



On approval of the Rules for communication operators to collect and store service information about subscribers

Invalidated Unofficial translation

resolution of the Government of the Republic of Kazakhstan dated March 30, 2010 № 246. Abolished by the Decree of the Government of the Republic of Kazakhstan dated July 13, 2023 No. 559

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated July 13, 2023 No. 559 (effective from the date of its first official publication)

Footnote. The title as amended in the Kazakh language and the text in the Russian language shall not be amended by the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

In accordance with paragraph 1 of Article 15 of the Law of the Republic of Kazakhstan dated July 5, 2004 “On Communication” the Government of the Republic of Kazakhstan hereby **RESOLVED as follows**:

1. To approve the attached Rules for communication operators to collect and store service information about subscribers.

Footnote. Paragraph 1 as amended in the Kazakh language and the text in the Russian language shall not be amended by the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. This resolution shall be enforced from the date of its first official publication.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated March 30, 2010 № 246

Rules

for communication operators to collect and store service information about subscribers

Footnote. The title of the Rules as amended in the Kazakh language and the text in the Russian language shall not be amended by the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

Footnote. The name of the Chapter 1 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. These Rules for communication operators to collect and store service information about subscribers (hereinafter referred to as the Rules) developed in accordance with the Laws of the Republic of Kazakhstan dated September 15, 1994 "On operational and search activities", dated July 5, 2004 "On Communications", dated January 6, 2012 "On National Security of the Republic of Kazakhstan", dated November 24, 2015 "On informatization", dated December 28, 2016 "On counterintelligence activities" and shall determine the procedure for communication operators of the Republic of Kazakhstan to collect and store service information about subscribers.

Footnote. Paragraph 1 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. The following terms shall be used in these Rules:

1) subscriber – an individual or legal entity with whom a contract for the provision of communication services has been concluded;

2) service information about subscribers - information about subscribers intended exclusively for the purposes of counter-intelligence activities and operational and search activities on communication networks and including:

information about subscriber numbers, including information about individual identification numbers (for individuals) or business identification numbers (for legal entities) of subscriber number holders;

information on identification codes of subscriber cellular communication devices, including data on individual identification numbers (for individuals) or business identification numbers (for legal entities) of owners of subscriber cellular communication devices;

billing data (data on the services received by the subscriber);

location of subscriber unit in the network in accordance with technical regulations;
addresses in the data network;

addresses of access to Internet resources in the data network;

identifiers of an Internet resource;

data network protocols;

3) subscriber number - a number allocated to the subscriber when concluding a contract, by means of which a connection with other subscriber equipment shall be established, and allowing to identify the subscriber in the network;

4) a communication network - a technological system including means and communication lines and intended for telecommunication or postal communication;

5) communication operator – an individual or legal entity, registered in the territory of the Republic of Kazakhstan, providing communication services and/or operating communication networks.

Footnote. Paragraph 2 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3. The requirements of these Rules shall apply to telecommunications operators engaged in the provision of telecommunications services, with the exception of postal communications (hereinafter referred to as the Operator).

Footnote. Paragraph 3 as amended in the Kazakh language and the text in the Russian language shall not be amended by the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

4. Excluded by the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 2. Procedure for communication operators to collect and store service information about subscribers

Footnote. The name of the Chapter 2 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. The operator shall provide collection and storage of service information about subscribers for two years, after which the information is destroyed. The Operator shall be liable under the Laws of the Republic of Kazakhstan for violation of the duty to collect and store service information about subscribers.

6. The Operator shall continuously collect service information on services provided to the Subscriber from telecommunication (communication) facilities in accordance with these Rules and ensure its storage in the Operator 's system (hereinafter referred to as the System).

Footnote. Paragraph 6 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

6-1. Service information about subscribers shall be stored exclusively in the territory of the Republic of Kazakhstan. It shall be prohibited to transfer service

information about subscribers outside the Republic of Kazakhstan, except in cases of providing communication services to subscribers of the Republic of Kazakhstan who are abroad.

Footnote. The Rules as added by paragraph 6-1 in accordance with the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. In case of modernization (replacement) of the used System facilities in order to improve its characteristics (at increase of the number of types of provided communication services, number of subscribers, increase of the volume of stored information, expansion of the System functionality), loss or change of already stored information is not allowed.

8. The operator shall receive service information from the available information systems, databases and technical means of communication.

9. Functionally, the System shall consist of logical modules performing functions of collection, storage, control and security. The protocol of interaction of System modules shall be agreed by the Operator with the body carrying out counterintelligence activities and operational and search activities on communication networks.

Footnote. Paragraph 9 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

10. Service information about the subscriber shall be accumulated in the System on the information storage equipment.

The System shall provide:

1) storing information about subscribers and information about services rendered to the subscriber:

for legal entities - business identification number, address for invoice delivery;

For individuals - surname, first name and patronymic name (if specified in the identity document), residence, number and date of issue of the identity document, individual identification number, e-mail addresses, postal address;

numbers of contact phone numbers; subscriber equipment installation address; the date of conclusion and termination of the contract; list of communication services available to the subscriber; subscriber number;

billing data - information on the personal account of the subscriber, information on account replenishment, addresses of subscribers in the data network;

addresses of subscribers in the data network and addresses of access to Internet resources in the data network, protocols of the data network for each provided service of access to the Internet, including: date and time of registration of the subscriber in the network taking into account time zones; the dynamic or static IP address allocated to the session; the point of entry into the network; the subscriber number and

identification code of the cellular subscriber unit from which the network has been logged off; the amount of information transmitted and received during a given session; the period of time during which each service has been provided; the type of communication used by the user, the address of the transmitted or received e-mail message, the e-mail address of the e-mail message, the identifier of the Internet resource, the date and time of the start and end of changes of data on the Internet resource taking into account time zones, as well as the IP address from which the change took place;

2) unified storage format;

3) data binding to time;

4) invariance of data;

5) completeness and reliability of stored data;

6) possibility of integration with means of operational and search activities on telecommunication networks;

7) automated access, which provides reception of various types of requests about users of communication services and provided to them communication services, issuance of information and system reports on specified parameters;

8) protection against unauthorized access to the System data by software and technical means of authorization.

Footnote. Paragraph 10 as amended by the resolution of the Government of the Republic of Kazakhstan dated 28.04.2018 № 229 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).