

**REGULATION
ON PERSONAL DATA OF
EMPLOYEES AND STUDENTS**

ASTANA, 2017

1. GENERAL PROVISIONS

This Regulation "On personal data protection" has been developed in order to establish the procedure for collection, processing, storage and use of personal data of employees and students of the institution "Turan-Astana University" (hereinafter referred to as the University), ensuring the protection and confidentiality of information in accordance with the Constitution of the Republic of Kazakhstan, Labour Code of the Republic of Kazakhstan, Law of the Republic of Kazakhstan "On Informatisation", Law of the Republic of Kazakhstan "On personal data and their protection" and other regulatory legal acts.

1.1. The purposes of this Regulation: To ensure the requirements for the protection of the rights and freedoms of employees and students of the University in the processing of personal data, including the protection of the right to privacy, personal and family secrets; to exclude unauthorised actions of employees and students of the University and any third parties when using and working with personal data; to ensure the confidentiality of documented and undocumented information constituting personal data, and to prevent the emergence of a possible threat to the security of the identity of employees and students of the University; to protect the constitutional rights of citizens to personal secrecy, confidentiality of information constituting personal data, and to prevent the emergence of a possible threat to the security of the identity of employees and students of the University; Protecting the constitutional rights of citizens to personal secrecy, confidentiality of information constituting personal data and preventing the emergence of a possible threat to the security of the identity of employees and students of the University; excluding the possible disclosure to third parties of personal data constituting an official or other secret, regardless of whether such disclosure may cause damage (economic, legal or otherwise) to the University, an employee or a student of the University.

1.2. The personal data of an employee and a student are confidential and strictly protected information. The confidentiality regime of personal data is removed in case of depersonalisation or after 75 years of storage, unless otherwise provided by law.

1.3. The Regulation establishes general requirements and rules for working with all types of information media containing personal data, which are mandatory for employees and students of the University.

1.4. The Regulation does not apply to relations arising from Collection, processing and protection of personal data classified as state secrets in accordance with the Law of the Republic of Kazakhstan "On State Secrets"; Collection, processing and protection of personal data in the course of intelligence, counter-intelligence and operational search activities, as well as implementation of security measures to ensure the safety of protected persons and property within the limits established by the laws of the Republic of Kazakhstan. The regulation is approved and put into effect by the order of the Rector of the University and is mandatory for all employees who have access to

personal data of employees and students.

2. TERMS AND DEFINITIONS

- 1) Biometric data - personal data characterising the physiological and biological characteristics of the subject of personal data, on the basis of which it is possible to establish his/her identity;
- 2) personal data - information relating to a particular or determined on their basis the subject of personal data, recorded on electronic, paper and (or) other tangible media;
- 3) blocking of personal data - actions to temporarily stop the collection, accumulation, modification, addition, use, distribution, depersonalisation and destruction of personal data;
- 4) accumulation of personal data - actions to systematise personal data by entering them into a database containing personal data;
- 5) collection of personal data - actions aimed at obtaining personal data;
- 6) destruction of personal data - actions as a result of which it is impossible to restore personal data;
- 7) depersonalisation of personal data - actions as a result of which it is impossible to determine the ownership of personal data by the subject of personal data;
- 8) database containing personal data (hereinafter referred to as the database) - a set of ordered personal data;
- 9) the owner of the database containing personal data (hereinafter referred to as the Owner) - a state body, individual and/or legal entity which, in accordance with the legislation of the Republic of Kazakhstan, has the right to own, use and dispose of the database containing personal data - the University); protection of personal data - a set of measures, including legal, organizational and technical, carried out for the purposes established by this Law;
- 10) Processing of personal data - actions aimed at the collection, storage, modification, addition, use, distribution, depersonalisation, blocking and destruction of personal data;
- 11) use of personal data - actions with personal data aimed at achieving the objectives of the activity of the owner, operator and third parties;
- 12) Storage of personal data - actions to ensure the integrity, confidentiality and availability of personal data;
- 13) Dissemination of personal data - actions that result in the transfer of personal data, including through the media or providing access to personal data in any other way;
- 14) the subject of personal data (hereinafter - the subject) - the person to whom the personal data relate
- 15) third party - a person who is not the data subject, the owner and/or the

operator, but who is connected with them (him) by circumstances or legal relations for the collection, processing and protection of personal data;

16) Employee - an individual who has an employment relationship with an employer and directly performs work under an employment contract;

17) Employer (legal entity) - the University with which the employee or student has an employment relationship;

18) Authorised Employee - an employee who collects, processes and protects personal data;

19) User of personal data - an employee who has access to personal data.

3. CONCEPT AND COMPOSITION OF PERSONAL DATA OF AN EMPLOYEE AND STUDENT

3.1. The personal data of an employee and a student are understood as the information necessary for the employer in connection with labour relations and relating to a particular employee and student. It also includes information about facts, events and circumstances of the employee's and student's life, which allow to identify their personality.

3.2. The personal data of an employee and a student are classified as confidential information reflecting the personal, family and private life of citizens, of which their professional and social life is a part. The confidentiality, security and protection of personal data are guaranteed by their classification as official secrets.

3.3. The personal data of employees and students of the University are contained in the following documents (copies of these documents) Identity card or passport; birth certificate for persons under the age of sixteen; oralman's certificate issued by the territorial bodies of the authorised body on population migration; residence permit or stateless person's certificate (for foreigners and stateless persons permanently residing in the territory of the Republic of Kazakhstan) or refugee certificate; document on education, qualifications, special knowledge or professional training; a document confirming labour activity (for persons with seniority); a military registration document (for persons liable for military service and persons subject to military service conscription); a document confirming the preliminary medical examination; a copy of the document confirming registration at the place of residence or temporary residence; a certificate on the presence or absence of a criminal record when concluding an employment contract; a private business card; a personal card; documents containing information on wages and information on deductions from wages; an employment contract and additional agreements to it; written appeals; employer's acts on personnel; cases containing materials on training and retraining, certification, internal investigations and other documents containing personal data and intended for official use.

3.4. Documents containing personal data are created by: obtaining the originals of the necessary documents (employment book, personal card, written

requests, etc.); entering information into accounting forms (on paper and electronic media); copying originals.

3.5. In order to ensure the safety and confidentiality of the personal data of employees and students, all operations for the preparation, formation, maintenance and storage of this information should be performed only by employees of the employer who carry out this work in accordance with their job duties, recorded in job descriptions, or by third parties who carry out data operations in accordance with the terms of the contract.

3.6. Information about personal data may be contained: on paper and on electronic media.

3.7. The list of personal data necessary and sufficient for the University to perform its tasks is given in Appendix 1 to the Regulations.

4. COLLECTION OF PERSONAL DATA OF AN EMPLOYEE AND STUDENTS

4.1. The University can obtain all personal data about the employee and the student from the employee and the student;

4.2. The University makes changes to the personal data of the employee and student only on the basis of a written request from the employee and student.;

4.3. In cases where the University can only obtain the necessary personal data of an employee and student from a third party, the University shall inform the employee and student thereof and obtain their written consent in the prescribed form (Appendix 2).

5. PROCESSING OF PERSONAL DATA OF AN EMPLOYEE AND STUDENT

5.1. The processing of personal data of an employee and of a student includes: collection; storage; modification; addition; access; communication; dissemination; transfrontier transfer; depersonalisation; blocking; destruction.

5.2. The processing of personal data is carried out with the written consent of the employees and students of the University to the processing of their personal data (Appendix 3).

6. OBLIGATIONS OF THE EMPLOYER

The University is committed:

6.1. To ensure and carry out the collection, processing, transfer, storage and protection of personal data of an employee and a student in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection, the

Constitution of the Republic of Kazakhstan, the Labour Code of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan; When determining the scope and content of the processed personal data of an employee and a student, be guided by the Constitution of the Republic of Kazakhstan, the Labour Code of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan;

6.2. to process personal data submitted by the employee and student personally or by authorised state bodies with prior notification and obtaining the consent of the employee and student;

6.3. to ensure the procedure of storing personal data of the Employee and the Student in accordance with the requirements established by the legislation of the Republic of Kazakhstan on personal data and their protection;

6.4. at the request of the employee and the student, make changes and additions to the personal data of the employee and the student in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection;

6.5. ensure that the employee and student are familiarized with the employer's act establishing the procedure for collecting, processing and protecting personal data in accordance with the legislation of the Republic of Kazakhstan;

6.6. not to disclose the personal data of the employee and the student to a third party without the written consent of the employee and the student, except as provided by the Labor Code and other laws of the Republic of Kazakhstan (Appendix 5);

6.7. allow only specially authorised persons to have access to the personal data of employees and students. At the same time, these persons should have the right to receive only such personal data of the employee and the student that are necessary for the performance of specific functions and to observe the confidentiality regime;

6.8. distribute the employee's personal data within the organisation in accordance with the requirements established by the legislation of the Republic of Kazakhstan on personal data and their protection;

6.9. inform the persons who have access to the employee's personal data that they are obliged to use them exclusively for the previously stated purposes and are not entitled to disclose them to third parties, unless otherwise provided by the legislation of the Republic of Kazakhstan.

The University does not have right to:

- 6.10 demand from the employee and the student information about their political, religious and other beliefs and private life;
- 6.11 demand from the employee and the student information about their membership or activities in public associations, including trade unions;
- 6.12 in cases directly related to labour relations issues, the employer has the right to obtain and process data on the employee's and student's private life only with the employee's and student's written consent.

7. RIGHTS AND OBLIGATIONS OF AN EMPLOYEE AND STUDENT

The employee and student has the right to:

7.1. free access to his/her personal data, including the right to receive copies of the documents containing the employee's and student's personal data, unless otherwise provided by the legislation of the Republic of Kazakhstan;

7.2. the requirement to make changes and additions, blocking, destruction of personal data, the collection and processing of which was carried out in violation of the requirements of the Labour Code and other laws of the Republic of Kazakhstan; the requirement for the employer to notify the persons, who were previously informed about the employee's and the student's personal data, about the changes and additions made to them; appeal to the court of actions (inactions) of the employer, committed during the collection, processing and protection of his personal data.

The employee and the student shall

7.3. provide the University with reliable information about themselves; in case of a change in personal data, the employee is obliged to inform the employer about it within ten working days and to submit a personal application with a request to amend the documents containing personal data (Appendix 4).

7.4. On the basis of the personal application of the employee and the student, an order is issued to amend the accounting documents containing personal data.

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