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Workplace Privacy Requirements: KAZAKHSTAN

Aset Shyngyssov, Bakhytzhan Kadyrov, and Aida Akhmetova of Morgan Lewis, Almaty, provided expert review of the Kazakhstan Workplace Privacy Requirements.

100. WORKPLACE PRIVACY— INTRODUCTION

Privacy in Kazakhstan is guaranteed under Article 18 of the [Constitution of the Republic of Kazakhstan of 1995](#), which states that “everyone shall have the right to inviolability of private life, personal or family secrets, protection of honor and dignity,” and “the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages.”¹

In 2013, pursuant to this constitutional provision, Kazakhstan adopted its general data protection law, Law No. 94-V on Personal Data and its Protection (PDP Law).² Prior to this enactment, Kazakhstan afforded privacy protections for employees through Labor Code Chapter V, Employee Personal Data Protection (Labor Code).³ Additional privacy protections for limited sectors were provided through Law No. 217-III on Informatization (Law on Informatization),⁴ which specifically addresses electronic databases;

Law No. 2444 on Banks and Banking Activity (BBA);⁵ and Code No. 193-IV on Public Health and Health Care System (Code on Public Health or CPH).⁶ These laws remain in effect following the adoption of the PDP Law, with amendments adapting their operations to the requirements of the PDP Law. Thus, for instance, pursuant to the Law Amending Certain Legislative Acts in Relation to Personal Data and its Protection No. 95-V (Amendments Law)⁷ the relevant provisions of the Labor Code were either deleted or transferred to the PDP Law. The Labor Code now only contains rights and obligations of the employer and rights of the employee. Such rights and obligations are generally in line with the PDP Law; for example, an employee's right to request changes to his or her own personal data or access to this personal data. The Amendments Law has also introduced criminal and administrative liability for breach of PDP Law requirements and has aligned, amongst others, the CPH, Law on Informatization and Civil Code⁸ with the PDP Law requirements.

¹ Constitution of the Republic of Kazakhstan of 1995 art. 18, *official English translation available at* <http://www.parlam.kz/en/constitution>.

² Law of the Republic of Kazakhstan No. 94-V, On Personal Data and Its Protection (PDP Law) (May 21, 2013), *available in Russian at* http://online.zakon.kz/Document/?doc_id=31396226.

³ Labor Code, Code of the Republic of Kazakhstan No. 251 (May 15, 2007), *official English translation available at* <http://adilet.zan.kz/eng/docs/K070000251>.

⁴ Law of the Republic of Kazakhstan No. 217-III, On Informatization (Jan. 11, 2007), *official English translation available at* <http://adilet.zan.kz/eng/docs/Z070000217>.

⁵ Law of the Republic of Kazakhstan No. 2444, On Banks and Banking Activity (Aug. 31, 1995), *official English translation available at* <http://adilet.zan.kz/eng/docs/Z950002444>.

⁶ Code of the Republic of Kazakhstan No. 193-IV, On Public Health and Health Care System (Sept. 18, 2009), *official English translation available at* <http://adilet.zan.kz/eng/docs/K090000193>.

⁷ Law on Introducing Amendments to Certain Legislative Acts of the Republic of Kazakhstan in relation to Personal Data and its Protection No. 95-V (May 21, 2013), *available in Russian at* http://online.zakon.kz/Document/?doc_id=31486605&doc_id2=31486605#sub_id=1004025047&sub_id2=1&sel_link=1004025047.

⁸ Civil Code of the Republic of Kazakhstan, General Part (Dec. 27, 1994), *official English translation available at* http://adilet.zan.kz/eng/docs/K940001000_.

The **PDP Law** regulates the collection, processing and protection of personal data (art. 3(1)), except with respect to the collection, processing and protection of personal data exclusively for personal and family needs, or as needed for national security, the protection of state secrets, or operation of the National Archives of Kazakhstan. The PDP Law distinguished “public personal data” such as that found in telephone and address books, from “restricted personal data,” defined as “information relating to an identified or identifiable subject recorded on an electronic, paper and (or) other physical medium” (art. 1(2)).

The **Labor Code** provisions apply to “personal data of the employee,” which is defined as “information about the employee required on the initiation, continuation and termination of labor relations” (art. 64). The **BBA** provisions on bank secrecy address “information on availability, ownership and numbers of bank accounts of depositors, clients and correspondent bank balances and cash flow in these accounts and the accounts of the bank ... and information availability, ownership, nature and value of client assets in its custody in the safe deposit boxes, cases and bank premises” (art. 50(1)).

300. BACKGROUND CHECKS

300.10. Laws and Regulations Governing Background Checks

Key laws and regulations include:

- **Constitution of the Republic of Kazakhstan**, Article 18;
- Law No. 94-V on Personal Data and its Protection (**PDP Law**);
- **Labor Code**, Chapter V;
- Law No. 217-III on Informatization (**Law on Informatization**);
- Law No. 2444 on Banks and Banking Activity (**BBA**);
- Code No. 193-IV on Public Health and Health Care System (Code on Public Health or **CPH**); and
- Law No. 567-II on Communication (**Law on Communication**).⁹

300.20. Information Collection

300.20.10. Information Collection — In General

Under the **PDP Law**, a data controller must obtain the consent of the data subject prior to the collection

of any personal data (art. 7), except as provided by international treaties, by law enforcement agencies and courts, for the maintenance of government statistics, or for certain journalistic, scientific, or artistic purposes (art. 9). Consent may be provided in writing, or in electronic form with a verified digital signature, or by any other means that do not contradict the law of Kazakhstan (art. 8(1)). As a matter of practice, the consent may be granted pursuant to a company's (i.e., employer's) policy provided that the employee expressly acknowledged and agreed (in writing) with the policy of collection and processing of employee's personal data. A mere fact that the employee knew about the policy does not constitute a written consent. Noteworthy that the data subject (i.e., employee) may revoke his / her consent for collection and /or for any other operation with personal data anytime, unless such revocation contradicts Kazakhstan laws or he / she has an outstanding (unperformed) obligation (art. 8.2).

Under the **Labor Code**, the processing of personal data (including collection) is limited to the purposes of “ensuring observance of the laws and other regulatory and legal acts, assisting employees in job placement, training and career advancement, and ensuring personal protection of employees” (art. 65(1)). The Labor Code sets forth eight categories of information that a candidate *must* provide in concluding a contract for employment, including identity documents, residency documents, proof of appropriate education or training, employment history, military registration when applicable, passage of a medical examination in certain cases and presence or absence of a criminal conviction (art. 31(1)(1)–(9)). The Labor Code further states that an employer may not require documents other than those listed, except as otherwise required by laws of the Republic of Kazakhstan (art. 31(2)).

300.20.20. Information Collection Restrictions

Under the **PDP Law**, the collection of personal data must be “necessary and sufficient to perform the tasks carried out” by the data controller (art. 12(1)).

Under the **Labor Code**, the collection and processing of personal data is limited to the purposes of “ensuring observance of the laws and other regulatory and legal acts, assisting employees in job placement, training and career advancement, and ensuring personal protection of employees” (art. 65(1)). Personal data must be supplied personally by the data subject (art. 65(3)). The Labor Code prohibits an employer from requiring documents other than those listed in the Labor Code as set forth in section

⁹ Law of the Republic of Kazakhstan No. 567-II On Communication (5 July 2004) *available in Russian* at <http://adilet.zan.kz/rus/docs/Z040000567>.

300.20.10, above. The employer is specifically prohibited from seeking information about a candidate for employment or employee's "political, religious and other beliefs and private life" or "membership or activities in voluntary associations, including trades unions" (art. 65(11)(1)–(2)).

300.20.20.10. Financial Information

The privacy laws of Kazakhstan do not specifically address employer requests for financial information. However, such records fall within the definition of personal information in the [PDP Law](#) and the [Labor Code](#). Collection and use of such information therefore requires the consent of the individual. Financial information is not one of the permissible areas of information that an employer may require from a candidate for employment ([Labor Code](#) art. 31(1)–(2)); see [300.20.20](#), for the permissible areas. Furthermore, the [Banking Law](#) requires that banks and banking institutions provide confidentiality to their account holders, and that information about an account holder be "disclosed only to the account holder" or to a "third person with the written consent of the account holder" (art. 50).

300.20.20.20. Criminal History

The [Labor Code](#) requires candidates to provide "information on the presence or absence of a conviction" before entering into employment in the following specified fields: "education, training, recreation and health, physical education and sports, health care, social services, culture and arts with minors" (art. 31(9)). Under Kazakhstan laws, a minor is an individual under age 18. It should be noted that such records constitute "information relating to an identified or identifiable subject," and fall within the definition of personal information set forth in the [PDP Law](#). Furthermore, all information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the [Labor Code](#). On the one hand, under both regimes, collection and use of such information require the consent of the individual; on the other hand, under the [Labor Code](#), the information must be obtained from the data subject (i.e., employee) which correspond to obligation of the data subject to provide such information. Under the [PDP Law](#), failure of the data subject to comply with such obligation constitutes a ground for collection and processing of the relevant data without the consent of the data subject (art. 9(8)).

300.20.20.30. Driving Records

The privacy laws of Kazakhstan do not specifically address employer requests for driving records. However, such records constitute "information relating to an identified or identifiable subject," and fall

within the [PDP Law](#)'s definition of personal information. Furthermore, all information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the [Labor Code](#). Under both regimes, collection and use of such information would require the consent of the individual; under the [Labor Code](#), the information must be obtained from the data subject.

300.20.20.40. Work History and Educational Background

The [Labor Code](#) requires candidates to provide documents "confirming education, qualification, special knowledge or professional training ... for work that requires appropriate knowledge and skills," and "proof of employment" (art. 31(3-4)). [Labor Code](#) art. 34 further established a list of documents evidencing employment history, which includes: work record book, archive transcript containing information on employment history, extracts from savings pension fund on paid mandatory pension contributions. These constitute "information relating to an identified or identifiable subject," and fall within the definition of personal information in the [PDP Law](#). Furthermore, all information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the [Labor Code](#). Collection and use of such information would require the consent of the data subject (i.e., candidate for employment); but at the same time the data subject must provide the relevant information.

See [300.20.20.20](#), for implications arising out of failure to provide the information in question.

300.20.20.50. References

The privacy laws of Kazakhstan do not specifically address employer requests for references. In particular, such information is not amongst the documents/information to be provided for initiating an employment relationship. However, these constitute "information relating to an identified or identifiable subject," and fall within the definition of personal information in the [PDP Law](#); collection and use of such information would therefore require the consent of the data subject (i.e., candidate for employment).

300.30. Notice of Information Collection

All information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the [Labor Code](#), which requires that information be provided directly by the data subject (art. 65(3)).

The [PDP Law](#) generally requires that the data subject provide consent in the form specified in [300.20.10](#) above, except where such data falls into

one of the exceptions for consent. When data is transferred in such a case, the transferor must notify the data subject or his or her legal representative within 10 working days (art. 19).

300.40. Access to, and Correction of, Information Collected

The **Labor Code** provides employees with the right to “free-of-charge access to their personal data,” the right to “deletion and correction of incorrect or incomplete personal data, as well as data processed in violation of the requirements of this Code;” and requires “that the employer notify persons that previously received the incorrect or incomplete personal data of the employee concerning the corrections made therein” (art. 68(1)–(3)).

Under the **PDP Law**, the data subject must be given access to his or her personal data upon request by the subject or by the subject's legal representative, unless such access is otherwise contrary to the laws of Kazakhstan (art. 10(2)).

300.50. Employment Verification Requests

The privacy laws of Kazakhstan do not specifically address employment verification requests. However, such records constitute “information relating to an identified or identifiable subject,” and therefore fall within the definition of personal information set forth in the **PDP Law**. Furthermore, all information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the **Labor Code**. Under both regimes, collection and use of such information would require the consent of the individual; under the **Labor Code**, the information must be obtained from the data subject. However, if the candidate fails to provide proof of previous employment (if any), one could argue that the employment verification request can be made by an employer under the umbrella of the **PDP Law** art. 9(8). In such a case, the employer may theoretically request one of the documents listed in art. 34 of the **Labor Code**.

See **300.20.20.40** for details.

500. HEALTH INFORMATION, MEDICAL EXAMINATIONS, AND DRUG & ALCOHOL TESTING

500.10. Health Information — In General

The definition of biometric data in the **PDP Law** includes “the physiological and biological characteristics of the subject” (art. 1(1)). Third parties who possess such data are specifically required to ensure

its confidentiality and to prevent its distribution, unless such distribution has been consented to by the data subject or their legal representative (art. 11(1)–(3)). This confidentiality requirement specifically applies to those who have obtained personal information through labor relations (art. 11(2)).

Under the **Code on Public Health** (art. 28, 37), medical personnel may only access personal data for the purposes of carrying out limited number of medical activities, such as: (i) providing medical care to the data subject; (ii) lab diagnostics; (iii) pathanatomical diagnostics; (iv) blood banking; (v) activity in the area of sanitary and epidemiological welfare; (vi) scientific and educational activity in the area of healthcare; and (vi) healthcare expertise. Medical personnel may not allow personal data to be used to harm the individual (art. 28.4).

The **CPH** further establishes so-called “national preventative mechanism” (NPM, a national program to prevent human rights violations) “and requires that the NPM personnel (including, amongst others, medical personnel) shall not disclose any information about the private life of individuals that have become known to them during preventive visits, without the consent of that person” (184-10(1)).

500.20. Pre-Employment Health Questions

The privacy laws of Kazakhstan do not specifically address employer requests for health information. However, such questions will constitute requests for information about “the physiological and biological characteristics of the subject,” the confidentiality of which is protected by the **PDP Law**, as described in **500.10**. All information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the **Labor Code**, which requires that information must be obtained directly from the data subject.

500.30. Medical Examinations

Requests for medical examinations constitute requests for information about “the physiological and biological characteristics of the subject,” the confidentiality of which is protected by the **PDP Law**. All information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the **Labor Code**, which requires that information must be obtained directly from the data subject.

The **Labor Code** provides, however, for compulsory medical examination for employees under the age of 18 prior to employment, and annually until the employee reaches age 18 (art. 180). Compulsory medical examination is also required prior to the hiring of employees engaged in “heavy work,” work under harmful and/or hazardous working conditions, or

“underground work” (art. 310), followed by periodic compulsory medical examinations during employment (art. 312). A list of occupations subject to compulsory medical examination was issued pursuant to the legislation.¹⁰ Rules and procedures for conducting mandatory examinations are set out in Order No. 128.¹¹ Pursuant Order No. 128, ¶2, the results of a compulsory medical examination must be sent directly to the employer with notification to the candidate.

500.40. Drug and Alcohol Testing

Drug and alcohol tests constitute requests for information about “the physiological and biological characteristics of the subject,” the confidentiality of which is protected by the [PDP Law](#), as described in [500.10](#). The Labor Code does not require passing drug and/or alcohol test for initiating an employment relationship. It provides, however, that refusal by an employee to submit to a medical examination “to establish the fact of using the substances, caused [by] alcohol, drug, [or] inhalant intoxication” is grounds for termination (art. 54(7-1)). Medical examination in such a case should be conducted only in a public medical institution and in strict compliance with the rules set out in the relevant Instruction on Medical Examination for Establishing the Fact of Using the Psychoactive Substance and Alcohol Intoxication.¹² The results of such medical examination must be delivered directly to the employer.

The [CPH](#) further requires that NPM personnel, as noted in [500.10](#), above “shall not disclose any information about the private life of individuals that have become known to them during preventive visits, without the consent of that person” (art. 184-10(1)). This includes NPM visits to drug rehabilitation facilities.

500.50. Genetic Data

Genetic data falls within the definition of biometric data in the [PDP Law](#), which includes “the physiological and biological characteristics of the subject” (art. 1(1)). Third parties who possess such data are specifically required to ensure its confidentiality, and to prevent its distribution unless such distribution has been consented to by the data subject or the subject's legal representative (art. 11(1)–(3)). This confidentiality requirement specifically applies to

those who have obtained personal information through labor relations (art. 11(2)).

Under the [Code on Public Health](#), medical personnel may only use personal data for the purposes of carrying out limited number of medical activities. See [500.10](#), for details. Furthermore, all information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the [Labor Code](#), which requires that information must be obtained directly from the data subject.

700. EMPLOYEE MONITORING AND SURVEILLANCE

700.10. Employee Monitoring and Surveillance — In General

The privacy laws of Kazakhstan do not place any specific limitations on monitoring and surveillance of employees by employers. However, Article 18 of the [Constitution](#) states that “everyone shall have the right to confidentiality of ... correspondence, telephone conversations, postal, telegraph and other messages.” Under the [Law on Informatization](#), entities maintaining electronic information databases “shall hold a right of possession, use and disposal of information system generally” (art. 16), but must “ensure the integrity and security of electronic information resources,” and prevent their unauthorized admission, alteration, or destruction (art. 41(1)(1)). As a matter of practice, the labor contract and/or the employing company's policy will provide that all information and materials, including in electronic/soft format, made available to the employee is the employer's property. By signing the relevant labor contract or otherwise acknowledging the policy, the employee consents that the employer shall have the right to monitor and survey the employee's business (work) correspondence, telephone conversations from work telephones, and postal, telegraph and other messages, including e-mails from/to corporate mailboxes of the employee. It is noteworthy that strictly speaking, Kazakhstan's laws do not make any substantial distinction between personal data contained in a corporate mailbox (that is owned by the employer(s)) and a private mailbox of individuals—i.e., restrictions and requirements are generally the same in both cases. At the same time, from a practical standpoint it may be difficult to justify requesting/obtaining access to a

¹⁰ See Order No. 175 of the Ministry of National Economy of the Republic of Kazakhstan “On Approval of List of Harmful Industrial Factors and Occupations Subject to Compulsory Examination” (Feb. 28, 2015).

¹¹ Order No. 128 of the Ministry of National Economy of Kazakhstan dated Feb. 24, 2015, “On Conducting compulsory Medical Examinations” ([Order No. 128](#)).

¹² Instruction on Medical Examination for Establishing the Fact of Using the Psychoactive Substance and Alcohol Intoxication approved by Order No. 466 of the Minister of Healthcare of the Republic Kazakhstan dated June 11, 2003.

private mailbox of the individual. Therefore, the employers usually prohibit/block the access to private mailboxes via the company's network resources.

700.20. Electronic Communications

Article 18 of the [Constitution](#) states that “everyone shall have the right to confidentiality of ... correspondence, telephone conversations, postal, telegraph and other messages.” The privacy laws of Kazakhstan do not further delineate this restriction, or its applicability to employer monitoring of electronic communications by employees.

See [700.10](#) above, addressing the relevant practice.

700.30. Internet

Article 18 of the [Constitution](#) states that “everyone shall have the right to confidentiality of ... correspondence, telephone conversations, postal, telegraph and other messages.” The privacy laws of Kazakhstan do not further delineate this restriction, or comment on its applicability to employee internet use.

700.40. Video Monitoring

The privacy laws of Kazakhstan do not place any specific limitations on video monitoring of employees. One provision of the [Labor Code](#) requires employers to provide authorities with “photos and video of the scene” of workplace accidents, which suggests that some video monitoring is expected (art. 323).

700.50. Location Monitoring

The privacy laws of Kazakhstan do not place any specific limitations on location monitoring of employees.

See [700.10](#) above, addressing the relevant practice.

700.60. Telephone Use

Article 18 of the [Constitution](#) states that “everyone shall have the right to confidentiality of ... correspondence, telephone conversations, postal, telegraph and other messages.” The privacy laws of Kazakhstan do not further delineate this restriction, or its applicability to employee telephone use.

However, per the [Law on Communication](#) (art. 36) communications service providers must ensure privacy of call and correspondence, including telegraph and other messages transmitted via their communication network. Receipt of service (insider) information on the consumers and/or discreet listening of subscribers, reading, examination of their courier and electronic correspondence are subject to written

consent of consumers, except for the cases of operational search actions conducted by law enforcement agencies and sanctioned by the court or prosecutor in due course.

700.70. Searches and Inspections

The privacy laws of Kazakhstan do not place any specific limitations on searches and inspections of employees. The [Labor Code](#) specifically requires manufacturing companies with more than 50 employees to designate at least one “work safety expert” who will “be entitled to ... visit and inspect freely the production, domestic and other premises” (art. 339(4)). In accordance with art. 65(9), an employer must ensure that the work safety expert has access only to personal data that is necessary for performance of his / her professional functions. Amongst such functions are assisting with preparation of the list of employees subject to mandatory periodical medical examinations and filing documents, reports, and information with state labor inspectors in accordance with his/her duties.

700.80. Biometrics

The [PDP Law](#) defines “biometric data” as “personal data that characterize the physiological and biological characteristics of the subject, on which to establish his identity” (art. 1(1)). Third parties who possess such data are specifically required to ensure its confidentiality, and to prevent its distribution unless such distribution has been consented to by the data subject or the subject's legal representative (art. 11(1)–(3)). This confidentiality requirement specifically applies to those who have obtained personal information through labor relations (art. 11(2)).

Under the [Code on Public Health](#), medical personnel may only access personal data for the purposes of carrying out limited number of medical activities (art. 28). See [500.10](#) above for details. Furthermore, all information sought for the purposes of initiating an employment relationship is covered by Chapter 5 of the [Labor Code](#), which requires that information must be obtained directly from the data subject.

900. PERSONNEL RECORDS

900.10. Personnel Records — In General

Employers are required to maintain a “labor book” documenting the labor activity of the employee, and containing “the relevant records of employment in the organization” and “records of the reasons for the termination of the labor contract” ([Labor Code](#) art. 35). Within the company, the employer shall “permit access to personal data of employees only to specially

authorized persons” (art. 65(9)), and those authorized persons must be warned that “they are obliged to use them exclusively in the previously stated purposes and may not transfer them to third parties, except in cases prescribed by the laws of the Republic of Kazakhstan” (art. 65(11)). Under the [Law on Information](#), entities maintaining electronic information databases must “ensure the integrity and security of electronic information resources,” and prevent their unauthorized admission, alteration, or destruction (art. 41(1)(1)).

900.20. Access to, and Correction of, Personnel Records

The [Labor Code](#) provides employees with the rights to “free access to their personal data,” “deletion and correction of incorrect or incomplete personal data, as well as data processed in violation of the requirements of this Code,” and mandates “that the employer notify persons that previously received the incorrect or incomplete personal data of the employee concerning the corrections made therein” (art. 68(1)–(3)). The [Labor Code](#) also specifies that the employer shall, “at the request of the employee make changes and additions to the personal data of the employee in accordance with the legislation of the Republic of Kazakhstan” (art. 65(5)).

Under the [PDP Law](#), data subjects must be given access to their personal data upon their request or a request by their legal representatives, unless such access is otherwise contrary to the laws of Kazakhstan (art. 10(2)).

900.30. Fees for Access to Personnel Records

The [PDP Law](#) does not address fees for access to personal records, but the [Labor Code](#) provides that “employees have the right to . . . free access to their personal data, including the right to obtain copies of records containing personal data of the employee, except in cases provided by the laws of the Republic of Kazakhstan” (art. 68(1)).

900.40. Retention of Personnel Records

The [PDP Law](#) requires the destruction of personal data upon their expiration date, or “upon termination

of relations” between the subject and the data processor or third party, or as ordered by a court (art. 18). This is often not observed as a matter of practice because there are conflicting provisions in the law requiring, for instance, keeping accounting information for at least five years.

900.50. Disclosure of Personnel Data to Third Parties

The [Labor Code](#) specifies that the employer “shall not disclose personal data to a third party without the employee’s written consent, except in cases stipulated by this Code and other laws of the Republic of Kazakhstan” (art. 65(8)). Within the company, the employer shall “permit access to personal data of employees only to specially authorized persons” (art. 65(9)), and those authorized persons must be warned that “they are obliged to use them exclusively in the previously stated purposes and may not transfer them to third parties, except in cases prescribed by the laws of the Republic of Kazakhstan” (art. 65(11)).

The [PDP Law](#) specifically prohibits the cross-border transfer of personal data to a foreign country unless the receiving country ensures the protection of personal data (art. 16.2). As a matter of practice, an adequate level of protection is deemed to be ensured if a receiving country is a party to the relevant international treaties (e.g., Strasbourg Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (28 January 1981)).

Cross-border transfer of personal data to a country which *a priori* does not seem to ensure an adequate level of protection is authorized in the following cases:

- subject to the consent of the subject (i.e., owner of personal data) or his legal representative; or
- if provided by an international treaty ratified by Kazakhstan; or
- in case provided by laws of Kazakhstan, when it is necessary for protection of constitutional and public order, human rights and freedoms, public health and morality; and
- for protection of constitutional rights and freedoms ([PDP Law](#) art. 16.3).