On July 2, 2019, the Republic of Uzbekistan adopted the first special law that regulates the protection of personal data. The Law on Personal Data No. LRU-547 (The Law), which comes into force on October 1, 2019, provides for a range of legal obligations for persons whose activities involve personal data – that is virtually all legal entities.

What is personal data?

Personal data is any information related to a specific person or that makes it possible to identify him/her and that is recorded on electronic, paper and/or other tangible media.

In addition, more stringent requirements apply to biometric or genetic data, as well as to special personal data (i.e. data on racial or social origin, political, religious or ideological beliefs, membership in political parties and trade unions, concerning physical or mental health and privacy, criminal record).

Data Protection Authority

The State Personalization Center under the Cabinet of Ministers of the Republic of Uzbekistan is appointed as the authorized state body in the field of personal data and has the following powers:

- issues a certificate of registration of the personal data base in the State Register of personal data bases;
- exercises state control over the compliance with the requirements of data protection laws;
- makes mandatory instructions for eliminating violations of data protection laws;
- determines the required level of personal data security;
- analyzes the volume and content of processed personal data, the type of activity and the possibility of threats to the security of personal data.

Requirements for processing of personal data

The new law sets the legal framework for processing personal data and for the relations between participants in this process: the data subject (the person to whom the data relates), the database owner and the operator (the person performing the processing).

The law provides for the following requirements for processing personal data:
We expect that a standard procedure for the processing of personal data and the order of organization activities for the processing of personal data and their protection will be approved in the near future.

Making decisions based on automated processing

A decision based solely on the automated processing of the data subject’s personal data can only be accomplished by the data subject’s explicit consent.

The database owner and/or the operator must explain to the data subject the procedure of making decisions based on automated processing and the possible legal consequences of such a decision.

Form of the data subject's consent

The consent can be expressed in any form that allows verifying the fact of its receipt.

Rights of data subject

The data subject has the right to receive information concerning the processing of his personal data, including:
confirms from the database owner as to whether or not the database owner processes personal data;

- grounds and purpose of processing personal data;

- implemented methods for processing personal data;

- information regarding individuals who have access to personal data or who may disclose personal data on the basis of an agreement concluded with the database owner and/or operator, or on the basis of the Law;

- the composition of the processed personal data related to the relevant data subject and the source of their receipt;

- the processing time of personal data, including the storage period;

- information on the performed or intended cross-border transfer of personal data.

The data subject also has the right to require from the database owner and/or operator to suspend the processing of their personal data in case the data is incomplete, outdated, inaccurate, illegally obtained or not necessary for processing purposes.

Registration of databases containing personal data

The requirement to register personal databases in the relevant registrar of the authorized body is introduced. There are several exceptions to this requirement; in particular, registration is not necessary if the database contains data that is processed in accordance with labor legislation or without the use of automation facilities.

In addition, the database owner and/or operator must determine the structural unit or responsible official for the work related to the processing and protection of personal data and ensure its operation in accordance with the model procedure for processing personal data (not approved at the date of publication).

Cross-border data transfers

The personal data can be transferred over the border provided that the foreign states to which the data is transferred provide adequate protection of the data subjects’ rights.

There are exceptions when the cross-border transfer is possible without adequate protection, for example, if the data subject agrees to such cross-border transfer.

Liability

Along with the adoption of the Law on Personal Data, the Administrative Liability Code and the Criminal Code have been amended by the Law No. LRU-548 dated 8, 2019. Liability measures also come into force on October 1, 2019.

The sanctions are imposed for illegal collection, systematization, storage, modification, addition, use, provision, dissemination, transfer, depersonalization and destruction of personal data as follows:

1. Administrative liability in the form of a fine from three to five minimum wages to individuals and from five to 10 wages (about US$125-250) to corporate officers (Article 46-2 of the Administrative Liability Code). Cases of this category are under the jurisdiction of administrative courts.

2. Criminal liability arises if the same actions were committed after an administrative penalty, in the form of a fine up to 50 minimum wages (about US$1,250) or deprivation of a certain right of up to three years or correctional work of up
to two years (Article 141-2 of the Criminal Code).

3. Criminal liability of a stricter nature is applied if a crime is committed by prior conspiracy by a group of individuals, repeatedly or by a dangerous recidivist, for mercenary or other vile motives, using his official position, or entails grave consequences, with sanctions in the form of a fine from 50 to 100 minimum wages (about US$1,250-2,500) or correctional work from two to three years, or custodial restraint from one year to three years or imprisonment up to three years.

Exemption from liability

A person accused of a criminal offense may be discharged by admitting his guilt, by reconciling himself with the victim and compensation of the caused harm (Article 66-1 of the Criminal Code). However, this rule does not apply to individuals who have unexpired convictions for committing grave or exceptionally aggravated criminal offences.

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