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INFORMATION BULLETIN No. 85

ON GOVERNMENT RULEMAKING INITIATIVES THAT MAY AFFECT CIVIL RIGHTS AND THE LEGAL ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS

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Contents

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All previous issues of the information bulletin are available here. This document was translated from Russian into English using AI.

1. Personal data protection requirements are being updated following the entry into force of the Digital Code

Kyrgyzstan's Digital Code entered into force on February 5, 2026, substantially changing the rules governing the processing and protection of personal data. To support its implementation, the State Agency for Personal Data Protection is updating its regulations and guidance. The new documents clarify organizations' obligations, introduce information system security requirements, and establish mechanisms for verifying compliance with the law.

Cabinet of Ministers Resolution No. 384 of June 2, 2026 approved the Requirements for the Protection of Personal Data Processed in Digital Technology Systems. The requirements take a differentiated approach. The mandatory safeguards depend on the protection level of the particular information system. The following factors are considered when determining that level:

– the nature and relevance of threats;

– potential harm to individuals;

– the volume and content of the data processed;

– the presence of special categories of personal data;

– the duration of processing.

Depending on the assigned level, an organization must implement the relevant organizational and technical safeguards. These may include adopting internal policies, appointing responsible personnel, defining staff access rights, maintaining records of data storage media, logging data operations, backing up and encrypting data, maintaining electronic logs, restricting physical access to systems, and using secure communication channels.

Additional safeguards are required for higher-risk systems: centralized security management, automated detection and prevention of unauthorized access, system redundancy, high availability, and the use of security tools that have undergone conformity assessment. At the highest protection level, the information system must be audited at least once a year.

Civil society organizations (CSOs) that maintain electronic databases of employees, event participants, beneficiaries, applicants, or aid recipients should identify the data they actually process, the associated risks, and whether their safeguards meet the requirements. Particular attention should be paid to large datasets and special categories of personal data, such as information about health, ethnicity, or religious or political beliefs.

Cabinet of Ministers Resolution No. 347 of May 18, 2026 approved the Procedure for Accrediting Persons Conducting Inspections in the Field of Personal Data. The Digital Code allows such inspections to be conducted not only by the State Agency but also by accredited individuals and legal entities. However, accreditation does not authorize them to initiate a compulsory inspection independently; the consent of the organization being inspected is required.

For CSOs, this mechanism may serve as a voluntary audit tool. An accredited specialist can be engaged to assess data processing arrangements, identify violations, and remedy them before a government inspection. A voluntary inspection must, however, be distinguished from the State Agency's statutory powers. The Agency may review complaints, conduct government inspections, require the rectification, blocking, or deletion of unlawfully obtained data, suspend processing that violates the Digital Code, and take other measures provided for by law.

In 2026, the Agency also approved **lists of personal data processing operations that do and do not require a data protection impact assessment**. Under Article 82 of the Digital Code, an assessment must be conducted before processing begins if the processing may pose heightened risks to individuals' rights. In particular, an assessment is mandatory for:

- systematic and comprehensive evaluation of personal aspects of an individual used for automated decision-making with significant consequences;
- processing special categories of data relating to more than 1,000 people;
- systematic automated monitoring of public places.

As part of the assessment, an organization must describe the purposes and operations of processing, justify the necessity and proportionality of data collection, and identify risks and mitigation measures. The assessment must be reviewed if the processes or the composition of the data change substantially. Not all personal data processing requires this procedure. The decision depends on the nature, scale, and risks of the specific operations and on the lists approved by the Agency.

Also in 2026, **an updated inspection checklist was adopted** for use by the State Agency for Personal Data Protection when inspecting business entities. The document sets out the issues the Agency assesses during government oversight. However, it does not clarify whether the checklist will apply to non-profit organizations (NPOs) that do not engage in business activities. Its criteria can nevertheless be used for internal self-assessment.

A separate Agency website provides a **document generator for preparing a privacy policy, data processing consent form, model contract, and password policy**. The resulting documents should be adapted to the organization's actual processes. A template alone does not ensure legal compliance.

CSOs should inventory their personal data and information systems, determine the required protection level, assess whether an impact assessment is needed, and update their internal documents. They may also commission a voluntary inspection by an accredited person and use the Agency's checklist to assess compliance with the new requirements in advance.

2. Draft State Strategy to Combat the Financing of Criminal Activity and the Legalization (Laundering) of Criminal Proceeds released for public consultation

On August 14, 2026, the Ministry of Finance released for public consultation the draft State Strategy of the Kyrgyz Republic to Combat the Financing of Criminal Activity and the Legalization (Laundering) of Criminal Proceeds for 2026-2030. A separate section addresses preventing the misuse of non-profit organizations (NPOs) to finance terrorist activity.

The draft strategy recognizes that applying enhanced controls to the entire non-profit sector is unjustified. According to the results of the 2022 Sectoral Risk Assessment of NPOs cited in the document, the overwhelming majority of organizations fall into the low-risk category.

It therefore proposes targeted, proportionate, and risk-based monitoring measures only for a narrow group of NPOs and religious organizations that are objectively vulnerable to misuse for terrorist purposes.

The draft expressly states the need to:

- avoid unjustified and overly broad application of counterterrorism measures to bona fide NPOs;
- avoid obstructing lawful NPO activities;
- determine control measures based on the actual level of risk.

The draft identifies private donations and crowdfunding through social media and messaging platforms as a potential terrorist financing risk. Particular attention is paid to cases in which funds are raised under the guise of charitable or social activities.

Overall, the proposed approach is consistent with the principle of proportionality: NPO status alone should not justify enhanced controls. Its effectiveness will nevertheless depend on clear definitions of a 'vulnerable NPO' and 'heightened risk,' as well as clear criteria for assigning organizations to those categories. Vague or overly broad criteria could extend enhanced controls to a wider range of NPOs.

The provisions on donations and crowdfunding through online platforms, social media, and messaging services have particular practical significance. However, using these tools should not in itself be treated as an indication of heightened risk. Control measures should be based on an assessment of all the circumstances, including the purposes, procedures, and transparency of fundraising, rather than solely on the means used to raise funds.

3. Proposed changes to pension awards and payments would require employers at fault to reimburse pension benefits

A draft Law of the Kyrgyz Republic 'On Amendments to Certain Legislative Acts of the Kyrgyz Republic in the Field of State Social Insurance' has been released for public consultation. The bill would require employers and individuals responsible for harming an employee's health to reimburse the Social Fund for the cost of paying:

- disability pensions resulting from an occupational injury or disease;
- survivors' pensions where the employee's death is attributable to such circumstances.

The proposal would introduce a right of recourse. The Social Fund would first award and pay the pension to the injured employee or the deceased employee's family members, and could then seek reimbursement of the amounts actually paid from the party at fault. The rule would apply to all organizations with employees, including NPOs. If an employer's fault is established, the financial consequences could include not only obligations to the injured employee but also reimbursement of pension payments to the Social Fund.

The draft would also allow legal entities to make voluntary insurance contributions on behalf of individuals to restore their pension insurance record and build pension entitlements for periods from January 1996 onward.

Other proposed changes include:

- If the Social Fund's information system contains all the necessary information, pensions could be awarded without an application, from the date the individual becomes eligible. A person who disagrees with the amount could request a review.
- The proposal would remove the restriction under which only periods of study before February 19, 1999 can count toward the pension insurance record. Study at foreign educational institutions outside Kyrgyzstan could also be credited.
- Kyrgyz citizens, foreign nationals, and stateless persons would be able to make voluntary insurance contributions for periods from January 1996 onward. This is particularly relevant to people who have worked abroad or in the informal sector.
- If a person receives a pension in both Kyrgyzstan and another country, payment of the basic component of the Kyrgyz pension would cease unless an international treaty provides otherwise. The contributory components would be retained, while previously paid basic pension amounts could be recovered.
- Pensions not received on time would be payable for the entire period preceding the pensioner's application, without the current time limit.

4. President signs law reforming legal representation

On August 3, 2026, the President of the Kyrgyz Republic signed the Law of the Kyrgyz Republic 'On Amendments to Certain Legislative Acts of the Kyrgyz Republic on Legal Representation'. The law introduces a new professional status of 'legal representative' and sets requirements for those providing such assistance.

Individuals may now be represented under a power of attorney by:

- advocates;
- legal representatives entered in a special register.

Existing exceptions remain in place. In particular, employees of legal entities may continue to represent their organizations in court. The new requirements also do not affect representatives of state and local government bodies, statutory representatives, or individuals representing themselves. For CSOs, retaining the ability to entrust court representation to an employee is significant. When engaging an external specialist, however, organizations will need to verify that the person is an advocate or is listed in the Register of Legal Representatives.

To be entered in the register, a legal representative must:

- hold a university degree in law;
- have at least one year of professional legal experience;
- complete at least 80 academic hours of additional professional training at the Advocates' Training Center;
- be entered in the Register of Legal Representatives.

The law on the bar will now regulate both advocates and legal representatives. It establishes professional rights and duties, standards of conduct, rules on legal professional confidentiality, and disciplinary liability for legal representatives. It also sets out grounds for suspending and terminating their professional status. Legal representatives will be able to participate in the state-guaranteed legal aid system alongside advocates.

Within six months, the Ministry of Justice and the Bar must develop procedures for maintaining the register and a program of additional professional training, and enable digital submission of documents. Until the register is fully operational, persons representing individuals in court under a power of attorney may continue to work under the existing rules. This will avoid interruptions to ongoing court proceedings while the new system is introduced. To ensure public access to legal assistance, the Ministry of Justice will also be able to temporarily relax certain qualification requirements for legal representatives in specified administrative and territorial units.

5. Tax Service proposes new rules for E-Invoice 2.0

The State Tax Service has released for public consultation a draft order on the use of the 'E-Invoice 2.0' module. The draft provides for the new rules to take effect on September 1, 2026. E-Invoice 2.0 will combine electronic document exchange with the recording of goods movements. The system will record the receipt, acquisition, sale, movement, processing, donation, and write-off of goods, as well as warehouse stock balances.

A 'product passport' containing information on importation and subsequent transactions will be created for goods covered by the Eurasian Economic Union (EAEU) traceability mechanism. Traceability applies only to specific categories defined by legislation and Kyrgyzstan's international obligations, rather than to all goods. Even where goods are not subject to traceability, transactions involving them must be recorded in the system if the organization is required to use e-invoices.

The new rules may affect CSOs that are required to use e-invoices and purchase, import, store, sell, or transfer goods. A donation of goods to another entity required to use E-Invoice 2.0 would require an e-invoice stating the book value. Separate rules apply to humanitarian aid. Where supporting documents are available, such goods must be written off from warehouse inventory in E-Invoice 2.0 at their book value before shipment. The documents supporting the write-off must be retained for the limitation period established by tax legislation.

Organizations handling goods or humanitarian aid should check in advance:

- whether they are required to use E-Invoice 2.0;
- whether their physical warehouses must be registered;
- how to document the receipt, donation, and write-off of goods;
- whether the necessary supporting documents are available.

6. Proposed amendments would expand grounds for restricting e-invoices and cash registers and clarify compulsory liquidation procedures for legal entities

On August 27, 2026, the Ministry of Economy and Commerce of the Kyrgyz Republic released for public consultation a draft Cabinet of Ministers resolution 'On Amendments to Certain Decisions of the Cabinet of Ministers of the Kyrgyz Republic on Tax Administration and State Registration of Legal Entities'. The draft would amend several instruments governing e-invoices and cash registers, tax registration, and the state registration and termination of legal entities.

One of the most significant changes is a new ground for suspending the account of a legal entity or another taxpayer in the Electronic Invoice Information System. Currently, an account may be suspended where specified tax risks exist, including the absence of goods or documents establishing their origin, evidence that goods, works, or services were not actually supplied, failure to submit tax returns, or failure to confirm export supplies. The draft would also allow restrictions upon receipt of a formal submission or statement from a state or law enforcement agency alleging a threat to:

- national security;
- economic or financial stability;
- public order;
- the operation of strategically important sectors of the economy;
- social stability.

In practice, suspending an account will restrict the taxpayer's ability to issue e-invoices. Because these documents are used to record the supply of goods, works, and services, the measure may hinder contractual performance and delay payments where payment is conditional on an invoice being provided. For organizations whose activities require regular e-invoicing, this creates a risk that the relevant operations will effectively come to a halt.

The possibility of terminating a legal entity's activities on the basis of a submission from a state or law enforcement agency is already provided for in the existing rules on the registration of legal entities. The draft does not introduce these grounds anew, but establishes how the registration and tax authorities would interact. The proposed procedure is as follows:

- within three working days of deciding to terminate a legal entity's activities, the registration authority notifies the tax authority;
- the tax authority conducts an examination or an unscheduled on-site inspection within 30 calendar days;
- information on the presence or absence of outstanding taxes, insurance contributions, and non-tax payments is sent to the registration authority;
- the registration authority then files a court action for compulsory liquidation;
- once the court judgment enters into force, it provides the basis for canceling the entity's tax registration and removing it from the taxpayer register, provided there are no outstanding liabilities.

The proposed provisions apply to all legal entities, whether for-profit or non-profit. The use of broad terms such as a 'threat to public order,' 'national security,' or 'social stability' warrants particular attention. The draft does not specify the criteria for determining whether such threats exist. Nor does it establish a special procedure for notifying an organization in advance, an opportunity to submit objections before restrictions are imposed, or a clear time limit on their duration. The substantiation of state agencies' submissions, opportunities to challenge them, and an effective mechanism for restoring access to tax systems will therefore be essential.

7. Draft procedure for outsourcing fee-based state and municipal services released for public consultation

On August 28, the Ministry of Economy and Commerce released for public consultation a draft Cabinet of Ministers resolution 'On Approval of the Procedure for Outsourcing Service Delivery Processes'. The draft implements the new Law of the Kyrgyz Republic No. 113 of July 17, 2026, 'On Services Provided by State Bodies and Local Self-Government Bodies,' and would establish a uniform mechanism for outsourcing particular processes involved in delivering fee-based state and municipal services.

Outsourcing would be permitted only for fee-based services included in the Unified Register or an additional list and subject to an approved tariff. An external provider could be assigned the entire service delivery procedure permitted by law or individual steps within it. The state or local government body would retain responsibility for the service's accessibility, quality, timeliness, and safety. Before deciding to outsource, the administrator must assess existing problems, resource needs, expected improvements, and potential risks. Outsourcing is permitted if it improves accessibility, quality, or timeliness without worsening other indicators.

The draft provides for two provider selection mechanisms:

- open qualification-based admission, with no limit on the number of providers and the service recipient choosing among them;
- competitive selection of one or more providers.

Information about the selection process and its preliminary results must be published. Participants are given three working days to submit objections. Unjustified restrictions are prohibited, including requirements concerning ownership form, the origin of capital, a manufacturer, or a software product.

The draft provides for two forms of civil society participation. First, CSO representatives would be included in committees selecting outsourced service providers. However, their selection procedure, qualification requirements, and safeguards for independence have not yet been defined. Second, the draft does not exclude NPOs from serving as providers. A bidder must have the necessary specialists, premises, equipment, and software, ensure information and personal data protection, and have no outstanding liabilities or conflict of interest. It must also disclose its ultimate beneficial owners and controlling persons. This opportunity may be particularly relevant to NPOs experienced in delivering social and other specialized services.

The provider's work will not be funded from the budget. Its remuneration will consist of a fixed amount or a share of the fee paid by the service recipient. The state does not guarantee a minimum volume of requests or income; the provider bears this risk. Contracts will run for a maximum of three years, without automatic renewal. The provider's performance would be reviewed at least quarterly, taking into account service timeliness, accessibility and continuity, the number of errors and complaints, the absence of additional charges, and compliance with data protection requirements.

8. Proposed records management rules would reflect the transition to electronic document workflows

On August 18, the Ministry of Digital Development and Innovative Technologies of the Kyrgyz Republic released for public consultation a draft Cabinet of Ministers resolution 'On the Model Records Management Instructions in the Kyrgyz Republic'. The draft would approve a revised version of the Model Records Management Instructions and repeal the current Government Resolution No. 120 of March 3, 2020, together with several subsequent instruments that amended it.

The new instructions adapt records management rules to the State Electronic Document Management System (EDMS). The current version was designed primarily for paper documents, whereas the EDMS has now become the main tool for handling official documents in state bodies. The draft regulates both digital and paper-based records management. State bodies, local government bodies, and state and municipal organizations would have to use the EDMS at all key stages of document handling. A document signed with a digital signature and registered in the EDMS would be regarded as the original digital document. If its content differs from the paper copy, the digital version would take precedence. Paper-based procedures would be retained for documents that must, by law, be created or stored on paper. The instructions also establish requirements for document particulars and forms, signing and clearance, registration, recordkeeping, execution, archival storage, and destruction.

Mandatory application of the instructions is intended primarily for state and municipal bodies and organizations. Private organizations, enterprises, and institutions would be encouraged to follow the same rules. For CSOs, therefore, the new instructions would be advisory rather than mandatory. CSOs may nevertheless use them as guidance when developing internal procedures for digital and paper documents, including registration, clearance, storage, and transfer to archives.

The Archives Service and its territorial offices would be required to provide records management guidance to organizations and enterprises regardless of their ownership form.

9. President of the Kyrgyz Republic signs decree on certain matters concerning Tunduk Open Joint-Stock Company

Presidential Decree of August 26, 2026 No. 299 recommends that the Presidential Affairs Department adopt a decision to liquidate Tunduk Open Joint-Stock Company (OJSC)[1] and establish a liquidation commission in accordance with civil legislation. The company's functions and responsibilities, together with its financial resources, material and technical assets, and intangible assets, are to be transferred to the Kyzmat State Institution under the Presidential Affairs Department. The decision was adopted as part of a unified state policy on digitalization.

The decree itself does not change the rules governing access to state information systems, the provision of digital services, or personal data processing. Users should therefore see no change in how they use digital government services. According to published explanations:

- the Tunduk portal and mobile application will continue to operate;
- the interagency electronic interaction system will remain in place;
- access to digital documents and government services will remain unchanged.

The liquidation of Tunduk OJSC is part of a broader centralization of digitalization governance. Responsibility for developing and implementing state policy in this area had previously been transferred to the Presidential Affairs Department. Combining coordination and operational functions may reduce duplication and improve the management of state digital resources. At the same time, this concentration makes transparency and external oversight more important. The decree does not clearly distinguish policy development, regulation, and the direct operation of digital systems, nor does it assign responsibility for personal data processing, information security, and incident response.

10. Proposal would permanently designate a sole state operator of international internet traffic

On August 28, 2026, the Presidential Affairs Department released for public consultation a draft Cabinet of Ministers resolution on a single national operator of international internet traffic. The draft would permanently assign this status to ElCat LLC, a wholly state-owned company. The company would have the exclusive right to organize international communication channels, provide cross-border network connections, and handle the routing and transit of international internet traffic in Kyrgyzstan.

[1] Tunduk OJSC operated the Tunduk interagency electronic interaction system, through which state bodies and other connected organizations exchange data, and coordinated participants' connection and technical support. The company also operated the State Portal of Electronic Services and the Tunduk mobile application, enabling citizens to access government services online and use digital documents.

All existing and new telecommunications operators would have to obtain international traffic exclusively through ElCat's infrastructure. The sector regulator would monitor compliance. The antimonopoly authority and ElCat would be tasked with developing a transparent, economically justified tariff policy providing equal conditions for operators.

In effect, the draft would make permanent the model operated on a pilot basis since 2025. The need for a single operator is justified by reference to strengthening digital sovereignty, national security and cybersecurity, protecting critical information infrastructure, and maintaining stable communication service prices.

Concentrating all international internet traffic in one state operator has implications for the system as a whole. Access to information, the reliability of internet connections, and the security of data transmission would depend on that operator. Centralization may simplify infrastructure management, but it also magnifies the consequences of technical failures and the risks of unlawful interference.

11. Proposed rules on crediting election participation toward pension insurance records released for public consultation

On August 20, 2026, the Social Fund released for public consultation a draft Cabinet of Ministers resolution establishing how participation in voting is credited toward pension insurance records. The draft implements Law of the Kyrgyz Republic No. 136 of July 28, 2026. Under that law:

- polling day for presidential and Jogorku Kenesh parliamentary elections is a non-working day;
- employees who confirm that they voted retain their average daily earnings;
- time spent participating in voting is included in the individual's pension insurance record.

The draft establishes a mechanism for implementing the last provision. In particular, individuals would not have to obtain and submit a certificate or other supporting document to the Social Fund themselves. The Fund would receive voting participation data through the Tunduk interagency digital interaction system from the information system of the state body responsible for elections and referendums. If the information cannot be transmitted through Tunduk, the Social Fund must request it directly from the electoral body. Responsibility for collecting the necessary information therefore rests with state bodies rather than the individual. Based on that information, time spent voting in presidential or Jogorku Kenesh elections would be included in the insurance record used to determine pension entitlements.

For CSOs as employers, the practical implication is the obligation to retain an employee's average daily earnings for polling day where the employee confirms participation in the election.

12. CEC approves new procedures for handling applications and complaints from electoral participants

On August 28, the Central Commission for Elections and Referendums of the Kyrgyz Republic (CEC) adopted Resolution No. 91 approving new Regulations on the Working Group for Reviewing Applications and Complaints from Voters and Other Electoral Participants during Elections and Referendums. The previous regulations, in force since 2017, were repealed at the same time.

Under the resolution, the CEC working group consists of no more than seven CEC members and staff. Specialists and experts may be invited to participate. Working groups at district and territorial election commissions must have at least five members. The working group:

- conducts a preliminary analysis of the circumstances of the application or complaint;
- examines the evidence submitted;
- hears the applicant and the person whose actions or omissions are challenged;
- requests expert opinions where necessary;
- prepares a draft decision for the election commission.

The working group's findings are advisory. The final decision is made by the CEC or the relevant district or territorial election commission.

The standard period for reviewing an application or complaint is two days from receipt. If additional verification is required, a decision must be adopted within four days. Applications and complaints received on polling day or the preceding day must be considered immediately.

The applicant, the person whose actions or omissions are challenged, and other interested parties must be notified of the time and place of the review. Working group meetings are conducted through open discussion, and CEC decisions are published on its official website.

The new procedure has practical significance for voters, candidates, political parties, observers, and other electoral participants. When submitting an application or complaint, it is important to account for the short review periods, provide evidence promptly, and monitor notices of working group meetings.

13. CEC allows voters in presidential elections to vote at any polling station

On August 19, the Central Commission for Elections and Referendums of the Kyrgyz Republic adopted Resolution No. 83 approving the Regulations on the Organization, Conduct, and Tabulation of Remote Voting in Presidential Elections in the Kyrgyz Republic.

The new procedure allows a citizen who is on the voter list but is away from their registered place of residence on election day to vote at any polling station in Kyrgyzstan, including a specially established remote voting station. Voters would therefore no longer need to return to their home district or city to participate in the election.

Special polling stations may be established at airports, shopping centers, markets, institutions and organizations, and enterprises operating continuously or on rotational shifts. Voting will take place on election day using CEC information systems that identify voters and record votes. The procedure will not apply to voting outside polling station premises. The new rules also cover Kyrgyz citizens abroad, although additional conditions apply to their remote voting.

For election monitoring organizations, the new mechanism creates an additional area for observation. Particular attention will be needed to voter identification, the prevention of multiple voting, ballot secrecy, and opportunities for observation at special polling stations.

The new rule applies specifically to presidential elections. A different model applies to Jogorku Kenesh elections: voters may vote remotely outside their multi-member constituency, but may not choose any ordinary polling station within that constituency. Special remote voting stations that are not tied to a particular constituency are an exception.

14. Work on the bloggers bill paused for further discussion

The Ministry of Culture, Information and Youth Policy of the Kyrgyz Republic will not, for now, move forward with the previously announced bill regulating bloggers' activities. According to Minister Mirbek Mambetaliev, the Ministry has decided to pause for broader public discussion but has not abandoned the initiative.

At the beginning of 2026, the Ministry planned to introduce a statutory definition of 'blogger' and regulate liability for disseminated information. Bloggers were not, however, intended to be equated with mass media outlets.

According to the Minister, the future bill should not introduce blogger licensing or censorship. Liability for disseminated information remains the main subject of regulation. The Ministry also distinguishes informational activity from commercial activity: where a blogger earns advertising income, that activity is treated as a business and must comply with the law.