

**Law of the Republic of Kazakhstan  
On Information Access**

**Article 1. General notions used in the Law**

1. The current Law uses the following general notions:
  - 1) **information access** is the right of a user of information to receive and distribute information freely by any mean not prohibited by law;
  - 2) **information** is documentary information obtained or created by information holder within his or her powers/authority, and stated on a material object or in form of electronic document with document entries that allow identification, access to which is not restricted by laws of the Republic of Kazakhstan;
  - 3) **information with limited access** include state secrets and other secrets and (or) information protected by the law limited circle of people have an access to or access to it is limited to certain groups of users of information;
  - 4) **user of information** is a physical person, or legal person established according to the legislation of the Republic of Kazakhstan or other freight states(foreign legal person), international organizations;
  - 5) **informer** (source) is a person that disclosed information on illegal actions (inactions) of a holder of information, and (or) person that disclosed information with limited access in order to avert damage that exceeds the damage from nondisclosure of such information.
  - 7) **inquiry** is an application in written or oral form, including in the form of electronic document, to receive information that is submitted to the information holder according to procedures set by this Law.

**Article 2. Legislation of the Republic of Kazakhstan in the sphere of  
information access**

1. Legislation of the Republic of Kazakhstan in the sphere of information access is based on the Constitution of the Republic of Kazakhstan, international

agreements of the Republic of Kazakhstan and consists of the present Law, as well as other legal acts of the Republic of Kazakhstan.

### **Article 3. Scope of the present Law**

1. The present law acts on the territory of the Republic of Kazakhstan and its norms apply to public relations connected with information access.

2. If laws of the Republic of Kazakhstan foresee different procedure of providing some types of information, provisions of this Law are applied considering the peculiarities foreseen by these laws of the Republic of Kazakhstan.

3. The present Law is not applied to:

- 1) applications, procedures for which are set by law on proceedings of reviewing applications made by physical and legal persons;
- 2) proceedings for providing information with limited access.

### **Article 4. General principles of assurance of information access**

Assurance of information access is based on the following principles:

- 1) lawfulness/legality;
- 2) openness/transparency and accessibility of information;
- 4) publicity of work of an information holder;
- 5) personal privacy, private and family secrets;
- 6) reliability and completeness of information;
- 7) timeliness of providing the information;
- 8) responsibility for breaching the right for the information access.

### **Article 5. Warranty of realization of the rights of information users**

1. The state guarantees to everyone the right to obtain and distribute freely information by any mean not prohibited by law.

2. Information access is ensured by:

- 1) obligation of information holder to provide information;
- 2) present of technical, organizational and other abilities of information holders to provide information;
- 3) direct provision of information;
- 4) examination of information;
- 5) providing answers to questions;

- 6) organizing access of users of information to meetings of collective bodies of information holders;
- 7) implementation of state and public control over observing the legislation in the sphere of information access;
- 8) imposition of responsibility for breaching the legislation in the sphere of information access.

3. Access to information may be restricted only according to laws of the Republic of Kazakhstan, and meeting the following requirements:

- 1) with purpose to protect constitutional structure, public order, human rights and freedoms, public health and morals, as well as to avert disclosure of information with limited access;
- 2) with purpose to exclude conditions for serious damages of interests protected by laws;
- 3) when damage caused to interests protected by laws due to information disclosure is more considerable than the benefit of satisfying public interest.
- 4) when such restriction is valid and reasoned.

4. Access to the following information may not be restricted:

- 1) information on the state of public safety, personal safety of physical persons, their rights, freedom and legal interests;
- 2) information on extraordinary situations, natural and technical disasters, acts of terrorism, their official forecasts and consequences, methods and ways to protect population from them;
- 3) information on pollution of the environment, state of fire safety, weather conditions, sanitary, epidemiological and radiation situation, food safety and other factors that negatively influence safety of physical persons, inhabited localities and industrial objects;
- 4) information on the situation with public health system, education, culture, social protection, economics, law enforcement system, criminality;
- 5) information on facts of violating rights, freedom and lawful interests of a human and citizen;
- 6) information that contains texts of laws, draft laws, state and industrial programs, concepts, doctrines, programs of developing territories, strategic plans and plans for development, republican and local budgets and other legal acts, except for subordinate legislation that contains state secrets (classified information);
- 7) information on the amount of gold and exchange currency reserves of the National Bank of the Republic of Kazakhstan, reserves of the National Fund of the

Republic of Kazakhstan and governmental (budget) reserve of precious metals and stones;

8) information on forming and spending of republican and local budget funds;

9) information on control over spending republican and local budget funds;

10) information on privileges, compensations and benefits granted by the state to physical and legal persons;

11) information that contains income statements of political and administrative state employees;

12) information on social and demographic data, migration processes and measure to regulate migration of the population;

13) information on unlawful deeds/actions of information holders and their officials;

14) information on mass repressions on political, social and other reasons;

15) information that exists in open information systems of information holders, libraries, achieves and other organizations.

## **Article 6. Rights and duties of information user**

1. User of information has the right:

1) to access information;

2) to address information holder with a request for information;

3) to refuse getting information;

4) to verify reliability and completeness of received information;

5) to choose any form of request foreseen by the present Law;

6) to recall his or her request;

7) to demand a written answer to request;

8) not to justify the need for information;

9) for judicial protection of the right for information access;

10) to lodge a complaint against acts and (or) actions (inactions) of information holders, their functionaries, who violated the rights of information users, to a superior body and (or) superior official and (or) to court;

11) to demand a compensation of damages caused by violating his or her right to the information access in order established by the law.

2. User of information is obliged:
  - 1) to follow order and conditions of information access foreseen by the present Law;
  - 2) to respect rights, freedoms and legal interests of other subjects of public relations in the sphere of information access;
  - 3) to follow other duties in the sphere of information access he or she is charged with according to the laws of the Republic of Kazakhstan.

### **Article 7. Information holder**

1. Following subject are acknowledged as information holders:
  - 1) state bodies and institutions of local governing;
  - 2) subjects of quasi-public sector;
  - 3) recipients of budget funds;
  - 4) subjects of market that hold dominating or monopolistic position as regarding conditions and prices for providing goods, services and prices of them.
2. Physical and legal persons that possess following information are leveled to information holders:
  - 1) ecological information;
  - 2) information on extraordinary situations, natural and technical disasters, their forecasts and consequences, state of fire safety, sanitary, epidemiological and radiation situation, food safety and other factors that negatively influence safety of citizens, inhabited localities and industrial objects;
3. Requirements of this Law apply to information holders mentioned in subparagraphs 2, 3 and 4 of the paragraph 1 and in paragraph 2 of the present Article only in aspects of providing information on request, as well as appealing against thier decisions, actions (inactions) to the court.

### **Article 8. Duties of information holder**

Information holder is obliged:

- 1) in any situation to provide users with information, data known to him or her (notifications, records, materials) on facts and conditions that jeopardize public safety, life and health of people, with any means available to him or her;
- 2) to promulgate information;
- 3) to respect rights, freedoms and lawful interests of information users;

- 4) to provide, within his or her powers, organizational, technical and other conditions necessary to ensuring information access;
- 5) to ensure reliability and completeness of information provided;
- 6) to ensure data about information holder in provided information in form and range enough to identify the abovementioned person;
- 7) to ensure observance of terms and procedure for providing the information as established by the law;
- 8) to follow the procedure of information promulgation established by law;
- 9) to provide information on user's request/application;
- 11) to record requests/applications;
- 12) to ensure reserving data that belong to information with limited access to from the provided information.

## **Chapter 2. Means and procedures of receiving and distributing information**

### **Article 9. Basics of organization of access to information**

1. Information access is ensured by information holders.
2. To organize access to information, information holders define proper organization departments or authorized functionaries. Rights and duties of the abovementioned departments and functionaries are set by regulations, orders and (or) other acts that regulate activity of information holder.

### **Article 10. Methods of providing access to information**

Access to information is provided with the following means:

- 1) promulgating information in official and periodic printed media;
- 2) publishing information on the Internet resources;
- 3) placing information in rooms occupied by information holders and other sites set for these purposes;
- 4) familiarization of information users with information in rooms occupied by information holders, as well as in libraries, archives, and other organizations;
- 5) ensuring access of information users to meetings of collective bodies of information holders;
- 6) providing information on request/application;
- 7) other means not prohibited by legislation of the Republic of Kazakhstan.

## **Article 11. Means of distributing information**

Information may be distributed by information users in oral and (or) written form, including the form of electronic document, by any mean not prohibited by law.

## **Article 12. Promulgating information in official and periodical printed media**

Promulgating information in official and periodical printed media is done according to legislation of the Republic of Kazakhstan.

## **Article 13. Publishing information on Internet resources**

1. Information holders publish following information on Internet resources:
  - 1) state symbols of the Republic of Kazakhstan:  
State Flag, State Emblem;
  - 2) data on information holder:  
postal address, electronic mail, telephone numbers of directory-inquiry service, description of powers;  
information on heads of information holders;  
laws, legal acts and (or) other acts that regulate jurisdiction, powers, objectives and functions of information holders;  
symbols of the state body (if exists);  
historical background of the state body;
  - 3) information on the structure of the information holder:  
objectives and functions of territorial bodies, institutions, subordinate organizations (if exist);  
list of territorial bodies, institutions, subordinate organizations;  
postal addresses, electronic mails, telephone numbers of directory-inquiry service of territorial bodies, institutions, subordinate organizations (if exist);  
information on heads of territorial bodies, institutions, subordinate organizations (if exist);  
information on assumption of office or resignation of heads of information holders;
  - 4) information on information resources and services:  
information on mass communication media founded by information holders (if exist);

lists of information systems for general use, data banks, registers, lists, cadastres that are under jurisdiction of information holder;

lists of informational resources and services afforded to physical and legal persons;

information on regulations and standards of state services and services of local governing;

information on procedure and conditions of providing state services and services of local governing;

information on state purchase as foreseen by the legislation on state purchasing;

5) statistical data:

Statistics and indices that characterize the state and development trend of the branch (sphere) in parts that are in competence of information holder;

6) analytical information:

analytical reports and informational survey on the activity of information holder;

7) information on legislation activity of information holder:

complete texts of legal acts adopted by information holder;

texts of drafts of laws and legal acts, including explanatory notes, expert conclusions and texts of comparative tables;

alterations and amendments to legal acts, information of invalidity of acts, nullifying them by court, as well as information on state registration of legal acts, acts of institutions of local governing in cases established by legislation of the Republic of Kazakhstan;

8) information on working procedure of information holder:

procedure for permissive actions by information holder (licensing, accreditation, registration and others) (if exist);

forms of applications accepted by information holders for reviewing according to laws and other legal acts;

9) information on work of information holder:

official news (press releases) on activity of information holder;

official calendars of upcoming events in the sphere of activity of information holders;

information pieces on official visits;

amendments, alterations and supplements to the abovementioned documents;

texts of official addresses and announcements done by heads and deputies of information holders;



information on state and industrial programs, concepts, doctrines, programs of territories development, strategic plans, strategies and development plans, republican and local budgets, projects of action programs and concepts;

information activity of advisory and deliberative bodies (councils, commissions), where the information holder is a member;

information on spending funds of republican and local budgets, funds of the National fund of the Republic of Kazakhstan;

information on participation of information holder in action and other programs, international cooperation, including official texts of relevant international agreements of the Republic of Kazakhstan;

information on results of control actions done by a state body, its territorial bodies, institutions of local governing, subordinate organizations within their competence, as well as results of control done in the state body, its territorial bodies, institution of local governing, subordinate organizations;

reports and announcements on work done;

10) information on contests, tenders:

information on open contests, auctions, tenders, examinations and other events and conditions of their conduct;

procedures of participation there by legal and physical persons;

11) information about work with population:

procedures of reception of physical persons and review of their applications by information holder;

surname, name and patronymic of the head of department or another official whose scope of competence includes organization of reception of physical persons and unsure reviewing applications of physical and legal persons;

name of the organizational departments, surnames, names and patronymics of functionaries that provide information on activity of information holder in oral form;

contact telephone numbers where an information user may get information on reception of physical persons and procedures of reviewing their applications/requests, address for reception of physical persons, reception hours, as well as procedures of making an appointment;

reviews of applications by physical persons and organizations addressed to information holder, generalized information on results of reviewing such applications and actions taken;

12) information on people ware of information holder:

for state bodies and their territorial bodies:

procedure for joining the government service, information on vacant positions at government service;

qualification requirements to candidates for vacant positions at government service;

telephone numbers to receive information on vacant positions;

for institutions of local governing, subjects of quasi-public sector:

information on vacant positions;

qualification requirements to candidates for vacant positions;

telephone numbers to receive information on vacant positions;

13) other information.

2. Court documents are published on Internet resources of the Supreme Court and (or) regional courts and other courts equated to them, with open access to them.

3. Information obligatory for publication according to Paragraph 1 of the present Article is to be published on an Internet resource of the information holder. An information holder that does not have a possibility to publish information on its own internet resource publishes that on Internet resource of a local executive body.

4. Information published on Internet resource of the information holder is to be dated and regularly updated. Information holder established the frequency of updating information on Internet resource, but at least once in seven working days.

5. Legal acts issued by information holder are to be published on its Internet resource not later than three days after its state registration.

6. Information on Internet resource is to be published in the state and Russian languages. Internet resource of information holder may have other language versions.

7. List of information that is to be published on Internet resources of information holders is established according to procedure set in Article 14 of the present Law.

8. To ensure the right of unrestricted circle of people to information access, centers of access to Internet resources are set up in places open for information users (in rooms of information holders, libraries, archives, other places) (to define the terms of coming the norm into force).

**Article 14. Procedure for defining the list of information that is to be published on Internet resources of information holders**

1. Minimal list of information that is to be published on Internet resources by a state body directly subordinate and accountable to the President of the Republic of Kazakhstan, is established by the President of the Republic of Kazakhstan or a functionary authorized by him.

2. Minimal list of information that is to be published on Internet resources by a state body that is a part of the Government of the Republic of Kazakhstan is established by the Government of Kazakshtan.

3. Minimal list of information that is to be published on Internet resources by Parliament of the Republic of Kazakhstan is established in order set by the Chambers of the Parliament of the Republic of Kazakhstan.

4. Minimal list of information that is to be published on Internet resources by the Supreme Court of the Republic of Kazakhstan, Constitutional Council of the Republic of Kazakhstan, Central Election Commission of the Republic of Kazakhstan is established in order set by by the Supreme Court of the Republic of Kazakhstan, Constitutional Council of the Republic of Kazakhstan, Central Election Commission of the Republic of Kazakhstan accordingly.

5. Minimal list of information that is to be published on Internet resources by local executive bodies is established in order set by akim (governor) of relevant territory entity.

6. Minimal list of information that is to be published on Internet resources by local representative body is established in order set by maslikhat (elective legislative assembly) of relevant territorial entity.

7. Minimal list of information that is to be published on Internet resources by institutions of local governing is established in order set by institutions of local governing.

8. Minimal list of information that is to be published on Internet resources by subjects of quasi-public sector is established in order set by top manager of a subject of quasi-public sector.

9. Minimal list of information that is to be published on Internet resources by market players that take dominating or monopolistic position in the market is established in order set by top manager of the market player that takes dominating or monopolistic position in the market.

**Article 15. Placing information in rooms occupied by information holders and other places assigned for this purpose**

1. Information holders place informational stands and (or) other similar technical means in rooms occupied by them to familiarize information users with current information on their activity. Information holder provides free access of information users to informational stands and (or) other similar technical means.

2. Information mentioned in Paragraph 1 of the present Article contains:

1) working hours of information holder, including the procedure of receiving physical persons;

2) standards of providing state services;

3) conditions and procedure of receiving information.

3. Information holder has the right to place other information in rooms occupied or other places assigned for this purpose.

#### **Article 16. Familiarizing information users with information in rooms occupied by information holders, as well as in libraries and archives**

Information holders provide information users with possibility to get familiarized with information on activity of the information holder in rooms occupied by the information holder, as well as in libraries and archives, in order set by them.

#### **Article 17. Access of information users to meetings of collective bodies of information holders**

Access of information users to meetings of collective bodies of information holders is done in order established by Chapter 3 of the present Law.

#### **Article 18. Providing information on request**

Providing information on request is done in order established by Chapter 4 of the present Law.

### **Chapter 3. Ensuring access to meetings of collective bodies of information holders**

#### **Article 19. Openness of meetings**

1. Meetings of collective bodies of information holders are open to information users except for closed meetings.

2. Openness of meetings of information holders is guaranteed by the opportunity of information users that applied for participation in the relevant meetings to attend the meetings.

3. Meetings of collective bodies of information holders are announced closed in cases foreseen by Paragraph 3 of Article 5 of the present Law.

## **Статья 20. Notifying information users about meetings of collective bodies of information holders**

1. Information holders publish agenda of the meeting, date, time and venue of the meeting on Internet resources and in mass communication media agenda in at least 10 days before the meeting of the collective body.

2. Information holders arrange an informational stand in its locations/sites where they place agenda, date, time and venue of the meeting in at least 10 days before the meeting of the collective body.

## **Article 21. Organization of attendance of meetings of collective bodies of information holders**

1. Information users have the right to attend meetings of collective bodies of information holders. Information holders keep a record of applicants for attending the relevant meeting since the day of publication of the information on conducting the meeting. Record of the information on the attendee and the presence of the identification document give grounds to allow access to the meeting. The record must include surname, name and patronymic of the physical person applying to attend the meeting, and for a representative of a legal person – surname, name and patronymic, name of the legal person, as well as his or her position.

2. Places for attendees are arranged in the hall of meetings of collective bodies of information holders. Number of places for attendees is calculated on the basis of the number of applicants, but general number of places must be at least five at meetings of central and local executive bodies, and at least ten for meetings of the Parliament of the Republic of Kazakhstan, Chambers of the Parliament of the Republic of Kazakhstan and local representative bodies.

3. Information holders have the right to provide additional access to meetings of collective bodies through live broadcast with the help of television monitors placed outside the rooms where meeting are held.

## **Article 22. Procedure for presence of attendees at meetings of collective bodies of information holders**

1. Procedure for presence of attendees at meetings of collective bodies of information holders is established in regulations and other acts the regulate activity of information holders. If the established procedure for attending meetings of collective bodies of information holders is violated, a chairperson has the right to reprove the violator, and after the second violation – to turn the person out of them meeting room.

2. Attendees of the meeting have the right to make notes, as well as to make photos, audio and video records if this does not interfere with the meeting procedure.

## **Chapter 4. Request for information procedure of reviewing**

### **Article 23. Requirements to request**

1. Request is addressed to an information holder whose competence includes provision of the requested information.

2. Request of a physical person includes his or her name, postal address or electronic mail address, other communication means, that of a legal person – its name, postal address or electronic mail address, other communication means; and a written request must include its outgoing number and date. Written request, including the one in electronic form, must be signed by the information user or validated with his or her electronic signature.

3. Information holder gives the name, surname and patronymic of the person who accepted the request, registration number of the request, to the information user.

Information holder gives a slip with the date and time, registration number of the request, surname, initials and position of the person who accepted the request, to the information user.

4. The state and (or) Russian language is used for the information request.

### **Article 24. Procedure for reviewing information requests**

1. Information in oral or written form, including in the form of electronic document, is to be registered on the date of submission indicating the date and time of submission.

2. Request answer is provided in course of five working days since the registration date.

In cases when additional examination of the issue or refinement of the request is necessary, the term of reviewing may be prolonged once for not more than five working days; this must be imparted to the applicant within three working days since the moment of prolonging the term of reviewing.

3. If a person's life and safety depends on the information provided, the answer to the request is provided immediately, but no later than 48 hours since the registration of the request.

4. Request submitted to an information holder whose scope of competence does not include providing such information must be transferred to the relevant information holder not later than three days after submission of the request, at the same time informing the information user who submitted the request about this fact.

5. Information holder has the right to obtain more specific information on the request from the applicant.

## **Article 25. Procedure for providing information on request**

1. Answer to request is provided in oral or written form at the information user's option, including in the form of electronic document, in the state language or the language of the request.

2. Answer to the request in the written form, including in the form of electronic document, includes the name and the postal address of the information holder, position of the person that signed the answer, the date and the registration number of the request.

3. Answer to the request in the form of electronic document is verified with electronic signature or any other mean as established by law.

4. If requested information has been published in official publications and periodical printed media distributed all around the Republic of Kazakhstan or published on Internet resources, in the answer to the request the information holder may provide only the name, date of issue and the issue number of the mass media where the information was published, and (or) electronic address of the internet

resource (web-page of the internet resource) where the requested information is published.

5. If the requested information belongs to classified information, the answer must include the type, name, number and date of adoption of the act according to which access to this information is limited. If part of the requested information belongs to classified information, information holder must provide the request information except for the information with limited access to.

#### **Article 26. Reasons that exclude the possibility to provide information on request**

1. Information is not provided if:

- 1) content of the request does not allow defining the requested information;
- 2) the request does not meet the requirements set in Article 23 of the present Law;
- 3) providing the requested information is not in the sphere of competence of the information holder the request was sent to;
- 4) the requested information belongs to classified information;
- 5) requested information was provided to the information user before;
- 6) the request contains the question of legal analysis of acts adopted by the information holder, analyzing activity of the information holder or subordinate bodies and organizations, or conducting other analytical work;
- 7) information user did not fulfill the requirements of Paragraphs 2 and 4 of Article 27 of the present Law.

2. Staff reports, office memos, instructions of officials and other internal correspondence of information holder that do not belong to documentary information are not obligatory for providing on request.

3. Information holder has the right not to provide information on request if this information is published in mass communication media or on Internet resources.

4. Motivated refusal of providing the information on request is imparted to the information user within three working days since the registration of the request.

#### **Article 27. Payment for providing the information**

1. State bodies, institutions of local governing provide information on request free of charge.



2. If the information holder is a subject of quasi-public sector, a legal person – recipient of budget funds, a market player that holds dominating or monopolistic position, a legal person that possesses socially important information, and solving the request needs coping or printing more than 50 pages, information users to refund the information holder actual expenses on coping or printing.

3. The size of actual expenses for coping or printing is defined by the relevant information holder within the limits established by the Government of the Republic of Kazakhstan. If the information holder has not set the amount of payment for coping or printing, the information is provided free of charge.

4. Payment for coping and printing is not taken for providing private and socially important information, except for cases when an information holder is a physical person – recipient of budget funds or a physical person that possesses socially important information.

## **Chapter 5. Protection of the information access and responsibility for violating legislation on information access**

### **Article 28. Control and supervision over ensuring the information access**

1. Control over ensuring access to information is done by top managers of information holders.

2. Public control over information access may be done by physical persons, mass communication media, political parties, nongovernmental organizations, professional unions.

3. Public control is implemented with:

1) public hearings of reports on results of work of state bodies, institutions of local governing;

2) holding public hearings;

3) conducting public expertise;

4) participation of information holders in meetings of collective bodies of information holders.

4. Public control may be exercised in other cases not prohibited by law.

5. Supreme control over concrete and uniform application of legislation on information access is done by bodies of public prosecution of the Republic of Kazakhstan.

### **Article 29. Protection of right for information access**

1. Decisions and actions (inactions) of information holders, their functionaries that violate rights of information users may be appealed against at a superior body and (or) superior officer and (or) at court.

2. Damages caused to the information user in the result of illegal refusal of information access, or out-of-sequence provision of information, or providing deliberately untruthful information or information that does not answer the content of information request, are to be recovered by information holder according to the civil legislation of the Republic of Kazakshtan.

### **Статья 30. Protection of informers/sources**

1. The state guarantees protection of informers/sources.

2. Informers whose actions contributed to protection of public interests and the advantage of satisfying such interests is more significant than damages caused to interests protected by law are exempted from liability for disclosure of classified information.

### **Article 31. Responsibility for violating legislation in the sphere of information access**

Violation of legislation of the Republic of Kazakhstan in the sphere of information access entails responsibility according to laws of the Republic of Kazakhstan.