LAW OF THE KYRGYZ REPUBLIC

Bishkek, dated 19 July 2017 No. 127

On Electronic Governance

Chapter 1. General Provisions

Article 1. Scope of the Law

1. This Law shall define the procedure for electronic governance in the Kyrgyz Republic.

2. Electronic governance in the Kyrgyz Republic shall refer to the activities of state bodies, local governments, their officials, organizations and citizens related to making legally significant decisions and taking legally significant actions with the use of electronic documents and other information in electronic form.

3. This Law shall apply to relations on provision of public and municipal services in electronic form, use of state infrastructure for electronic governance, implementation of electronic governance in other areas.

Article 2. Terms Used in this Law

The terms used for the purposes of this Law shall mean the following:

1) **information** - facts (messages, data) regardless of the form they are presented;

2) **information technology** - processes, methods of search, collection, storage, use, provision, distribution of information;

3) **information system** - a set of information contained in databases as well as information technologies and hardware ensuring its processing;

4) **information holder** - a person (physical or legal, including the Kyrgyz Republic and municipal entities) which independently created information or received the right to allow or restrict access to certain information on the basis of law or contract;

5) **access to information** - the possibility of obtaining information and using it;

6) **provision of information** - actions aimed at obtaining information by a specific range of persons or transferring information to a specific range of persons;

7) **dissemination of information** - actions aimed at obtaining information by an indefinite range of persons or transmitting information to an indefinite range of persons;

8) **document** - documented information recorded on a material carrier with details allowing to determine such information or its material carrier;

9) **electronic document** - documented information presented in electronic form, i.e. in a form suitable for human perception using electronic computers;

10) **electronic image of a paper document (electronic image)** - information in electronic form, which is a scanned or photographic image of a hard copy converted by technical means into electronic form as a whole, without making changes to the content of the scanned hard copy.

Note! Clause 10 of Article 2 of this Law is valid until 1 January 2021.

Article 3. Objectives of Electronic Governance in the Kyrgyz Republic

The objectives of electronic governance in the Kyrgyz Republic shall be:

1) create conditions for effective and sustainable interaction of individuals and legal entities with the State, develop technical and technological basis for the formation of the information society;

2) eliminate corruption factors in the system of state administration and in business;

3) create conditions for citizens to receive quality services in an unhindered and timely manner using modern information and telecommunication technologies, as well as information necessary for this purpose;

4) ensure full transparency of public administration bodies;

5) ensure information security of the Kyrgyz Republic.

Article 4. Principles of Electronic Governance

1. Electronic governance shall be carried out for the purpose of implementing and protecting the rights and legitimate interests of a person and citizen. Transition to e-governance is not allowed in cases where it poses a threat of violation of the rights and legitimate interests of a person and citizen. State bodies, local governments, their officials, other organizations shall ensure the reliability and security of electronic governance tools before starting their use.

2. Individuals shall have the right at their discretion to choose electronic or other form of interaction with state bodies and local governments. The content and exercise of the rights of individuals cannot be made dependent on the form (electronic or otherwise) in which they interact with state bodies and local governments.

3. Electronic governance participants shall have the right to use any information technologies at their discretion, if, when using them, the requirements established by this Law and other laws of the Kyrgyz Republic are met.

4. Formats of electronic documents and information technologies for the exchange of electronic documents used in electronic governance should ensure that all interested electronic governance participants can use such electronic documents.

5. Information on e-governance, including on how to obtain public and municipal services in electronic form, on how to send inquiries, requests or other messages to state bodies, local governments shall be publicly available. State bodies, local governments are obliged to publish such information on their websites on the Internet and provide it at the request of citizens and organizations.

Chapter 2. State Regulation of Electronic Governance

Article 5. Organization of State Regulation of Electronic Governance

1. State regulation of electronic governance in accordance with the Constitution of the Kyrgyz Republic, this Law, other laws of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic shall be implemented by the Government of the Kyrgyz Republic.

2. The transition to electronic governance in the Kyrgyz Republic shall be coordinated by:

1) the Council for Electronic Governance and Development of Information and Communication Technologies under the Government of the Kyrgyz Republic (hereinafter - the Council), which is the supreme body for coordinating transition to electronic governance in the Kyrgyz Republic;

2) the Interagency Commission for Coordination of Informatization (hereinafter - the Commission) providing interagency integration and coordination of agency-level projects for transition to electronic governance in executive bodies of the Kyrgyz Republic, local governments, state and municipal enterprises and institutions, including in the process of implementation and provision of electronic public and municipal services.

3. Organizational and methodological, information and analytical as well as technical support for transition to electronic governance in the Kyrgyz Republic shall be provided by the authorized body in the field of electronic governance (hereinafter - the authorized body).

4. Other state bodies, local governments, state and municipal enterprises and institutions, other organizations shall independently determine the procedure for electronic governance within their organization unless otherwise stipulated by this Law and acts of the Government of the Kyrgyz Republic adopted in accordance with it.

5. State bodies, local governments, organizations and citizens shall have the right to conclude agreements that determine the procedure for implementation of electronic governance in relations between them. The terms of such agreements shall be binding on all parties to the agreement.

Article 6. Powers of the Government of the Kyrgyz Republic in the Field of Electronic Governance

1. The Government of the Kyrgyz Republic shall ensure implementation of the unified state policy in the field of electronic governance.

2. The Government of the Kyrgyz Republic shall:

1) review and approve programs and plans for transition to electronic governance in the Kyrgyz Republic and monitor their implementation;

2) approve provisions on the Council, Commission and authorized body, including, inter alia, the powers and procedures for establishing these bodies, ensure the establishment of these bodies and monitor their activities;

3) approve the staff of the Council, appoint the head of the authorized body (as advised by the Council);

See:

[Decree](toktom://db/148143) No 131-r of the Government of the Kyrgyz Republic dated 11 April 2018 (On Approving the Composition of the Council for Electronic Governance and Development of Information and Communication Technologies (Taza Koom) under the Government of the Kyrgyz Republic)

4) approve rules for using the state e-services portal, including rules for posting, updating and receiving information on the portal;

See:

[Resolution](toktom://db/157894) No. 525 of the Government of the Kyrgyz Republic dated 7 October 2019 "On Approving the [Rules](toktom://db/157895) for Using the State e-Services Portal"

5) approve requirements for the interagency electronic interaction system, including requirements for the system of reference information, as well as the procedure for connecting to the interagency electronic interaction system and requirements for data formats and data exchange interfaces of the interagency electronic interaction system and information systems connected to it;

See:

[Resolution](toktom://db/148295) No. 200 of the Government of the Kyrgyz Republic dated 11 April 2018 "On Approving the [Requirements](toktom://db/148296) for Interaction of Information Systems in the Electronic Interoperability System “Tunduk”

6) approve requirements for details and form (format) of information presentation in electronic documents of state bodies and local governments, as well as in electronic documents that are applications to state bodies and local governments;

See:

[Resolution](toktom://db/159990) No. 748 of the Government of the Kyrgyz Republic dated 31 December 2019 "On Certain Issues of the Implementation of Electronic Governance in the Kyrgyz Republic"

7) approve regulations on a unified identification system, including rules for using simple electronic signatures when applying to state bodies and local governments, including rules for creating and issuing keys to simple electronic signatures, and a list of bodies and organizations entitled to create and issue keys to simple electronic signatures for the purposes of applying to state bodies and local governments;

8) define the types of electronic signatures used by state bodies and local governments, as well as for addressing state bodies and local governments;

9) approve requirements for the procedure for creating, developing, commissioning, operating and decommissioning of state information systems, as well as requirements for protecting the information contained in their databases;

See:

[Resolution](toktom://db/159974) No. 744 of the Government of the Kyrgyz Republic dated 31 December 2019 "On Some Issues Related to State Information Systems"

10) approve requirements for state data processing centers and communication channels connecting them, including requirements for their security and sustainability, as well as the procedure for including data centers and communication channels connecting them in the state electronic governance infrastructure;

See:

[Resolution](toktom://db/159981) No. 747 of the Government of the Kyrgyz Republic dated 31 December 2019 "On Approving the [Requirements](toktom://db/159982) for State Data Processing Centers and Communication Channels Connecting Them"

11) approve regulations on the state system of electronic communications and rules for its use;

See:

[Resolution](toktom://db/159976) No. 745 of the Government of the Kyrgyz Republic dated 31 December 2019 "On Approving the [Regulations](toktom://db/159977) on State Electronic Communications System and Rules for its Use"

12) approve regulations on the state system of electronic payments, including the rules for connecting to the system;

13) establish requirements for the procedure for forming, updating and using basic state information resources, including a list of measures aimed at ensuring the observance of the rights of personal data subjects and measures to protect information in accordance with this Law, including measures to limit access to confidential information available in basic state information resources;

14) approve the procedure for forming, updating and using the register of basic state information resources;

See:

[Resolution](toktom://db/160539) No. 66 of the Government of the Kyrgyz Republic dated 6 February 2020 "On Some Issues Related to Basic State Information Resources"

15) establish rules for maintaining the register of state infrastructure of electronic governance, including rules for including infrastructure elements in the register and removing them from the register.

See:

[Resolution](toktom://db/159220) No. 661 of the Government of the Kyrgyz Republic dated 5 December 2019 "On Some Issues Related to the State e-Governance Infrastructure"

Article 7. Council

1. The purpose of the Council is to develop and discuss the policy of the Kyrgyz Republic in the field of electronic governance. The decisions of the Council, adopted within its competence, shall be approved by acts of the Government of the Kyrgyz Republic and shall be binding on all ministries, state committees, administrative departments, organizations and citizens.

2. Powers of the Council:

1) consider proposals on transition to electronic governance, including the provision of public and municipal services in electronic form;

2) prepare and discuss programs and plans for transition to electronic governance in the Kyrgyz Republic;

3) coordinate draft legal acts in the field of electronic governance, which fall under the competence of the Government of the Kyrgyz Republic, as well as draft laws in the field of electronic governance;

4) monitor the implementation of this Law, other laws of the Kyrgyz Republic, acts of the President and the Government of the Kyrgyz Republic in the area of electronic governance;

5) control and supervise the activities of the Commission and the authorized body;

6) coordinate draft standards and administrative regulations for provision of public and municipal services.

3. In the exercise of its powers, the Council shall have the right to send requests for information to other state bodies, local governments and organizations, as well as to demand personal participation of the heads of these bodies and organizations in the Council meeting. Requests and requirements of the Council, sent on electronic governance issues, shall be mandatory for all bodies and organizations of the Kyrgyz Republic. The responsible secretary of the Council shall be the head of the authorized body.

4. The Council shall annually publish on its website a report on the implementation of plans and programs for transition to electronic governance for the past year, including information on regulatory legal acts in the field of electronic governance adopted at the suggestion of the Council and the results of monitoring the implementation of these acts, as well as the costs of transition to electronic governance in the Kyrgyz Republic.

Article 8. Commission

1. The Commission is a permanent working body of the Council. The purpose of the Commission is the current coordination of activities of state bodies, local governments, state enterprises and institutions in the process of transition to public administration, including in the process of implementation and provision of electronic public and municipal services.

2. The Commission shall be headed by the Chairperson, who organizes the work and holds meetings of the Commission, represents the Commission in the Council and other state bodies. The Chairperson of the Commission shall be personally responsible for the performance of obligations imposed by legal acts, including Council decisions on the Commission. The responsible secretary of the Commission shall be the head of the authorized body.

3. The Commission shall be composed of:

1) deputy ministers, heads of administrative agencies of all ministries, state committees, administrative agencies that are part of the Government of the Kyrgyz Republic, the mayors' offices of Bishkek and Osh, authorized by the orders of the heads and responsible for preparing and implementing internal plans for transition to electronic governance;

2) responsible employees in the field of information technologies and information and communication technologies - officials from all ministries, state committees, administrative agencies that are part of the Government of the Kyrgyz Republic, responsible for the technical side of transition to e-governance.

4. The work of the Commission shall be organized in the form of meetings of the Commission and meetings of working groups of the Commission. Members of the Commission are required to participate in the meetings of the Commission and in the meetings of the working groups to which they belong.

Decisions of the Commission shall be taken by a majority vote and shall be binding on all members of the Commission. The members of the Commission shall be personally responsible for implementing the Commission's decisions.

5. The Commission, within its powers, shall:

1) carry out interagency coordination of positions and plans of state bodies and local governments on the basis of collegiality and mutual acceptability of decisions;

2) ensure the search and coordination of the best organizational and technical solutions necessary for the implementation of approved programs and plans for transition to electronic governance, implementation of the Council decisions and other legal acts in the field of electronic governance;

3) develop standards for interagency cooperation as part of a unified e-governance infrastructure and ensure their implementation;

4) coordinate and provide execution of internal agency-level plans ("road maps") for implementing approved programs and plans of transition to electronic governance, execution of the Council decisions and other legal acts in the field of electronic governance;

5) maintain a single glossary of terms in the field of electronic governance, coordinate definitions of terms for their inclusion in the glossary;

6) develop and publish, taking into account available international and national experience, normative and technical documents and recommendations in the field of electronic governance in accordance with the legislation of the Kyrgyz Republic;

7) involve relevant professionals, international experts in its work, in working groups as needed.

6. The Chairperson of the Commission shall submit to the Council a report on the Commission's work at each Council meeting. Reports on the work of the Commission shall be published on the Commission's website.

Article 9. Authorized Body

1. The purpose of the authorized body is to provide organizational and methodological, informational and analytical as well as technical support for transition to electronic governance in the Kyrgyz Republic.

2. Within the framework of the established objectives, the authorized body shall perform the following functions:

1) ensure the operation of the Council and the Commission as well as serve as secretariat of the Council and the Commission;

2) assist state bodies and local governments in transition to e-governance, including in development and harmonization of regulations, standards, procedures for provision of electronic public and municipal services, creation of tools for open and accountable governance, mechanisms for the use of open data models based on modern information technologies, development of methods to assess the effectiveness of initiatives in the field of openness and accountability, creation of open data portals;

3) develop requirements for feasibility studies, technical specifications, terms of reference for the procurement (modernization) of information systems and technologies for state and municipal authorities, enterprises, institutions;

4) ensure the creation of e-governance infrastructure;

5) conduct targeted analysis and prepare proposals to improve the current regulatory and legal framework for the effective implementation of e-governance, including improvement of procedures for provision of electronic public and municipal services, procedures for interagency cooperation;

6) define and monitor key performance indicators for e-governance, including the efficiency of provision and use of electronic public and municipal services;

7) participate in the development and promotion of measures to ensure information security of state information systems and information resources of e-governance;

8) participate in the development of methods for training and professional development of state and municipal employees in the field of electronic governance, participate in the development of methods for testing the knowledge and skills of state and municipal employees, employees of state and municipal enterprises and institutions in the field of electronic governance;

9) provide expert and advisory services in the field of electronic governance, including training, at the request of state and municipal authorities and organizations;

10) participate in the development of international cooperation in the field of electronic governance.

Chapter 3. Basics of Electronic Governance

Article 10. Information and Information Technologies in Electronic Governance

1. Electronic governance in the Kyrgyz Republic shall be based on complete, reliable and relevant information. The information holder shall be responsible for ensuring the completeness, reliability and relevance of information in the implementation of electronic governance.

2. Information may be the subject of public, civil and other legal relations. Information may be freely used by any person and transmitted by one person to another, as well as processed for these purposes, except for information classified as state secrets.

3. The laws of the Kyrgyz Republic, for the purposes provided for by the Constitution of the Kyrgyz Republic, may establish restrictions on the collection, distribution and provision of information of certain content or presented in a specific form, as well as restrictions on the use of certain information technologies.

Article 11. Rights and Obligations of the Information Holder

1. The information holder, unless otherwise provided by law, shall have the right to:

1) allow or restrict access to information at its discretion, determine the procedure and conditions for such access;

2) use information, as well as distribute it, at its discretion;

3) provide information to other persons under contract or on any other legal grounds;

4) protect its rights in the manner prescribed by law in case of illegal receipt of information or its illegal use by other persons;

5) take other actions with information or permit the taking of such actions.

2. The information holder must:

1) assist others in exercising their right of access to information;

2) restrict access to information if such an obligation is established by law, other regulatory legal acts or by agreement of the parties.

3. The information holder shall have the right, unless otherwise provided by law, to condition the provision of information to another person by the obligation of that person not to transfer such information to third parties without the consent of the information holder (confidentiality requirement). The recipient of information who has violated the requirement of confidentiality is obliged to reimburse the information holder for losses caused by such violation, except for the cases when:

1) the information is publicly available or becomes so not as a result of a violation by the information recipient of its obligations;

2) the information was previously independently developed by the recipient or obtained from third parties without the requirement to maintain its confidentiality.

Article 12. Publicly Available Information and Public Data

1. Information shall be publicly available if access to it is not limited in accordance with the law or decision of the information holder.

2. Publicly available information may be used by any persons at their discretion, subject to the observance of exclusive rights to intellectual property objects, as well as restrictions established by law on distribution, provision, use and other processing of certain types of information.

3. The information holder shall have the right to condition further dissemination of information made available to the public by the obligation to identify oneself as the source of such information.

4. Information, including disseminated via the Internet, in a format that allows automated processing without prior modification by humans for the purpose of its reuse, shall be public data.

Article 13. Confidential Information

1. Information to which access is restricted in accordance with the law or decision of the information holder shall be deemed as confidential information. The laws of the Kyrgyz Republic restrict access to information only in order to protect national security, public order, public health and morals and the rights and freedoms of individuals and legal entities. Restrictions imposed must be proportionate to the objectives indicated.

2. Confidential information shall include the information:

1) about a person’s private life;

2) about the content of correspondence, telephone and other conversations, postal, telegraphic, electronic and other messages;

3) being a trade secret;

4) about materials of the preliminary investigation, other information, access to which is restricted in accordance with the procedural legislation;

5) being tax, banking, medical, legal, journalistic, adoption and insurance secrets, other professional secrets;

6) other information in accordance with the legislation of the Kyrgyz Republic.

3. Access to information related to state secrets shall be restricted in accordance with the legislation of the Kyrgyz Republic on state secrets.

4. Persons who violate the restrictions on access to information established in accordance with the law or decision of the information holder shall be liable in accordance with the legislation of the Kyrgyz Republic.

5. Access may not be restricted to:

1) normative legal acts affecting human and civil rights, freedoms and obligations, as well as establishing the legal status of organizations and the powers of state bodies and local governments;

2) information on natural disasters, catastrophes and emergency situations that threaten the health of citizens, and on other circumstances that threaten to violate the rights and legitimate interests of citizens or threaten their personal safety;

3) information on the state of the environment;

4) information on the activities of state bodies and local governments, as well as on the use of budget funds (except for information classified as state secrets);

5) data on violations of the law by government agencies and officials;

6) information in the public collections of libraries, museums and archives.

Article 14. Dissemination of Information and Provision of Information

1. Information shall be freely disseminated in the Kyrgyz Republic subject to requirements established by the legislation of the Kyrgyz Republic.

2. The disseminated information should include reliable data about its holder or other person disseminating the information, in the form and to the extent that is sufficient to identify such person. When disseminating information via the Internet, the distributor of information should provide the opportunity to contact him/her or the information holder by e-mail or other similar means.

3. When using means for the dissemination of information that allow identifying the recipients of information, the person distributing the information must ensure that the recipient of the information can refuse such information.

4. Provision of information shall be carried out in accordance with the procedure established by a normative legal act or agreement of persons participating in the information exchange.

5. Cases and conditions of mandatory dissemination of information or provision of information, including provision of mandatory copies of documents, shall be established by law.

6. It is prohibited to disseminate information aimed at propaganda for war, incitement to national, racial or religious hatred and enmity, as well as other information the dissemination of which is punishable by criminal or administrative liability.

Article 15. Peculiarities of Access to Information Held by State Bodies and Local Governments of the Kyrgyz Republic, Legal Entities with Participation of the State and Municipalities, as well as Organizations Funded from the National and Local Budgets

1. State bodies and local governments, legal entities with participation of the State or municipalities as well as legal entities funded from the national and local budgets shall be obliged to provide access, including through the Internet, to information on their activities in accordance with the Law of the Kyrgyz Republic “On Access to Information Held by State Bodies and Local Governments of the Kyrgyz Republic”. A person who wants to access such information is not required to justify the need to obtain it.

2. Information held by state bodies and local governments of the Kyrgyz Republic, legal entities with participation of the State and municipalities, as well as organizations financed from the national and local budgets, shall be provided free of charge, unless otherwise provided by law.

Article 16. Electronic Documents

1. Exchange of electronic documents in e-governance shall be carried out using communication channels allowing with reliability to establish the electronic governance participants which have sent and received an electronic document.

2. Requirements for details and form (format) of information presentation in electronic documents of state bodies and local governments, as well as in electronic documents that are appeals to state bodies and local governments, shall be established by the Government of the Kyrgyz Republic.

3. The use of an electronic signature in e-governance shall be carried out in accordance with the procedure established by the Law of the Kyrgyz Republic "On Electronic Signature".

4. Types of electronic signatures used by state bodies and local governments, as well as for addressing state bodies and local governments, shall be established by the Government of the Kyrgyz Republic.

5. The rules for using simple electronic signatures when applying to state bodies and local governments, including the rules for creating and issuing keys for simple electronic signatures, as well as a list of bodies and organizations authorized to create and issue keys for simple electronic signatures for the purposes of applying to state bodies and local governments, shall be established by the Government of the Kyrgyz Republic. Such rules should include, inter alia:

1) requirements that must be met by simple electronic signatures and (or) technologies for their creation;

2) ways of identifying a person when issuing him/her a simple electronic signature key with a view to applying to state bodies and local governments.

6. State bodies, local governments shall be provided with:

1) the possibility of free receipt by any persons of simple electronic signature keys to apply to these bodies;

2) no need for individuals and legal entities to use software and hardware specifically designed for applying to state bodies, local governments using simple electronic signatures.

7. An application and documents attached to it signed with a simple electronic signature and submitted by the applicant in compliance with the requirements of part 5 of this Article shall be deemed equivalent to the application and other documents signed with a handwritten signature and submitted on paper, except for the cases when laws or other regulatory legal acts prohibit applying to state bodies and local governments in electronic form.

Article 17. Information Systems

1. The owner of an information system shall be a person which has organized its creation and operation through the acquisition of hardware, acquisition or development of information technologies, creation and maintenance of databases.

2. Depending on the owner there are state, municipal and other information systems. The powers of the owners of information systems belonging to the Kyrgyz Republic and municipal entities shall be exercised by state bodies and local governments respectively, within the limits of their powers established by the relevant regulatory legal acts.

3. The procedure for creation and operation of an information system, including requirements for protection of information in the information system, shall be determined by its owner, unless otherwise established by legislation of the Kyrgyz Republic.

4. The owner of the information system may operate it independently or assign this function to another person - the operator of the information system. The owner of an information system (state body, local government exercising the powers of an information system owner) which has not assigned the function of its operation to another person shall be deemed to be the operator of this information system.

Chapter 4. State Infrastructure of Electronic Governance

Article 18. Composition of State Infrastructure of Electronic Governance

1. The state infrastructure of electronic governance is an ordered set of information technology and hardware used in electronic governance by state bodies, local governments, state and municipal institutions and organizations.

2. The state infrastructure of electronic governance shall be formed at the following levels:

1) infrastructure level formed by state data processing centers and communication channels connecting them;

2) application level generated by programs for electronic computers and databases used in electronic governance;

3) data level consisting of stored, received, transmitted or otherwise processed information and electronic documents in electronic governance;

4) service level at which infrastructure, software, data are used to provide public and municipal services, perform state and municipal functions, and carry out other activities not prohibited by law within the framework of electronic governance.

3. The state infrastructure of electronic governance shall include:

1) state e-services portal;

2) interagency electronic interaction system;

3) unified identification system;

4) state data processing centers and communication channels connecting them;

5) state system of electronic communications;

6) state system of electronic payments;

7) basic state information resources;

8) public data infrastructure formed in accordance with the Law of the Kyrgyz Republic “On Access to Information Held by State Bodies and Local Governments”;

9) spatial data and address register infrastructure formed in accordance with the legislation of the Kyrgyz Republic on geodesy and cartography;

10) other state information systems.

4. Inclusion of information systems, data processing centers and other elements into the state infrastructure of electronic governance shall be carried out:

1) with regard to elements put into operation before the present Law enters into force - on the basis of the act of the Government of the Kyrgyz Republic;

2) with regard to elements put into operation in accordance with this Law - on the basis of the act of the Government of the Kyrgyz Republic.

5. The register of state infrastructure of electronic governance shall be a basic state information resource.

6. The state infrastructure of electronic governance shall be created, developed and operated taking into account the requirements stipulated by the Law of the Kyrgyz Republic "On Public Procurement".

See also:

[Resolution](toktom://db/159220) No. 661 of the Government of the Kyrgyz Republic dated 5 December 2019 "On Some Issues Related to the State e-Governance Infrastructure"

Article 19. State Information Systems

1. State information systems shall be created for the purpose of exercising the powers of state bodies and ensuring exchange of information between these bodies, as well as for other purposes established by law.

2. The requirements for state information systems established by this Law shall apply to municipal information systems, unless otherwise stipulated by legislation of the Kyrgyz Republic on local self-government.

3. State information systems shall be created and operated in accordance with the requirements stipulated by the Law of the Kyrgyz Republic “On Public Procurement”.

4. State information systems shall be created and operated on the basis of information provided by individuals, organizations, state bodies and local governments. Cases of mandatory provision of information to state information systems shall be established by law.

5. The Government of the Kyrgyz Republic shall approve requirements for the procedure for creating, developing, commissioning, operating and decommissioning of state information systems, as well as requirements for protecting information contained in their databases.

See:

[Resolution](toktom://db/159974) No. 744 of the Government of the Kyrgyz Republic dated 31 December 2019 "On Some Issues Related to State Information Systems"

6. It is not permitted to operate a state information system without proper registration of rights to use its components that are objects of intellectual property.

See:

[Resolution](toktom://db/145603) No. 762 of the Government of the Kyrgyz Republic dated 21 November 2017 "On Approving the [Requirements](toktom://db/145604) for Protection of Information Contained in Databases of State Information Systems"

Article 20. Basic State Information Resources

1. Basic state information resources shall be created and used in the Kyrgyz Republic in order to use up-to-date, accurate and complete information in electronic governance as well as to perform single collection and multiple use of information.

2. State bodies and local governments shall have the right to request from other persons the information available in basic state information resources only for the purpose of updating the information in basic state information resources.

3. The basic state information resources shall include:

1) registers of public and municipal services;

2) register of state infrastructure of electronic governance;

3) state register of population;

4) register of rights to real estate;

5) register of transport vehicles;

6) register of legal entities;

7) other state information resources and registers classified as basic state information resources in accordance with laws of the Kyrgyz Republic and acts of the Kyrgyz Government.

4. Requirements for the procedure for forming, updating and using basic state information resources shall be determined by the Government of the Kyrgyz Republic. These requirements should contain a list of measures aimed at ensuring observance of the rights of personal data subjects and measures to protect information in accordance with this Law, including measures to restrict access to confidential information available in basic state information resources. Information on basic state information resources and on the procedure for access to information on basic state information resources is included in the register of basic state information resources, the procedure for forming, updating and using of which shall be determined by the Government of the Kyrgyz Republic.

Article 21. State Electronic Services Portal

1. The state e-services portal (the Portal) is a state information system that ensures the provision of public and municipal services in electronic form and provides applicants with access to information on public and municipal services intended for dissemination via the Internet and included in the unified register of public services and registers of municipal services.

2. The Portal shall provide:

1) access by applicants to information on public and municipal services contained in administrative regulations for public and municipal services included in the unified register of public services and registers of municipal services;

2) availability for copying and filling in electronically the request and other documents necessary for receiving a public or municipal service;

3) possibility for the applicant to submit a request for a public or municipal service and other documents necessary for receiving a public or municipal service;

4) possibility for the applicant to receive information on the progress of the request for a public or municipal service;

5) possibility for the applicant to obtain the results of the provision of a public or municipal service, except when such receipt is prohibited by law;

6) possibility of payment by the applicant for public and municipal services, unless otherwise provided by law.

Note! Clauses 3-6 of part 2 of Article 21 of this Law shall enter into force on 1 January 2018.

3. The Government of the Kyrgyz Republic may provide for other functions, the implementation of which is ensured by the Portal.

4. The operator of the Portal shall be a body authorized by the Government of the Kyrgyz Republic.

Article 22. Interagency Electronic Interaction System

1. The interagency electronic interaction system shall ensure information exchange between state bodies, local governments, state and municipal institutions and organizations in the implementation of electronic governance, including in the provision of electronic public and municipal services.

2. The operator of the interagency electronic interaction system shall be a body authorized by the Government of the Kyrgyz Republic.

3. State bodies, local governments, state and municipal institutions and organizations providing public and municipal services or participating in their provision shall be obliged to provide an opportunity to exchange information with information systems of such bodies and organizations through the interagency electronic interaction system.

4. The interagency electronic interaction system shall be created, developed and operated in accordance with the requirements established by the Government of the Kyrgyz Republic on the basis of world approaches to organizational and technological construction of information interaction in electronic governance, decisions of the Council and Commission.

5. A list of documents and information transmitted through interagency electronic interaction shall be established by the regulations for electronic public services in accordance with the Law of the Kyrgyz Republic "On Public and Municipal Services".

6. A reference information system shall be created as part of the interagency electronic interaction system for the automated generation, updating and use of state registers, as well as for the placement, storage and updating of technical information used in interagency electronic interaction to ensure a uniform presentation of information exchange objects, information about which is contained in state and municipal information resources and used in the activities of state bodies and local governments in the performance of state and municipal functions and provision of public and municipal services in electronic form, and which functions to meet the requirements for the information environment in the sphere of information systematization and coding.

Article 23. Unified Identification System

1. The unified identification system shall provide authorized access to information contained in information systems in cases stipulated by legislation of the Kyrgyz Republic.

2. The unified identification system shall be used to implement the following functions:

1) identify data on information interaction participants, including with the use of qualified electronic signature verification key certificates, by comparing an information interaction participant's identifier or an information system identifier entered in a single system with information on the participant or its information system contained in the corresponding basic information resource;

2) authentication of information about information interaction participants (data about their information systems), including with the use of qualified certificates of electronic signatures verification keys, by means of verification of belonging to the information interaction participant or its information system of the identifier entered by it, as well as confirmation of identifier authenticity;

3) authorization of information exchange participants - in terms of maintaining and providing information about their powers in relation to information systems, access to which is requested by them;

4) formation of a list of identified and authenticated participants in information interaction, bodies and organizations, as well as their identifiers in the unified system registers, formed including with the use of qualified certificates of electronic signature verification keys;

5) verification of the authenticity of identification data;

6) transfer of identification data to information systems using an interagency information interaction system;

7) production (generation) of an activation code and a key of simple electronic signatures for registration in a unified identification system for persons applying for public and municipal services.

3. Information system of the main certification authority in accordance with the Law of the Kyrgyz Republic “On Electronic Signature” shall be a part of the unified identification system.

4. The operator of the unified identification system shall be a body authorized by the Government of the Kyrgyz Republic.

Article 24. State Data Processing Centers

1. State data processing centers and communication channels connecting them are designed to host and operate state information systems.

2. Data processing centers and communication channels connecting them, both built at the expense of the national and local budgets, and used on the basis of lease agreements, service provision agreements and on other contractual basis may be used as part of the state infrastructure of e-governance.

3. Requirements for state data processing centers and communication channels connecting them, including stability and security requirements, as well as the procedure for including data processing centers and communication channels connecting them in the state infrastructure of e-governance shall be set by the Government of the Kyrgyz Republic.

See:

[Resolution](toktom://db/159981) No. 747 of the Government of the Kyrgyz Republic dated 31 December 2019 "On Approving the [Requirements](toktom://db/159982) for State Data Processing Centers and Communication Channels Connecting Them"

Article 25. State System of Electronic Communications

1. The state system of electronic communications shall provide an opportunity to send official communications of citizens and organizations to state bodies, local governments and officials and to receive official communications by citizens and organizations from state bodies, local governments and officials in the form of electronic documents.

2. The operator of the state system of electronic communications shall be a body authorized by the Government of the Kyrgyz Republic.

3. The state system of electronic communications shall function in cooperation with the state e-services portal, interagency electronic interaction system and unified identification system.

4. Citizens and organizations shall access the state system of electronic communications through the state e-services portal, as well as through mobile radio telephony, including by sending and receiving short messages (SMS).

5. State bodies and local governments shall access the state system of electronic communications through the interagency electronic interaction system. In case a state body, local government does not have a connection to the interagency electronic interaction system, access to the state system of electronic communications shall be provided via the Internet through the user account of this body.

Note! Provisions of Article 25 of this Law shall enter into force from 1 January 2018.

Article 26. State System of Electronic Payments

1. The state system of electronic payments is intended for exchange of information on payment by individuals and legal entities for rendering public and municipal services, other payments in favor of national or local budgets.

2. The state system of electronic payments shall be created, administered, developed and maintained by the state body authorized by the Government of the Kyrgyz Republic.

3. The Regulations on the state system of electronic payments shall be approved by the Government of the Kyrgyz Republic. The Regulations shall determine:

See:

[Resolution](toktom://db/145169) No. 709 of the Government of the Kyrgyz Republic dated 28 October 2017 "On Approving the [Regulations](toktom://db/145170) on State System of Electronic Payments"

1) a list of information required to make payments for public and municipal services, as well as other payments, including the amount to be paid and the procedure for obtaining and providing such information;

2) a list of information confirming payment for public and municipal services, as well as other payments, including the amount paid, the procedure for obtaining and providing such information;

3) a procedure for accessing the state system of electronic payments.

4. The bank, other credit organization, as well as other bodies or organizations through which the applicant makes payments, shall immediately send information on their payment to the state system of electronic payments.

5. State and municipal institutions, after charging the amount to be paid by the applicant for the services provided, as well as other payments in cases stipulated by the laws of the Kyrgyz Republic, shall immediately send information necessary for its payment to the state system of state and municipal payments.

Note! Provisions of Article 26 of this Law shall enter into force on 1 January 2018.

Chapter 5. Protection of Rights in the Field of Electronic Governance

Article 27. Protection of the Right to Access to Information

1. Decisions and actions (inaction) of state bodies, local governments, organizations and officials violating the right of access to information may be appealed against to a higher authority, to the Ombudsman of the Kyrgyz Republic or to a higher official, and subsequently to a court.

2. Where losses have been caused as a result of an unlawful denial of access to information, untimely provision of information, provision of information knowingly inaccurate or inconsistent with the content of a request, such losses shall be compensated in accordance with civil law. Compensation for moral damages caused by violation of the right to access to information shall be made regardless of compensation for property damage and losses incurred.

Article 28. Protection of the Rights of the Information Holder

1. The rights of the information holder shall be protected through:

1) implementation of technical measures to protect information;

2) restoration of the situation that existed before the violation of the right, and suppression of actions that violate the right or create a threat of its violation;

3) forcing the recipient of information to perform its obligation or a legal requirement of the information holder;

4) compensation for damages, including those caused by violation of legally established restrictions on access to information, as well as requirements for confidentiality of information and indication of the source of disseminated information;

5) compensation for moral injury;

6) non-application by the court of an act of a state body or local government contrary to law;

7) other ways provided for by law.

2. Measures provided for in clauses 4 and 5 of part 1 of this Article shall not apply to information intermediaries, i.e. persons providing services:

1) to transfer information provided by another person, subject to its transfer without changes and corrections;

2) or to store information and ensure access to it, provided that this person was not aware of the illegality of the dissemination of information.

Chapter 6. Final and Transitional Provisions

Article 29. Invalidation of Certain Legislative Acts of the Kyrgyz Republic

From the date of entry into force of this Law the following shall be deemed to have lost force:

1) [Law](toktom://db/13492) of the Kyrgyz Republic "On Informatization" No. 107 dated 8 October 1999 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2000, No. 2, Article 98);

2) [Law](toktom://db/27556) of the Kyrgyz Republic on Amendments and Additions to the Law of the Kyrgyz Republic “On Informatization” No. 10 dated 24 January 2002 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2002, No. 2, Article 38);

3) [Law](toktom://db/42292) of the Kyrgyz Republic “On Amendments to the Law of the Kyrgyz Republic “On Informatization” No. 116 dated 24 June 2003 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2003, No. 10, Article 426);

4) [Law](toktom://db/106330) of the Kyrgyz Republic “On Amendments to the Law of the Kyrgyz Republic “On Informatization” No. 79 dated 7 July 2011 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2011, No. 7, Article 982);

5) [Article 7](toktom://db/115343#st_7) "On Amendments to Some Legislative Acts of the Kyrgyz Republic" No. 170 dated 10 October 2012 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, No. 9, Article 2862);

6) [Law](toktom://db/137106) of the Kyrgyz Republic “On Amendments to the Law of the Kyrgyz Republic “On Informatization” No. 130 dated 22 July 2016 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2016, No. 7, Article 848).

Article 30. Creation of the Council and the Commission

The Council and the Commission provided for by this Law shall be created and start working no later than six months after entry into force of this Law.

Article 31. Effective Date of this Law

1. This Law shall enter into force after 10 days from the date of official publication, except for the provisions for which a special procedure for their entry into force has been established.

Published in “Erkin Too” newspaper No. 84-85 dated 25 July 2017

2. Parts 3-7 of Article 16 of this Law shall be effective from the date of entry into force of the Law of the Kyrgyz Republic "On Electronic Signature".

3. Clauses 3-6 of part 2 of Article 21, as well as provisions of Articles 25 and 26 of this Law shall enter into force on 1 January 2018.

4. Clause 10 of Article 2 of this Law shall be valid until 1 January 2021.

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| President of the Kyrgyz Republic |  | A.Atambaev |
|  |  |  |
| Adopted by the Jogorku Kenesh of the Kyrgyz Republic |  | [15 June 2017](toktom://db/142904) |