

Data Localization Laws: Overview (Kazakhstan)

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Practice note: overview | [Law stated as of 01-Aug-2024](#) | Kazakhstan

A Practice Note providing an overview of the key data localization requirements in Kazakhstan. It identifies applicable laws, sector-specific requirements, exceptions, and cross-border data transfer requirements.

Key Data Localization Laws

Scope of Data Localization Laws

Data Protection Law

Informatization Law

Order No. 38/NK

Communications Law and Communications Resolution

Applicability of Data Localization Laws

Data Protection Law and Informatization Law

Order No. 38 N/K

Communications Law and Communications Resolution

Exemptions from Data Localization Laws

Data Protection Law

Communications Law and Communications Resolution

Cross-Border Transfers of Data Stored in Kazakhstan

Data Protection Law

Communications Law and Communications Resolution

Key Data Localization Laws

The key data localization laws in Kazakhstan are summarized below:

- [The Law of the Republic of Kazakhstan on Personal Data and Its Protection, No. 94-V \(May 21, 2013\)](#) (Data Protection Law):
 - Article 12(2) requires organizations to store databases containing personal data in the Republic of Kazakhstan. For the definition of personal data, see [Scope of Data Localization Laws](#).

- [Order of the Minister of Digital Development, Innovation and Aerospace on Rules on Collection and Processing of the Personal Data, No. 395/NK](#) (October 21, 2020) (in Russian), which implements the Data Protection Law:
 - Clause 11 requires organizations to store personal data in Kazakhstan.
- [The Law of the Republic of Kazakhstan on Informatization, No. 418-V](#) (November 24, 2015) (in Russian) (Informatization Law):
 - Article 36(8) requires organizations to store personal data contained in electronic databases in server rooms in the Republic of Kazakhstan.
 - Article 56 requires organizations to protect information systems that contain personal data in accordance with the laws governing personal data in Kazakhstan.

For the definition of personal data, see [Scope of Data Localization Laws](#).

- [Order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan, No. 38/NK](#) ("On the Approval of the Rules for Registration, Use, and Distribution of Domain Names in the Area of Kazakhstani Segment of the Internet") (March 13, 2018) (in Russian) (Order No. 38/NK):
 - Order No. 38/NK establishes procedures for registering domain names in the Kazakhstani segment of the internet, defined as set of internet sites hosted on hardware and software located in the Republic of Kazakhstan (Paragraph 2(5), Order 38/NK). The domain registration application contains a provision requiring server hardware to be located in the Republic of Kazakhstan (see Note, Appendix to the Rules for Registration, Use, and Distribution to the Kazakhstani Segment of the Internet). If organizations fail to keep hardware and software in the Republic of Kazakhstan, regulators can suspend or potentially terminate the domain name.
- [Law of the Republic of Kazakhstan on Communications, No. 567-II](#) (July 5, 2004) (Communications Law):
 - Article 15 requires the storage of communications service information in the Republic of Kazakhstan.
- [Order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan, No. 220/NK](#) (June 30, 2023) ("On Approval of the Rules on Conduction of Collection and Storage of Service Information on Subscribers and / or Users of Communication Services by Operators") (in Russian)
 - Paragraph 6 requires the storage of subscriber information in the Republic of Kazakhstan. It is prohibited to transfer official information about subscribers and / or users of communication services outside the Republic of Kazakhstan, except for cases of providing communication services to subscribers of the Republic of Kazakhstan located abroad.

Scope of Data Localization Laws

Data Protection Law

The [Law of the Republic of Kazakhstan on Personal Data and Its Protection, No. 94-V](#) (May 21, 2013) (Data Protection Law) and the [Order of the Minister of Digital Development, Innovation and Aerospace on Rules on Collection and Processing of the Personal Data, No. 395/NK](#) (October 21, 2020) (in Russian) applies to personal data, defined as electronic and non-electronic data that relates to an identified or identifiable person (Article 1(2), Data Protection Law) such as:

- First or last name.
- Birthdate and place of birth.
- Nationality.
- Marriage status.
- Individual identification number.
- Identification document details.

Informatization Law

The [Law of the Republic of Kazakhstan on Informatization, No. 418-V](#) (November 24, 2015) (Informatization Law) covers electronic databases containing personal data as defined under the Data Protection Law.

Order No. 38/NK

[Order of the Minister for Defense and Aerospace Industry of the Republic of Kazakhstan, No. 38/NK](#) ("On the Approval of the Rules for Registration, Use, and Distribution of Domain Names in the Area of Kazakhstani Segment of the Internet") (March 13, 2018) (in Russian) (Order No. 38/NK) covers domain names, defined as a symbolic or alphanumeric designation formed in accordance with the internet addressing rules, corresponding to a specific network address and intended for a named reference to an Internet object (Paragraph 2(2), Order No. 38/NK).

Communications Law and Communications Resolution

The [Law of the Republic of Kazakhstan on Communications, No. 567-II](#) (July 5, 2004) and the [Order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan, No. 220/NK](#) (June 30, 2023) ("On Approval of the Rules on Conduction of Collection and Storage of Service Information on Subscribers and / or Users of Communication Services by Operators") (in Russian) (Communications Resolution) covers subscriber information that providers maintain solely for intelligence and law enforcement purposes, including:

- The subscriber identification number.
- Identification codes for the subscriber's cellular device.
- Billing data.
- Location information.
- Network addresses.
- Internet resource identification strings.
- Data communication network protocols.

(Paragraph 2(2), Communications Resolution.)

Applicability of Data Localization Laws

Data Protection Law and Informatization Law

The localization requirement under the [Law of the Republic of Kazakhstan on Personal Data and Its Protection, No. 94-V](#) (May 21, 2013) (Data Protection Law) and the [Order of the Minister of Digital Development, Innovation and Aerospace on Rules on Collection and Processing of the Personal Data, No. 395/NK](#) (October 21, 2020) (in Russian) applies to all persons, organizations and sectors that store and process personal data. For more on the definition of personal data, see [Scope of Data Localization Laws](#).

The [Law of the Republic of Kazakhstan on Informatization, No. 418-V](#) (November 24, 2015) (Informatization Law) applies to organizations that develop electronic databases, websites, software, and hardware for organizational, socio-economic, scientific, and technical purposes (Article 1(2), 1(11) Informatization Law).

Order No. 38 N/K

The localization requirement under [Order No. 38/NK of the Minister for Defense and Aerospace Industry of the Republic of Kazakhstan](#) ("On the Approval of the Rules for Registration, Use, and Distribution of Domain Names in the Area of Kazakhstani Segment of the Internet") (as amended on October 14, 2022) (in Russian) (March 13, 2018) (Order No. 38/NK) applies to all individuals or legal entities with registered domain names in the Kazakhstani segment of the internet (Paragraph 2, Order No. 38/NK). The Kazakhstani segment of the internet means a set of internet resources hosted on hardware and software equipment located in Kazakhstan.

Communications Law and Communications Resolution

The localization requirements under the [Law of the Republic of Kazakhstan on Communications, No. 567-II](#) (July 5, 2004) and the [Order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan, No. 220/NK](#) (June 30, 2023) ("On Approval of the Rules on Conduction of Collection and Storage of Service Information on Subscribers and / or Users of Communication Services by Operators") (in Russian) (Communications Resolution) apply to providers and operators registered in the territory of the Republic of Kazakhstan who provide communication services or operate communication networks (Article 2(18), Communications Law and Paragraphs 2(5) and 3, Communications Resolution).

Exemptions from Data Localization Laws

Data Protection Law

The [Law of the Republic of Kazakhstan on Personal Data and Its Protection, No. 94-V](#) (May 21, 2013) (Data Protection Law), as implemented by the [Order of the Minister of Digital Development, Innovation and Aerospace on Rules on Collection and Processing of the Personal Data, No. 395/NK](#) (October 21, 2020) (in Russian) does not apply to the collection, processing, or use of personal data:

- Exclusively for personal or family needs.

- Contained in the national archive fund of the Republic of Kazakhstan.
- For purposes related to:
 - national security state secrets under the Law of the Republic of Kazakhstan on State Secrets, No. 349-1 (March 15, 1999); or
 - intelligence, counterintelligence, and security measures.

(Article 3(3), Data Protection Law.)

Communications Law and Communications Resolution

The [Law of the Republic of Kazakhstan on Communications, No. 567-II \(July 5, 2004\)](#) and the [Order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan, No. 220/NK \(June 30, 2023\)](#) ("On Approval of the Rules on Conduction of Collection and Storage of Service Information on Subscribers and / or Users of Communication Services by Operators") (in Russian) (Communications Resolution) does not apply to postal communication operators (Paragraph 3, Communications Resolution). Postal communication operators are any individuals or legal entities registered to provide postal services in the Republic of Kazakhstan.

Cross-Border Transfers of Data Stored in Kazakhstan

Except for the following, the localization laws in Republic of Kazakhstan do not address the permissibility of cross-border transfers after storing the data in-country.

Data Protection Law

The [Law of the Republic of Kazakhstan on Personal Data and Its Protection, No. 94-V \(May 21, 2013\)](#) (Data Protection Law), as implemented by the [Order of the Minister of Digital Development, Innovation and Aerospace on Rules on Collection and Processing of the Personal Data, No. 395/NK \(October 21, 2020\)](#) (in Russian) permits cross-border transfers of personal data after storage of the personal data in Kazakhstan:

- To jurisdictions with adequate levels of data protection.
- To jurisdictions without adequate levels of data protection if:
 - the data subject provides consent;
 - an international treaty permits the transfer; or
 - the transfer is necessary for protecting a constitutional order, a public order, the rights and freedoms of persons or citizens, and the health and morals of the population.

(Article 16(3), Data Protection Law.)

Communications Law and Communications Resolution

The [Law of the Republic of Kazakhstan on Communications, No. 567-II \(July 5, 2004\)](#) (Communications Law) and the [Order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan, No. 220/NK \(June 30, 2023\)](#) ("On Approval of the Rules on Conduction of Collection and Storage of Service Information on Subscribers and / or Users of Communication Services by Operators") (in Russian) (Communications Resolution) prohibits the cross-border transfer of service information unless the transfer is necessary to render communication services to subscribers abroad (Article 15(1) (2), Communications Law Paragraph 6, Communications Resolution).

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