

## CHANGES IN THE DIGITAL LEGISLATION OF KAZAKHSTAN

### PLEASE NOTE!

Starting 12 July 2026, Kazakhstan will put the Digital Code (the "**Code**")<sup>1</sup> into effect.

The Code will replace the field-specific law on electronic document flow<sup>2</sup> and will regulate a wide range of issues relating to functioning of the digital environment in Kazakhstan (including conceptual framework, differentiation of types and key requirements to objects and subjects in digital environment), use of electronic documents and electronic digital signature (the "**EDS**"), requirements to cybersecurity, and development of the digital infrastructure and artificial intelligence technologies. Certain amendments<sup>3</sup> to a number of other laws and subordinate acts regulating these issues to one degree or another will be put into force together with the Code.

Below are some important changes, which may be of practical interest for your business.

### ■ **Rights of subjects in digital environment**

- **Subjects in digital environment:** Code determines the participants of public relations in the digital environment (subjects in digital environment) and divides them into the following categories: persons whom digital data relate to (digital data subjects), owners and holders of digital objects, users of digital objects, and other subjects in digital environment in accordance with the Kazakhstan legislation. Subjects in digital environment may be both individuals and legal entities.
- **Right to digital identity and its protection:** Code introduces the concept of "digital identity", which means the aggregate of digital records allowing to establish or confirm that certain actions, rights or objects belong to a specific subject in digital environment. Digital identity is personal non-property benefit of a person and is subject to protection. The Code prohibits compulsion to digital identification, except for the cases expressly established by legislation. Interaction with the digital environment without identification is allowed by the Code only until the person's actions give rise to consequences, specifically, legal (e.g. identification is mandatory in order to enter into a contract, file an official complaint, and other similar actions).
- **Right to be forgotten:** In case digital data contain personal data, such relations fall under the Kazakhstan legislation on personal data and protection thereof. In turn, the Code determines additional rights of the digital data subjects who are also the personal data subjects. Specifically, there is the right to claim from owners and holders of digital objects (e.g. digital system) for deletion, anonymization or restriction of processing of personal data.
- **Rights in connection with the use of algorithmic systems and fully automated decisions:** If a digital object (e.g. digital system) includes the use of a fully automated algorithmic system (i.e. digital system that makes decisions or has influence on decisions made on the basis of automated data processing, including artificial intelligence systems), the persons, with respect to whom such system is applied, have the right to be accordingly informed, and claim from an owner or a holder for

<sup>1</sup> Code No. 255-VIII of the Republic of Kazakhstan "Digital Code of the Republic of Kazakhstan" dated 9 January 2026.

<sup>2</sup> Law No. 370-II of the Republic of Kazakhstan "On Electronic Document and Electronic Digital Signature" dated 7 January 2003.

<sup>3</sup> Law No. 256-VIII of the Republic of Kazakhstan "On Introduction of Amendments into Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Digitalization, Transport and Entrepreneurship" dated 9 January 2026.

explanation of the key factors and criteria affecting the decision (without disclosing the algorithms, source code and other law-protected secret). In case a decision entails legal implications or may influence on the rights and legitimate interests of a person, such person may claim for reconsideration of the automated decision with participation of an authorized specialist.

## ■ Digital objects

- **Legal regulation of digital objects:** Code defines a "digital object" as a separate digital environment element created, used or transferred by way of digital technologies, which has unique digital characteristics, and establishes its key types (including digital records, digital assets, software, digital systems and platforms), as well as the key requirements to such objects.
- **Digital condominium:** Code introduces legal regulation of joint ownership and management of digital assets by several persons in the form (special regime) of a digital condominium. A digital condominium includes both common digital objects jointly used by participants for the functioning of respective infrastructure and individual digital objects that belong to participants, and if the participants dispose of the latter at their own discretion, conditions of using common digital objects are determined by agreement of the parties, including by a smart contract. As per the business environment, the real-world examples of such combination are data centers, management of commercial immovable property and business centers, industrial parks, logistics hubs, etc.
- **Distributed digital objects:** Code officially secures a "distributed digital object" (which means a digital object, which is created, stored, processed or used by way of distributed architecture characterized by the use of an array of inter-related technical means, which ensure conformity, reliability and integrity of digital records without a single processing center) as a new legal category. Accordingly, from now on, the Kazakhstan legislation recognizes decentralized data processing and protects the rights of participants of such unions. At the same time, the Code determines that distributed digital objects are the joint ownership objects excluded from circulation, i.e. no independent business transactions with them are allowed.

## ■ Cybersecurity

- **Cybersecurity law:** Upcoming changes will significantly affect the Informatization Law<sup>4</sup> and the conceptual framework based on it in the sphere of informatization, as well as other regulatory legal acts of Kazakhstan. Among other things, the said law will be re-named as the "Cybersecurity Law" and will be focused on relevant issues.
- **Digital object inspection system:** Code and Cybersecurity Law provide for the three-level system for exercising control (audit) over digital objects, specifically, (1) state control in the sphere of digitalization in the form of inspections, preventive control with or without visits to a subject or an object (regulatory audit), (2) cybersecurity audit conducted on the initiative of an owner or a holder of a digital object with involvement of legal entities holding a license in the sphere of ensuring cybersecurity, and (3) digital object quality audit (functional audit), which will also be conducted on the initiative of an owner or a holder of digital objects at the stage of their creation, implementation and operation and is intended to evaluate functionality and digital architecture of such digital objects.
- **Powers verification service:** Putting the Code into effect will transform functions of the Root Certification Authority of Kazakhstan from exclusive technical verification of EDS validity (whether it is revoked, whether the key is valid, what is the issuing certification authority) to a highly technological compliance service of automated verification of legal powers of a person directly signing an electronic document. The

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<sup>4</sup> Law No. 418-V of the Republic of Kazakhstan "On Informatization" dated 24 November 2015.

service is designed to instantly compare data of EDS with relevant state databases (registers of legal entities, electronic powers of attorney and orders), verifying the person's powers to sign a specific type of a document on behalf of a company (including branches and representative offices), and block the signing if there are no powers or they have already expired.

## ■ Documents in digital environment

- **Electronic document flow:** Code replaces the previous model of document flow and introduces a single approach to documents in the digital environment. They include an electronic document, digital document, digital information and digital archive. Electronic document is a digital record, authenticity and inalterability of which is ensured by EDS. A digital document is formed in the digital environment on the basis of data of national registers at the moment of request or production. Digital information is used to confirm facts, rights and obligations without executing a separate document, and a digital archive represents organized storage of electronic archive documents and their copies.
- **EDS and digital verification:** Code introduces a new concept of digital verification, clearly distinguishing it from EDS. Digital verification means an action of a subject in the digital environment expressing consent or other will expression given after passing digital authentication using the means of digital technologies, but it is not EDS and does not ensure authenticity and inalterability of content of a digital record. According to the Code, the types of such verification include codes, passwords, one-time digital identifiers, push notifications, biometric confirmation, digital records in distributed registers, and other means formed and directed by digital systems to subscriber's mobile communications devices, instant messaging services, email or distributed digital objects, and other systems.
- **Smart contracts:** Code introduces regulation of smart contracts, providing for the possibility of automatic performance of obligations in case of occurrence of pre-determined conditions using digital technologies. It is allowed to express conditions of a smart contract in the form of a program code (in full or in part), provided that they are unequivocally interpreted and available for comprehension by a person. The Code also secures an obligation to provide for a mechanism to resolve disputes involving human beings.

Should you have any additional questions in connection with this Legal Update, we would be happy to provide more detailed information.

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