FOURTH STUDY COMMISSION QUESTIONNAIRE 2010

THE UNION OF JUDGES OF THE REPUBLIC OF KAZAKHSTAN,
KAZAKHSTAN

ASPECTS OF DATA PROTECTION IN EMPLOYMENT RELATIONSHIPS

1. Are there explicit legal provisions concerning camera surveillance especially at working places? Are there collective agreements defining the circumstances and conditions for the introduction and use of camera surveillance?

The current labor legislation of Kazakhstan does not regulate the issues of using video surveillance at work.

According to Article 2 of the Labor Code, labor legislation of Kazakhstan is based on the Constitution and consists of this Code, laws of the Republic of Kazakhstan and other regulatory legal acts.

If an international treaty ratified by the Republic of Kazakhstan sets the rules other than those specified in the Labor Code, the rules of the international treaty shall be applied. International treaties ratified by the Republic of Kazakhstan are applied by directly to labor relations except for those cases when it appears from the international treaty that for the use of it, law should be enacted.

According to Article 1 of the Civil Code, civil legislation is applied to the labor relations in cases when these relations are not regulated by the labor legislation.

For example, the procedure of surveillance usage in real time mode during working hours by tax authorities is regulated by departmental orders and provisions.

Thus, when dispute arises with relation to the use of video surveillance resulted from the labor legal relations, it is subject to resolution pursuant to the provisions of the Constitution, Civil Code and other legislative acts.

In accordance with the official judicial statistics, no data on resolution of disputes related to the use of video surveillance was considered by courts of Kazakhstan.

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