

Annex 2

**LAW
OF THE REPUBLIC OF KAZAKHSTAN**

**On Changes and Additions to Some Legal Acts of the Republic of Kazakhstan
related to Access to Information**

Article 1. The following legal acts of the Republic of Kazakhstan shall be amended as follows:

1. The [Penal Code](#) of the Republic of Kazakhstan of 16 July 1997 (Bulletin of the Kazakh Parliament, 1997, no. 15-16, Art. 211; 1998, no. 16, Art. 219; no. 17-18, Art. 225; 1999, no. 20, Art. 721; no. 21, Art. 774; 2000, no. 6, Art. 141; 2001, no. 8, Art. 53, 54; 2002, no. 4, Art. 32, 33; no. 10, Art. 106; no. 17, Art. 155; no. 23-24, Art. 192; 2003, no. 15, Art. 137; no. 18, Art. 142; 2004, no. 5, Art. 22; no. 17, Art. 97; no. 23, Art. 139; 2005, no. 13, Art. 53; no. 14, Art. 58; no. 21-22, Art. 87; 2006, no. 2, Art. 19; no. 3, Art. 22; no. 5-6, Art. 31; no. 8, Art. 45; no. 12, Art. 72; no. 15, Art. 92; 2007, no. 1, Art. 2; no. 4, Art. 33; no. 5-6, Art. 40; no. 9, Art. 67; no. 10, Art. 69; no. 17, Art. 140; 2008, no. 12, Art. 48; no. 13-14, Art. 58; no. 17-18, Art. 72; no. 23, Art. 114; no. 24, Art. 126; 2009, no. 6-7, Art. 32; no. 13-14, Art. 63; no. 15-16, Art. 71, 73, 75; no. 17, Art. 82, 83; no. 24, Art. 121, 122, 125, 127, 128, 130; 2010, no. 1-2, Art. 5; no. 7, Art. 28, 32; no. 11, Art. 59; no. 15, Art. 71; no. 20-21, Art. 119; no. 22 Art. 130; no. 24 Art. 149; 2011, no. 1, Art. 9; no. 2 Art. 19, 28;):

Add Article 155-1 reading as follows:

‘Article 155-1. Hindrance of the Right for Access to Information

1. Illegal hindrance in provision of documents, decisions and information sources directly affecting rights and legitimate interests of information users, and failure to provide information to information users within legally established terms, also provision of incomplete or deliberately untrue information, as well as unlawful classification of information as subject to restricted access, which results in significant damage to the rights and legitimate interests of the information users,

- shall be punishable with a fine in the amount of fifty to one hundred estimated monthly salaries or in the amount of the salary or another revenue of the sentenced person for a period of up to one month, or alternatively by public works for a term of one hundred twenty to one hundred eighty hours, or by correction works for a term of up to one year.

2. Same, committed by a person abusing his/her official capacity or office, also with the use of violence or threats of violence, -

- shall be punishable with a fine in the amount of two hundred to five hundred estimated monthly salaries or in the amount of the salary or another revenue of the sentenced person for a period of two to five months, or alternatively by correction works for a term of up to five years, or by imprisonment for the same term’;

Amend article 172 by adding the following note:

‘Note. A person committing the offenses envisaged by this article shall be exempted from criminal liability if he/she promotes protection of public interests by voluntary and timely notification of governmental bodies or by other means, and if the benefit from satisfying these interests is more significant than the damage inflicted to the legitimate interests, and if his/her actions does not contain any other *corpus delicti*’;

Amend article 268 by rewording it as follows:

‘1. Hiding, untimely provision of or provision of deliberately untrue information about data, materials, events, facts or phenomena endangering human life or health or causing a danger for public security and environmental security, by a person responsible for provision of such information to the population, -’.

2. The Code of Administrative Offenses of the Republic of Kazakhstan of 30 January 2001 (Bulletin of the Kazakh Parliament, 2001, no. 5-6, Art. 24; no. 17-18, Art. 241; no. 21-22, Art. 281; 2002, no. 4, Art. 33; no. 17, Art. 155; 2003, no. 1-2, Art. 3; no. 4, Art. 25; no. 5, Art. 30; no. 11, Art. 56, 64, 68; no. 14, Art. 109; no. 15, Art. 122, 139; no. 18, Art. 142; no. 21-22, Art. 160; no. 23, Art. 171; 2004, no. 6, Art. 42; no. 10, Art. 55; no. 15, Art. 86; no. 17, Art. 97; no. 23, Art. 139, 140; no. 24, Art. 153; 2005, no. 5, Art. 5; no. 7-8, Art. 19; no. 9, Art. 26; no. 13, Art. 53; no. 14, Art. 58; no. 17-18, Art. 72; no. 21-22, Art. 86, 87; no. 23, Art. 104; 2006, no. 1, Art. 5; no. 2, Art. 19, 20; no. 3, Art. 22; no. 5-6, Art. 31; no. 8, Art. 45; no. 10, Art. 52; no. 11, Art. 55; no. 12, Art. 72, 77; no. 13, Art. 85, 86; no. 15, Art. 92, 95; no. 16, Art. 98, 102; no. 23, Art. 141; 2007, no. 1, Art. 4; no. 2, Art. 16, 18; no. 3, Art. 20, 23; no. 4, Art. 28, 33; no. 5-6, Art. 40; no. 9, Art. 67; no. 10, Art. 69; no. 12, Art. 88; no. 13, Art. 99; no. 15, Art. 106; no. 16, Art. 131; no. 17, Art. 136, 139, 140; no. 18, Art. 143, 144; no. 19, Art. 146, 147; no. 20, Art. 152; no. 24, Art. 180; 2008, no. 6-7, Art. 27; no. 12, Art. 48, 51; no. 13-14, Art. 54, 57, 58; no. 15-16, Art. 62; no. 20, Art. 88; no. 21, Art. 97; no. 23, Art. 114; no. 24, Art. 126, 128, 129; 2009, no. 2-3, Art. 7, 21; no. 9-10, Art. 47, 48; no. 13-14, Art. 62, 63; no. 15-16, Art. 70, 72, 73, 74, 75, 76; no. 17, Art. 79, 80, 82; no. 18, Art. 84, 86; no. 19, Art. 88; no. 23, Art. 97, 115, 117; no. 24, Art. 121, 122, 125, 129, 130, 133, 134; 2010, no. 1-2, Art. 1, 4, 5; no. 5, Art. 23; no. 7, Art. 28, 32; no. 8, Art. 41; no. 9, Art. 44; no. 11, Art. 58; no. 13, Art. 67; no. 15, Art. 71; no. 17-18, Art. 112, 114; no. 20-21, Art. 119; no. 22, Art. 128, 130; no. 24, Art. 146, 149; 2011, no. 1, Art. 2, 3, 7, 9; no. 2, Art. 19, 25, 26, 28; no. 3, Art. 32; no. 6, Art. 50; no. 8, Art. 64;):

Amend title of Article 84 and part one of Article 84 by rewording these as follows:

‘Article 84. Unlawful restriction of the right for access to information or information resources, also refusal to provide information to an individual

1. Unlawful refusal to provide documents, decisions and information sources directly affecting rights, freedoms and interests of an individual, or failure to provide information to individuals within legally established terms, also provision of incomplete or deliberately untrue information, as well as unlawful classification of information as subject to restricted access, provided these have no signs of a criminal offense,-’

Add articles 347-1 и 347-2 reading as follows:

‘347-1. Failure to disclose information or disclosure of incomplete or deliberately untrue information

Failure to disclose information in compliance with the requirements of law, or disclosure of incomplete or deliberately untrue information, -

shall be punishable with a fine in the amount of up to fifteen estimated monthly salaries for private individuals and in the amount of up to twenty-five estimated monthly salaries for officials.

347-2. Unlawful restriction of the right for access to meetings of collegial bodies of information holders

Unlawful restriction of the right for access to meetings of collegial bodies of information holders, -

shall be punishable with a fine in the amount of up to twenty-five estimated monthly salaries for officials.’

3. The Environmental Code of the Republic of Kazakhstan of 9 January 2007 (Bulletin of the Kazakh Parliament, 2007, no. 1, Art. 1; no. 20, Art. 152; 2008, no. 21, Art. 97; no. 23, Art. 114; 2009, no. 11-12, Art. 55; no. 18, Art. 84; no. 23, Art. 100; 2010, no. 1-2, Art. 5; no. 5, Art. 23; no. 24, Art. 146; 2011, no. 1, Art. 2, 3, 7; no. 5, Art. 143):

Amend article 13 by:

adding paragraph 4-1) reading as follows:

‘4-1) attend meetings of collegial bodies of governmental agencies making decisions on issues related to environment;’;

adding paragraph 6-1) reading as follows:

‘6-1) apply to governmental bodies with requests for environmental information;’;

adding paragraph 7-1) reading as follows:

‘7-1) disseminate environmental information by any means allowed by law;’;

Amend article 14 by:

adding paragraph 3-1) reading as follows:

‘3-1) attend meetings of collegial bodies of governmental agencies making decisions on issues related to environment;’;

adding paragraph 6-1) reading as follows:

‘6-1) apply to governmental bodies with requests for environmental information;’;

adding paragraph 7-1) reading as follows:

«7-1) disseminate environmental information by any means allowed by law;’;

Amend article 136 by:

substituting ‘individuals and legal entities’ with ‘information users’ in paragraph 1;

adding 1-1 reading as follows:

«1-1. Public oversight over provision of access to information may be exercised by individuals, mass media, political parties, nongovernmental organizations, trade unions.’;

Amend article 163 by:

rewording paragraph 1 as follows:

‘1. User access to environmental information shall not be restricted’;

rewording ‘paragraph 2 as follows:

‘2. Access to environmental information shall be ensured by provision of the information upon requests of information users, dissemination in mass media, in special publications, publishing on internet resources, also by using other open-access means of information and communication.’;

deleting paragraph 4.

Amend article 164 by rewording it as follows:

‘Article 164. Rights and responsibilities of persons in terms of access to environmental information

1. Information users shall have the right of free access to state-owned information resources containing environmental information.

2. Governmental bodies, local self-governments, also other officials fulfilling governmental functions, or individuals and legal entities providing environment-related services to the population on the basis of a public agreement, shall provide open access to environmental information, also upon requests of information users.

3. Other individuals and legal entities acting on the territory of the Republic of Kazakhstan and/or possessing environmental information shall upon request provide environmental information related to impacts on human life and health.

4. Information users shall have the right to obtain environmental information from persons listed in paragraph 2 of this article, in the requested form, unless there are reasons for providing the information in another form.’;

Amend article 165 by:

substituting ‘on the procedure of considering requests from citizens’ with ‘on access to information’ in paragraph 1;
deleting paragraphs 2 and 3;

Amend article 166 by rewording it as follows:

«Article 166. Fee for provision of environmental information

1. Requested environmental information shall be provided by governmental bodies and local self-governments free of charge.

2. If the information holder is a quasigovernmental entity, a legal entity funded from the budget, an entity that has a dominating position or a monopoly at the market, a legal entity holding information of public importance, and if the provision of the requested information requires copying or printing of over 50 pages, the information user shall cover the actual costs for copying or printing incurred by the information holder.

3. The amount of actual costs for copying or printing shall be determined by the relevant information holder within the norms specified by the Government of the republic of Kazakhstan. Rates for copying or printing must be published in mass media and on the information holder’s webpage. If the information holder fails to identify the amount of payment for copying or printing, information shall be provided free of charge.

4. No fee for copying or printing shall be charged for provision of personal or environmental information, except for cases when the information is held by an individual funded from the budget or an individual that holds personal and environmental information.’;

Amend 167 by rewording as follows:

‘Article 167. Denial of access to environmental information

1. Access to environmental information may be denied for the following reasons:

- 1) the request fails to identify what kind of information is requested;
- 2) the request fails to comply with requirements of law;
- 3) provision of the requested environmental information is beyond the competence of the inquired information holder;
- 4) the requested information is classified information;
- 5) the requested environmental information was previously provided to the information user;
- 6) the request raises the issue of providing a legal evaluation of acts adopted by the information holder, analyzing activities of the information holder or its subordinate bodies and organizations, or conducting other kinds of analytical work;
- 7) the information user fails to comply with paragraphs 2 and 4, Article 166 of this Code;

2. Reasoned denial of access to the requested environmental information shall be notified to the information user within three days of the request registration date.

3. The denial shall be providing in writing, and shall specify the reasons and basis for the denial of access, possibilities for appealing against it, also in cases envisaged by paragraph 4 of article 165 of this Code, shall include notification about redirection of the request to a competent information holder.

4. Denial of access to, non-provision of, and provision of incomplete or untrue environmental information, also unlawful classification of open-access information as information with restricted access may be appealed against to a superior body and/or to a superior official, or in court.’

4. The Law ‘On Emergency Situations of Natural and Manmade Character’ of the Republic of Kazakhstan of 5 July 1996 (Bulletin of the Kazakh Parliament, 1996, no. 11-12, Art. 263; 1998, no. 23, Art. 416; 1999, no. 4, Art. 101; 2000, no. 6, Art. 145; 2003, no. 14, Art. 112; 2004, no. 11-12, Art. 67; no. 23, Art. 142; 2006, no. 1, Art. 5; no. 24, Art. 148; 2007, no. 2, Art. 18; no. 8, Art. 52; no. 20, Art. 152; 2008, no. 6-7, Art. 27; no. 21, Art. 97; 2009, no. 2-3, Art. 9; no. 18, Art. 84; 2010, no. 5, Art. 23; 2011, no.1, Art. 25, no. 5, Art. 43;):

Amend paragraph 2 of Article 7 by adding ‘and requests’ after ‘applications’.

5. The Law On State Secrets of the Republic of Kazakhstan of 15 March 1999 (Bulletin of the Kazakh Parliament, 1999, no. 4, Art. 102; 2001, no. 8, Art. 53; 2002, no. 15, Art. 147; 2004, no. 6, Art. 41; 2007, no. 2, Art. 18; no. 9, Art. 67; no. 20, Art. 152; 2009, no. 24, Art. 122, 128; 2010, no. 3-4, Art. 11; no. 7, Art. 32; no. 1, Art. 7;):

Amend article 17 by rewording it as follows:

‘1. The following types of information shall not be classified:

1) information on public security status as well as personal security of individuals, their rights, freedoms and legitimate interests;

2) information on emergency situations, natural and manmade disasters, acts of terrorism, their official forecasts and impact, methods and techniques to protect the population against them;

3) information on environmental pollution, fire safety, weather conditions, epidemiological and radiological situation, food safety and other factors that have a adverse impact on safety of individuals, settlements and industrial facilities;

4) information on public health care, education, culture, social security, economy, law-enforcement, and crime;

5) information on facts violating human and citizen’s rights, freedoms and legitimate interests;

6) information containing texts of laws, their drafts, national and sectoral programs, concepts, doctrines, territory development programs, strategic plans, development strategies and plans, the national and local budgets, other normative acts, except for bylaws containing state secrets.

7) information on gold and foreign currency reserves of the National Bank of the Republic of Kazakhstan, assets of the National Fund of the Republic of Kazakhstan and government (budget) reserves of precious metals and stones;

8) information on the setup and spending of funds from the national and local budgets;

9) information on oversight over the spending of funds from the national and local budgets;

10) information on privileges, compensations and benefits provided by the government to individuals and legal entities;

11) information from revenue declarations of politicians and administrative public service and their family members;

12) information on socio-demographic indicators, migration processes and measures to regulate migration of population;

13) information on illegal actions of information holders as well as their officials;

14) information on mass repressions for political, social and other reasons;

15) information contained in open-access information systems of information holders, libraries, archives and other organizations.

2. Information holder shall ensure access to information specified in paragraph 1 of this article.

3. Officials failing to fulfill the requirements of paragraph 2 of this article and/or making a decision to classify information or include the information in carriers of state secret information, shall be held liable in compliance with laws of the Republic of Kazakhstan. Individuals and legal entities may appeal such decisions in court.’.

6. The Law On Mass Media of the Republic of Kazakhstan of 23 July 1999 (Bulletin of the Kazakh Parliament, 1999, no. 21, Art. 771; 2001, no. 10, Art. 122; 2003, no. 24, Art. 175; 2005, no. 13, Art. 53; 2006, no. 1, Art. 5; no. 3, Art. 22; no. 12, Art. 77; 2007, no. 12, Art. 88; 2009, no. 2-3, Art. 7; no. 15-16, Art. 74; 2010, no. 5, Art. 23; no. 22, Art. 130; 2011, no. 1, Art. 2;):

Amend article 20 by adding paragraph 2-1) reading as follows:

‘2-1) attend meetings of collegial bodies of information holders;’.

Amend article 18 by:

rewording paragraph 2-1 as follows:

‘2-1. Governmental bodies and other organizations shall provide requested information no later than within three days after receiving the request or shall respond specifying the time the information will be provided or reasons for denial.

If a request requires additional investigation and examination, the request consideration term may be once prolonged for no longer than five working days, which shall be notified to the applicant within three working days of the date the consideration is prolonged.

1. If a request sent by mass medium to governmental bodies, local self-government or other organizations is beyond the competence of the information holder, within three working days after request registration it shall be forwarded to a relevant information holder, which shall be simultaneously notified to this mass media source.

adding ‘to human rights commissioner in the Republic of Kazakhstan,’ after ‘or official’ in paragraph 3.

7. The Law On Administrative Procedures of the Republic of Kazakhstan of 27 November 2000 (Bulletin of the Kazakh Parliament, 2000, no. 20, Art. 379; 2004, no. 5, Art. 29; 2007, no. 12, Art. 86; no. 19, Art. 147; 2008, no. 21, Art. 97; 2009, no. 15-16, Art. 74; no. 18, Art. 84; 2010, no. 5, Art. 23; no. 7, Art. 29; no. 17-18, Art. 111; 2011, no. 1, Art. 2; no. 7, Art. 54;):

Amend article 11 by:

adding paragraph 2-1 reading as follows:

«2-1. Meetings of governmental bodies are open to information users except for closed meetings.»;

Amend article 13 by:

adding item 3) to paragraph 2, reading as follows:

‘3) guarantee exercise of everyone’s right for access to information.’;

Amend article 15-2 by:

Rewording paragraph 2 as follows:

1. Information holders shall place on internet resources:

1) national symbols of the Republic of Kazakhstan:

national flag, national emblem;

2) information about the information holder:

postal address, email address, contact telephone numbers, description of responsibilities;

list of laws, other normative legal acts and/or other acts regulating competencies, authority, tasks and functions of information holders;

state body symbols (if any);

history of establishment of the state body;

3) information about structure of the information holder:

tasks and functions of territorial bodies, agencies, subordinate organizations (if any);

list of territorial bodies, agencies, subordinate organizations;

postal address, email address, contact telephone numbers of territorial bodies, agencies, subordinate organizations (if any);

information about first managers of territorial bodies, agencies, subordinate organizations (if any);

information about current managers of territorial bodies, agencies, subordinate organizations (if any);

information about accession to or resignation from office of information holder managers;

4) information about information resources and services:

information about mass media established by the information holder (if any);

lists of publicly available information systems, data banks, registries, registers, cadastres that the information holder is in charge of;

lists of information resources and services provided to individuals and organizations;

information about regulations and standards of public services and services provided by local self-government;

information about the procedure and terms of providing public services and services provided by local self-government;

information about state procurement as envisaged by State Procurement Laws;

5) statistical information:

statistical data and indicators characterizing the status and dynamics of an area (sphere) as regards competence of the information holder;

6) analytical information:

analytical reports and informational reviews of activities of the information holder;

7) information about regulation-making activities of the information holder:

full texts of normative legal acts adopted by the information holder;

texts of draft laws and by-laws, including explanatory notes, expert evaluation reports and texts of comparative tables;

changes and amendments to normative legal acts, their voidance statements, court decisions of their invalidation, also information about state registration of normative legal acts, acts of local self-governments in cases specified by laws of the Republic of Kazakhstan ;

8) information about working procedures of the information holder:

information holder's licensing procedures (licensing, accreditation, registration, etc) (if any);

forms of applications received by the information holders for consideration in compliance with laws and other normative legal acts;

9) information about activities of the information holder:

official news (press-releases) about activities of the information holder;

official calendars of oncoming events in the activities of the information holder;

information messages about official visits;

amendments, changes and additions to the above-listed documents;

texts of official speeches and statements of information holder managers and deputy managers;

information about national and sectoral programs, concepts, doctrines, territory development programs, strategic plans, development strategies and plans, the national and local budgets, draft targeted projects and concepts;

information about activities of advisory bodies (councils, commissions) that the information holder is a working body for;

information about use of funds of the national and local budgets, the National Fund of the Republic of Kazakhstan ;

information messages about information holder's participation in targeted or other programs, international cooperation, including official texts of relevant international treaties of the Republic of Kazakhstan ;

information messages about findings of audits conducted by governmental bodies, their territorial branches, local self-governments, subordinate organizations within their authority, also about findings of audits conducted in governmental bodies, their territorial branches, local self-governments, subordinate organizations;

progress reports;

10) information about competitions and tenders:

information about open tenders, auctions, expert evaluations and other events, and their terms and conditions;

bidding procedures for individuals and legal entities;

protocols of conducted open competitions, auctions, tenders.

11) information about working with the population:

procedure for receiving citizens and considering their applications by the information holder;

family name, name and patronymic of a unit manager or other official whose competence includes reception of individuals and ensuring consideration of applications from individuals and organizations;

names of structural units, family names, first names and patronymics of officials providing verbal information about information holder's activities;

contact telephones that permit information users to receive information appointments and consideration of applications from individuals, address where individuals are received, appointment hours, also the procedure for enrolling for appointments;

reviews of applications from individuals and organizations addressed to the information holder, generalized information about results of considering such applications and measures taken, without disclosing names of the individuals or other information about their personal life;

12) personnel-related information of the information holder:

for governmental bodies and their territorial bodies:

procedures for enrolling for state service, information about state service vacancies;

qualification requirements to candidates for filling the state service vacancies;

telephone numbers providing vacancy-related information;

for local self-governments and quasigovernmental entities:

information about vacancies;

qualification requirements to candidates for filling the vacancies;

telephone numbers providing vacancy-related information;

13) minutes of open meetings of collegial bodies with a list of decisions made at the meeting and a list of persons responsible for their implementation;

14) protocols with results of voting for issues within the authority of local self-government;

15) other information.

substituting ‘news line update’ with ‘update of information about governmental body activities’ in paragraph 3;

Amend article 16 by:

adding ‘and requests’ after ‘applications’ in the article title;

adding ‘and requests’ after ‘applications’ in paragraph 1;

adding ‘or by request’ after ‘by application’ and ‘or to request’ after ‘to application’ in 1) of paragraph 2;

adding ‘or request’ after ‘application’ and ‘or of request’ after ‘of application’ in 2) of paragraph 2;

adding ‘or requests’ after ‘applications’ in paragraph 3;

adding ‘or requests’ after ‘applications’ in paragraph 4;

adding ‘or requests’ after ‘applications’ in paragraph 5;

adding ‘or request’ after ‘application’ and ‘or of request’ after ‘of application’ in paragraph 7;

adding ‘or to requests’ after ‘to applications’ in paragraph 8;

adding ‘or of request’ after ‘of application’ in paragraph 9.

Amend article 17 by adding ‘or request’ after ‘application’ in the name of the article;

Amend article 18 by:

adding ‘or requests’ after ‘applications’ in the name of the article;

adding ‘or requests’ after ‘applications’ in the body of the article;

Amend article 20 by:

adding ‘and requests’ after ‘applications’ in the name of the article;

adding ‘and requests’ after ‘applications’ in paragraph 1.

adding ‘and by requests’ after ‘by applications’ in paragraph 2.

8. The Law of the Republic of Kazakhstan ‘On local government and self-government in the Republic of Kazakhstan’ of 23 January 2001 (Bulletin of the Kazakh Parliament, 2001, no. 3, Art. 17; no. 9, Art. 86; no. 24, Art. 338; 2002, no. 10, Art. 103; 2004, no. 10, Art. 56; no. 17, Art. 97; no. 23, Art. 142; no. 24, Art. 144; 2005, no. 7-8, Art. 23; 2006, no. 1, Art. 5; no. 13, Art. 86, 87; no. 15, Art. 92, 95; no. 16, Art. 99; no. 18, Art. 113; no. 23, Art. 141; 2007, no. 1, Art. 4; no. 2, Art. 14; no. 10, Art. 69; no. 12, Art. 88; no. 17, Art. 139; no. 20, Art. 152; 2008, no. 21, Art. 97; no. 23, Art. 114, 124; 2009, no. 2-3, Art. 9; no. 24, Art. 133; 2010, no. 1-2, Art. 2; no. 5, Art. 23; no. 7, Art. 29, 32; no. 24, Art. 146; 2011, no. 1, Art. 3, 7; no. 2, Art. 28; no. 6, Art. 49:);

Amend article 4 by adding paragraphs 3-1) and 3-2) reading as follows:

‘3-1) ensure access to information’;

3-2) ensure access to open meetings of collegial bodies of local governments and self-government;’;

Amend article 39-2 by adding paragraph 3-1) reading as follows:

«3-1) attend open meetings of collegial bodies of local governments and self-government;’;

9. The Law ‘On Informatization’ of the Republic of Kazakhstan of 11 January 2007 (Bulletin of the Kazakh Parliament, 2007, no. 2, Art. 13; 2009, no. 15-16, Art. 74; no. 18, Art. 84; 2010, no. 5, Art. 23; no. 17-18, Art. 111; 2011, no. 1, Art. 2);:

Amend Article 14 by rewording paragraph as follows:

‘5. Access may not be restricted to state electronic information resources containing the following information:

- 1) information on public security status as well as personal security of individuals, their rights, freedoms and legitimate interests;
- 2) information on emergency situations, natural and manmade disasters, acts of terrorism, their official forecasts and impact, methods and techniques to protect the population against them;
- 3) information on environmental pollution, fire safety, weather conditions, epidemiological and radiological situation, food safety and other factors that have an adverse impact on safety of individuals, settlements and industrial facilities;
- 4) information on public health care, education, culture, social security, economy, law-enforcement, and crime;
- 5) information on facts violating human and citizen’s rights, freedoms and legitimate interests;
- 6) information containing texts of laws, their drafts, national and sectoral programs, concepts, doctrines, territory development programs, strategic plans, development strategies and plans, the national and local budgets, other normative acts, except for bylaws containing state secrets.
- 7) information on gold and foreign currency reserves of the National Bank of the Republic of Kazakhstan, assets of the National Fund of the Republic of Kazakhstan and government (budget) reserves of precious metals and stones;
- 8) information on the setup and spending of funds from the national and local budgets;
- 9) information on oversight over the spending of funds from the national and local budgets;
- 10) information on privileges, compensations and benefits provided by the government to individuals and legal entities;
- 11) information from revenue declarations of politicians and administrative public service and their family members;
- 12) information on socio-demographic indicators, migration processes and measures to regulate migration of population;

- 13) information on illegal actions of information holders as well as their officials;
- 14) information on mass repressions for political, social and other reasons;
- 16) information contained in open-access information systems of information holders, libraries, archives and other organizations.’.

Amend article 17 by rewording paragraph 4 as follows:

‘4. Access to state-owned information system shall be defined by laws of the Republic of Kazakhstan.’;

Amend article 34 by:

substituting ‘individuals and/or legal entities’ with ‘information users’ in paragraph 1;

adding ‘to a superior body and/or to a superior official, and/or’ after ‘appealed against’ in paragraph 2;

Amend article 35 by:

adding paragraph 1-1) reading as follows:

‘1-1) by submitted a request verbally;’;

rewording the second sentence in paragraph 2 as follows:

‘Regardless of their form, requests shall be registered in compliance with information access legislation.’;

Amend article 34 by:

substituting ‘individuals and/or legal entities’ with ‘information users’ in paragraph 1;

rewording paragraph 2 as follows:

‘2. Unjustified denial of provision of information contained in open-access electronic information resources may be appealed against to a superior body and/or to a superior official, human rights commissioner in the Republic of Kazakhstan and/or in court.’;

Reword article 36 as follows:

‘Article 36. Requirements to requests

1. The following information shall be indicated in requests for access to electronic information resources:

1) requests from individuals shall include his/her name and last name, a postal address or e-mail address, details of other communication means,

2) requests from a legal entity shall include its full name, postal address or email address, other contact details; position, name, last name and patronymic of the requester, and, if requesting in writing, the request reference number and date.

3) requests in writing, also in electronic form, shall be signed by the information user or verified by a digital signature.

4) contact details of the requested information resource, the name and content of the document or details of the document known to the requester;

5) preferred form of providing the information.

2. If a person requests electronic information resources about self or on behalf of a legal entity requests electronic information resources about the legal entity, he/she shall indicate in the request details of his/her personal identification document, and/or his/her position in the legal entity whose information is requested.’;

Reword article 37 as follows:

«Article 37. Terms of Request Consideration

1. A response to a request shall be provided within five working days from the request registration date.

2. If an owner or holder of information system needs to clarify a request or if additional time is required to provide electronic information resources, the request consideration term may be once prolonged for no longer than five working days, which shall be notified to the applicant within three working days of the date the consideration is prolonged.’;

Amend article 39 by:

substituting ‘five’ with ‘three’

adding ‘from the request registration date’ after ‘days’;

Amend article 40 by:

rewording paragraph 1 as follows:

‘1. Information system owner or holder shall deny consideration of a request if:

- 1) the request fails to identify what kind of information is requested;
- 2) the requested information resource is subject to restriction of access, and the requester has no right of access to the requested information resource;
- 3) the owner/holder does not have the requested electronic information resource and does not know who it belongs to;
- 4) clarification of the request failed to identify which electronic information resource is requested;
- 5) information about the requested electronic information resource was previously provided to the requester;
- 6) the requester of the electronic information resource fails to pay costs for consideration of the request if the payment is envisaged by Kazakh laws or an agreement;
- 7) the request does not comply with requirements specified in article 36 of this law.’;

substituting ‘five’ with ‘three’ and adding ‘from the request registration date’ after ‘days’ in paragraph 2.

10. The Law ‘On the Procedure for Considering Applications of Individuals and Legal Entities’ of the Republic of Kazakhstan of 12 January 2007 (Bulletin of the Kazakh Parliament, 2007, no. 2, Art. 17; 2011, no. 3, Art. 32;):

Amend Article 1 by:
deleting the words ‘, inquiry’ in paragraph 4);
deleting paragraph 10);;

Amend article 3 by adding ‘, also for the procedure of request consideration under the Law On Access to Information’ after ‘by civil procedural legislation of the Republic of Kazakhstan’ to paragraph 2.

Article 2. This Law shall be enacted ten calendar days after its official publication.

**President
of the Republic of Kazakhstan**