

**LAW
OF THE REPUBLIC OF KAZAKHSTAN**

On access to information

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This Law sets regulations for public relations created as a result of the exercise of the constitutional right to freely receive and distribute information by any means not prohibited by law.

Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) information – data on persons, objects, facts, events and processes, which is received or created by an information holder, recorded on any device and which possesses prerequisites that allow to identify such data;

2) access to information – the right to freely receive and distribute information by any means not prohibited by law, which is guaranteed by the state and protected by the Constitution and the laws of the Republic of Kazakhstan;

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

4) internet portal of open budgets – a component of an “electronic government” web portal, facilitating a placement of budgetary reports, consolidated financial reports, results of the state audit and financial control, and also public discussion of the budgetary programs and reports about the implementation of the budgetary programs;

5) open data – widely accessible electronic data sources, presented in a machine-readable way and which can further be utilized, repeatedly published or cited without changing the content;

6) internet portal of open data – a component of the “electronic government” web portal, serving as a centralized archive to store descriptive and referential sources of open data;

7) internet portal of open legislative acts – a component of the “electronic government” web portal facilitating a placement of draft law concepts and draft legislative acts;

8) information with limited access – information that is classified as state secrets, personal, family, medical, banking, commercial and other types of secrets protected by law, and also official information noted as “for official use only”;

9) a blog-platform of the first heads of state bodies – a component of the “electronic government” web portal facilitating an opportunity for citizens to send their requests and to receive answers to these requests from the first heads of state bodies;

10) a united platform of internet sites of state bodies – technological platform, facilitating a placement of internet sites of state bodies;

11) internet portal assessing the effectiveness of state bodies’ activity – a component of the “electronic government” web portal facilitating a placement of information related to the assessment of the effectiveness of state bodies’ activity, reports about reaching target indicators of strategic plans and programs on territorial development, as well as public discussion of the activity of state bodies;

12) request – an application in an oral or written form, including an electronic document, requesting an access to information, verbalized or addressed to an information holder in accordance with the order stipulated by this Law.

Article 2. Legislation of the Republic of Kazakhstan on access to information

1. 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 legislative acts of the Republic of Kazakhstan.

2. If an international agreement, ratified by the Republic of Kazakhstan, sets out other rules than those stipulated by the present Law, then the rules of the international agreement would apply.

Article 3. Applicability of the present Law

1. This Law applies throughout the territory of the Republic of Kazakhstan and regulates public relationships created by providing access to information, the latter not related to information with limited access.

2. This Law does not apply to appeals by individuals and legal entities, the order of which is stipulated by legislation of the Republic of Kazakhstan on administrative violations, criminal and civil procedural legislation of the Republic of Kazakhstan.

3. This Law does not apply to the order of considering requests made according to the Law of the Republic of Kazakhstan “On National archive foundation and archives”.

4. This Law does not apply to the order of providing information to mass media outlets according to the Law of the Republic of Kazakhstan “On mass media”.

Article 4. Basic principles of providing access to information

Providing access to information is based on the following principles:

- 1) legality;
- 2) openness and transparency of the activity of information holders;
- 3) truthfulness and completeness;
- 4) relevance and timeliness;
- 5) equal access to information;
- 6) nondisclosure of state secrets and other types of secrets protected by law;
- 7) protection of private life, personal and family secrets;
- 8) respect for rights and legal interests of individuals and legal entities.

Article 5. Limitation of the right for access to information

Right for access to information may be limited only by laws and only to the extent as necessary in order to protect constitutional and public order, human rights and freedoms, health and human morals.

Article 6. Information, access to which cannot be limited

Access to the following types of information cannot be limited; information about:

- 1) emergency situations and catastrophes, endangering security and health of citizens and their consequences, and also about natural disasters, their official forecasts and results;
- 2) status of health care system, sanitary conditions, demography, migration, education, culture, social protection, economy, agriculture, and levels of criminality;
- 3) facts about committed acts of terrorism;
- 4) ecological situation, fire security, sanitary-epidemiological and radiation environment, and food security;
- 5) privileges, compensations and benefits provided by the state to individuals and legal entities;
- 6) violations of human rights and freedoms;
- 7) size of the gold and monetary reserve of the National Bank of the Republic of Kazakhstan;
- 8) texts of legislative acts of the Republic of Kazakhstan, except for legislative acts containing state secrets and other types of secrets protected by law, and also draft laws;
- 9) formation and spending funds from republican and local budgets, except for information containing state secrets;
- 10) control of spending funds from republican and local budgets, except for information containing state secrets;
- 11) facts of violations committed by information holders and their officials;
- 12) mass repressions based on political, social and other motives, including information from archives, except for information related to state secrets of the Republic of Kazakhstan.

Article 7. Rights and obligations of information user

1. Information user has the right to:

- 1) receive and distribute information through any means possible not prohibited by law;
- 2) make a request to receive information;
- 3) check truthfulness and completeness of information being received;
- 4) call back the request;
- 5) receive information without an obligation to explain the necessity;

6) appeal an illegal limitation of the right for access to information and action (inaction) of state officials;

7) request material and moral compensation for harm caused by violation of his right for access to information.

2. Information user must abide by requirements set up by this Law.

Article 8. Information holder

Information holders are:

1) bodies and institutions of legislative, executive branches of state power and court system, as well as local state administration and self-administration;

2) state institutions which are not state bodies;

3) subjects of quasi-state sector;

4) legal entities – receivers of budget funds, in respect to information concerning the usage of funds received from state budgets;

5) legal entities – subjects of the market which enjoy a dominant or monopoly status in the market, in respect to information concerning prices for goods (works, services) produced (sold) by them;

6) legal entities possessing information concerning ecological situation, emergency situations, natural and technogenic catastrophes, their forecast and consequences, fire security, sanitary-epidemiological and radiation conditions and food security and other factors which create a negative impact on health and security of people, settlements and industrial objects.

Article 9. Rights and obligations of information holder

1. Information holder has the right to:

1) send a request to an appropriate information holder whose competence includes providing such information;

2) clarify content of a request with a person applied with such a request;

3) deny access to information in cases and only on the basis of the laws of Republic of Kazakhstan.

2. Information holder is obliged to:

1) provide an access to information;

2) within his authorities provide organizational-technical and other conditions, necessary to get an access to information;

3) provide truthful and complete information;

4) provide identification information about a state official;

5) make sure to respect the deadline for providing access to information;

6) keep a record of, generalize and analyze the requests;

7) create necessary conditions for disabled people who receive information;

8) provide an unstopable functioning of internet sites with information;

9) provide an opportunity for raising qualification for state officials and workers in the sphere of providing access to information;

10) conduct an internal control over quality and timeliness of providing information;

11) comply with the legislation of the Republic of Kazakhstan concerning state secrets and other types of secrets protected by law;

12) on a permanent basis place information as open data on an internet portal of open data, which is not related to information with limited access;

13) carry on other obligations provided by this Law and legislation of the Republic of Kazakhstan.

3. In addition to obligations, listed under paragraph (2) above, the heads of central executive bodies (except for the Ministry of Defense of the Republic of Kazakhstan), a designated body on state service and anti-corruption issues, akims and heads of national highest educational institutions are obliged to report to population about the work performed.

Article 10. Means to provide access to information

Access to information is provided through the following means:

1) providing information upon request;
2) placement of information in offices occupied by information holders and other places designated for this purpose;

Paragraph 3 comes into force on 1 January 2017

3) providing access to the meetings of the collegiums of state bodies in accordance with the legislation of the Republic of Kazakhstan and an online stream on the internet of open sittings of Chambers of Parliament of the Republic of Kazakhstan, including joint sessions, of local representative bodies of oblast, city of republic significance, capital and collegiums of state bodies that take place at the end of the year;

4) listening and discussing reports of the heads of central executive bodies (except for the Ministry of Defense of the Republic of Kazakhstan), designated organ on state service and anti-corruption issues, akims and heads of national highest educational institutions;

5) distributing information in mass media;

6) placement of information on an internet site of an information holder;

7) placement of information on appropriate components of the “electronic government” web portal;

8) other means not prohibited by law of the Republic of Kazakhstan.

Article 11. Providing information upon a request

1. Information upon a request is provided free of charge.

2. Any information can be provided upon a request, except for information with limited access.

3. A request has to be addressed to an information holder, whose competence includes providing requested information.

A request can be made in an oral or written form, including electronically.

4. An information user can address his/her oral request in person or by phone.

A response to an oral request may contain following information:

1) a working schedule of an information holder;

2) postal and electronic addresses and/or internet sites, telephone numbers of call centers of information holders, their structural departments, territorial bodies and their subordinate organizations, and also information about their heads;

3) an order of reception for individuals and representatives of legal entities;

4) an order of considering applications, requests and appeals by individuals and legal entities;

5) an order of rendering state services;

6) schedules of court hearings;

7) information about the date and the place of conducting open competition trades (auctions, tenders);

8) time and place of an assembly of a local community and questions to be discussed;

9) information about mass media outlets, which were founded by an information holder (if available);

10) telephone numbers for receiving information about current job vacancies.

When providing a response to an oral request, a respondent should indicate his/her name and a position in the response.

5. A written request should contain following information:

1) last name, name and patronymic (if it is indicated in an ID), individual identification number of an individual who is sending a request for information;

2) if applying on behalf of a legal entity – full name of a legal entity, business identification number, outgoing number and date, last name, initials and a position of a person who signed a request.

A request has to contain postal and electronic addresses, telephone or telefax number and other means of communication.

A written request has to be signed by an individual or a representative of a legal entity. A request in an electronic form has to be authorized by an electronic digital signature.

A request made electronically on a blog platform of the heads of state bodies is considered as a written request.

A request made electronically on a blog platform of the heads of state bodies does not have to be signed by an information user, if the latter has an account on the “electronic government” web portal and a registration user number, assigned by a mobile phone provider.

6. An information user who applied to an information holder directly and made his/her request in a written form, receives a receipt which indicates the date and time, last name and initials of a person, who accepted the request.

7. Written requests made according to the order established by this Law, except for anonymous requests, must be accepted, registered, accounted for and considered in a mandatory way.

8. Written requests can be made by a representative of an individual or a legal entity. The representation must be legally authorized according to the requirements set in civil legislation of the Republic of Kazakhstan.

9. Requests, received through generally accessible informative systems, and which comply with the requirements set by the legislation of the Republic of Kazakhstan about an electronic document and an electronic digital signature, should be considered according to the order set by this Law.

10. A response to a written request should be given within 15 days from the moment it was received by an information holder.

In cases, when requested information is within competence of several information holders and in order to give a response it's necessary to receive information from other information holders, the period of time for consideration can be once extended for another 15 days by the head of an information holder. An information user should be informed about it within three working days from the moment of extension.

11. A written request received by an information holder, whose competence does not allow him to provide requested information, has to be sent to an appropriate information holder within three working days from the moment of receiving the request. Simultaneously an information user should be informed about this.

12. A response to a written request should be given in hard copy or electronically as per information user's choice and in a language of the request.

A response to an oral request should be given orally in a language of the request.

13. In case if a response to a written request necessitates copying or printing costs, then an information user must compensate these actual costs to an information holder.

The amount of actual costs for copying or printing and the order of compensating costs are determined by the Government of the Republic of Kazakhstan. The tariffs for copying or printing and the order of compensating them have to be published in periodicals distributed throughout the territory of the Republic of Kazakhstan and placed on the web sites of information holders.

Socially deprived people are released from compensating actual costs for copying or printing according to the order set by the Government of the Republic of Kazakhstan.

14. A response to a written request contains the name, postal address of an information holder, position of a person who signed off the response, the date and the registration number of the request.

15. If requested information is accessible according to the order set by this Law, then an information holder can notify an information user about this but not later than three working days, simultaneously sending him information about the means and a point of access to requested information.

When applied repeatedly an information holder provides this information according to the order set by this article.

16. An access to information is denied:

- 1) if a content of a request does not allow to determine which information is being requested;
- 2) if a request does not comply with the requirements of this Law;
- 3) if requested information is considered to be information with limited access;
- 4) if a request contains questions of legal evaluation of acts adopted by an information holder, analysis of activities of an information holder or its subordinate bodies and organizations or conducting any other type of analytical work before its completion;

- 5) before a decision is made on the results of checkups, conducted in the framework of the state control and supervision;

- 6) before a final decision is taken on the basis of interdepartmental and interagency correspondence or on the basis of discussions held in state bodies;

- 7) before reaching a mutual agreement about conditions of releasing documents received from foreign states or international organizations.

17. A reasoned response to a written request denying access to information is delivered to an information user within five working days from the moment of registering the request.

18. The heads of information holders bear an individual responsibility over organization of the work with requests, their status of admittance, registration, recording and consideration.

Article 12. Displaying information in offices, occupied by information holders

1. Information holders display information about their activities on informational boards and (or) other similar technical means.

When setting up informational boards and (or) other similar technical means information holders must:

Provide 24-hrs free access to them;

Create conditions allowing free access by disabled persons.

2. Information, indicated in paragraph 1 of this article, contains:

- 1) the work order of an information holder, including reception hours for individuals and representatives of legal entities;

- 2) conditions and order of receiving information;

- 3) other data.

Article 13. Providing access to the meetings of collegial bodies of state bodies

1. Open sessions of both Chambers of Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and collegial bodies of central executive bodies and local representative and executive bodies of oblasts, city of a republican significance, capital, rayon (city of oblast significance) of the Republic of Kazakhstan are accessible to everyone, except for closed sessions.

Access of information users to open sessions is provided according to the legislation of the Republic of Kazakhstan.

2. Chambers of Parliament of the Republic of Kazakhstan, local representative bodies of oblasts, city with a republican status, capital of the Republic of Kazakhstan provide an online stream of their open sessions, while state bodies provide an stream of their collegiums conducted at the end of the year.

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

Heads of central executive bodies (except for the Ministry of Defense of the Republic of Kazakhstan), a designated organ for state service and anticorruption issues, akims and rectors of national higher educational institutions have to report to the population about the results of their work not less than once a year.

The order of conducting such reporting meetings is determined by the legislation of the Republic of Kazakhstan.

Article 15. Placement of information in mass media

Placement of information in mass media is done according to the legislation of the Republic of Kazakhstan.

Article 16. Placement of information on the internet sites

1. Information holders create internet sites.

2. Information holders indicated in paragraph 1 of article 8 of this Law, place their internet sites on the unified platform of state bodies.

3. Information holders within their competence must place the following types of information on the internet sites:

1) general information about activities of information holders:

organizational structure of information holders, data about their first heads;

official news (press-release) about activities of information holders;

official calendars of forthcoming activities of information holders;

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

data about state and department programs, concepts, doctrines, programs and plans for developing territories, strategic plans, strategies and plans for developing a particular field, projects of targeted programs and concepts;

data about activity of consultative-advisory bodies (councils, commissions), which working body is presented by an information holder;

data about usage of funds from republican and local budgets, National fund of the Republic of Kazakhstan;

information messages about information holders' participation in targeted or other programs and international collaboration;

information messages about results of checkups, conducted by a state body, its territorial bodies, body of local self-governance, subordinate organizations within the scope of their responsibilities and also about results of checkups conducted inside the state body, its territorial bodies, body of local self-governance, subordinate organizations;

reports and presentations about the work done;

evaluation results of the effectiveness of activities of central and local executive bodies in pursue of state policy;

public monitoring results of the quality of provided state services;

2) a list of departments within an organizational structure of an information holder and its subordinate organizations, their tasks and functions and also data about their heads;

3) a list of territorial bodies of an information holder (if available), their tasks and functions, and also data about their heads;

4) normative legal acts, regulating the competence, responsibilities, tasks and functions of an information holder;

5) information about an information holder's activity in the field of developing law:

a list of legislative acts, adopted by an information holder;

legislative acts, adopted by an information holder and which entered into force in accordance with signed originals;

texts of drafts legislative acts developed by an information holder, and also explanatory notes, comparison tables, conclusions of scientific expertise and expert conclusions of subjects of private entrepreneurship;

drafts of standards of state services developed by an information holder, and also reports about concluding their public discussion;

6) information about informative resources and services:

data about mass media outlets, founded by an information holder (if available);

banks of data, registers, cadasters within an information holder's purview;

lists of generally accessible electronic informative resources and electronic services, rendered to individuals and legal entities;

data about state purchases, being conducted according to the order stipulated in the legislation of the Republic of Kazakhstan on state purchases;

7) statistical information:

agency statistical data banks;

information characterizing conditions and dynamics of a field of industrial development (or sphere) in part, relating to the competence of an information holder;

8) analytical reports and surveys of an informative character about activity of an information holder;

9) conclusions, expert evaluations, recommendations and other analytical materials of international organizations on issues related to the activity of an information holder;

10) information about a working order of an information holder:

an order of executing permissible activities (licensing, accreditation, registration and others) (if such activities are within its responsibilities);

templates of applications and requests, accepted by an information holder for consideration in accordance with the laws and other legal acts of the Republic of Kazakhstan;

11) information about competitions and tenders being conducted:

data about open competitive trades (auctions, tenders), expertise and other events and conditions of conducting them;

conditions for participation of individuals and legal entities in them;

protocols of conducted open competitive trades (auctions, tenders);

12) an order of reception of individuals and legal entities' representatives;

13) an order of considering appeals by individuals and legal entities;

14) stenographs and (or) protocols of open meetings of collegial bodies;

15) data on population surveys, consideration and analysis of requests on access to information;

16) availability of service "question-answer";

17) interactive citizens' surveys;

18) news lines;

19) postal and electronic addresses, telephone numbers of call centers of information holders, their departments, territorial bodies and subordinate organizations;

20) information which has been requested several times (two and more times during three consecutive months) by information users;

21) other information, which has to be placed according to the legislation of the Republic of Kazakhstan or information which an information holder deems to be necessary for placement.

4. Along with data indicated in paragraph 3 of this article, state bodies within their competence must also place following information on the internet:

1) information in the field of budgetary funds:

drafts of republican and local budgets;

budgetary reports;

consolidated financial reports;

results of state audits and financial control;

2) information about job announcements for vacant positions in administration of state service;

3) legal acts, except for legal acts regulating personnel and financial questions, questions of organizing interdepartmental work;

4) standards and regulations of state services;

5) information about received and used grants, provided by a foreign state, international or foreign organization and (or) fund.

5. Along with data, indicated in paragraph 3 of this article, Central state body of managing archives and documentation places a Catalogue of data on structure and content of documents in the National archive on its own internet site.

6. Along with data indicated in paragraph 3 of this article, the internet sites of courts of the Republic of Kazakhstan must contain following information:

1) court acts, except for those not available for open access;

2) court schedules, taking into account limitations set by the legislation of the Republic of Kazakhstan.

7. Along with data indicated in paragraph 3 of this article, the internet sites of local executive bodies of rayon, city with oblast status, city with republican status, capital must contain following information:

1) legal acts, except for those which regulate personnel and financial questions;

2) standards and regulation of state services;

3) reports of heads of executive bodies, financed from local budget;

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

5) information about job announcements for vacant positions in the administration of state service.

8. Along with data indicated in paragraph 3 of this article, the internet sites of local self-governance bodies must also contain following information:

1) a report on results of monitoring conducted in order to check the usage of budgetary funds, provided in order to address local questions and income sources of local self-governance;

2) time, place of an assembly of a local community and questions discussed;

3) protocols of an assembly of a local community and decisions made.

9. Along with data indicated in paragraph 3 of this article, the internet sites of subjects of quasi-state sector must also contain following information:

1) data on vacancy job announcements;

2) qualification requirements of candidates for vacant positions;

3) telephone numbers for receiving information on vacant positions.

10. The internet sites of the receivers of budgetary funds contain information related to the usage of funds provided from the state budget and not related to information with limited access.

11. The internet sites of the market subjects (players) who enjoy a dominant or monopoly status on the market, contain legislative acts regulating pricing policies for goods produced or sold by the market subjects (players), who enjoy a dominant or monopoly status, and prices for goods (works, services) produced (sold) by them.

12. An information holder who does not have technical capacity to place information on his/her own internet site, must do so on an internet site of a local executive organ.

13. Actualization of the news line on the internet site of an information holder should be done every day, actualization of other fields should be done not later than three working days from the day of receiving or creating information.

14. Information on the internet site must be available in Kazakh and Russian languages. The internet site of an information holder may have versions in other languages.

15. Information with limited access should not be made available on the internet site of an information holder.

16. Free access to legal acts on the internet is provided through the “electronic government” web portal in accordance with the legislation of the Republic of Kazakhstan.

Article 17. Placement of information on the “electronic government” web portal

1. Information users may receive and use information placed on web components of the “electronic government” web portal in accordance with this Law, and also take part in discussing it upon registering on the “electronic government” web portal.

2. Information holders indicated in paragraph 1 of article 8 of this Law, place open data on an internet portal of open data.

The designated body in the sphere of informatization has the right to request open data from information holders in order to place it on the internet portal of open data based on the results of a public survey about the needs of people of the Republic of Kazakhstan in open data, conducted on the “electronic government” web portal.

Information holders are entitled to place information on the internet portal of open data on their own initiative.

Placement of information on the internet portal of open data is done according to the order set by the legislation of the Republic of Kazakhstan in the sphere of informatization.

3. Information holders listed in paragraph 1 of article 8 of this Law place information on an internet portal of open budgets, such as budgetary reports, consolidated financial reports, results of state audit and financial control, as well as public discussion of drafts budgetary programs and reports about realization of budgetary programs takes place on this portal.

Placement of information on the internet portal of open budgets is done according to the order established by a designated body in the sphere of informatization in concert with a central designated body on state planning and a central designated body on budget execution.

4. The state bodies - drafters of the legislative acts place draft concepts of laws and legislative acts along with the explanation notes and comparison tables (in case of making changes and (or) additions to legal acts) on an internet portal of open legislative acts for public discussion before sending them for approval to the interested state bodies. Reports on the results of public discussion are also placed on the internet portal of open legislative acts.

Placement of information on the internet portal of open legislative acts is done according to the legislation of the Republic of Kazakhstan.

Paragraph 5 will enter into force on 1 January 2017

5. Information holders listed in paragraph 1 of article 8 of this Law within their competence place information related to the assessment of the effectiveness of state bodies’ activity, reports about reaching target indicators of the strategic plans and programs on territorial development on an internet portal assessing the effectiveness of state bodies’ activities, where public discussion of activities of state bodies also takes place.

Placement of information on the internet portal assessing the effectiveness of state bodies' activities is done according to the order, established by a designated body in the sphere of informatization in accordance with a central designated body on state planning.

Article 18. Appealing unlawful limitation of the right for access to information

1. Unlawful limitation of the right for access to information may be appealed to a higher state body (a higher rank official) or to a court.

2. An appeal of actions (inactions) of state officials and also state bodies' decisions is to be addressed to a higher rank official or an body or a court not later than three months from the day when a person learnt that an action was done or decision taken by a relevant state official or an body. Missing a deadline for bringing an appeal will not serve as a reason to deny the admittance of the appeal by a state body or a state official or a court. The reasons for missing the deadline will be revealed during the consideration of the appeal and may become one of the basis for denying the appeal.

Article 19. Commission on issues of access to information

In order to account for and defend public interests in the field of access to information, and also in order to satisfy the demands of information users, a consultative-advisory body – Commission on issues of access to information is formed within the structure of a designated body, determined by the Government of the Republic of Kazakhstan.

Activity of the Commission on issues of access to information is performed on the basis of transparency and openness when discussing and deciding questions within its competence.

Regulation on the order of activities of the Commission on issues of access to information is approved by the Government of the Republic of Kazakhstan.

Article 20. Responsibility for violating the legislation of the Republic of Kazakhstan on access to information

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

Article 21. Order of entering into force of this Law

The present Law enters into force ten days after its first official publication, except for paragraph 3 of article 10 and paragraph 5 of article 17, which will come into force on 1 January 2017.

**President
of the Republic of Kazakhstan**

N. NAZARBAYEV

Astana, Akorda, 16 November 2015

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