

Second Study Commission
Civil Law and Procedure
63rd Annual Meeting of the IAJ – San José (Costa Rica)
Questionnaire 2020
HOW DATA PROTECTION RULES
ARE IMPACTING ON CIVIL LITIGATION

In Nur-Sultan Kazakhstan we decided that in 2020, our Second Study Commission will focus on how data protection rules are impacting on civil litigation. We have limited the questionnaire to five questions and we expect to receive short but concise answers. The questions are as follows:

1. Do you store digital data in your jurisdiction?

Yes, we do.

2. How is it stored and for how long?

Digital data is stored on servers that operate in a system that is under control of the executive branch (Ministry of Justice). There is no limited storage period. However, three months after the final decision, data is filed and restrictions to access can occur.

3. Who has access to the digital data in your jurisdiction?

Within the judiciary, digital data is available only for those who are dealing with the legal procedure to which the data is relevant (judges, prosecutors and court clerks involved). Parties of the civil law-suit and lawyers have also access to the digital data, as long as anyone who demonstrates a relevant interest in examining it (article 163.9, number 2 of the Civil Procedure Code).

4. Are there digital data protection rules in place in your jurisdiction?

Digital data protection is provided by the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. The law that ensures the execution of this Regulation is Law number 58/2019, of the 8th

of august. Additionally, data protection rules are established in the procedural law (article 418.^o of the Civil Procedure Code).

5. Who covers the costs relating to the storage and protection of the digital data in your jurisdiction?

The costs relating to the storage and protection of digital data are part of the expenditures for data processing and, as such, are covered by the Ministry of Justice.