



On Electronic Document and Electronic Digital Signature

Unofficial translation

The Law of the Republic of Kazakhstan dated 7 January, 2003 No.370

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This Law is directed to regulation of relations, arising upon creation and use of electronic documents, certified by electronic digital signatures, providing establishment, change or termination of legal relations, as well as rights and obligations of participants of legal relations, arising in the scope of circulation of electronic documents, including commission of civil transactions.

Chapter 1. General provisions

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

1) certifying centre - a legal entity, certifying conformity of public key of electronic digital signature to the private key of electronic digital signature, as well as approving reliability of registration certificate;

2) accreditation of certifying center - official recognition by the authorized body the competence of certifying center in rendering of services;

3) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication);*

4) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication);*

5) *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication);*

6) signer - individual or legal entity, lawfully in possession of the private key of electronic digital signature and having the right to use it in the electronic document;

6-1) the state technical service - republican state enterprise on the right of economic management, created by decision of the Government of the Republic of Kazakhstan;

6-1) electronic copy of document - a document, fully reproducing the form and information (data) of original document in the electronic and digital form, certified by the electronic digital signature of applicant or person, possessing with powers for certificate of this documents, or authorized employee of the public service center, on the basis of written consent of recipient of state service, given at the date of its personal presence;

7) registration certificate - a document on the paper medium or electronic document, issued by the certifying center for approving of compliance of electronic digital signature with the requirements, established by this Law;

8) owner of registration certificate - individual or legal entity, for the name of which the registration certificate is issued, lawfully in possession with private key, corresponding to the public key, specified in the registration certificate;

9) authorized body - the state body, carrying out management in the scope of informatization;

10) electronic document - a document, in which the information is presented in electronic and digital form and certified by electronic digital signature;

11) a system of electronic document management system - a system of exchange of electronic documents, the relations between participants of which are regulated by this Law and other regulatory legal acts of the Republic of Kazakhstan;

12) participant of system of electronic document management system – individual or legal entity, the state body or civil servant, participating in the processes of collection, processing, storage, transfer, retrieval and distribution of electronic document;

13) electronic digital signature – a set of electronic digital symbols, created by means of electronic digital signature and approving reliability of electronic document, its belonging and permanence of content;

14) means of electronic digital signature – a set of program and technical means, used for creation and verification of authenticity of electronic digital signature;

15) public key of electronic digital signature – subsequence of electronic digital symbols, accessible to any person and intended for approval of authenticity of electronic digital signature in the electronic document;

16) private key of electronic digital signature – subsequence of electronic digital symbols, known to the owner of registration certificate and intended for creation of electronic digital signature with the use of means of electronic digital signature.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on electronic document and electronic digital signature

1. The legislation of the Republic of Kazakhstan on electronic document and electronic digital signature shall be based on the Constitution of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

Article 3. Use of foreign registration certificate and exchange of electronic documents with participation of foreign individuals and legal entities

1. Upon regulation of legal relations, arising between the certifying center and owner of foreign registration certificate shall be applied the right of the state, in which the registration certificate was issued, unless otherwise established by agreement of parties.

2. Upon exchange of electronic documents with participation of foreign individuals and legal entities shall be applied the legislation of the Republic of Kazakhstan, unless otherwise established by agreement of parties.

Article 4. The competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) **Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);**

2) determine procedure and conditions of electronic document management system;

3) determine the powers of the authorized body;

4) approve the rules of conducting of accreditation of certifying centers;

4-1) **Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);**

4-2) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);

5) exercise other powers, provided by the Constitution, this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. The competence of the authorized body

Footnote. The title is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

An authorized body shall:

1) implement the basic directions of the state policy in the scope of electronic document and electronic digital signature;

2) Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) render practical and methodological assistance to the state bodies and organizations on issues of electronic document and electronic digital signature;

4) carry out the state control in the scope of electronic document and electronic digital signature for compliance with the Laws of the Republic of Kazakhstan and provisions of the Government of the Republic of Kazakhstan on electronic document and electronic digital signature;

5) Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012);

6) develop and approve the model regulation of certifying center;

7) Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015);

8) develop and approve the rules of issuance, storage, revocation of registration certificates and approval of belonging and validity of public key of electronic digital signature to the root certifying center of the Republic of Kazakhstan, certifying center of the state bodies and national certifying center of the Republic of Kazakhstan;

8-1) develop and approve the rules of approval of authenticity of foreign electronic digital signature by the authorized third party of the Republic of Kazakhstan;

9) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication).;

10) exercise other powers, provided 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. Article 5 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV; dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); dated 10.07.2012 No. 36-

V(shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V(shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V(shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 5-1. The state control in the scope of electronic document and electronic digital signature

1. The state control in the scope of electronic document and electronic digital signature shall be carried out in the form of verification and other forms.

2. Verification shall be carried out in accordance with the Law of the Republic of Kazakhstan “On the state control and supervision in the Republic of Kazakhstan”. Other forms of the state control shall be carried out in accordance with this Law.

Footnote. Chapter 1 is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. Electronic document

Article 6. Principles of electronic document management system

Electronic document management system shall be carried out in the state and non-state information systems on the basis of the following principles:

- 1) functioning of various systems of electronic document management system;
- 2) use of electronic documents in any scopes of activity, where the information technologies for creation, processing, storage and transfer of data are applied;
- 3) transfer of electronic documents with the use of any information systems.

Article 7. Requirements to the electronic document management system

1. Electronic document may be created, transferred, stored and filed by the electronic means. Electronic document conforming to the requirements of this Law is equivalent to the document on the paper medium.

2. Electronic document shall be considered to be sent from the date of its transfer by information and communication network.

3. Incoming electronic document shall be considered as received after its fixation in the information system of addressee.

4. Notification on reception shall contain the data on the fact and time of reception of electronic document and its sender. In the case of its non-reception to the author shall be considered that the document is not received by addressee.

4-1. In the cases, established by the legislation of the Republic of Kazakhstan, the electronic copy of document shall be presented for rendering of the state service.

5. Procedure of electronic document management system shall be determined by the Government of the Republic of Kazakhstan.

6. Procedure of the use, protection, registration of electronic documents, contained details, consisting the state secrets shall be established by the legislation of the Republic of Kazakhstan on the state secrets.

Footnote. Article 7 is in the wording of the Republic of Kazakhstan dated 04.06.2009 No. 162-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. Storage of electronic documents

Electronic documents shall be stored in the state and (or) non-state information systems in the manner established by the legislation of the Republic of Kazakhstan.

Article 9. Rights and obligations of participant of the system of electronic document management system

1. Participant of the system of electronic document management system shall have a right to:

- 1) apply to the certifying center for approval of belonging and validity of public key of electronic digital signature, registered by this certifying center;
- 2) serve by several certifying centers.

2. Participant of the system of electronic document management system shall be obliged to observe the established rules of electronic document management system.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13 (shall be enforced from 1 January 2005).

Chapter 3. Electronic digital signature

Article 10. Use of electronic digital signature

1. Electronic digital signature is equivalent to the autograph signature of signed person and entail the same legal consequences upon execution of the following conditions:

- 1) certified the authenticity of electronic digital signature using the public key, having the registration certificate;
- 2) a person signed the electronic document, lawfully in possession of private key of electronic digital signature;
- 3) electronic digital signature is used in accordance with details, specified in the registration certificate.

2. Private keys of electronic digital signature shall be the property of persons holding them legally.

A person may have the private keys of electronic digital signature for the various information systems. Private keys of electronic digital signature may not be transferred to other persons without the consent of owners of these keys.

3. Signer shall have a right to transfer the powers for the use of electronic digital signature to its representative in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Article 11. Means of electronic digital signature

Means of electronic digital signature shall subject to certification in the cases and manner established by the legislation of the Republic of Kazakhstan.

Article 12. Electronic digital signature in the system of electronic document management system

1. Electronic digital signature may be used by the civil servants of the state bodies upon certification of electronic documents, issued by them within their competence.

2. In the non-state systems of electronic document management system the electronic digital signature shall be used in the manner established by the civil legislation of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2).

Article 13. Recognition of foreign electronic digital signature

Foreign electronic digital signature, having the foreign registration certificate shall be recognized by the electronic digital signature in the territory of the Republic of Kazakhstan in accordance with international agreements, ratified by the Republic of Kazakhstan or after registry of registration certificates.

Chapter 4. Registration certificate

Article 14. Issuance of registration certificate

Procedure of issuance of registration certificate shall be determined by the authorized body and shall be compulsory for certifying center and participants of the system of electronic document management system.

Article 15. The content of registration certificate

1. Registration certificate shall contain the following details:
 - 1) number of registration certificate and the term of its validity;
 - 2) data, allowing to identify the owner of electronic digital signature;
 - 3) public key of electronic digital signature;
 - 4) data on the means of electronic digital signature, used for creation of relevant private key of electronic digital signature;
 - 5) information on the scopes of application and restrictions of application of electronic digital signature;
 - 6) requisites of relevant certifying center.
2. Certifying center in coordination with participant of the system of electronic document management system shall include additional information, necessary for the electronic document management system to the registration certificate.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16. Procedure and term of storage of registration certificates in the certifying centers

1. Copies of registration certificates shall be stored in the relevant certifying centers in the manner established by the authorized body.
2. The term of storage of revoked registration certificates in the certifying centers shall consist not less than five years.
3. Upon expire of the term, specified in paragraph 2 of this Article, revoked registration certificates shall be received to the archiving in the manner established by the legislation of the Republic of Kazakhstan.

Article 17. Rights and obligations of the owner of registration certificate

1. The owner of registration certificate shall have a right to require the revocation of registration certificate from the certifying center in the cases, if it involves the violation of the regime of access to the private key of electronic digital signature, relevant to the public key, specified in the registration certificate.
2. The owner of registration certificate shall be obliged to:
 - 1) provide reliable information to the certifying center;
 - 2) use the private key, relevant to the public key, specified in the registration certificate;
 - 3) **Is excluded by the Law of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication);**
 - 4) take measures for protection of private key of electronic digital signature, belonging to it, from the illegal access and use, as well as storage of public keys in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Revocation of registration certificate

1. Certifying center, issued the registration certificate shall revoke it in the following cases:

- 1) at the request of the owner of registration certificate or its representative;
- 2) the death of the owner of registration certificate;
- 3) **Is excluded by the Law of the republic of Kazakhstan dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication);**
- 4) provided agreement between the certifying center and the owner of registration certificate;
- 5) by the court decision, entered into legal force.

2. Certifying center shall revoke the registration certificate in the manner and terms, which are established by the legislation of the Republic of Kazakhstan.

3. Upon cancellation of registration certificate, the certifying center shall be obliged to notify the owner of registration certificate and make amendments to the register of registration certificates within the term not less than one day from the date of reception of relevant information.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Recognition of foreign registration certificates

Foreign registration certificate shall be recognized on level with registration certificate, issued by the certifying center, operating in the territory of the Republic of Kazakhstan after introduction of registration certificate in the register of registration certificates.

Chapter 5. Certifying center

Article 20. An activity of certifying center

1. Certifying center shall be a legal entity, created in accordance with the legislation of the Republic of Kazakhstan.

2. Certifying center may serve several systems of electronic document management system.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012).

Article 20-1. The state monopoly in the scope of electronic document and electronic digital signature

1. The state technical service shall carry out the following types of activity, relating to the state monopoly in the scope of electronic document and electronic digital signature:

- 1) of authorized third party of the Republic of Kazakhstan, carrying out approval of authenticity of foreign electronic digital signature;
- 2) root certifying center of the Republic of Kazakhstan, carrying out approval of belonging and validity of public keys of electronic digital signature of certifying centers;
- 3) national certifying center of the Republic of Kazakhstan, serving the participants of "electronic government", state and non-state information systems;
- 4) certifying center of the state bodies of the Republic of Kazakhstan, serving the participants of unified system of electronic document management system of the state bodies of the Republic of Kazakhstan.

2. Prices for goods (works, services), conducted and (or) implemented by the subject of the state monopoly shall be established by the authorized body in

coordination with anti-monopoly body.

Footnote. Chapter 5 is supplemented by Article 20-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its official publication); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21. Functions of certifying center

1. Certifying center shall:

- 1) create the keys of electronic digital signatures by application of participants of the system of electronic document management system with adoption of measures for protection of private keys of electronic digital signature from illegal access;
- 2) issue, register, revoke, store the registration certificates, maintain register of registration certificates, issued in the established procedure;
- 3) carry out accounting of effective and revoked registration certificates;
- 4) approved belonging and validity of public key of electronic digital signature, registered by the certifying center in the manner established by the legislation of the Republic of Kazakhstan;
- 5) **(Is excluded)**

2. Certifying center shall be obliged to take all necessary measures for prevention of loss, modification and forgery of public keys of electronic digital signature, being in the storage.

3. Certifying center shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan for non-performance of obligation, provided by paragraph 2 of this Article.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13 (shall be enforced from 1 January, 2005).

Article 22. Termination of activity of certifying center

1. An activity of certifying center shall be terminated in the manner established by the legislation of the Republic of Kazakhstan.

2. In the case of termination of activity, the certifying center shall be obliged inform on that all participants of served them systems of electronic document management systems and authorized body thirty days before the termination of its activity.

3. Upon termination of activity of certified center, the registration certificates and relevant keys of electronic digital signature, issued them, details on the owners of registration certificates shall be transferred to other certifying centers by coordination with the owner of registration certificate.

4. Upon expire of the term, specified in paragraph 2 of this Article, the registration certificates and relevant keys of electronic digital signatures, not transferred to other certifying centers shall terminate its activity and subject to storage in accordance with the legislation of the Republic of Kazakhstan.

Article 23. Protection of details on the owners of registration certificates, private and public keys of electronic digital signatures

1. Certifying center shall ensure protection of details on the owners of registration certificates and disclose them in the cases, provided by the legislation of the Republic of Kazakhstan.

2. Details on the owners of registration certificates, being confidential in accordance with agreement of parties shall not be included in the public register of registration certificates.

Chapter 6. Final provisions

Article 24. Responsibility for violation of the legislation of the Republic of Kazakhstan on electronic document and electronic digital signature

Persons who guilty in violation of the legislation of the Republic of Kazakhstan on electronic document and electronic digital signature shall bear responsibility provided by the Laws of the Republic of Kazakhstan.

Article 25. Consideration of disputes

The disputes arising upon the use of electronic document and electronic digital signature shall subject to consideration in the judicial procedure in accordance with the legislation of the Republic of Kazakhstan.

Article 26. The order of enforcement of this Law

This Law shall be enforced from 1 July, 2003.

The President

of the Republic of Kazakhstan