

On State Secrets

Unofficial translation

The Law of the Republic of Kazakhstan dated 15 March, 1999 № 349-1.

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This Law defines the legal framework and a single system of protection of state secrets in the interests of national security of the Republic of Kazakhstan, regulates social relations arising in connection with reference of information as state secrets, classification of them, using, protection and declassification.

Chapter 1. General Provisions Article 1. Basic definitions, used in this Law

The following basic definitions are used in this Law:

state secrets – information, protected by the state comprising state and official secrets, the dissemination of which is limited by the state in order to implement an effective military, economic, scientific and technical, foreign economic, foreign policy, intelligence, counterintelligence, operational and investigative and other activities that do not conflict with the generally accepted rules of the international law;

information system in a protected version classified as state secrets - a restricted access information system designed to create, search, collect, process, store, distribute, display, use and consume information containing state secrets;

an electronic information resource containing information constituting state secrets - information provided in electronic digital form and contained on an electronic carrier in a secure information system classified as state secrets;

national security information - information of military, economic, political and other nature, disclosure or loss of which causes or may cause damage to the national security of the Republic of Kazakhstan;

official secret – information, having the nature of the individual data, that may be part of national security information, disclosure or loss of which may cause damage to national interests of the state, and the interests of the state bodies and organizations of the Republic of Kazakhstan;

secrecy label - details, indicating the extent of secrecy of the information, contained in their carrier, which were put on the carrier itself and (or) in the documentation accompanying it;

access to information constituting state secrets – the approved by the authorized official studying the information constituting state secrets by a particular person;

access to state secrets – the procedure of registration of the citizens’ right to access to the information constituting state secrets, and the organizations - to conduct operations with using such information;

classification of information and its carriers - a set of measures to limit in the interests of national security the dissemination of information constituting state secrets, and access to their carriers;

carriers of information, constituting state secrets – tangible objects, including physical fields in which information constituting state secrets, displayed in the form of symbols, images, signals, technical solutions and processes;

declassification of information - a set of measures on deregulation restrictions in compliance with the national security interests of the state, established to disseminate information constituting state secrets, and to have access to their carriers;

system of protection of state secrets - a set of bodies for the protection of state secrets, the means and methods they used to protect information constituting state secrets, and their carriers, as well as activities undertaken for this purpose;

protection of information, constituting state secrets - technical, cryptography, software and other means for protection of information, constituting state secrets, the means in which they are implemented, as well as means of monitoring of the effectiveness of protection of state secrets;

disclosure of state secrets - inform, delivery, provision, transfer, publication or making available state secrets by any other means to legal entities and individuals, that do not have the right to familiar with them;

loss of state secrets – data output, as well as temporary, constituting state secrets from a legitimate possession or use as a result of loss or theft.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

Article 2. Legislation of the Republic of Kazakhstan on state secrets

Legislation of the Republic of Kazakhstan on state secrets is based on the Constitution of the Republic of Kazakhstan, international treaties ratified by the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan, regulating relations in the field of protection of state secrets.

Article 2-1. The purpose and objectives of protecting state secrets

1. The purpose of protecting state secrets is to ensure protection from threats of their disclosure and loss.

2. The objectives of protecting state secrets shall be:

1) development of a system for protecting state secrets in order to ensure the national security of the Republic of Kazakhstan;

2) regulation of social relations arising in connection with rating of information as state secrets, its classification, disposal, protection and declassification;

3) determination of the list of information subject to classification, restriction on the dissemination of which is determined by the interests of national security of the Republic of Kazakhstan;

4) determination of the range of persons allowed to work using information constituting state secrets;

5) development, implementation, application and improvement of methods and means of protecting state secrets.

Footnote. Chapter 1 has been supplemented by Article 2-1 pursuant to the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 3. Ownership of the state secrets of the Republic of Kazakhstan and their carriers

State secrets and carriers of information, constituting state secrets, are the property of the Republic of Kazakhstan.

Article 4. Bodies of protection of state secrets

1. The bodies of protection of state secrets include:

The authorized state body, for protection of state secrets of the Republic of Kazakhstan;

The National Security Committee of the Republic of Kazakhstan and its agencies;

The state bodies and organizations, their subdivisions for protection of state secrets.

2. The bodies for protection of state secrets provide with the information, constituting state secrets, in accordance with the tasks, assigned to them and within their competence.

Responsibility for the organization of protection of information, constituting state secrets in state bodies and organizations rests on their heads. Depending on the scope of the use of information, constituting state secrets, heads of state bodies and organizations shall establish the structural units for protection of state secrets, the functions of which are defined by the specified heads with the specific of work carried out by them in accordance with the regulatory legal acts, approved by the Government of the Republic of Kazakhstan.

3. Protection of state secrets is one of the core activities of the state body and organization

Chapter 2. Powers of the President of the Republic of Kazakhstan, the Parliament, the Government, state bodies and organizations of the Republic of Kazakhstan in the field of protection of state secrets

Article 5. Powers of the President of the Republic of Kazakhstan

The President of the Republic of Kazakhstan shall:

1) define a common policy in the field of protection of state secrets;

- 2) provide overall management of the system of protection of state secrets;
- 3) form, abolish and reorganize the authorized state body for the protection of state secrets of the Republic of Kazakhstan;
- 4) approve the list of officials of the state bodies, that have powers to classify the information as state secrets;
- 5) exercise other powers in accordance with the Constitution and the laws of the Republic of Kazakhstan.

In cases of the introduction of emergency or martial law by the President of the Republic of Kazakhstan on the whole territory of the Republic, or in particular areas, the procedure of access of officials and citizens to state secrets can be modified in this period.

Footnote. Article 5, as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 6. Powers of the Parliament of the Republic of Kazakhstan

The Parliament of the Republic of Kazakhstan shall, within its powers:

- 1) adopt the laws on state secrets, make amendments and supplements thereto;
- 2) conduct parliamentary hearings on the issues of ensuring state secrets;
- 3) accept the request to the President of the Republic of Kazakhstan to dismiss a member of the Government on the results of the hearing of his (her) report on the issues of ensuring state secrets.

Article 7. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

- 1) provide an implementation of the legislation on state secrets of the Republic of Kazakhstan;
- 2) shall be excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);
- 3) approve the Instructions for the protection of state secrets of the Republic of Kazakhstan;
- 4) establish a procedure for the development of departmental lists of information, that are subject to classification;
- 5) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) determine the order of material and technical, and financial support for work on the protection of state secrets;

7) approve the procedure for classification of the state bodies and organizations to the category of special regime, regime and protected objects of the Republic of Kazakhstan, as well as approve the lists of areas, temporarily closed to foreigners;

8) define the procedure for the organization, operation and liquidation of units for protection of state secrets;

9) conclude intergovernmental agreements, ensure implementation of international treaties of the Republic of Kazakhstan on the joint use and protection of information constituting state secrets, make decisions on the transfer of state secrets and their carriers to foreign states and (or) international organizations and establish the procedure for their transfer;

10) establish a procedure for determining the extent of the damage that occurred or may be applied to the national security interests of the Republic of Kazakhstan or the interests of the state bodies and the organizations due to disclosure or loss of information, constituting state secrets, as well as damage to the owner of the carrier of the information as a result of their classification;

11) approve the procedure for a special check of citizens of the Republic of Kazakhstan in connection with their access to state secrets;

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

Footnote. Article 7, as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 №124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 8. Competence of the authorized state body for protection of state secrets of the Republic of Kazakhstan

Authorized body for protection of state secrets of the Republic of Kazakhstan carries out a common policy in the field of protection of state secrets and performs the following functions :

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

1-1) develops and approves regulatory legal acts in state secrets protection in accordance with the purpose and objectives of the state secrets protection;

2) develops a system of legal, administrative, economic, technical, software and cryptographic measures for protection of state secrets;

- 3) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);
- 5) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);
- 6) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);
- 7) develops a procedure for determining the extent of the damage that occurred or may be applied to the national security interests of the Republic of Kazakhstan or the interests of state bodies and organizations due to disclosure or loss of information constituting state secrets, as well as damage to the owner of the carrier of information as a result of their classification;
- 8) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);
- 9) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);
- 10) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 11) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 12) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);
- 13) exercises other powers stipulated in this Law and 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 8, as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 184-VI of 05.10.2018 (shall be enforced upon the expiration of six months after the date of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 9. Competence of the National Security Committee of the Republic of Kazakhstan and its agencies

National Security Committee of the Republic of Kazakhstan and its agencies shall:

1) develop and implement measures to counter-intelligence protection of information, constituting state secrets in state bodies and organizations, as well as monitor their activities in this area;

1-1) coordinate and control the work to ensure secrecy in state bodies and organizations;

1-2) coordinate and control the activities of the bodies for protection of state secrets in the interests of development and implementation of regulations and guidance documents on protection of state secrets;

1-3) controls the execution in the territory of the Republic of Kazakhstan of the system of legal, administrative, economic, technical, software and cryptographic measures for the protection of state secrets;

2) conduct a special check of the citizens of the Republic of Kazakhstan, registered (re-registered) for access to information, constituting state secrets;

3) carry out the licensing of activities in accordance with the legislation of the Republic of Kazakhstan on permits and notifications;

4) provide certification of technical, including cryptography means of protection of information, constituting state secrets;

5) issue, in the prescribed manner, permission to conduct work, using information, constituting state secrets;

5-1) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);

5-2) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);

5-3) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);

5-4) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication);

6) identify, suppress, disclose and investigate crimes, related to the violation of the legislation of the Republic of Kazakhstan on state secrets;

7) perform other functions under this Law, other laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 9, as amended by the Laws of the Republic of Kazakhstan dated 12.01.2007 № 222 (shall be enforced upon expiry of six months from the date of its official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the day its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 10. Powers of state bodies and organizations

State bodies and organizations in cooperation with the bodies for protection of state secrets shall:

- 1) develop departmental lists of information, that is subject to classification;
- 2) ensure the protection of state secrets developed by them, in accordance with the legislation of the Republic of Kazakhstan, including in their subordinate organizations;
- 3) participate in the development of procedures for determining the extent of the damage that occurred or may be applied to the national security interests of the Republic of Kazakhstan or the interests of state bodies and organizations from disclosure or loss of information, constituting state secrets;
- 4) ensure the protection of information constituting state secrets, referred to them by other state bodies and organizations, as well as information, classified by them;
- 5) receive, in the prescribed manner, permission to conduct work, using information constituting state secrets;
- 6) receive certificates for protection of information, constituting state secrets;
- 7) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 8) participate in the material and technical, and financial support for works to protect state secrets;
- 9) define categories of special regime, regime and protected objects and their timely review;
- 10) provide, within its competence the conduct of verification activities in respect of citizens, permitted to information, constituting state secrets;
- 11) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 12) within its competence, resolve other issues in the field of protection of state secrets of the Republic of Kazakhstan.

Footnote. Article 10, as amended by the Laws of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3. Information, qualified as the state secrets of the Republic of Kazakhstan Article 11. Information in the military field, qualified as the state secrets of the Republic of Kazakhstan

The following information is qualified as the state secrets in the military field:

- 1) information revealing plans for the use of troops, operational plans, documents of combat control, documents of the state defense plan, documents on bringing troops to various degrees of combat readiness;

- 2) information on the strategic deployment of the Armed Forces of the Republic of Kazakhstan;
- 3) information on the development, size, operational strength or amount of troops, their combat readiness, as well as the military, political and (or) the operational environment;
- 4) information, disclosing the state of operational (combat) training of troops, security of their activities, structure and (or) state of the systems of command and control;
- 5) information on the mobilization deployment of troops, conducting mobilization of human and transport resources, system for management of mobilization deployment and (or) on the possibilities of recruiting personnel, providing weapons, military equipment and other material, financial means, as well as military transport;
- 6) information, disclosing direction, long-term projections or plans for development of weapons and military equipment, content or results of target programs, research, development work on the creation or modernization of samples of weapon and military equipment, their military characteristics;
- 7) information, disclosing the direction of development, design, manufacturing technology, isotopic composition, combat, physical, chemical or nuclear properties, the order of the application or use of weapons and military equipment;
- 8) information, disclosing the production capacity, the planned or actual data on production and (or) supply (in real terms) of bacterial or medical protection means;
- 9) information, disclosing the achievements of nuclear science and technology that have important defence and economic value or define a new level of opportunities to create weapons and military equipment and (or) fundamentally new products and technologies;
- 10) information, disclosing properties, formulation or propellant processing, balist gunpowder, explosives or blasting agents for military purposes, as well as new alloys, special fluids, fuel for weapons and military equipment;
- 11) information, disclosing the dislocation, real name, organizational structure, weapons, troop, not included in the list of objects, that are not subject to open announcement in accordance with the international obligations of the Republic of Kazakhstan;
- 12) information on the use of the infrastructure of the Republic of Kazakhstan in order to ensure its defence and security;
- 13) information about the deployment, assignment, the degree of readiness or protection of sensitive facilities, that are not subject to the obligations of the Republic of Kazakhstan on international treaties, on the selection, allocation of land plots, subsoil and waters for the construction of these facilities, as well as on the planned and ongoing research, design and other works to create these objects. The same information with respect to the special objects of the public authorities;
- 14) information on the use or development prospects of the unified communications system of the Republic of Kazakhstan in order to ensure national defence and security;

15) summarized information with the schemes and descriptions, containing geographical coordinates of intercity trunk lines, including alternate communications centers, leased by the Government, the Ministry of Defence, the National Security Committee and the Ministry of Internal Affairs of the Republic of Kazakhstan, with details of their powers;

16) information, disclosing the distribution or use of radio frequency bands by radio-electronic equipment of military or special purpose;

17) information, disclosing the organization or operation of all types of communications, radar-location, radio-technical support for troops;

18) information, disclosing the content, organization, or the results of the main activities of the Border Service of the National Security Committee of the Republic of Kazakhstan;

19) information, disclosing the direction of development of tools, dual-purpose technologies, the content, results of target programs, research and (or) development work on the creation or modernization of these tools and technologies;

20) information on the use of tools, dual-use technologies for military purposes;

21) information on the prospects of development and (or) on the use of space infrastructure of the Republic of Kazakhstan in order to ensure its defence and security;

22) information, disclosing the state and (or) development trends of hydronautics for defence and national security.

Footnote. Article 11, as amended – by the Law of the Republic of Kazakhstan dated 10 July 2002 № 338; dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 12. Information in the field of economy, education, science and technology, qualified as the state secrets of the Republic of Kazakhstan

The following information is qualified as the state secrets in the fields of economy, education, science and technology:

1) information on the indicators, determining the preparation of the economy of the Republic of Kazakhstan to sustainable functioning in wartime;

2) information, disclosing the essence of the latest advances in science and technology, which can be used in the creation of fundamentally new products, technological processes in various industries, as well as defining a new level of capabilities of weapons and military equipment to enhance their combat effectiveness, the disclosure of which could harm the interests of the state;

3) information, disclosing the content and (or) the orientation of research, development and design work, carried out in the interests of national defence and security;

4) information on the preparation or distribution of the frame, disclosing the activities, carried out in the interests of national security;

5) information, disclosing the working results in the field of hydrometeorology or heliogeophysics, as well as the results of special geological and geophysical studies, carried out in the interests of national security;

6) information, disclosing plans (tasks) of the state defence order, the scope of delivery of weapons and military equipment, production capacity for their release;

7) information about relationships of companies on cooperation, about developers or manufacturers of weapons and military equipment, if the information disclosed data on production capacities for their release and (or) the basic military characteristics of weapons and military equipment;

8) information disclosing the state of metrological support of armament and military equipment, technical or metrological characteristics of military standards or means of metrological support defining a qualitatively new level of armament and military equipment. Information on the main directions or programs of standardization development, as well as the content of military national standards;

9) information, disclosing predictive estimates of scientific and technical progress in the Republic of Kazakhstan and its social and economic impact on the directions that determined the national defence capability;

10) information on the manufacture by iron and steel industry of rare metals or other materials of strategic importance;

11) information, disclosing the resource potential, commercial reserves in the bowels or data on production of individual types of commercial minerals for the whole of the Republic of Kazakhstan;

12) information on expenditures of the republican budget, disclosing the maintenance of security of the Republic of Kazakhstan (except generalized indicators);

13) information, disclosing the cost of research, development work on the creation of weapons and military equipment. The same information with respect to activities, carried out in the interests of special facilities;

14) information, disclosing the allocation or the actual costs of orders, development, manufacture or repair of weapons and military equipment, sensitive facilities. The same information with respect to specific facilities;

15) information on the pending settlements of the Republic of Kazakhstan with foreign states, except generalized indicators of external debt;

16) information, disclosing the costs of funds for troops under the certain items of estimates of the state bodies;

17) information on the issue of new banknotes and coins of the national currency of the Republic of Kazakhstan and (or) their replacement, if the latter implies withdrawal of banknotes and coins (except for anniversary and commemorative), from the date of the decision and to the transfer of this information to the media for publication on their issue into circulation;

- 18) information on the methods of protection of government securities, documents from counterfeiting, as well as the methods of determination of their authenticity;
- 19) information on the mobilization capacities for the production (repair) of weapons and military equipment, the creation and (or) development (saving) of these capacities;
- 20) information on the mobilization capacities for the production of general application, strategic kinds of raw materials, the creation and (or) development (saving) of these capacities ;
- 21) information disclosing the work carried out in order to create means of indication, degassing, chemical protection of the population from weapons of mass destruction or new sorption and other materials for them;
- 22) information, disclosing the results of topographic, geodetic and cartographic activities , having an important defence or economic value;
- 23) information, disclosing the condition, equipment, training for military purposes of transport network, means of transport, military transport volumes and routes of transportation of weapons and military equipment;
- 24) information, disclosing the opportunities and (or) the mobilization reserves of railways to provide rail freight, the organization and volumes of military traffic, traffic volumes and the routes of transportation of strategic types of energy, mineral, agricultural raw materials, fuel, materials, individual weapons or military equipment, the organization and (or) operation of the management or communication system, as well as special measures to ensure the railway safety and security of goods;
- 25) information, disclosing dislocation, specialization, power and (or) carrying capacity of loading or unloading points of troops, data about their food, health service;
- 26) information, disclosing the mobilization need for vehicles, including the individual modes of transport, and (or) the mobilization provision by them;
- 27) information, disclosing the state of forces or civil defence assets in the whole of the Republic of Kazakhstan;
- 28) information, disclosing the structural organization or indicators of the mobilization plan of the economy of the Republic of Kazakhstan, as well as the state of mobilization training of the state bodies or individual organizations;
- 29) information, disclosing the actual stock of the state material reserve;
- 30) information characterizing the creation and preservation of the insurance fund of technical documentation for weapons and military equipment, the most important civilian products, as well as design documentation for high-risk facilities, life support systems for the population and facilities that shall be a national heritage, information on the deployment of facilities (bases) for storing the insurance fund of technical documentation in the Republic of Kazakhstan as a whole;
- 31) information, disclosing plans, content or results of scientific research work in the field of mobilization preparation and mobilization industry of the Republic of Kazakhstan;

32) information, disclosing the balance of payments of the Republic of Kazakhstan with foreign countries during war time;

33) information on mine workings, natural cavities, other structures that may be used in the interests of national defence, as well as information revealing schemes of railway junctions, facilities of strategic and defence significance;

34) information on the physico- chemical phenomena (fields), accompanying the creation, production and (or) operation of weapons, military equipment, disclosing their protected parameters;

35) information on ensuring physical protection of nuclear materials and nuclear facilities, with the exception of information subject to international treaties ratified by the Republic of Kazakhstan and providing for their exchange, and information that can be obtained from open sources or through free access to them;

36) information disclosing the content of tests and codes of correct answers to them used during the unified national testing conducted at the expense of budgetary funds.

Footnote. Article 12, as amended by the Laws of the Republic of Kazakhstan dated 02.04.2004 № 541; dated 27.07.2007 № 320 (the order of enforcement see Art. 2); dated 03.02.2010 № 248-IV (the order of enforcement see Art. 2); dated 12.01.2016 № 443-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 184-VI of 05.10.2018 (shall be enforced upon the expiration of six months after the day of its first official publication); dated 25.05.2020 № 332-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 28.12.2022 № 173-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 13. Information in the field of foreign policy and foreign economy, qualified as the state secrets of the Republic of Kazakhstan

The following information is qualified as the state secrets in the field of foreign policy and foreign economy:

1) information on foreign policy, foreign trade, scientific and technical relations, disclosing the strategy and tactics of foreign policy of the Republic of Kazakhstan, the premature disclosure of which could harm the interests of the state;

2) information on the political, military, scientific and technical or economic issues in relation to one or several foreign states, received in confidence, if their disclosure could lead to the identification of the source;

3) information about negotiations between representatives of the Government of the Republic of Kazakhstan and representatives of other states on formulating a common position of principle in international relations, if, in the opinion of the negotiating parties, the disclosure of this information may lead to the diplomatic complications to one of the parties;

4) information on the preparation, conclusion, preparing for denunciation, the content or implementation of international treaties, the premature disclosure of which could cause damage to the defence capacity, security, political and economic interests of the Republic of Kazakhstan;

5) information on the export and import of weapons, military equipment or equipment, as well as information about technical assistance to foreign countries in the creation of weapons, military equipment and military facilities, including free of charge, indicating the recipient countries, if the disclosure of such information may lead to the diplomatic complications to one of the parties;

6) information, disclosing the substance or the scope of economic cooperation with foreign countries during the special period, as well as the interaction of military mobilization bodies of the foreign economic organizations of the states - participants of the CIS on these issues;

7) information, disclosing the content of measures to ensure mutual supply of raw materials, materials, fuel, equipment, medicines between the Republic of Kazakhstan and the states - participants of the CIS to the payment year or the activities to the latest technical assistance in the construction of plants and facilities to the current year for the whole of the Republic of Kazakhstan;

8) information, disclosing volumes of export and import of cargo between the Republic of Kazakhstan and the states - participants of the CIS to the current year in the whole of the Republic of Kazakhstan.

Article 14. Information, in the field of intelligence, counterintelligence, operational and investigative and other activities, qualified as the state secrets of the Republic of Kazakhstan

The following information is qualified as the state secrets in the field of intelligence, counterintelligence, operational and investigative and other activities:

1) information revealing the forces, means, sources, methods, plans, condition, organization, results of intelligence, counterintelligence, operative-investigative activities not used in the criminal process as factual data relevant for the correct resolution of the criminal case, as well as data on financing of reconnaissance, counterintelligence, operative-search activity, if they disclose the listed information;

1-1) information disclosing the forces, means, forms, methods and results of activities to ensure the safety of persons against whom a decision has been made to apply personal security measures to participants in criminal proceedings, data on the financing of this activity, if they disclose the listed information, as well as information about persons against whom

security measures are used, provided for in sub-paragraphs 6) and 7) of part one of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan "On state protection of persons participating in criminal proceedings";

2) information, disclosing the identity of specific individuals to staff composition of intelligence, counterintelligence bodies of the Republic of Kazakhstan;

3) information on the persons, rendering (rendered) confidential assistance to the bodies of the Republic of Kazakhstan, carrying out intelligence activities;

4) information, disclosing the condition and results of operational and mobilization work, carried out in the field of foreign intelligence;

5) information about individuals, cooperating (cooperated) on a confidential basis with the bodies of the Republic of Kazakhstan, carrying out counter-intelligence or operational investigative activities;

6) information, disclosing condition and results, as well as activities of operational and mobilization work;

7) information, disclosing the forces, means, methods, plans, condition and results of activities of electronic intelligence bodies, communications tools, as well as data on the financing of these activities, if these data disclose the listed information;

8) information, disclosing the forces, means, methods, plans or results of intelligence, counterintelligence, operational and investigative activities of the Border Service of the National Security Committee of the Republic of Kazakhstan, as well as data on financing of these activities, if these data disclose the listed information;

9) information about individuals, cooperating (cooperated) on a confidential basis with units of the Border Service of the National Security Committee of the Republic of Kazakhstan, engaged in intelligence, counterintelligence or operational investigative activities;

10) information about the system of government communications, codified, classified, coded, or other types of special communication and information about government ciphers, codes, methods or means of their analysis, means of encryption, classification, and coding;

11) information about the organization, forces, means and methods of ensuring the security of the President of the Republic of Kazakhstan and members of his family, about the health status and personal life of the President of the Republic of Kazakhstan, former Presidents of the Republic of Kazakhstan and members of their families;

12) information, disclosing the organization, forces, means or methods to ensure the safety of other protected persons of higher authorities and administration;

13) information, disclosing the forces, means and methods of units to combat organized crime, as well as their ongoing operational search, and operational and technical activities;

14) information, disclosing the belonging of specific persons to the staff of the penitentiary system, operational units of the economic investigation service and the anti-corruption service, as well as internal affairs bodies;

15) information, disclosing the forces, means and methods of investigation of criminal cases, involving the interests of the safety of the Republic of Kazakhstan;

16) information, disclosing the organization or actual condition of the protection of state secrets;

17) information, disclosing the planned and (or) ongoing efforts to protect the information from unauthorized access of foreign technical intelligence and leaks through technical means;

18) information about the employees of special forces, the persons involved, and (or) assisting in the antiterrorist operation, identifying, preventing, combating and disclosure of the act of terrorism, and about family members of these persons;

18-1) information disclosing the tactics, form, methods, means and composition of participants in anti-terrorist operations;

19) data about electronic information resources containing information constituting state secrets and information systems in a protected execution classified as state secrets.

Footnote. Article 14, as amended by the Laws of the Republic of Kazakhstan dated 16.03.2001 № 163; dated 10.07.2002 № 338; dated 10.12.2009 № 228-IV (the order of enforcement see Art. 2); dated 08.04.2010 № 266-IV (the order of enforcement see Art. 2); dated 23.04.2012 № 14-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); ; dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.01.2023 № 188-VII (shall be enforced sixty calendar days after the date of its first official publication) ; dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication); dated 10.01.2025 № 153-VIII (shall come into force ten calendar days after the date of its first official publication).

Article 15. Procedure to classify information as the state secrets of the Republic of Kazakhstan

1. Classification of information as the state secrets is carried out, by heads of the state bodies in accordance with the list of officials of the state bodies that have the authority to classify information as the state secrets.

State bodies, headed by the specified officials, are empowered to order of the information, constituting state secrets of the Republic of Kazakhstan, within its competence.

2. Classification of information as the state secrets shall be in accordance with its industry , departmental or program-target identity.

State bodies, the heads of which are empowered to classify information as the state secrets , on the basis of Articles 11, 12, 13 and 14 of this Law shall develop in accordance with the procedure, established by the Government of the Republic of Kazakhstan, the departmental (branch) lists of information, that are subject to classification.

These lists include the information, on the authority to order it, is empowered these bodies, and establish their degree of secrecy. Within the framework of targeted programs for the development and modernization of models of weapons and military equipment, research and development activities, the separate lists of information, that are subject to classification can be developed by the decision of customers of these models and work. These lists are approved by the heads of the relevant state bodies and organizations. Reasonability of classifying such lists is determined by their contents.

3. Justification of the need to classify information as the state secrets in accordance with the principles of classifying information lies on the state bodies and organizations that obtained (developed) these data.

4. Justification of the need to classify information as the state secrets may be appealed in court. In the case of the court decision of unreasonableness of classifying information, the information shall be subject to declassification in accordance with this Law.

Footnote. Article 15, as amended by the Law of the Republic of Kazakhstan dated 10.01.2011 № 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 4. Classification of information and its carriers, constituting the state secrets of the Republic of Kazakhstan Article 16. Principles of classifying information and its carriers

Classification of information, constituting the state secrets of the Republic of Kazakhstan and its carriers shall be in accordance with the principles of legality, validity and timeliness.

Legality means the compliance of classification with the Constitution and the laws of the Republic of Kazakhstan.

Justification is the establishment by an expert assessment the reasonability of classifying specific information, likely economic and other consequences of this Law, on the balance of the vital interests of society, citizens and the state.

Timeliness involves the establishment of restrictions on the dissemination of this information from the time of its receipt (development) or in advance.

Article 17. Information, that is not subject to classification

1. Information cannot be classified as secret about:

1) emergencies and disasters threatening the safety and health of citizens and their consequences, as well as natural disasters, their official forecasts and consequences;

2) the state of health, sanitation, demography, migration, education, culture, social protection, economy, agriculture, and the state of crime;

3) the facts of committing acts of terrorism;

4) the state of ecology, fire safety, as well as the sanitary-epidemiological and radiation situation, food safety;

- 5) the privileges, compensations and benefits provided to citizens and organizations by the state;
- 6) the facts of violation of human and civil rights and freedoms;
- 7) the size of the gold and foreign exchange reserves of the National Bank of the Republic of Kazakhstan;
- 8) the formation and expenditure of funds from the republican and local budgets, with the exception of information disclosing the security of the Republic of Kazakhstan;
- 9) the control over the expenditure of funds from the republican and local budgets, with the exception of information disclosing the security of the Republic of Kazakhstan;
- 10) the facts of violation of legality by state bodies and organizations, their officials;
- 11) the mass repression for political, social and other reasons, including those located in the archives, with the exception of the information provided for in Article 14 of this Law.

2. Officials, made the decision to classify the listed information or to include them in this order in the carriers of information, constituting state secrets shall be liable in accordance with the laws of the Republic of Kazakhstan. Citizens have the right to appeal such decisions in court.

Footnote. Article 17, as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 18. Degrees of secrecy of information and secrecy label of carriers of this information

1. The degree of secrecy of information, constituting state secrets shall comply with the severity of damage that occurred or may be applied to the national security interests of the Republic of Kazakhstan or the interests of the state bodies and organizations due to spread of the specified information.

2. Three degrees of secrecy of information constituting state secrets, and corresponding to these degrees the secrecy label for carriers of specified information are established. They are “special importance”, “top secret” and “confidential”.

The secrecy labels “special importance”, “top secret” are assigned to the information, constituting a state secret.

The secrecy label “confidential” is assigned to the information, constituting an official secret.

Using these secrecy labels for classifying information, not related to the state secrets, as well as the assignment for the said information of other restrictive labels, are not allowed.

Article 19. Ownership of citizens, state bodies and organizations of the Republic of Kazakhstan on the carriers of information in connection with their classification

1. Officials with authority to classify information as the state secrets, have the right to take decisions to classification of information and its carriers, owned by citizens and organizations (hereinafter - the owner of the carrier of information), if the information listed in Articles 11, 12, 13 and 14 of this Law or in the departmental (branch) list of information, that is subject to classification. Classification of these carriers of information shall be on the basis of the contract for the alienation of such information between the owner of the carrier of information and the state bodies and organizations, in possession of which this information and their carriers are transferred.

2. The contract shall stipulate:

The amount of compensation for limitation of ownership rights of the carriers of information in connection with their classification;

obligations of the owner of carriers of information not to disclose the specified information.

In case of refusal of the owner of carriers of information from the alienation, this information, under the court decision, shall be subject to compulsory acquisition with compensation to the owner of the cost of alienated information, net of the cost of their alienation, and he (she) warned about the responsibility for disclosure of information, constituting state secrets, in accordance with the legislation of the Republic of Kazakhstan.

3. The owner of the media shall have the right to appeal against the actions of officials infringing on his rights in the procedure prescribed by the Laws of the Republic of Kazakhstan. If the court recognizes the actions of officials as illegal, the procedure for compensation for damage caused to the owner of the media is determined by a court decision in accordance with the legislation of the Republic of Kazakhstan.

4. The right of ownership of information and its carriers belonging to foreigners, stateless persons and foreign organizations cannot be limited if this information was received (developed) without violating the legislation of the Republic of Kazakhstan.

Footnote. Article 19 as amended by the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 20. Procedure and terms of classification of information and its carriers

1. The basis for classifying information, received (developed) as a result of management, production, research and other activities of the state bodies, organizations and citizens, shall be their compliance with the lists of information, subject to classification in relevant state bodies and organizations. When classifying this information, its carriers are assigned to an appropriate secrecy label.

2. If it is impossible to identify the obtained (developed) information with the information contained in the existing lists, the officials of state bodies and organizations, the citizens are obliged to provide a preliminary classification of the obtained (developed) information in

accordance with the intended degree of secrecy and within one month send to the official, approved the relevant list, the proposals for additions (change).

The officials, approved the list, shall within three months organize an expert assessment of the proposals and decide on the addition (change) to the current list or remove a preliminary assigned secrecy label of the information. Procedure for classifying information and their carriers is determined by the Government of the Republic of Kazakhstan.

3. The period of classification of information constituting state secrets shall not exceed thirty years. In exceptional cases, this period is extended by the conclusion of the authorized state body for the protection of state secrets of the Republic of Kazakhstan.

Footnote. Article 20, as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 № 320 (the order of enforcement see Art. 2); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 21. Details of carriers of information, constituting state secrets

Footnote. Article 21 has been excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 5. Declassification of information and its carriers Article 22. Grounds for declassification of information

1. Grounds for declassification of information shall be:

adoption of the international obligations by the Republic of Kazakhstan on the open exchange of information, constituting state secrets of the Republic of Kazakhstan;

change of objective circumstances, thereby further protection of information, constituting state secrets, is inappropriate;

changes in the list of information constituting state secrets of the Republic of Kazakhstan, defined by Articles 11, 12, 13 and 14 of this Law;

expiration of the period for classifying information, constituting state secrets;

the need to use the results of operational-search, counter-intelligence activities in criminal proceedings.

2. State bodies and organizations, the heads of which are empowered to classify information as state secrets, shall periodically, but not less often than every five years, review the content of the lists of information subject to classification, operating in these bodies and organizations, in terms of the reasonability of classifying information and their compliance with the previously established degree of secrecy.

3. The right to change the lists of information subject to classification existing in state bodies and organizations shall be vested in the managers who approved them, who bear personal responsibility for the validity of their decisions on declassification of information. Decisions of these managers related to changes in the list of information subject to classification shall be coordinated with the authorized state body for the protection of state secrets of the Republic of Kazakhstan and the National Security Committee of the Republic of Kazakhstan.

Footnote. Article 22, as amended – by the Law of the Republic of Kazakhstan dated 16 March 2001 № 163; dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 23. Procedure for declassification of the carriers of information, constituting state secrets

1. Carriers of information constituting, state secrets shall be declassified no later than the deadlines, set in classifying them. Before the expiry of these deadlines, the carriers shall be declassified, if the provisions of the list, operating in the state body or the organization on the basis of which they were classified, is changed.

In exceptional cases, the right to extend the initial term of classifying the carriers of information, constituting state secrets, shall be provided to the heads of the state bodies and organizations with the authority for qualifying of the relevant information as state secrets, based on the conclusion of the expert committee, appointed by them in the prescribed manner.

2. Heads of the state bodies and organizations shall be empowered to declassify the carriers of information that unreasonably classified by their subordinate officials.

Heads of state archives of the Republic of Kazakhstan shall be vested with the authority to declassify the carriers of information constituting state secrets of the Republic of Kazakhstan, stored in the closed funds of these archives, in case of delegation of such authority to them by the fund-forming organization or its legal successor. In the event of liquidation of the fund-forming organization and absence of its legal successor, the issue of the order of declassification of carriers of information constituting state secrets shall be considered by the authorized state body for protection of state secrets of the Republic of Kazakhstan.

3. Procedure for declassification of the carriers of information, constituting state secrets, is determined by the Government of the Republic of Kazakhstan.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 24. Execution of the requests of citizens, state bodies and organizations of the Republic of Kazakhstan to declassify information

1. Citizens, state bodies and organizations may apply to state bodies and organizations of the Republic of Kazakhstan with a request for declassification of the information, qualified as state secrets of the Republic of Kazakhstan.

2. State bodies and organizations, including state archives that have received such a request are obliged to consider it within one month and give a reasoned response on the subject matter of the request. If they are not competent to resolve the issue of declassifying the requested information, then the request shall be addressed to the state body vested with such powers, or to the authorized state body for the protection of state secrets of the Republic of Kazakhstan, of which citizens, government bodies and organizations that submitted the request shall be notified.

3. Execution of the requests of citizens, state bodies and organizations shall be in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 6. Disposal of information, constituting state secrets of the Republic of Kazakhstan Article 25. Transfer of information, constituting state secrets, by state bodies and organizations

1. Transfer of information, constituting state secrets is carried out by the state bodies and organizations that are not in a relationship of subordination and not performing joint work with the sanction of the state body in the disposal of which in accordance with Article 15 of this Law is the information.

2. State bodies and organizations, requesting the information, constituting state secrets shall create the conditions that ensure the protection of this information. Their heads shall personally be responsible for compliance with the established order to familiarize with the information, constituting state secrets.

The main condition for the transfer of information, constituting state secrets, shall be the fulfillment of the requirements of this Law by the state bodies and organizations.

3. Procedure for transfer of information, constituting state secrets, by the state bodies and organizations is established by the Government of the Republic of Kazakhstan.

Article 26. Transfer of information constituting state secrets in connection with the performance of joint secret work

Footnote. The title of Article 26 as amended by the Law of the RK dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

1. Transfer of information, constituting state secrets, to organizations or citizens, in connection with joint and other works is carried out by the customer of these works with the permission of the state body, at which disposal in accordance with Article 15 of this Law is the appropriate information, and only to the extent, necessary to carry out these works. At the

same time before the transfer of information, constituting state secrets, the customer shall verify the presence of the organization the work permit to use the information, corresponding to the degree of secrecy, and the citizens – the appropriate security clearance.

2. Organization in conducting joint and other work (receipt the state orders) and occurrence in its connection the need to use the information, constituting state secrets, may enter into agreements with other organizations on the use of service of their subdivisions to protect the state secrets, and about what the appropriate mark of both contracting parties is made in the work permit to use the information, constituting state secrets.

The agreement to conduct joint and other works, concluded in the prescribed manner, provides for the mutual obligations of the parties to ensure the safety of information, constituting state secrets, as in the course of work, and upon its completion, as well as the conditions of funding the works (services) to protect the information, constituting state secrets

3. Organization of monitoring the protection of the state secrets in joint and other works is entrusted to the customer of these works in accordance with the provisions of the agreement, concluded by the parties.

In case of violation by the executive in the course of joint and other work the obligations for the protection of state secrets, the customer is entitled to suspend the execution of the order to correct the violations, and in the case of the repeated violations - raise the question of canceling the order and the permission to carry out work, using the information, constituting state secrets, and on bringing the violators to justice. In this case the financial damage, caused to the state by the executive, that represented by the customer, shall be recovered in accordance with the legislation of the Republic of Kazakhstan.

4. Procedure for transfer of information, constituting state secrets in connection with joint works and other activities, is determined by the Government of the Republic of Kazakhstan.

Footnote. Article 26 as amended by the Law of the RK dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 27. The procedure for transferring information constituting state secrets to foreign states and (or) international organizations

Footnote. The title of Article 27 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (effective ten calendar days after the date of its first official publication).

1. To make a decision on the transfer of information constituting state secrets to a foreign state and (or) international organization, the state bodies shall submit to the authorized state body for the protection of state secrets of the Republic of Kazakhstan a reasoned proposal, agreed upon with the state bodies authorized in accordance with Article 15 of this Law to dispose of information constituting state secrets.

2. The authorized state body for the protection of state secrets of the Republic of Kazakhstan shall issue an expert opinion on the possibility and feasibility of transferring this information.

3. The decision to transfer information constituting state secrets of the Republic of Kazakhstan to a foreign state and (or) an international organization shall be made by the Government of the Republic of Kazakhstan in the presence of an expert opinion of the authorized state body for the protection of state secrets of the Republic of Kazakhstan, unless otherwise provided by international treaties of the Republic of Kazakhstan.

4. Obligations of the receiving party to protect the transferred information are provided by the contract concluded with it.

5. Excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 12/23/2023 № 51-VIII (effective ten calendar days after the date of its first official publication).

Chapter 7. Protection of state secrets Article 28. Protection of information, constituting state secrets, in changing the forms of ownership and functions of subject of legal relations

1. State bodies and organizations that have information, constituting state secrets, in the case of changes in their functions, forms of ownership, liquidation or termination of work with the use of information, constituting state secrets, shall take measures to ensure the protection of such information and their carriers. Thus, the carriers of information, constituting state secrets, shall be destroyed, transferred to archival storage or shall be transferred in the prescribed manner to:

legal successor of a state body or organization, possessing information constituting state secrets, if this legal successor has the authority to conduct operations, using the specified information;

state body at which disposal, according to Article 15 of this Law, is the appropriate information;

another state body or organization by decision of the authorized state body for the protection of state secrets of the Republic of Kazakhstan.

2. Procedure for protection of information, constituting state secrets, in changing the forms of ownership and functions of subjects of legal relations is established by the Government of the Republic of Kazakhstan.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 29. Access of officials, citizens of the Republic of Kazakhstan, foreigners and stateless persons to state secrets

Footnote. The title of Article 29 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

1. Admission of officials and citizens of the Republic of Kazakhstan, foreigners and stateless persons to state secrets provides for:

assumption of a written commitment to the state on non-disclosure of information, constituting state secrets entrusted to them;

consent to the partial, temporary restriction of their rights in accordance with Article 32 of this Law;

written consent to carrying out in respect of them the verification activities by the authorized body;

familiarization with the legislation of the Republic of Kazakhstan on state secrets, providing liability for his (her) violation;

decision of the head of state body or organization for admission of the registered person to information, constituting state secrets.

The range of verification activities depends on the degree of secrecy of information, to which the access will be allowed to registered person.

Mutual obligations of the administration and the person being formalized must be reflected in the contract on access to state secrets.

Activities of citizens of the Republic of Kazakhstan, foreigners and stateless persons that require an appropriate form of access to state secrets shall not be permitted until such access is issued in accordance with the legislation of the Republic of Kazakhstan on state secrets.

2. The three forms of access to state secrets of officials and citizens, corresponding to the three degrees of secrecy of information, constituting state secrets, shall be established. They are special importance, top secret or confidential. The presence of officials and citizens of access to information of a high degree of privacy shall be the basis for their access to the information of a low degree of secrecy.

3. Terms, conditions, and the order of registration or re-registration of access of officials and citizens to state secrets are established by the Government of the Republic of Kazakhstan.

4. Foreigners and stateless persons are allowed access to state secrets only within the framework of the implementation of international treaties of the Republic of Kazakhstan. The procedure for accessing foreigners and stateless persons to state secrets of the Republic of Kazakhstan shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 29, as amended by the Law of the Republic of Kazakhstan dated 15 May, 2007 № 253; dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 30. Grounds for refusing to an official or a citizen of the Republic of Kazakhstan in access to state secrets

1. Grounds for refusal to an official or a citizen of the Republic of Kazakhstan in access to state secrets shall be:

recognition of him (her) by court as incapable, partially capable, the presence of him the outstanding or unexpunged in accordance with the law conviction for committing an intentional crime;

in the presence of him (her) medical contraindications for work with the use of information, constituting state secrets, according to the list, approved by the state body exercising authority in the field of health;

if his (her) permanent residence is abroad and in case of registration by him (her) documents on moving to permanent residence to another state;

identification as a result of the verification activities the actions of a person, which can endanger the national security of the Republic of Kazakhstan;

failure by an official and (or) citizen of the Republic of Kazakhstan to comply with the restrictions established by the legislation of the Republic of Kazakhstan on state secrets;

imposition of an administrative penalty for committing a corruption offense within three years prior to the registration of admission to state secrets, except for the case when an official or civil servant is first brought to administrative responsibility for hiring a person who has not submitted a declaration of assets and liabilities;

commission of a corruption offense;

existence of criminal record or exemption from criminal liability under paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for committing grave or especially grave crimes;

committing a crime as part of a criminal group

evasion by a citizen of verification measures;

non-compliance with the requirements stipulated by the second paragraph of the first part of paragraph 1 of article 31 of this Law;

failure to submit or misrepresentation of information specified in this paragraph.

2. Decision on refusal to an official or a citizen in access to state secrets is made by the head of the state body or organization on an individual basis, taking into account the results of verification activities.

3. An official or citizen shall have the right to appeal this decision in the procedure prescribed by the Laws of the Republic of Kazakhstan.

Footnote. Article 30, as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 31. Conditions for termination of access of an official or a citizen of the Republic of Kazakhstan to the state secrets

1. The access of an official or citizen of the Republic of Kazakhstan to state secrets shall be terminated by decision of the head of the organization in the following cases:

violation of his obligations under the contract on access to state secrets related to the protection of state secrets;

arising the circumstances that constitute grounds for refusal to an official or a citizen in access to state secrets in accordance with Article 30 of this Law.

An official or citizen of the Republic of Kazakhstan has the right, in the manner established by the legislation of the Republic of Kazakhstan, to be re-admitted to state secrets five years after such termination in the absence of grounds for refusal.

2. Termination of an official's or citizen's access to state secrets shall be an additional ground for terminating his employment contract, contract, suspension from office or dismissal at the initiative of the administration.

3. Termination of access to state secrets does not relieve an official or a citizen from their commitments on non-disclosure of information, constituting state secrets.

4. The decision of the head of an organization to terminate access of an official or citizen to state secrets and to terminate on this ground an employment contract, contract, suspension from office or dismissal may be appealed in the manner established by the laws of the Republic of Kazakhstan.

Footnote. Article 31, as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 № 253; dated 07.12.2009 № 222-IV (the order of enforcement see Art. 2); dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 32. Restrictions of the rights of an official or a citizen of the Republic of Kazakhstan in the period of registration of access, admitted or previously admitted to state secrets

An official or a citizen of the Republic of Kazakhstan admitted or previously admitted to state secrets may be temporarily restricted in their rights.

Restrictions may relate to:

the right to leave the Republic of Kazakhstan (including for permanent residence) for a period stipulated by the agreement on admission to state secrets;

the right to use the discoveries and inventions, containing information constituting state secrets, and the dissemination of such information;

the right of privacy during the verification activities in the period of registration of access to state secrets.

Footnote. Article 32, as amended by the Law of the Republic of Kazakhstan dated 15 May , 2007 № 253; dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 33. Access of an official or a citizen of the Republic of Kazakhstan to the information, constituting state secrets

1. Accessing of an official or a citizen of the Republic of Kazakhstan to the information, constituting state secrets, lies with the head of state body or organization, as well as their subdivisions for the protection of state secrets. The order of access of an official or a citizen to the information, constituting state secrets is established by the Government of the Republic of Kazakhstan.

2. Heads of state bodies and organizations shall personally be responsible for creating the conditions under which an official or a citizen is acquainted only with the information constituting state secrets, and in such extend as is necessary to perform its (functional) duties.

3. Upon termination of an employment contract, contract, dismissal (resignation) or transfer to a position unrelated to admission to state secrets, access of an official or citizen of the Republic of Kazakhstan to state secrets shall be terminated.

Footnote. Article 33, as amended by the Law of the Republic of Kazakhstan dated 15 May , 2007 № 253; dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 34. Permission to work with using the information, constituting state secrets

Activities of organizations, associated with the use of information constituting state secrets, creation of protection means of state secrets, as well as with holding the activities and (or) services for the protection of state secrets, shall be carried on the basis of a permit, issued by the Committee of National Security of the Republic of Kazakhstan and its agencies.

The permission shall be issued on the basis of special examination of organizations and certification of their heads that are carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan.

Article 35. Certification of protective means of information, constituting state secrets

The protective means of information, constituting state secrets, shall have a certificate, proving their compliance with the requirements for protection of information of the relevant degree of secrecy, issued in the manner prescribed by the Government of the Republic of Kazakhstan.

Article 36. Financing of activities for protection of state secrets

1. Financing of activities of state institutions, their subdivisions to protect state secrets is carried out at the expense of the republican and local budgets, and other organizations – at the expense of funds, derived from their core business while performing work, related to the use of information, constituting state secrets.

2. Control over the expenditure of funds, allocated for activities to protect state secrets, is carried out by heads of state bodies and organizations, customers of work, as well as by specially authorized representatives of the Ministry of Finance of the Republic of Kazakhstan. If the implementation of this control is associated with access to the information, constituting state secrets, then these persons should have access to the information of the relevant degree of secrecy.

Footnote. Article 36, as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 37. Responsibility for violation of the legislation of the Republic of Kazakhstan on state secrets

1. Officials, citizens of the Republic of Kazakhstan, as well as foreigners and stateless persons shall be liable for violation of the legislation on state secrets in accordance with the laws of the Republic of Kazakhstan.

2. Protection of the rights and interests of citizens, state bodies and organizations in the scope of this Law shall be carried out in accordance with the procedure established by the Laws of the Republic of Kazakhstan.

Footnote. Article 37, as amended by the Law of the Republic of Kazakhstan dated 15 May , 2007 № 253; dated 29.06.2020 № 351-VI (shall enter into force 01.07.2021); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 38. International treaties and the protection of state secrets of the Republic of Kazakhstan

If international treaties, ratified by the Republic of Kazakhstan set up by the rules other than those contained in this Law, the rules of the international treaty shall be applied.

*The President
of the Republic of Kazakhstan*