

Jurisdiction	Turkmenistan
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* We are planning to put the information on our website so that the viewers can reach out to you, directly, and if you don't mind, we will include the above contact information in the report. You may have more than one contact person.

Questionnaire

I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the **private sector** at the present or in the near future?
- ii. Does your country have a general law concerning protection of personal information in the **public sector** at the present or in the near future?
- iii. Does your country have laws concerning protection of personal information **which apply in individual (specific) sectors** at the present or in the near future? (If yes, please describe outline.)

Law of Turkmenistan "On Privacy Data and Their Protection" of 20 March 2017 (the "Personal Data Law"). Personal Information Закон Туркменистана «Об информации о личной жизни и её защите» от 20 марта 2017 года («Закон о Персональных Данных»). The Personal Data Law is comprehensive and covers both public and private sectors. The Law is a single regulatory act, aimed to ensure the protection of human rights and freedoms in the course of collecting, processing and protecting of personal data, including protection of privacy, personal and family secrets.

Where all of the answers to the question of I.(i), (ii) and (iii) is "no", please skip to IV.

II. The basic information of the regulation concerning protection of personal information.

- i. Please fill in the blanks below about **all** the law concerning personal information mentioned at I..(please add a reply column as necessary,)

The title of the law : *Law of Turkmenistan “On Privacy Data and Their Protection” of 20 March 2017 (the “Personal Data Law”)*.

① The definition of “Personal Information”	<i>Any information on identified and identifiable natural person, including individual identification numbers, personal phone numbers, place of residence, place of employment, nationality and other personal data at the discretion of the subject, access to which may be restricted either by the subject himself or by the laws of Turkmenistan.</i>
② The scope in which the law applies	<i>The Law applies in both public and private sectors and extends to the operations of any operators to the extent these operators are involved in collecting, processing and protecting of personal data</i>
③ The territorial scope	<i>The Personal Data Law does not limit its effect to the territory of Turkmenistan only/ The Law is aimed to protect the rights of all individuals residing in Turkmenistan in the course of collecting, processing and storing of their personal data by any operators independent of the countries of their residence or activities. The Law also applies to operators located offshore Turkmenistan when they collect and process personal data of individuals residing in Turkmenistan.</i>
④ URL (please provide the URL officially posted by the government, English page is preferred, if available)	<i>Website of the Ministry of Justice (Adalat) of Turkmenistan: https://minjust.gov.tm/ru <i>All texts are available in Turkmen and Russian. No English texts are available.</i></i>
⑤ The effective date *	<i>The Personal Data Law is in effect since 11 July 2017.</i>

* If the law has been amended, please fill in the effective date of the amended law.

ii. If there are any special instructions about the laws, please describe them.

No

III. OECD Privacy Principles

i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflowsofpersonaldata.htm>

Article 5 of the Personal Data Law specifies the general principles of collection, processing and protection of information.

(a) Collection Limitation Principle

This principle means that there should be limits on the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate,

with the knowledge or consent of the data subject.

This principle is supported by Article 5.1 of the Personal Data Law, namely - inadmissibility of collection, storage use and dissemination of personal data of a subject without his/her consent. Then, this principle is exposed in reiterated in more details by Articles 7,8,and 11 of the Personal Data Law.

(b) Data Quality Principle

This principle means that personal data should be relevant to the purposes for which they are to be used, and, to the minimum extent necessary for such purposes, should be accurate, complete and kept up-to-date.

This principle is supported by Articles 3.3 to 3.7 of the Personal Data Law, namely:

- legitimacy of the purposes and methods of collecting and processing personal information;*
- conformity of the purposes of collection and processing of personal information to the purposes predetermined in the collection of personal information, as well as to the powers of the operator;*
- ensuring security of an individual, society and the state;*
- conformity of the volume and nature of personal data collected and processed, the ways of collecting and processing personal information to the purposes of collecting and processing it;*
- reliability of personal information, their sufficiency for the purposes of collection and processing, inadmissibility of collecting and processing personal information that is redundant in relation to the purposes determined in the collection of personal information.*

(c) Purpose Specification Principle

This principle means that the purposes for which personal data are collected should be specified not later than at the time of the data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

This principle is supported by Article 5.4 of the Personal Data Law, namely - conformity of the purposes of collection and processing of personal information to the purposes predetermined in the collection of personal information, as well as to the powers of the operator.

(d) Use Limitation Principle

This principle means that personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with (c) Purpose Specification Principle, except:

- i) with the consent of the data subject; or
- ii) authorized by law.

This principle is supported by Article 10 of the Personal Data Law, namely - access of third parties to personal data is determined by the terms of the consent for collection and processing of such data, being given by the subject to the operator.

Transfer of personal data to third parties by the operator is not allowed otherwise than against the written consent of the subject.

Article 9 of the Personal Data Law specifies the occasions when the transfer of personal data is allowed without the consent of the subject, including when personal data has to be disclosed upon the request of the competent state authorities.

(e) Security Safeguards Principle

This principle means that personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.

This principle is supported by Article 24 of the Personal Data Law, namely – operators and the third parties shall take all necessary measures for protection of personal data and ensuring:

- *prevention of illegal access to personal information;*
- *timely investigation of the facts of illegal access to personal data, if such illegal access could not be prevented;*
- *minimization of any adverse consequences of illegal access to personal data.*

(f) Openness Principle

This principle means that there should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available for establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and address of the data controller.

This principle is supported by Articles 1, 5 and other provisions of the Personal Data Law, namely – by implication that operators shall adhere to the principle of openness in their policy and practice in collection, processing, storage and protection of personal data.

(g) Individual Participation Principle

This principle means that an individual should have the right:

- i) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller holds data relating to him;
- ii) to have communicated to him, data relating to him within a reasonable time;
at a charge, if any, that is not excessive;
in a reasonable manner; and
in a form that is readily intelligible to him;
- iii) to be given reasons if a request made under subparagraphs (a) and (b) is denied, and to be able to challenge such denial; and
- iv) to challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed or amended.

This principle is supported by Article 26 of the Personal Data Law, which provides that a subject shall have the right, including:

- *be aware of the availability of personal information from the operator or from a third party, and also to receive information containing: confirmation of the fact, purpose, sources, ways of collecting and processing personal data; list of personal data; terms of processing personal information, including the period of their storage;*
- *require the operator to clarify his personal data in the presence of grounds, confirmed by relevant documents;*
- *require the operator, as well as a third person, to block their personal data in the event that there is information about violation of the conditions for their collection and processing;*
- *withdraw his/her consent for collection and processing of personal data, except for the cases stipulated by Article 8.2 of this Law, etc.*

A subject can appeal against the actions of the operator in court or challenge any data related to him/her.

(h) Accountability Principle

This principle means that a data controller should be accountable for complying with measures, which give effect to the principles stated above.

Article 239 of the Code of Administrative Procedures of Turkmenistan (29 August 2013) provides for the administrative liability for violation of personal privacy. Violation of privacy includes any illegal collection, storage or disclosure of private information, being personal or family secret without the consent of the data subject. The same violation, if repeatedly occurred within a year entails the criminal liability on a violator; in accordance with Article 146 of the Criminal Code of Turkmenistan (renewed version) of 10 May 2010.

ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.

(a) Collection Limitation Principle

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(b) Data Quality Principle

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(c) Purpose Specification Principle

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(d) Use Limitation Principle

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(e) Security Safeguards Principle

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(f) Openness Principle

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(g) Individual Participation Principle

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(h) Accountability Principle

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IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as **comprehensive government access (e.g., limitation on the authorities' access to personal data for investigation purposes, and the safeguard is the attorney-client privilege)** to personal data or **Data Localization (e.g., rules requiring domestic installation and storage of servers and data)**? If yes, please describe them.

N/A

V. The Data Protection Authority

If there is the data protection authority, please write down the name and address of the authority

There is no such authority in Turkmenistan.

Name:

Address:

Telephone:

Website:

Other information if any: