the list of CICIF;
- to create own information security operations center (ISOC) and ensure its functioning or to acquire the services of the information security operations center from third parties, as well as to ensure its interaction with National Coordination Center for Information Security ([NCCIS](#)) within one year of the date of being included in the list of CICIF;
- to notify NCCIS and ISOC, to which CCIF are connected, of independently detected information security incidents according to the procedure and within the timeframes determined by the rules for conducting the information security monitoring;
- to transfer backup copies of electronic information resources to the unified national backup platform for the storage of electronic information resources according to the procedure and within the timeframes determined by an authorized agency; and
- when processing data containing a law-protected secret, to conduct the information security audit at least once a year.

It is worth additionally mentioning that starting 21 June 2022, pursuant to the Unified Requirements in the Sphere of Information and Communication Technologies and Information Security (approved by the [Decree](#) No. 832 of the Government of the Republic of Kazakhstan dated 20 December 2016, amended as of 10 June 2022), along with other requirements, an owner of CICIF now may:

- ensure connection to the Internet by the communications service providers through the unified access gateway to the Internet; and

- use email, instant messengers and other services, operations centers and servers of which are physically located in the territory of Kazakhstan, unless otherwise established by an authorized agency, and available cloud online videoconference services for the purpose of communications with foreign individuals and legal entities in order to ensure prompt information exchange in the electronic form in the course of performance of official duties.

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

Contact details:

Yuliya Chumachenko

Partner

y.chumachenko@aequitas.kz

Alexandr Chumachenko

Senior Associate

a.chumachenko@aequitas.kz

Legal Updates shall not be treated as a legal advice or a reason for making specific decisions on the Kazakh law issues. Should you need a legal advice, we would be happy to assist.