

## What is personal Data?

**Personal data** is information using which a person can be directly or indirectly recognized (identification)

**For example:**

- first name or last name;
- an identification number;
- biometric data;
- marital status;
- online identifier (social media username, IP address);
- CCTV camera footage allowing identification of an individual;
- other information.

**Examples of non-personal data:**

- registration number of the organization;
- email address of the organization.

According to the legislation of the Kyrgyz Republic, personal data includes biographical and identification data of citizens, personal characteristics, information about family and financial status, health status, etc.

Examples of particularly “sensitive” personal data are biometric data of citizens, medical records of patients, bank details. The processing



and transmission of such information requires additional security controls.

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## Important Terminology

The concept of personal data introduces several terms that you should familiarize yourself with.

"Data Processing" means any automatic or manual operation performed on personal data, including the collection, storage, classification, alteration, use or disclosure of data through publication, transmission, integration, blocking or deletion.

"The Authorized Body for the Protection of Personal Data" is a government body established to ensure the rights of individuals to protect their personal data by monitoring compliance with laws on personal information.

"Subject" or "Individual" is defined as the person to whom personal data relates.



## Personal Data protection

In the Kyrgyz Republic the need to create an institution that promotes the principles and measures for the protection of personal data has been a long time in the making. Back in 2008, the Law of the Kyrgyz Republic "On Personal Data" was adopted, aimed at legal regulation of work with personal data based on generally accepted international principles and norms in accordance with the Constitution and laws of the Kyrgyz Republic.

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This Law prescribes a rule on the creation of such a body - in order to ensure the protection of human and civil rights and freedoms related to the collection, processing and use of personal data.

However, despite the existence of the Law, until recently there was no effective mechanism for protecting the rights of citizens in the field of personal data.

In addition, the legislation of the Kyrgyz Republic still lacks liability for violation of legislation in the field of personal data, which leads to the fact that the Law of the Kyrgyz Republic “On Personal Data” and the by-laws adopted in accordance with it have been poorly enforced for 11 years.

In the Kyrgyz Republic, since 2018, state information systems began to exchange data in the Tunduk interdepartmental electronic interaction system, which, along with the infrastructure of state and municipal bodies, is the foundation for the state electronic government system.

But what if the attackers decide to illegally obtain information from the information systems of state bodies or commercial organizations, for example,

about the place of residence of citizens or their banking data? In different countries, it happened that fraudsters using the personal data of citizens on the Internet, appropriated their property, received loans in other people's names, used personal data to blackmail or carry out legally significant actions instead of real owners.

In this regard, simultaneously with the spread of electronic information interaction, the state began to create a state body for the protection of personal data of citizens.

# Functions of the Personal Data Protection Agency

In Kyrgyzstan the control of personal data protection is fixed in the tasks and functions of the State Agency for the Protection of Personal Data under the Cabinet of Ministers of the Kyrgyz Republic,

created at the end of 2021, in accordance with the Decree of the President of the Kyrgyz Republic

“On the Cabinet of Ministers of the Kyrgyz Republic” dated September 14, 2021, and Resolution of the Cabinet of Ministers of the Kyrgyz Republic dated December 22, 2021 No. 325 “On the State Agency for the Protection of Personal Data under the Cabinet of Ministers of the Kyrgyz Republic”.

The Agency develops rules (regulations, instructions) for the use of personal data and monitors their compliance by state bodies and commercial organizations. Also, the department is working to inform and raise awareness of the population in matters of personal data protection.



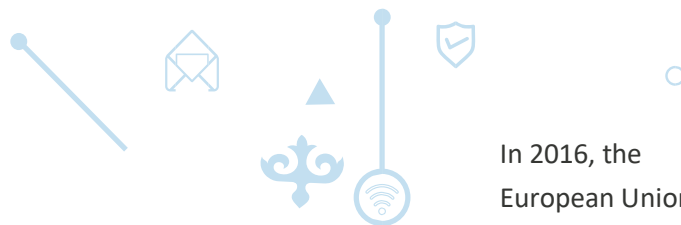
Foreign experience

## Foreign Experience

There are similar departments in many foreign countries: in all 27 countries of the European Union, in Russia, Singapore, Malaysia, Brazil, UK, Canada, Mexico and others. Their regulation is based on the developed principles of protection of personal data of citizens.

There are seven key principles that all data processing organizations should follow:

- Legality, objectivity and transparency of all processes;
- Absence of other motives;
- Minimization of volumes of requested and used data;
- Reliability of stored information;
- Restriction on the storage of data only for a specified period;
- Data integrity and confidentiality;
- Accountability



In 2016, the European Union adopted

The General Data Protection Regulation (GDPR), which applies not only to the states of the European Union, but also to legal entities and individuals providing services to citizens of the European Union. This document defines that non-compliance with the instructions of the supervisory authority for the protection of personal data entails the imposition of administrative fines of up to 20 million euros or, in the case of a commercial organization, if the company's turnover is more than half a billion euros, then the maximum fine is calculated as a percentage and goes up to 4% of the total annual turnover of the company's previous financial year (whichever is higher of those listed) depending on the violated item.

# ← Mission of the Agency



Currently, the Agency is at the organizational stage of its formation. The department faces a large amount of work to implement measures in 5 areas:

1. informing and raising public awareness on personal data protection issues (providing the public with information about the situation with personal data protection in the Kyrgyz Republic);
2. protection of the rights and freedoms of citizens in terms of personal data;
3. legislative activity (development of rules, requirements, regulations, provisions);
4. control and supervisory function for the protection of personal data (ensuring control over the compliance of the processing of personal data with the requirements of the legislation of the Kyrgyz Republic in the field of personal

information by state bodies, local authorities, state and municipal institutions and enterprises, as well as legal entities and individuals, regardless of form property;

5. 5. international cooperation in the field of personal data protection.

The Agency plans to put special emphasis on educational and informational events to help state and municipal authorities, as well as commercial organizations, implement the best practices for protecting personal data, and educate citizens to protect their personal data from misuse.



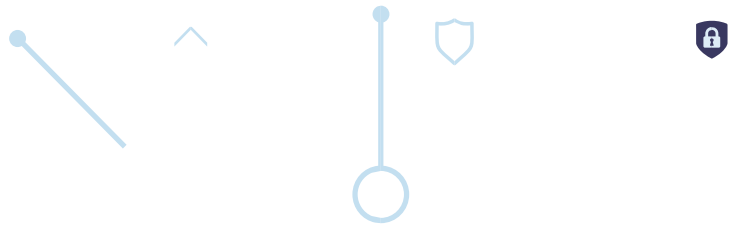
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## 4 steps to protect personal data

### 1. Restrict access to your data:

Do not tell about your first name, last name s and marital status, and even more so do not let strangers take pictures or make copies of your documents. Do not post a photo of your passport on the Internet and do not send it via e-mail or messengers. You can only present your passport when receiving services from government agencies or banks.

### 2. Do not share information about your bank cards

Do not show passwords, codes indicated on a bank card, or data for entering Internet banking.<sup>4</sup>

### 3. Be careful with information on digital media

Do not access Internet banking from other people's computer devices or phones. The browser may save your password automatically, which may result in data loss. Also, do not share flash cards if they have passport photos, questionnaires indicating passport data, or other personal data.

### 4. Read and find out more

on changing laws related to the protection of personal data and digital technologies, which are introduced to simplify the transfer of data and protect them.