



On approval of the Rules for the use of technical means to record facts of administrative offenses and actions of officials of transport control bodies

Unofficial translation

Order of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan dated June 26, 2019 no. 436. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 1, 2019 no. 18944.

Footnote. The title as amended by the order of the acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 24.04.2023 No. 280 (shall be enforced ten calendar days after the date of its first official publication).

Unofficial translation

In pursuance of subparagraphs 3) and 4) of paragraph 1 of Article 154 of the Entrepreneur Code of the Republic of Kazakhstan, subparagraph 4-1) of Article 88-4 of the Law of the Republic of Kazakhstan “On Railway Transport”, subparagraph 5) of paragraph 1 of Article 15 of the Law of the Republic of Kazakhstan “On Road Transport” **I hereby ORDER:**

Footnote. Preamble as amended by the order of the acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 24.04.2023 No. 280 (shall be enforced ten calendar days after the date of its first official publication).

1. Approve the attached Rules for the use of technical means to record facts of administrative offenses and actions of officials of transport control bodies

Footnote. Paragraph 1 as amended by the order of the acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 24.04.2023 No. 280 (shall be enforced ten calendar days after the date of its first official publication).

2. The Transport Committee of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan in accordance with the procedure established by the law shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order, its direction in Kazakh and Russian languages to the Republican State Enterprise on the right of economic management “Institute of Legislation and Legal Information of the Republic of Kazakhstan” of the Ministry of Justice of the Republic of Kazakhstan for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) Posting this order on the Internet resource of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan.

3. Control over execution of this order shall be entrusted to the supervising vice-minister of Industry and Infrastructural Development of the Republic of Kazakhstan.

4. This order shall come into force upon expiry of ten calendar days from the date of its official publication.

Minister

R. Sklyar

Approved
by the order of the
Minister of Industry and
Infrastructural Development
of the Republic of Kazakhstan
dated June 26, 2019 no. 436

Rules for the use of technical means to record facts of administrative offenses and actions of officials of transport control bodies

Footnote. The Rules as amended by the order of the acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 24.04.2023 No. 280 (shall be enforced ten calendar days after the date of its first official publication).

Chapter 1. General Provisions

1. These Rules for the use of technical means to record facts of administrative offenses and actions of officials of transport control bodies have been developed pursuant to subparagraph 3) paragraph 1 of Article 154 of the Entrepreneur Code of the Republic of Kazakhstan, subparagraph 4-1) of Article 88-4 of the Law of the Republic of Kazakhstan “On Railway Transport”, subparagraph 5) of paragraph 1 of Article 15 of the Law of the Republic of Kazakhstan “On Road Transport” and establish the procedure for using technical means to record facts of administrative offenses and actions of officials of transport control authorities (hereinafter referred to as the Rules).

2. The following basic concepts shall be used in these Rules:

1) Situation center - a structural unit of the Transport Committee of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan, which monitors and controls transport control posts in road transport in real time;

2) intelligent surveillance device - a component of an intelligent transport system that includes stationary or mobile video surveillance devices that have undergone metrological verification, recording the fact and time of an administrative offense in the road transport, the type, state registration plate, the vehicle speed and movement direction;

3) a portable wearable video recorder (hereinafter referred to as a video badge) is a technical device intended for audio and video recording by officers of the Transport Control Inspectorate of the Transport Committee of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan (hereinafter referred to as the Inspectorate).

Chapter 2. Order of using video badges to record facts of administrative offenses and actions of officials of transport control bodies

3. An Inspectorate officer shall wear a video badge from the moment of taking up duty at transport control posts, conducting inspections of passenger trains, inspections of ships (small vessels), also as preventive control with a visit to the subject (object) of control and unscheduled inspections in the railway, road and water transport.

4. In the process of using a video badge, the Inspectorate officer shall assure the accuracy of the established date and time, also sufficient battery charge during the period of duty, inspections of passenger trains, inspections of ships (small vessels), also as preventive control with a visit to the subject (object) of control and unscheduled inspections in the railway, road and water transport.

Audio and video recordings shall not be permitted if the date and time set in the video badge is inaccurate.

5. An Inspectorate officer shall make a recording to assure collection of high-quality evidence when suppressing offenses and he shall turn it on from the moment he takes up duty at transport control posts, begins checking a passenger train, inspecting a vessel (small vessel) or preventive control with a visit to the subject (object) of control or unscheduled inspections in the road, rail and water transport and it shall be turned off after their completion.

6. The video badge shall be fixed in the chest area closer to the shoulder joint not to interfere with the actions of the Inspectorate officer, and also on the chest - a sign (badge) with the inscription "Attention! Audio and video recording is on."

7. In the process of audio and video recordings, all actions of the Inspectorate officer, the offender, as well as other persons who create obstacles in the performance of official duties by the Inspectorate officer shall be recorded.

8. If it is impossible to make audio and video recordings due to a malfunction of the video badge or discharge of its battery, the Inspectorate officer shall immediately notify the duty officer of the Situation Center and, until the malfunction is eliminated or the batteries of the video badges are recharged, he shall use other technical means of audio and video recording.

9. Serviceability of video badges and recharging of their batteries shall be ensured by the Inspectorate staff and carried out before and at the end of the duty at transport control posts, on a passenger train, before inspecting a vessel (small vessels), as well as during preventive control with a visit to the subject (object) of control and unscheduled inspections in the railway, road and water transport, but no less than 1 hour, if necessary, during the time allotted for them to rest and eat.

10. Video badges shall be accepted and handed over during a change of duty with entries made in the log of video badges acceptance and handover according to the form of Appendix 1 to these Rules.

11. Accounting for a video badge and other technical means intended for audio-video recording shall be carried out in accordance with the inventory number assigned to it.

The safety and serviceability of the video badge and other technical means for audio-video recording shall be ensured by the head of the Inspectorate.

12. Assurance of acceptance and uploading of audio and video recordings made with the use of video badges and other technical means of audio and video recording for the data recording and storing, by order of the head of the Inspectorate, shall be assigned to the heads of the transport control departments of the Inspectorate (hereinafter referred to as the head of the department).

Acceptance and uploading of audio and video recording data from video badges and other technical means of audio and video recording shall be carried out on a personal computer assigned to the head of the department in electronic folders in chronological order.

13. When conducting a pre-shift briefing, the head of the department shall issue against signature an electronic medium (hereinafter referred to as a USB flash drive) and other technical means for making audio-video recordings with inventory numbers to each Inspectorate officer taking over duty at transport control posts, also before checking passenger trains, inspections of a vessel (small vessel), preventive control with a visit to the subject (object) of control and unscheduled inspections in the railway, road and water transport.

14. Audio and video recordings from video badges shall be provided at the request of the Transport Committee of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan (hereinafter referred to as the Committee).

15. The head of the department shall provide access to an Inspectorate officer for selection of audio and video recordings, subject to written instructions from the management of the Inspectorate and (or) the Committee.

16. The head of the department shall be solely entitled to access to audio and video recordings, except for the cases referred to in paragraph 15 of this Rule.

17. An Inspectorate officer shall provide:

1) copying of records from video badges to a USB flash drive using a laptop or computer at the transport control post 30 minutes before the end of the duty.

If the memory of the video badge is insufficient, the Inspectorate officer shall notify the duty officer of the Situation Center;

2) handover of the USB flash drive with saved recordings to the head of the department, no later than 24 hours after the end of duty.

18. The head of the department shall make entries on handover of the USB flash drive and acceptance of audio and video recordings saved on the USB flash drive in the corresponding log of USB flash drive handing over and acceptance of recordings saved on the USB flash drive in accordance with the form of Appendix 2 to these Rules.

19. Unauthorized deletion of an existing recording from a video badge, USB flash drive, as well as the video badge turning off and interfering with audio and video recording shall be prohibited.

20. It shall not be permitted to use the video badge and information for personal gain or other purposes unrelated to official activities.

21. The Inspectorate officer shall handle the video badge with care, he may not lose, damage and transfer it to other persons.

22. Accounting and storage of audio and video recordings from video badges and other technical means intended for audio-video recording shall be handled in the data processing center (on the server) of the Committee, to which the Situation Center and the head of the Inspectorate have access.

23. Records shall be in archival storage for 1 year from the registration date.

24. Technical operation of the video badge shall be carried out in accordance with the manufacturer's instructions.

Chapter 3. Order of using an intelligent surveillance device

25. The intelligent surveillance device is designed to collect evidence when identifying and suppressing administrative offenses in the road transport and transmitting formalized information to the Situation Center and transport control posts in real time.

26. In the event of a technical malfunction (including loss of communication channel signals for online data transmission), the intelligent surveillance device saves the data automatically in local memory, after establishing the data transmission channel - transmits information indicating real-time mode.

27. A mobile intelligent surveillance device is installed on a vehicle, a stationary intelligent surveillance device is installed on public roads.

28. Each intelligent surveillance device shall be assigned an inventory number to be accounted for during the issuance, acceptance of the device and uploading of information data

29. Accounting for the issuance and handover of mobile intelligent surveillance devices shall be recorded in the log in accordance with the form of Appendix 3 to these Rules, which is stored in the Inspectorate office. The pages of the log shall be numbered, laced and sealed.

30. Technical operation of intelligent surveillance devices shall comply with the manufacturer's instructions.

31. In the event of a malfunction of the intelligent surveillance device, the Inspectorate officer shall immediately notify the duty officer of the Situation Center.

Appendix 1
to the Rules for the use of technical
means to record facts of administrative
offenses and actions of officials
of transport control bodies

Form

Log of video badges acceptance and handover

(Name of the Inspectorate)

Opened "___" _____ 20__ year

Closed "___" _____ 20__ year

Inside back cover

No	Name and inventory number of the video badge	Surname, name, patronymic (if any) of the Inspectorate officer who handed over the video badge. Date and time, signature on handover	Surname, name, patronymic (if any) of the Inspectorate officer who accepted the video badge. Date and time, signature on acceptance	Date and time of data uploading	Note
1	2	3	4	5	6

Appendix 2

to the Rules for the use of technical means to record facts of administrative offenses and actions of officials of transport control bodies

Form

Log of USB flash drives handover and acceptance of records saved in the USB flash drive

(name of the Inspectorate)

Opened "___" _____ 20__ year

Closed "___" _____ 20__ year

Inside back cover

No	Inventory number of the USB flash drive	Date and time of issuing the USB flash drive	Surname, name, patronymic (if any) of the Inspectorate officer, who accepted the USB flash drive. Date and time,	Signature of the head of the department	Date and time of the USB flash drive handover	Surname, name, patronymic (if any) and signature of the person who handed over the	Signature of the head of the department	Date and time of data uploading and duration of video recording (Note
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			signature o n acceptanc e			USB flash drive.		hr.minute s, seconds)	
1	2	3	4	5	6	7	8	9	10

Note:

Columns 1, 2, 3, 4 and 5 shall be filled out when issuing a USB flash drive;

Columns 6, 7, 8, 9 shall be filled out when handing over the USB flash drive to the head of the department for the data uploading

Appendix 3
to the Rules for the use of technical
means to record facts of administrative
offenses and actions of officials
of transport control bodies

Log of issuing and handing over mobile intellectual surveillance devices

(name of the Inspectorate)

Opened " __ " _____ 20 __ year

Closed " __ " _____ 20 __ year

Inside back cover

№	Inventory number of the device	Surname, name, patronymic (if any) of the officer , who accepted the device.	Signature of the officer, date and time of accepting the device	Signature of the officer, date and time of handing over the device	Date and time of data uploading and duration of video recording (hr.minutes) (if it is impossible – data in real time mode)
1	2	3	4	5	6

Note: The mobile intellectual surveillance devices shall be handed over by the officer, who accepted the device.