



## **On access to information**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated November 16 2015 No. 401-V.

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This Law regulates the social relations, arising in a result of implementation of constitutional law of everyone to freely receive and disseminate information by any means not prohibited by law

### **Article 1. Basic definitions used in this Law**

The following basic definitions shall be used in this Law:

1) information – data on persons, subjects, facts, events, phenomena and process, received or created by information holder, fixed on any storage and having requisite, allowing to identify it;

2) access to information – state-guaranteed, formalized in Constitution and Laws of the Republic of Kazakhstan the right of everyone to freely receive and disseminate information in any way not prohibited by law;

2-1) authorized body in the field of access to information - the central executive body exercising guidance and intersectoral coordination in the field of access to information;

3) Information user – an individual or legal entity, requesting and (or) using information;

4) Internet portal of open budgets - a component of the "electronic government" web portal, which provides for the placement of budget reporting, consolidated financial statements, civil budget, the results of state audit and financial control, as well as public discussion of draft budget programs and reports on the implementation of budget programs;

5) open data – publicly available electronic informational resources, represented in machine-readable form and intended for further use, republishing remain intact;

6) internet-portal of open data – a component of web-portal "electronic government", ensuring the centralized storage descriptive and reference information on open data;

6-1) Internet portal of open dialogue - a component of the "electronic government" web portal, which provides the possibility for information users to send requests through the blog platform of the first heads of state bodies and subjects of the quasi-public sector, as well as the participation of information users in Internet conferences and surveys;

7) Internet portal of open normative legal acts - a component of the "electronic government" web portal, which ensures the placement of draft normative legal acts and other information in accordance with this Law for the public discussion procedure;

8) information with restricted access - information classified as state secrets, personal, family, banking, commercial secrets, secrets of a medical worker and (or) other secrets

protected by law, personal data of restricted access, as well as official information marked “For official use”;

9) excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication);

10) a unified platform of Internet resources of state bodies - a technological platform designed for placing of Internet resources of state agencies;

11) internet-portal of performance evaluation of state bodies– a component of web-portal "electronic government", providing the placement of information on the assessment of State bodies' activity, reports on the achievement of target indicators of strategic plans and development programs of territories, as well as public discussion of the activity of state bodies;

11-1) blog platform of the first heads of state bodies and subjects of the quasi-public sector - a component of the "electronic government" web portal, which provides an opportunity for citizens to send requests and receive answers to them from the first heads of state bodies and subjects of the quasi-public sector;

12) request – a polite ask in oral or written form, including the form of an electronic document, on the provision of information, sounded or directed to the information owner in the manner established by this Law.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication); dated 12.03.2021 No. 15-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.12.2021 No. 96-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

## **Article 2. The legislation of the Republic of Kazakhstan on access to information**

1. The legislation of the Republic of Kazakhstan On access to information is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

## **Article 3. The scope of application of this Law**

1. This Law shall remain in effect in the territory of the Republic of Kazakhstan and shall be distributed on the public relations, linked with the accession to information not related to information with restricted access.

2. This Law shall not apply to appeals of individuals and legal entities, the procedure for consideration of which is established by the legislation of the Republic of Kazakhstan on administrative offences, administrative proceedings, as well as criminal procedural, civil procedural legislation of the Republic of Kazakhstan.

3. The operation of this Law shall not apply to the manner of consideration the requests established by the Law of the Republic of Kazakhstan on “the National Archival Fund and Archives”.

4. The operation of this Law shall not apply to the manner of providing the information by mass media, provided by Law of the Republic of Kazakhstan "On Mass Media".

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 No. 351-VI (shall come into effect from 01.07.2021).**

#### **Article 4. Basic principles of ensuring the access to information**

Ensuring the access to information shall base on the principals:

- 1) legality
- 2) openness and transparency of information holders’ activity;
- 3) credibility and fullness;
- 4) actuality and timeliness;
- 5) equable access to information;
- 6) non-disclosure of the state secrets and other secrets protected by the law;
- 7) personal privacy, personal and family secrets;
- 8) observance of rights and legal interests of individual and legal entities.

#### **Article 5. Limitation of the right on access to information**

The right on access to information can be limited only by laws and only to the extent necessary for the safety of the constitutional order, the defense of public order, human rights and freedoms, public health and morality.

#### **Article 6. Information, access to which shall not be restricted**

Access to the following information shall not be restricted:

- 1) emergency situations and disasters that threaten the safety and health of citizens and their consequences, as well as natural disasters, their official forecasts and consequences;
- 2) on health situation, sanitation, demography, migration, education, culture, social security, economy, agriculture, as well as the crime situation;
- 3) facts of the commission of terrorism acts;
- 4) the state of ecology, fire safety, as well as on the sanitary-epidemiological and radiation situation, food safety;
- 5) privileges, compensations and benefits provided to individuals and legal entities by the state;
- 6) facts of violation of human and civil rights and freedoms;
- 7) on the size of the gold and foreign exchange reserves of the National Bank of the Republic of Kazakhstan;
- 8) containing texts of normative legal acts of the Republic of Kazakhstan, with the exception of normative legal acts containing state secrets and other secrets protected by law, as well as their projects;

9) the formation and expenditure of funds from the republican and local budgets, with the exception of information containing state secrets;

10) control over the expenditure of funds from the republican and local budgets, with the exception of information containing state secrets;

11) facts of violation of the lawfulness of information owners, their civil servants;

12) mass repressions on political, social and other grounds, including that located in the archives, with the exception of information related to state secrets of the Republic of Kazakhstan.

### **Article 6-1. Competence of the Government of the Republic of Kazakhstan in the field of access to information**

Government of the Republic of Kazakhstan shall:

1) develop the main directions of the state policy in the field of access to information and organizes their implementation;

2) approve the regulation on the Commission on Access to Information;

3) approve a unified list of open data of state bodies posted on the Internet portal of open data;

4) submit annually no later than June 1 to the President of the Republic of Kazakhstan an annual report on the state of the sphere of access to information in the Republic of Kazakhstan;

5) determine the number of actual costs for copying or printing and the procedure for their payment to the information owner, as well as the procedure for exempting socially vulnerable segments of the population from paying the actual costs for copying or printing;

6) perform other functions assigned to it by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Footnote. The Law supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 6-2. Competence of authorized bodies**

1. Authorized body in the field of access to information shall:

1) ensure the formation and implementation of the state policy in the field of access to information;

2) organize the work of the Commission on Access to Information and approves its composition;

3) monitor and interdepartmental coordination of the activities of state bodies in the field of access to information;

4) provide practical and methodological assistance to information holders on issues of access to information;

5) interact with owners and users of the information on issues of access to information;

6) approve the rules for posting information on the Internet portal of open data in agreement with the authorized body in the field of informatization;

7) approve the rules for posting information and public discussion of draft budget programs (reports on the implementation of budget programs) on the Internet portal of open budgets in agreement with the authorized body in the field of informatization, the central authorized body for state planning, the central authorized body for budget execution;

8) approve the rules for posting information on the Internet portal for assessing the effectiveness of the activities of state bodies in agreement with the Accounts Committee for Control over the Execution of the Republican Budget and the authorized body in the field of informatization;

9) approve the rules for working on the Internet portal of open dialogue in agreement with the authorized body in the field of informatization;

10) develop a unified list of open data of state bodies posted on the Internet portal of open data;

11) carry out international cooperation in the field of access to information;

12) annually no later than April 1 send to the Government of the Republic of Kazakhstan a draft annual report on the state of the sphere of access to information in the Republic of Kazakhstan;

13) place on its Internet resource an annual report on the state of the sphere of access to information in the Republic of Kazakhstan;

14) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Authorized body in the field of informatization shall:

1) ensure the implementation of the state policy in the field of access to information in terms of the creation, search, collection, accumulation, storage, processing, receipt, use, transformation, display, distribution and provision of electronic information resources contained in informatization objects;

2) analyzes data, except for information with restricted access, contained in the objects of informatization of state bodies, for their subsequent placement on the Internet portal of open data in the manner determined by the authorized body in the field of informatization in agreement with the authorized body in the field of access to information;

3) approve the rules for the content of the Internet resources of state bodies and the requirements for their content in agreement with the authorized body in the field of access to information;

4) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. The law supplemented by Article 6-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).

#### **Article 7. Rights and duties of the information user**

1. The information user shall have the right:
  - 1) receive and disseminate information in any way not prohibited;
  - 2) apply for information;
  - 3) verify the reliability and completeness of the information received;
  - 4) recall the request;
  - 5) not justify the necessity for receiving information;
  - 6) to appeal against unlawful restriction of the right on access to information, actions (inaction) of civil servants;
  - 7) demand, in accordance with the procedure established by law, compensation for material damage and moral harm caused to him by violation of his right on access to information.
2. The information user shall be obliged to comply with the requirements of this Law.

#### **Article 8. Information holder**

The information holders are:

- 1) bodies and institutions of the legislative, executive and judicial branches of state power, local government and self-government bodies;
- 2) state institutions that are not state bodies;
- 3) subjects of the quasi-state sector;
- 4) legal entities that are recipients of budgetary funds - with regard to information related to the use of funds allocated from the state budget;
- 5) subjects of state, special law - in terms of information relating to prices for goods (works, services) produced (sold) by them;
- 6) legal entities - in terms of their environmental information, information on emergency situations, natural and man-made disasters, their projections and consequences, the state of fire safety, sanitary and epidemiological and radiation situation, food safety and other factors that have a negative impact on health and ensuring the safety of citizens, settlements and production facilities;
- 7) performers of functions of central and (or) local executive bodies.

Footnote. Article 8 as amended by Laws of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication); dated 03.01.2022 No. 101-VII (shall be enforced from 01.07.2022).

#### **Article 9. Rights and obligations of information holder**

1. The information holder shall have the right:

- 1) to send a request to the relevant information owner, whose competence is to provide the requested information;
  - 2) clarify the content of the request from the person who applied for the request;
  - 3) refuse to provide information in cases and on the grounds established by the laws of the Republic of Kazakhstan.
2. The information holder is obliged to:
- 1) provide access to information;
  - 2) provide, within the limits of their authority, the organizational technical and other conditions that necessary to ensure access to information;
  - 3) provide reliable and complete information;
  - 4) ensure, in the provided information, the availability of information about the civil servants in an amount sufficient for identification;
  - 5) ensure compliance with the statutory deadlines for the provision of information;
  - 6) keep records, generalization and analysis of requests;
  - 7) create the necessary conditions for the disabled persons when providing information;
  - 8) ensure the uninterrupted functioning of Internet resources containing information;
  - 9) provide the advance training for civil servants and employees in the field of providing access to information;
  - 10) conduct an internal control over the quality and timeliness of the provision of information;
  - 11) comply with legislation of the Republic of Kazakhstan on state secrets and other secrets protected by law;
  - 12) put up the information on a permanent basis, in the form of public data, on the Internet portal of open data that does not relate to information with restricted access;
  - 12-1) timely update, within the limits of their competence, the information posted on the Internet portals of open data, open budgets and assessing the effectiveness of the activities of state bodies;
  - 13) carry out other duties provided for by this Law and other laws of the Republic of Kazakhstan.
- 2-1. The holders of information specified in subparagraph 1) of Article 8 of this Law shall be required to have an authorized structural unit or appoint an authorized person for access to information, carrying out internal monitoring and coordination of providing access to information.
3. In addition to the duties specified in paragraph 2 of this article, heads of central executive bodies (with the exception of the Ministry of Defense of the Republic of Kazakhstan), akims and heads of national higher educational institutions shall obliged report to the population on executed work.

**Footnote. Article 9 as amended by Laws of the Republic of Kazakhstan dated 06.04.2016 No. 484-V (shall be enforced upon expiry of ten calendar days after its first official**

publication); dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).

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

Access to information shall provide in the following ways:

- 1) provision of information on request;
- 2) publication of information in the premises occupied by the information holders, and in other places designated for these purposes;
- 3) providing access to meetings of the colleges of state bodies in accordance with the legislation of the Republic of Kazakhstan and online broadcasting of open meetings of the Chambers of the Parliament of the Republic of Kazakhstan, including joint, local representative bodies of the region, the city of the republican significance, the capital and colleges of state bodies conducted by the end of the year, on Internet resources;
- 4) hearing and discussing the reports of the heads of central executive bodies (except for the ministries of defence, foreign affairs of the Republic of Kazakhstan), akims and heads of national higher educational institutions;
- 5) publication of information in the mass media;
- 6) publication of information on the Internet resource of the information holder;
- 7) publication of information on the relevant components of the web portal “electronic government”;
- 8) in other ways not prohibited by the legislation of the Republic of Kazakhstan.

**Footnote. Article 10 as amended by Laws of the Republic of Kazakhstan dated 06.04.2016 No. 484-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 11. Provision of information on request**

1. Information on request shall be provided by free of charge.
2. Any information shall be available on request, except for information with restricted access.
3. The request shall be addressed to the information holder, whose competence is to provide the requested information.

The request can be presented orally or in written form, including in the form of an electronic document.

4. The information user may address an oral request in person or by phone.  
The answer to the oral request shall be provided for the following information:
  - 1) work schedule of the information holder;
  - 2) postal addresses, e-mail addresses and (or) Internet resources, telephone information services of information holders, their structural divisions, territorial bodies and subordinate organizations, as well as data on their leaders;
  - 3) the procedure for the admission of individuals and representatives of legal entities;



- 4) the procedure for consideration of inquiries, requests, applications and complaints of individuals and legal entities;
- 5) the procedure for the provision of public services;
- 6) schedules of consideration of court cases;
- 7) data on the date and venue of open competitive bidding (auctions, tenders);
- 8) time, the place of convocation of a local community meeting, local community meetings and the discussed issues;
- 9) details on the mass media established by the information holder (if any);
- 10) telephone number for receiving the information on vacant posts.

In case of providing an answer to oral request, the name and position of the person who provided the response shall be indicated.

5. The written request shall specify:

- 1) last name, first name, patronymic name (if it is indicated in the identity document), the individual identification number of individual, requesting the information;
- 2) in case of applying on behalf of a legal entity - full name of the legal entity, business identification number, reference number and date, name, initials and position of the person who signed the request.

The request shall include the postal address or e-mail address, telephone or fax, other means of communication.

A written request shall be signed by an individual or a representative of a legal entity. The request in the form of an electronic document shall be certified by an electronic digital signature.

Request in electronic form, sent through the blog platform of the first heads of state bodies, shall be equated to a written request and entities of the quasi-public sector.

Request sent through the blog platform of the first heads of state bodies and entities of the quasi-public sector, shall not require its signing by the information user, provided that he has an account on the "electronic government" web portal and connects to it the subscriber number of the information user provided by the mobile operator.

6. The information user who directly addressed the information holder and submitted the request in written form shall be given a coupon indicating the date and time, last name and initials of the person who accepted the request.

7. Written requests submitted in accordance with the procedure established by this Law, with the exception of anonymous requests, shall be subject to mandatory acceptance, registration, record and consideration.

8. Written requests may be entry through a representative of an individual or legal entity. Registration of representation shall be made in the order established by the civil legislation of the Republic of Kazakhstan.

9. Requests received by public information systems and corresponding to the requirements of the legislation of the Republic of Kazakhstan on electronic document and electronic digital signature shall be considered in the order established by this Law.

10. An answer to a written request shall be provided within fifteen calendar days from the date of receipt to the information holder.

In cases when the requested information falls within the competence of several information holders and when an answer to a written request requires the receipt of information from other information holders, the review period can be extended only once by the information holder for no more than fifteen calendar days, which the information user shall be notified within three business days from the date of extension of the review period.

11. A written request received by the information holder, whose competence does not include the provision of the requested information, shall be sent to the appropriate information holder within a period not later than three business days from the date of receipt of the request, while notifying the information user that sent the request about it.

12. The answer to a written request shall be provided by the information user's choice of on paper and (or) electronic forms in the language of the request.

The answer to oral request shall be provided orally in the language of the request.

13. If the answer to a written request requires copying or printing, then the information user shall be obliged to compensate the actual costs of copying or printing to the information holder.

The number of actual costs for copying or printing and the procedure for their payment are subject to mandatory publication in periodicals distributed throughout the territory of the Republic of Kazakhstan, and placement on the Internet resources of information owners.

Socially vulnerable segments of the population shall be exempted from paying the actual costs of copying or printing.

14. The answer to a written request shall include: the name, postal address of the information holder, the post of the person who signed the answer, date and number of registration of the request.

15. If the requested information is placed in the manner established by this Law, the information owner can notify the information user about this, but not later than three business days, while sending him details about the methods and place of access to the requested information.

Upon repeated application, the information holder shall provide the requested information in the manner provided by this article.

16. The provision of access to information shall be refused if:

- 1) the content of the request does not allow to establish the requested information;
- 2) the request does not comply with the requirements of this Law;
- 3) the requested information relates to information with restricted access;

4) the request raises the issue of the legal assessment of acts adopted by the information holder, analysis of the information holder's activity or subordinate bodies and organizations to them, or conducting other analytical work before its completion;

5) before adoption of a decision on the results of inspections conducted within the framework of state control and supervision;

6) before adoption of a final decision based on inter-departmental and intra-departmental correspondence or on the basis of meetings in state bodies;

7) before adoption of a mutual agreement on the conditions for disclosure of documents received from foreign states or international organizations.

17. A reasoned answer the refusal of providing information on a written request is communicated to the information user within five business days from the date of registration of the request.

18. Heads of information holders bear personal responsibility for organizing the work with requests, for the condition of their reception, registration, record and consideration.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 12. Placement of information in the premises occupied by information holders**

1. Information holders in the premises occupied by them shall place information stands and (or) other technical means of a similar purpose with information about their activities and create conditions for free access to them for persons with disabilities.

Information holders, whose activities are related to the protection of public order and ensuring public safety, shall be obliged to provide round-the-clock free access to the information stands and (or) other technical means of a similar purpose with information about their activities.

2. The information specified in paragraph 1 of this article contains:

1) the procedure for the information holder, including the procedure for the reception of individuals and representatives of legal entities;

2) conditions and procedure for obtaining information;

3) other details.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 13. Ensuring access to meetings of collegial bodies of state bodies**

1. Meetings of the Chambers of the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and the collegial bodies of the central executive bodies and local representative and executive bodies of the region, the city of the republican significance, the capital, the district (city of regional significance) of the Republic of Kazakhstan are public, with the exception of closed meetings.

Access of information users to open meetings shall be provided in accordance with the legislation of the Republic of Kazakhstan.

2. The chambers of the Parliament of the Republic of Kazakhstan, local representative bodies of the region, cities of republican significance, the capital of the Republic of Kazakhstan shall ensure the broadcasting of public meetings, and state bodies - colleges held at the end of the year, online on Internet resources.

#### **Article 14. Reports of the heads of central executive bodies, akims and heads of national higher educational institutions**

Heads of central executive bodies (except for the ministries of defence, foreign affairs of the Republic of Kazakhstan), akims and heads of national higher educational institutions at least once a year report to the population on the work done.

The order carrying out the reporting meetings shall be determined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 06.04.2016 No. 484-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 15. Placement of information in the mass media**

Placement of information in the mass media is carried out in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 16. Placement of information on Internet resources**

1. Information holders create Internet resources.
2. Information holders specified in subparagraph 1) of Article 8 of this Law place Internet resources on a unified platform of internet resources of state bodies.
3. Information holders specified in subparagraph 1) of Article 8 of this Law, within their competence, shall be obliged to post on Internet resources:
  - 1) general information about the activity:
    - organizational structure, information about managers and their deputies;
    - contact details (postal address, e-mail address, telephone numbers of reference services, structural subdivisions, territorial bodies and subordinate organizations);
    - list of structural units and subordinate organizations, their tasks and functions, as well as information about the heads and their deputies;
    - list of territorial bodies, their tasks and functions, as well as information about the heads and their deputies;
    - normative legal acts regulating the competence, powers, tasks and functions;
    - official news, press releases;
    - news feed;
    - calendars of upcoming official events in activities;

texts of official speeches and official statements of heads and their deputies;

information about the established mass media (if any);

2) information on rule-making activities:

list of adopted normative legal acts;

texts of regulatory policy advisory documents being developed, draft concepts of draft laws and concepts of draft laws, draft regulatory legal acts, together with explanatory notes (if any) and comparative tables to them (in cases of amendments and (or) additions to regulatory legal acts), conclusions of scientific expertise and expert opinions of private business entities (if any), reports on the completion of their public discussion;

information messages, press releases aimed at informing the public about the timing of public discussions of draft regulatory legal acts;

3) information on budget funds:

projects of the republican and local budgets;

approved republican and local budgets;

information on the total amount of budgetary funds allocated for the functioning of the state body;

information on the use of funds from the republican and local budgets, the National Fund of the Republic of Kazakhstan;

budget reporting;

consolidated financial statements;

results of state audit and financial control;

civil budget;

information messages, press releases aimed at notifying the public about the timing of public discussions of draft budget programs and reports on the implementation of budget programs;

4) information on current activities:

strategic plan of the state body and a report on its implementation;

territorial development programs and reports on their implementation;

state and industry programs, concepts, doctrines, strategies, development plans for the relevant industry, as well as reports on their implementation;

statistical information and indicators characterizing the state and dynamics of the industry (sphere) development;

lists of publicly available electronic information resources, as well as departmental databases (banks) of data, registers, inventories, cadastres under their jurisdiction;

analytical reports and reviews of activities, as well as reports and progress reports;

transcripts and (or) minutes of open meetings of collegiate bodies;

information on the activities of consultative and advisory bodies (councils, commissions), where the state body is the working body;

the results of assessing the effectiveness of the activities of state bodies;

5) information on staffing issues:

regulatory legal acts regulating the procedure for the entry of citizens of the Republic of Kazakhstan into the civil service;

information about the announced competition for an administrative public position of corps "B";

qualification requirements for administrative public positions of corps "B";

contact details (last name, first name, patronymic (if it is indicated in the identity document), telephone number and e-mail address) of employees of the personnel management service (personnel department) authorized to advise on vacant positions;

6) information in the field of public services:

public service standards, by-laws that determine the procedure for the provision of public services;

annual report on the activities of the state body on the provision of public services;

drafts of by-laws being developed that determine the procedure for the provision of public services, as well as reports on the completion of their public discussion;

results of public monitoring of the quality of public services;

information on the procedure for appealing the result of the provision of public services;

7) information on the measures taken to combat corruption;

8) information in the field of international cooperation:

a list of international organizations in whose activities the state body takes part;

lists and texts of concluded (signed) international treaties and agreements;

information about received and used grants provided by a foreign state, international or foreign organization and (or) foundation;

information on the participation of the state body in the implementation of international treaties and programs of international cooperation;

conclusions, expert assessments, recommendations and other analytical materials of international organizations on the activities of a state body;

other information in the field of international cooperation;

9) information in the field of public procurement:

regulatory legal acts of the Republic of Kazakhstan regulating the procedure for public procurement;

annual public procurement plan;

information on public procurement carried out by the state body using an open tender, auction, request for quotations, from one source, as well as through commodity exchanges, including the conditions for their conduct, the procedure for participation of potential suppliers in them, protocols on the results of public procurement, the procedure for appealing against actions (inaction), decisions of the customer, organizer of public procurement, single organizer of public procurement, commissions, expert, single operator in the field of public procurement;

10) the procedure for the implementation of permitting actions (licensing, accreditation, registration, and others);

11) information on the results of inspections conducted by the state body and its territorial bodies, as well as the results of inspections conducted in the state body and its territorial bodies, taking into account the restrictions established by the laws of the Republic of Kazakhstan;

12) information on measures of state support for private entrepreneurship;

13) data on the results of sociological, analytical and other studies, as well as population surveys;

14) information on working with the population:

schedule of personal reception of individuals and representatives of legal entities;

contact details (last name, first name, patronymic (if it is indicated in the identity document), phone number and e-mail address) of authorized persons, through which it is possible to obtain information on the personal reception of individuals and representatives of legal entities, as well as consideration of applications and requests, including the procedure for appealing decisions and (or) actions (inaction) based on the results of consideration of applications and requests;

samples of applications and requests accepted by the state body for consideration in accordance with the laws and other regulatory legal acts of the Republic of Kazakhstan;

14-1) information on the rights and obligations of citizens, foreigners and stateless persons in the relevant areas;

15) information repeatedly requested by users of information, based on the results of generalization and analysis of received requests;

16) other information, the obligation to post which is established by the laws of the Republic of Kazakhstan, or information, the placement of which the state body considers to be necessary.

4. Along with the information specified in paragraph 3 of this Article, the central executive body that manages the field of archiving and documentary support for management shall place on its Internet resource the State Stock Catalog containing information about the documents of the National Archival Fund and sources of its acquisition.

5. Along with the information specified in paragraph 3 of this Article, the Internet resources of the courts of the Republic of Kazakhstan shall also include:

1) judicial acts, except for those not subject to public access;

2) schedules for consideration of court cases, taking into account the restrictions established by the laws of the Republic of Kazakhstan.

6. Along with the information specified in paragraph 3 of this Article, the Internet resources of local governments shall also include:

1) report on the results of the monitoring of the execution of the budget of a city of district significance, a village, a township, a rural district;

2) time, place of convocation of the gathering, meetings of the local community and issues discussed;

3) minutes of the gathering or meeting of the local community, as well as the decisions made at them.

7. On the Internet resources of state institutions that are not state bodies, the following items shall be placed:

1) general information about the activity:

history;

organizational structure;

information about the administration;

activity information;

information on the activities of consultative and advisory bodies (if any);

contact details (postal address, e-mail address, telephone numbers of reference services, structural subdivisions, territorial representations (if any));

2) information on vacant positions:

advertised vacancies;

qualification requirements for candidates for vacant positions;

phone numbers for information about vacancies;

3) official news, press releases, calendars of upcoming events;

4) financial reporting, information on spending funds allocated from the republican and local budgets, civil budget;

5) regulatory legal acts regulating their activities;

6) information on ongoing public procurement in the manner prescribed by the legislation of the Republic of Kazakhstan on public procurement;

7) information in the field of international cooperation;

8) information repeatedly requested by users of information, based on the results of generalization and analysis of received requests;

9) data on the results of sociological, analytical and other studies, as well as population surveys;

10) list of databases (banks) of data, registers, registers, cadastres under their jurisdiction;

11) service "Question-answer";

12) schedule of personal reception of individuals and representatives of legal entities;

13) contact details (last name, first name, patronymic (if it is indicated in the identity document), telephone number and e-mail address) of authorized persons, through which it is possible to obtain information on the personal reception of individuals and representatives of legal entities, as well as consideration of applications and requests, including the procedure for appealing decisions and (or) actions (inaction) based on the results of consideration of applications and requests;



14) samples of applications and requests accepted for consideration in accordance with the laws and other regulatory legal acts of the Republic of Kazakhstan;

15) other information, the obligation to post which is established by the laws of the Republic of Kazakhstan, or information, the placement of which is considered necessary by a state institution that is not a state body.

8. On the Internet resources of the subjects of the quasi-public sector shall be placed:

1) general information about the activity:

history;

organizational structure;

information about the leadership;

activities;

development strategy, development plan for national managing holdings, national holdings and national companies;

information on the activities of consultative and advisory bodies (if any);

contact details (postal address, e-mail address, phone numbers) of inquiry services, structural divisions, territorial representative offices and subsidiaries, dependent and other legal entities that are affiliated with them in accordance with the legislative acts of the Republic of Kazakhstan;

2) information on vacant positions:

advertised vacancies;

qualification requirements for candidates for vacant positions;

phone numbers for information about vacancies;

3) official news, press releases, calendars of upcoming events;

4) financial reporting, as well as information on the expenditure of funds allocated from the republican and local budgets;

5) information on the activities of subsidiaries, affiliates and other legal entities that are affiliated with them in accordance with the legislative acts of the Republic of Kazakhstan;

6) regulatory documents regulating activities;

7) information on the procurement of goods (works, services);

8) information in the field of international cooperation;

9) statistical indicators and performance results;

10) analytical reports and progress reports;

11) data on the results of sociological, analytical and other studies, as well as population surveys;

12) information repeatedly requested by users of information, based on the results of generalization and analysis of received requests;

13) list of databases (banks) of data, registers, registers, cadastres under their jurisdiction;

14) service "Question-answer";

15) schedule of personal reception of individuals and representatives of legal entities;

16) contact details (last name, first name, patronymic (if it is indicated in the identity document), telephone number and e-mail address) of authorized persons, through which it is possible to obtain information on the personal reception of individuals and representatives of legal entities, as well as consideration of applications and requests, including the procedure for appealing decisions and (or) actions (inaction) based on the results of consideration of applications and requests;

17) samples of applications and requests accepted for consideration in accordance with the laws and other regulatory legal acts of the Republic of Kazakhstan;

18) other information, the obligation to post which is established by the laws of the Republic of Kazakhstan, or information, the placement of which is considered necessary by the subject of the quasi-public sector.

9. On the Internet resources of recipients of budgetary funds, the information shall be posted regarding the use of budgetary funds allocated from the republican and local budgets, and not classified as information with restricted access.

10. On the Internet resources of market entities occupying a monopoly position, regulatory legal acts of the Republic of Kazakhstan shall be posted that regulate pricing issues for goods (works, services) produced and sold by market entities occupying a monopoly position, as well as prices for goods produced (sold) by them (works, services).

11. On the Internet resources of the performers of the functions of central and (or) local executive bodies, the information shall be posted regarding the implementation of the functions of central and (or) local executive bodies in the relevant industry (sphere) of public administration.

12. The information holder that not having a technical possibility to place information on its own Internet resource, places it on the Internet resource of the local executive body.

13. Updating the news line on the internet resource of the information holder should be carried out daily, updating of other sections is carried out not later than three business days from the date of receipt or creation of the information.

14. Information on the Internet resource shall be provided in Kazakh and Russian languages. The Internet resource of the information holder can have versions in other languages.

15. Information with restricted access shall not be subject of place on on the Internet resource of the information holder.

16. Free access to normative legal acts via the Internet is also provided through web portal "electronic government" in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 16 as amended by Laws of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); № 272-VI as of 25.11.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication); dated 12.03.2021 No. 15-VII (shall come into effect upon the expiration of ten calendar days after**

the day of its first official publication); dated 30.12.2021 No. 95-VII (shall be enforced ten calendar days after the day of its first official publication).

### **Article 17. Placement of information on the web portal of "electronic government"**

1. Information users may receive and use information posted on the components of the "electronic government" web portal in accordance with this Law, as well as participate in its discussion, subject to registration on the "electronic government" web portal or authorization on the components of the web portal "electronic government".

2. On the Internet portal of open data, the holders of information specified in subparagraphs 1), 2), 3) and 7) of Article 8 of this Law shall post open data.

The authorized body in the field of access to information shall have the right to request open data from information owners for placement on the open data Internet portal based on the results of a public opinion poll on the needs of the population of the Republic of Kazakhstan in open data.

Information holders shall also have the right to post information on the open data Internet portal on their initiative.

3. On the Internet portal of open budgets, the owners of information specified in subparagraph 1) of Article 8 of this Law shall post the budget reporting, consolidated financial statements, civil budget, the results of state audit and financial control, as well as a public discussion of draft budget programs and reports on the implementation of budget programs.

4. On the Internet portal of open normative legal acts, state bodies - developers of draft normative legal acts, before sending for approval to the interested state bodies for public discussion, shall post regulatory policy advisory documents, draft concepts of draft laws and draft normative legal acts, together with explanatory notes and comparative tables to them (in cases of amendments and (or) additions to laws), as well as other information provided for by the rules of legislative work of the Government of the Republic of Kazakhstan. Reports on the results of public discussion shall also be posted on the Internet portal of open regulatory legal acts.

Placement of information on the Internet portal of open regulatory legal acts shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

5. On the Internet portal for assessing the effectiveness of the activities of state bodies, the information holders specified in subparagraph 1) of Article 8 of this Law, within their competence, shall post information on the assessment of the activities of state bodies, reports on the achievement of target indicators of strategic plans and programs for the development of territories, as well as a public discussion of the activities of state bodies shall be carried out

6. On the Internet portal of open dialogue, the information holders specified in subparagraphs 1) and 3) of Article 8 of this Law shall provide answers to requests received

through the blog platform of the first heads of state bodies and entities of the quasi-public sector, as well as hold Internet conferences and polls.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication); dated 12.03.2021 No. 15-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).**

#### **Article 18. Appeal against the illegal restriction of the right on access to information**

1. Illegal restriction of the right on access to information may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

2. Complaints against the actions (inaction) of officials, as well as against decisions of state bodies, shall be filed no later than three months when the citizen became aware of the commission of an action or the adoption of a decision by the relevant official or body.

**Footnote. Article 18 - as amended in accordance with the Law of the Republic of Kazakhstan dated 29.06.2020 No. 351-VI (shall come into effect from 01.07.2021).**

#### **Article 19. Commission on access to information**

To take into account and protect public interests in the field of access to information, as well as to meet the needs of users of information, a consultative and advisory body shall be created under the authorized body in the field of access to information - the Commission on Access to Information.

Public interests in the field of access to information refer to the creation of favourable conditions, forms, mechanisms and ways of exercising the constitutional right of everyone to freely receive and disseminate information in any way not prohibited by law.

The activities of the Commission on Access to Information shall be carried out based on transparency and openness in the discussion and resolution of issues within its competence.

Meetings of the Commission on Access to Information shall be held at least once a quarter, in the last decade of the last month of the quarter.

**Footnote. Article 19 - as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 No. 394-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 20. Liability for violation of the legislation of the Republic of Kazakhstan on access to information**

Violation of the legislation of the Republic of Kazakhstan on access to information entails responsibility established by the laws of the Republic of Kazakhstan.

#### **Article 21. Order of enforcement of this Law**

This Law shall be enforced upon expiry of ten calendar days after its first official publication, with the exception of subparagraph 3) of Article 10 and subparagraph 5 of Article 17, that shall be enforced from 1 January, 2017.

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