

Law of The Republic of Uzbekistan on Personal Data

Adopted by the Legislative Chamber on April 16, 2019
Approved by the Senate on June 21, 2019

CHAPTER 1. GENERAL PROVISIONS

Article 1. Purpose of this Law

The purpose of this Law is to regulate relations in the area of personal data protection.

Article 2. Legislation on personal data

Legislation on personal data shall consist of this Law and other legislative acts.

Where an international treaty of the Republic of Uzbekistan establishes other rules than those contained in the legislation of the Republic of Uzbekistan on personal data, the rules of the international treaty shall be applied.

Article 3. Scope of the Law

This Law applies to relations arising from the processing and protection of personal data, regardless of the means of processing used, including information technologies.

This Law shall not be applied to relations arising from the following:

personal data processing performed by individuals for personal, domestic purposes and not related to professional or commercial activities;
formation, storage and use of documents of the National Archives and other archival documents containing personal data;
processing personal data classified as state secrets;
processing personal data obtained in the course of investigative, intelligence and counterintelligence activities, crime control, law enforcement, as well as in the framework of combating money laundering.

Article 4. Basic terms

The following basic terms are applied in this Law:

personal data – data recorded on electronic, paper and (or) other tangible carriers related to a particular individual or enabling his/her identification;

personal data subject (subject) – an individual to whom personal data relate;

personal data database – a database in the form of an information system containing personal data;

processing of personal data – implementation of one or a set of actions for the collection, systematization, storage, modification, addition, use, provision, dissemination, transfer, depersonalization and destruction of personal data;

operator of the personal data database (operator) – a state body, individual and (or) legal entity processing personal data;

possessor of the personal data database (possessor) - a state body, individual and (or) legal entity entitled to possess, use and dispose the personal data database;

third party – any person other than subject, possessor and (or) operator, but associated with them by circumstances or relations in processing of the personal data.

Article 5. Basic principles of this Law

The following main principles are applied in this Law:

observance of human and citizens' constitutional rights and freedoms;
legitimacy of the purposes and methods of personal data processing;
accuracy and reliability of personal data;
confidentiality and security of personal data;
equality of rights of subjects, possessors and operators;
security of an individual, society and state.

CHAPTER 2. STATE REGULATION IN THE AREA OF PERSONAL DATA PROTECTION

Article 6. Bodies executing state regulation in the area of personal data protection

State regulation in the area of personal data protection is executed by the Cabinet of Ministers of the Republic of Uzbekistan and the authorized state body in the area of personal data protection.

Article 7. Powers of the Cabinet of Ministers of the Republic of Uzbekistan in the area of personal data protection

The Cabinet of Ministers of The Republic of Uzbekistan shall have the following powers:

to ensure the implementation of the unified state policy in the area of personal data protection;
to approve state programs in the area of personal data protection;
to determine the procedure for maintaining the State Register of Personal Data Databases;
to approve the procedure for registration of personal data databases in the State Register of Personal Data Databases;
to coordinate the activities of state and economic management bodies, local authorities in the area of personal data protection.

The Cabinet of Ministers of the Republic of Uzbekistan, based on the data provided by the authorized state body in the area of personal data protection, establishes the following standards:

level of personal data protection during data processing depending on the security threats;
requirements for ensuring the protection of personal data during data processing, implementation of which provides the established levels of personal data protection;
requirements for tangible carriers of biometric and genetic data and technologies for storing such data outside of personal data databases.

Article 8. Authorized state body in the area of personal data protection

The authorized state body in the area of personal data protection is the State Center for Personalization under the Cabinet of Ministers of the Republic of Uzbekistan (hereinafter – the Authorized State Body).

The Authorized State Body shall have the following powers:

- to implement the state policy in the area of personal data protection;
- to participate in the development and implementation of state and other programs in the area of personal data protection;
- to approve the Standard Operating Procedures for processing of personal data;
- to approve the Standard Operating Procedures for the organization of activity of structural division or the authorized person of the possessor and (or) the operator ensuring the processing and protection of personal data;
- to maintain the State Register of Personal Data Databases;
- to issue a certificate of registration of personal data database in the State Register of Personal Data Databases;
- within the limits of its powers, to exercise the state control over compliance with the requirements of the legislation on personal data;
- to make proposals to the Cabinet of Ministers of the Republic of Uzbekistan on improving the legal framework in the area of personal data protection;
- to send to the state bodies empowered in the area of state security, in relation to the scope of their activities, the established information;
- to determine the required level of personal data security;
- to analyze the volume and content of personal data processed, the type of activity, the reality of threats to the security of personal data;
- to issue instructions to address violations of the legislation on personal data, which are binding upon all legal and natural persons ;
- to cooperate with the competent authorities of foreign countries and international organizations in the area of personal data protection.

CHAPTER 3. PROCESSING OF PERSONAL DATA

Article 9. Participants in the personal data processing

Subject and operator are participants in the processing of personal data. The legitimate representative of the subject, possessor and third parties shall also be considered as participants in the processing of personal data.

Article 10. Collection, systematization and storage of personal data

Personal data database is formed by means of collecting personal data necessary and sufficient for the tasks performed by possessor and (or) operator, as well as by a third party.

Procedure and principles for collecting and systematizing personal data shall be determined by the possessor and (or) operator independently. The storage of personal data is carried out in a form that allows the identification of the subject to the extent required by the purposes previously stated in the request for the collection of personal data.

The retention period of personal data is determined by the date of achievement of the goals of their collection and processing.

Article 11. Changes and additions to personal data

Change and addition to personal data shall be made by possessor and (or) operator on the basis of the subject's application no later than three days from the date of such application.

Changes and additions to personal data do that not correspond to reality are made promptly from the time such discrepancies are identified.

Article 12. Use of personal data

Actions with personal data aimed at the realization of the goals of the possessor, operator and third party are considered as the use of personal data.

The use of personal data by possessor, operator and third party is carried out only for the previously stated purposes of their collection, provided that the necessary level of personal data protection is assured.

The use of personal data by employees of the possessor and (or) the operator, as well as a third party associated with the processing of personal data, shall be carried out only in accordance with their professional, service or job duties.

Employees of the possessor and (or) operator, as well as of the third party associated with the processing of personal data, are obliged to prevent the disclosure of personal data that was entrusted to them or became known in connection with the performance of their professional, service or job duties.

Article 13. Provision of personal data

Actions aimed at the disclosure of personal data to a particular person are considered as provision of personal data.

The provision of personal data to state authorities is free of charge.

In case of refusal to provide his / her personal data, the subject has the right not to specify the reasons for his / her refusal.

Article 14. Dissemination of personal data

Actions aimed at the disclosure of personal data to an indefinite number of persons, including the disclosure of personal data in the media, posting on the Internet or providing access to personal data in any other way are considered as dissemination of personal data.

The dissemination of personal data in cases that go beyond the previously stated purposes of their collection is carried out with the consent of the subject.

Article 15. Cross-border transfer of personal data

Transfer of personal data by a possessor and (or) operator outside the territory of the Republic of Uzbekistan is considered as cross-border transfer of personal data.

Cross-border transfer of personal data is carried out on the territory of foreign states that provides for an adequate protection of the data subjects rights.

The cross-border transfer of personal data to the territory of foreign states that do not provide adequate protection of personal data may be carried out in the following cases:

presence of subject's consent to cross-border transfer of his / her personal data;

the need to protect the constitutional order of the Republic of Uzbekistan, public order, rights and freedoms of citizens, health and morality of the population;
provided by international treaties of the Republic of Uzbekistan.

The cross-border transfer of personal data may be prohibited or limited in order to protect the foundations of the constitutional order of the Republic of Uzbekistan, morality, health, rights and legitimate interests of citizens of the Republic of Uzbekistan, ensure the national defense and state security.

Article 16. Depersonalization of personal data

Actions that result in impossibility to determine belonging of personal data to a particular subject are considered as depersonalization of personal data.

When processing personal data for historical, statistical, sociological, scientific researches, the possessor and operator, as well as a third party are obliged to depersonalize the data.

Article 17. Destruction of personal data

Actions that make recovery of personal data impossible are considered as destruction of personal data.

Personal data are subject to destruction by the possessor and (or) the operator, as well as by a third party in the following cases:

when achieving the purpose of personal data processing;
in presence of a withdrawal of subject's consent to process personal data;
upon expiration of the period of personal data processing determined by the consent of the subject;
upon entry into force of a court decision.

CHAPTER 4. PERSONAL DATA PROCESSING ORDER

Article 18. Conditions for personal data processing

The processing of personal data shall be carried out in accordance with the basic principles of this Law.

The processing of personal data shall be carried out in the following cases:

presence of subject's consent to process the data;
need to process the data for the performance of the contract to which the subject is a party, or to take measures at the request of the subject prior to the conclusion of such contract;
need to process the data to fulfill the obligations of the possessor and (or) the operator, as defined by the legislation;
need to process the data to protect the legitimate interests of the subject or other person;
need to process the data to exercise the rights and legitimate interests of the possessor and (or) the operator or a third party, or to achieve socially significant goals, provided that this does not violate the rights and legitimate interests of personal data subjects;
data processing for statistical or other research purposes, subject to mandatory depersonalization of personal data;
if the data is obtained from publicly available sources.

If necessary, the processing of personal data to protect the rights and legitimate interests of the subject is allowed without subject's consent until the consent obtaining becomes possible.

Article 19. Requirements for the processing of personal data

The purposes of personal data processing shall be determined by normative legal acts, regulations, constituent or other documents regulating the activities of the possessor and (or) the operator, and shall comply with this Law.

The purposes of personal data processing shall be consistent with the purposes previously stated in their collection, as well as with the rights and obligations of the possessor and (or) operator.

In case of changing the purpose of personal data processing, the possessor and (or) the operator must obtain the consent of the subject to the processing of his/her data in accordance with the changed purpose.

Personal data shall be accurate and reliable, and if necessary, be changed and supplemented.

The amount of personal data that can be included in the personal data database is determined by the subject in accordance with this Law. The scope and nature of the personal data processed shall be consistent with the purposes and methods of such data processing.

Personal data are processed in a form that allows the identification of the subject or in a depersonalized form.

The period of personal data processing shall not exceed the period during which the consent of the subject to the processing of his/her personal data is valid.

Article 20. Procedure for registration of personal data databases

Personal data databases are subject to the registration in the State Register of Personal Data Databases.

Registration of the personal data database is carried out on the application principle by notification. An application for registration of the personal data database in the State Register of Personal Data Databases shall be submitted to the Authorized State Body.

Personal data databases containing following personal data are not subject to registration:

data related to the participants (members) of a public association or religious organization and processed accordingly by a public association or religious organization, provided that personal data will not be distributed or disclosed to third parties;

data made by the subject publicly available;

data including only the surname, first name and patronymic of the subjects;

data necessary for the purpose of a single admission of a subject to the territory on which possessor and (or) operator are located, or for other similar purposes;

data included in personal data information systems having the status of state automated information systems;

data processed without the use of automatic systems;

data processed in accordance with labor legislation.

Possessor and (or) operator is obliged to notify the Authorized State Body about every change in the data necessary for registering the relevant personal data database no later than ten calendar days from the date such change occurs.

Article 21. Procedure for giving and withdrawing consent to the processing of personal data

The subject agrees to the processing of personal data in any form that allows confirmation of the fact of its receipt.

The processing of special category data requires the subject's consent in written form, including in the form of an electronic document.

In case of incapacity or disability of the subject, written consent, including in the form of an electronic document, to the processing of his / her personal data shall be given by his / her legal representative.

For minors (under 18), a written consent to the personal data processing, including in the form of an electronic document, is given by parents (guardians, trustees), and in their absence by the guardianship and custody bodies.

In the case of subject's death, the written consent to the personal data processing, including in the form of an electronic document, is given by his heirs, if such consent was not previously given by the subject during his life.

Processing of personal data of the subject declared by the court dead, recognized by the court as missing, is carried out with the written consent of the heirs, including in the form of an electronic document.

The subject withdraws consent to the processing of personal data in the form in which the consent was provided, or in written form, including in the form of an electronic document.

Article 22. Procedure for the provision of information relating to the personal data processing

A subject shall have the right to receive information concerning the processing of his / her personal data containing the following information:

the confirmation of the processing of personal data;
grounds and purposes of personal data processing;
methods of personal data processing used;
title of the possessor and (or) operator and their (his) location (postal address), information about persons who have access to personal data or who may disclose personal data on the basis of a contract concluded with the possessor and (or) operator, or on the basis of the law;
composition of the processed personal data relating to the relevant subject, the source of their receipt, unless another procedure for the provision of such data is provided for by this Law;
the processing time of personal data, including the storage period;
the procedure for the exercise by the subject of the rights provided for in Article 30 of this Law;
information on the undertaken or proposed trans-border transfer of personal data.

The right of a subject to receive information related to the processing of his / her personal data may be limited in cases when the provision of such information violates the rights and legitimate interests of other persons.

The procedure for providing information relating to the processing of subject's personal data to a third party is determined by the terms of the subject's consent to the processing of personal data.

Possessor and (or) operator shall be exempt from the obligation to provide information to the subject concerning the processing of his / her personal data in the following cases:

the subject was previously notified of the processing of his/her personal data;
personal data have been made publicly available by the subject or obtained from a public source;
provision of such information leads to violation of the rights and legitimate interests of individuals and legal entities.

Notification of refusal to provide information related to the processing of personal data shall be sent to the requesting subject in the written form within ten days.

The decision to refuse to provide information relating to the processing of personal data may be appealed by the subject to the Authorized State body or court.

Article 23. Notification of actions in the personal data processing

When including his / her personal data to the personal data database, the subject shall be notified in written form of the purposes of personal data processing, his / her rights defined by the Article 30 of this Law.

In case of transfer of personal data to a third party, the possessor and (or) the operator shall notify the subject in a written form within three days.

The subject is not notified in a written form in the following cases:

exercise of their powers by the state bodies;
transfer of personal data for historical, statistical, sociological or scientific purposes;
collection of personal data from publicly available sources.

Article 24. Automated processing of personal data

The subject has the right not to be subjected to decision-making on the basis of exclusively automated processing of his/her personal data, affecting his rights and legitimate interests, generating legal consequences, except for the cases provided for in passage two of this Article.

The decision based solely on the automated processing of subject's personal data can be made in the following cases:

presence of written consent of the subject, including in the form of an electronic document;
if the decision is made in pursuance of the contract between the possessor and the subject or the fulfilment of the conditions of the previously concluded contract;
stipulated by law.

Possessor and (or) operator is obliged to explain to the subject the procedure for making a decision based solely on automated processing of his/ her personal data and possible legal consequences of such a decision, to provide an opportunity to make an objection to this decision, as well as to explain the subject the procedure for protecting his/ her rights and legitimate interests.

Possessor and (or) operator are obliged to consider the objection specified in passage three of this Article and to notify the subject in a written form of consideration results of such objection within ten days.

Article 25. Processing of special categories of personal data

Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, political party and trade-union membership, health-related data (physical and mental health), data concerning a person's private life or criminal record are considered as special category data.

Processing of special category data is prohibited, except for cases provided for in passage three of this Article.

Processing of special category data is allowed in the following cases:

- in order to ensure state security against external and internal threats by the Authorized State Body;
- if the subject provided his/ her written consent, including in the form of an electronic document, for the processing of his/her special category data;
- if special category data are published by the subject in public sources;
- in order to protect the rights and legitimate interests of the subject or other persons;
- in implementing activities of the courts and relevant law enforcement agencies in the framework of a criminal case, enforcement proceedings;
- in implementing measures by the prosecution authorities aimed at combating money laundering and terrorism financing;
- in implementing activities of state statistics bodies, as well as in using personal data for statistical purposes by other state bodies with the obligatory condition of their depersonalization;
- when providing medical and social services or establishing a medical diagnosis, treatment, with the condition that such data are processed by a medical worker or other person of the health care institution, which is responsible for ensuring the protection of personal data;
- in the exercise of rights and duties in the area of labor relations;
- in protection of the legitimate interests of the subject or a third party in the event of incapacity or limited legal capacity of the subject;
- when disclosing personal data, including personal data of candidates for election to public office;
- in carrying out activities of a non-governmental non-profit organization, religious organization, political party or trade union, provided that the processing relates exclusively to the personal data of members or employees of these organizations and associations, and personal data are not transferred to a third party without the consent of subjects;
- in processing the personal data of children left without parental care, when they are placed in the family of citizens (foster care) and implementation of other measures to ensure custody and guardianship;
- when processing personal data in order to ensure state security;
- when processing data on criminal records by state bodies, as well as other persons within their powers.

Article 26. Processing of biometric and genetic data

Personal data that characterize the anatomical and physiological characteristics of the subject are considered as biometric data.

Personal data relating to inherited or acquired characteristics of a subject, which result from the analysis of the subject's biological sample or from the analysis of another element enabling equivalent information to be obtained are considered as genetic data.

Biometric and genetic data, used to establish the identity of the subject, can be processed only with the consent of the subject, except for cases related to the implementation of international treaties of the

Republic of Uzbekistan, administration of justice, enforcement proceedings, as well as in other cases provided for by legislation.

The use and storage of biometric and genetic data in electronic form outside information systems can only be carried on tangible carriers, excluding unauthorized access to them.

CHAPTER 5. PROTECTION OF PERSONAL DATA

Article 27. Guarantees for the protection of personal data

The state guarantees the protection of personal data.

Possessor and (or) operator, as well as a third party shall take legal, organizational and technical measures to protect personal data, ensuring the following conditions:

exercise of the subject's right to protection from interference with his/her private life;
integrity and security of personal data;
confidentiality of personal data;
prevention of illegal processing of personal data.

Article 28. Confidentiality of personal data

Confidentiality of personal data is a mandatory requirement for the possessor and (or) operator or other person who has access to personal data of inadmissibility of their disclosure and dissemination without the consent of the subject or presence of other legal grounds.

Possessor and (or) operator and other individuals who have access to personal data are obliged not to disclose or distribute personal data without the consent of the subject.

Article 29. Publicly available personal data

Personal data, access to which is free with the consent of the subject or which is not concerned with the confidentiality requirements are considered as publicly available personal data.

In order to provide information to the population, public sources of personal data may be created (including biographical directories, telephone, address books, public electronic information resources).

The public sources of personal data may include, with the written consent of the subject, his / her name, patronymic, year and place of birth, address, phone number, information about the profession and other personal data reported by the subject.

Information about the subject can be excluded from publicly available sources of personal data on his request, submitted in the form in which consent was given, or in writing, including in the form of an electronic document, as well as by a decision of the Authorized State Body or court.

CHAPTER 6. RIGHTS AND OBLIGATIONS OF PARTICIPANTS INVOLVED IN PROCESSING OF PERSONAL DATA

Article 30. Rights and obligations of the subject

The data subject shall have the following rights:

to be aware of the presence of personal data and its composition by the possessor and (or) the operator, as well as a third party;

to receive information on the processing of personal data from the possessor and (or) the operator upon request;

to receive information about the conditions of access to personal data from the possessor and (or) operator;

to apply for protection of rights and legitimate interests in relation to personal data protection to the Authorized State Body or court;

to give a consent to the processing of the personal data and withdraw such consent, except for cases provided by this Law;

to give a consent to the possessor and (or) the operator, as well as a third party to distribute personal data in public sources of personal data;

to require from the possessor and (or) the operator to temporarily suspend the processing of personal data, if the personal data is incomplete, outdated, inaccurate, illegally obtained or is unnecessary for the purposes of processing.

The disposal of personal data of the subject, recognized as incapable or limited in legal capacity, shall be carried out by its legal representative.

The responsibility of the subject is to provide personal data in order to protect the foundations of the constitutional system of the Republic of Uzbekistan, morality, health, rights and legitimate interests of citizens of the Republic of Uzbekistan, to ensure national defense and state security.

Article 31. Rights and obligations of the possessor and (or) operator

The possessor and (or) the operator are entitled to process personal data.

The possessor and (or) operator shall have the following obligations:

to comply with the legislation on personal data;

to provide information on the subject's request regarding the processing of his / her personal data;

to approve the composition of personal data necessary and sufficient to perform his/their tasks;

to take measures to destroy personal data in case of achieving the purpose of its processing, as well as in other cases established by this Law;

to provide evidence of obtaining the consent of the subject to the processing of his personal data in cases provided for by legislation;

to modify and (or) supplement personal data on condition of documentary confirmation of new data reliability or destroy it if it is impossible to make such modifications and (or) additions;

to temporarily suspend processing or destroy personal data in case of availability of information on violation of the its processing conditions;

to provide possibility of submission of documents by the subject in electronic form for temporary suspension of processing and (or) destruction of his / her personal data;

to notify the subject, as well as other parties involved in the processing of personal data in written form in cases of change, destruction of personal data and restriction of access to it;

to notify the subject in written form in case of transfer of personal data to a third party;

to register possessed and (or) processed personal data databases;

to take necessary legal, organizational and technical measures to protect personal data.

The possessor and (or) the operator has the right to entrust the processing of personal data to a third party in the following cases:

availability of written consent of the subject, including in the form of an electronic document;
if the decision is made in pursuance of the contract between the possessor and the subject or the conditions of the previously concluded contract;
stipulated by law.

Obligations of the possessor and (or) the operator, as well as a third party to protect personal data arise from the moment of personal data collection and are valid until such data is destroyed or depersonalized.

The possessor and (or) the operator shall determine the structural unit or official authority for the work related to the processing and protection of personal data and ensures its performance in accordance with the Standard Operating Procedures for personal data processing.

CHAPTER 7. FINAL PROVISIONS

Article 32. Settlement of disputes

Disputes arising in the area of personal data protection shall be settled in accordance with the legislation.

Article 33. Liability for violating the legislation on the personal data

Persons responsible for violations of the law on personal data shall be liable in accordance with the procedure established by legislation.

Article 34. Enforcement, dissemination, clarification of the essence and meaning of this Law

The Cabinet of Ministers of the Republic of Uzbekistan and other interested organizations shall ensure the execution, communication to the performers and explanation among the population of the essence and meaning of this Law.

Article 35. Adaption of legislation into compliance with this Law

The Cabinet of Ministers of the Republic of Uzbekistan shall take the following measures:

to adapt government decisions in compliance with this Law;
to accommodate revision and revocation by government bodies of their legal acts contradicting this Law.

Article 36. Entry into force

This Law shall enter into force on October 1, 2019.

**The President of the
Republic of Uzbekistan**

Sh. Mirziyoev

Tashkent city,
June 2, 2019
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