

Journalists Express Concern Over Kazakh Data-Protection Law

Kazakh lawmakers say the country's new law on Personal Data Protection will protect citizens' privacy.

But journalists are expressing concerns that the legislation, which could prevent even the publication of people's full names, could restrict their ability to access and report information and even land them in legal trouble.

The new law, which went into effect on November 25, applies to the public sector, legal entities, and individuals. It introduces new regulations to protect personal data and stipulates hefty penalties for violations.

Almaty-based journalist Inga Imanbai describes the law as a serious obstacle, and predicts that "the number of lawsuits will rise against independent media outlets."

"When you write an article about government officials abusing their power, you have to prove it by providing information about the officials and their family members' bank accounts and properties," Imanbai says. "However, under the new law this information is considered personal data."

According to the new law, individuals must give their consent to the collection, use, and distribution of their personal data. Any unauthorized collection or distribution of personal data could result in criminal charges punishable by up to five years' imprisonment.

Kazakh media lawyer Gulmira Birzhanova says the law is not "entirely clear," and could result in journalists being prosecuted for publishing a person's full name.

'Greater Transparency'

Birzhanova says that unlike similar laws in Russia and Ukraine, Kazakhstan's law does not make a distinction between public figures and private individuals.

"There were cases in Ukraine and Russia where such laws were used to take journalists to court," Birzhanova said. "However, the courts decided in favor of the journalists, saying a public person and state authorities can't have personal-data [protection]."

Supporters deny that the law is intended to restrict media activities.

Lawmaker Ramazan Sarpekov says that if journalists can document what they publish, it would not be considered a violation of the law.

Sarpekov says the purpose of the law is to protect people's rights, reputations, and interests.

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"All information about a person's biography, starting from their date of birth to their date of death, is considered personal data, and shouldn't be published without their consent," Sarpekov said.

Sarpekov says many people "would not want others to know that they were adopted, divorced, or accidentally put under criminal investigation."

Sasha Zernova, a human-rights lawyer from the Britain-based CIS Working Group, says the Kazakh law is generally in line with globally accepted norms and provides greater transparency.

However, Zernova says, "some provisions of the law cause concern, including the vague legal language used, and the regime of exception, which are not strictly in compliance with international standards."

Most concerning, she adds, are the lack of monitoring and enforcement procedures and the powerful role of the ombudsman in implementing the law.

Written by Farangis Najibullah, based on reporting by RFE/RL Kazakh Service correspondent Makpal Mukankyzy

<http://www.rferl.org/content/kazakh-data-protection-law/25179583.html>