

Questionnaire of the Second IAJ Study Group - 2023

How data protection rules are impacting on the way judges work in civil litigation?

Kazakhstan:

1-question

Answer: In the administration of justice collection, processing, protection of personal data of trial participants by the court is carried out in accordance with the provisions of the Constitution of the Republic of Kazakhstan, the Law "On personal data and their protection".

Courts, that have access to restricted personal data ensure their confidentiality by complying with requirements not to allow their dissemination without the consent of the subject or his/her legal representative.

Judges and other court staff who become aware of restricted personal data shall ensure its confidentiality.

The court is the controller of personal data protection in the administration of justice. The publication of the judgment or decision of the court, or the list or schedule of court proceedings or hearings in restricted proceedings shall be made by depersonalizing the personal data.

2-question

Answer: Every data subject (e.g. witness or litigant) has the right to information regarding the processing of personal data by or on behalf of the courts. This right is enshrined in Article 8-1 of the Law of the Republic of Kazakhstan on Personal Data and its protection. Through a public service, it is ensured that the subject is notified of actions with his/her personal data contained in judicial information objects (Torelik Information System).

3-question

Answer: The correction of inaccurate or misleading personal data in a court document is carried out by the court on the basis of an application by the subject or his/her legal representative. In civil cases correction of a typo is made in accordance with Article 235 of the Code of Civil Procedure by issuing a separate judicial act (ruling).

4-question

Answer: Personal data contained in a judgment or decision of a court, or in a list or schedule of proceedings or hearings, is generally public, except in cases classified as state secrets, personal, family, banking secrets, and other confidential information.

5-question

Answer: Complaints of alleged violations of data subject rights by the courts are considered in a general manner.

6-question

Answer: In practice, data protection rules have not had a negative impact on judicial independence.