

Edict of the President of the Republic of Belarus

December 1, 2015

No. 478

the City of Minsk

On Developing Digital Bank Technologies

With a view to further developing digital bank technologies in the Republic of Belarus I decree to:

1. Establish the interbank identification system (hereinafter – the “identification system”) as a subsystem of the Automated Information System of the Single Settlement and Information Space (SSIS) (hereinafter – the AIS “Settlement”) designed to carry out identification of legal and natural persons, including independent entrepreneurs, notary public, lawyers (hereinafter – the “clients”) and representatives of the clients without their personal attendance.

2. Specify that:

2.1. for the purposes of this Edict the terms and definitions shall have the following meanings:

- an identification is a set of measures on determining and recording the data on clients and their representatives, stipulated by Law of the Republic of Belarus “On Measures Designed to Prevent Money Laundering, Terrorism Financing, and Financing of Proliferation of Mass Destruction Weapons“ dated July 30, 2014 (National Legal Internet Portal of the Republic of Belarus, July 3, 2014, 2/2163), as well as confirming the faithfulness of these data; and

- an identification system – the whole of data banks, information technologies, and program and technical means designed to collect, process, store, and present data on clients, and their representatives for the purpose of identification thereof;

2.2. Open Joint Stock Company “Non-bank financial institution “Single Settlement and Information Space” (hereinafter – OJSC “Non-bank financial institution “SSIS”) shall ensure functioning of the AIS “Settlement”;

2.3. when clients or their representatives apply to the National Bank, as well as to a bank or a non-bank financial institution or OJSC “Development Bank of the Republic of Belarus” (hereinafter – the “banks”), the identification of clients or their

representatives shall be carried out in the manner and in the order provided for by legislation with the personal attendance of clients or their representatives, unless otherwise specified by subclause 2.4 of this clause;

2.4. the National Bank and banks may identify clients, their representatives without their personal attendance in case of availability:

- at the National Bank and banks - of data on clients, their representatives that were earlier obtained in the course of identification of clients, their representatives with their personal attendance at the National Bank, corresponding banks;

- in the system of identification of data on clients, their representatives obtained in the course of their identification with their personal attendance at the National Bank and banks;

- the data on clients, their representatives from the current certificate of a public key of verification of electronic digital signature issued by the republican certification authority of the State System of Managing Public Keys of Verification of Electronic Digital Signature of the Republic of Belarus;

2.5. when carrying out bank transactions and other activities which require, in line with legislation of the Republic of Belarus, conduction of identification, the National Bank and banks may use the data on clients, their representatives kept in the identification system;

2.6. OJSC “Non-bank financial institution “SSIS” shall establish the system of identification, collection, processing, and storage of the data on clients, their representatives in the identification system and provision of data kept therein to banks, client, and their representatives;

For the purpose of establishing the identification system the National Bank and banks shall be obliged to provide data on client, their representatives to the identification system. Provision of data to the identification system shall not be a violation of bank secrecy;

2.7. provision of data on clients, their representatives from the identification system and other use of these data shall be carried out on the basis of clients’, their representatives’ consent only in the manner provided for by the National Bank. Provision of data from the identification system in line with this Edict shall not be a violation of bank secrecy; and

2.8. OJSC “Non-bank financial institution “SSIS” provides data on clients kept in the identification system to banks at a charge on a basis of the agreement on provision of information services, except for the use of these data by the National Bank. An agreement on provision of information services shall be signed between the OJSC “Non-bank financial institution “SSIS” and banks and shall be an agreement of accession, the terms of which shall be set by OJSC “Non-bank financial institution “SSIS”.

Clients and their representatives shall be authorized to have access to data on these clients included in the identification system.

Data on customers shall be provided to clients and their representatives from the system of identification of OJSC “Non-bank financial institution “SSIS” based on the appeals no later than three business days from the date of the appeal receipt without payment of compensation once during a calendar year and an unlimited number of times for a fee. At that, customer data requested by clients and their representatives after amending by them previously identified invalid data, shall be represented to clients and their representatives on the basis of appeals without payment of compensation once and an unlimited number of times for a fee.

Terms of submitting customer data stored in the identification system, not provided for in this Decree shall be determined by the National Bank;

2.9. transactions when conducting banking operations and other activities carried out by the National Bank and banks, may be performed by the National Bank and the banks in written form using methods, provided for by civil legislation, including in electronic form with the use of digital signatures in view of the restrictions on the application of electronic documents in cases stipulated by the legislation acts, or in electronic form without the use of electronic digital signature in the cases provided for in the second part of this subclause.

Performance of transactions when conducting banking operations and other activities carried out by the National Bank and banks, as well as acceptance of consent to submit personal data and other information on clients, including those stored in the identification system, in electronic form without the use of electronic digital signature may be carried out by the National Bank and/or the banks with the use of software and hardware and technologies determined by the National Bank and/or the banks with regard to ensuring the confidentiality, integrity and authenticity of information in line with the legislation on the technical and cryptographic protection of information and used as agreed by parties. The procedure for and cases of using such software and hardware shall be determined by the National Bank;

2.10. documents being the basis for carrying out banking operations and other transactions carried out by the National Bank and banks and executed in electronic form with the use of software and hardware and technologies referred to in the second part of subclause 2.9 of this clause, do not require reproduction on hard copy and may be used to represent organizations, government agencies and other persons in the cases and procedures established by the National Bank;

2.11. The National Bank shall determine:

- procedures for storing documents by the National Bank and banks which are the basis for carrying out banking operations and other transactions

carried out by the National Bank and banks, and established in accordance with the second part of subclause 2.9 of this clause, in electronic form; and
- the list of banking operations, services and transactions conducted with the use of software and hardware and technologies referred to in the second part of subclause 2.9 of this clause.

3. To amend and modify the following Decrees of the President of the Republic of Belarus:

3.1. in clause 12 of the Statute of the National Bank of the Republic of Belarus, approved by Decree of the President of the Republic of Belarus No. 320 dated June 13, 2001 (National Register of Legal Acts of the Republic of Belarus, 2001, No. 58, 1/2748; 2007, No. 148, 1/8682; National Legal Internet Portal of the Republic of Belarus, February 6, 2013, 1/14055, December 30, 2014, 1/15537):

- paragraph thirty second shall be read as follows:

“shall carry out the formation and development of a single settlement and information space, determine the procedures for functioning of the single settlement and information space, as well as establish the rights and duties of its members;”;

- the clause after paragraph thirty two shall be supplemented with the following paragraph:

“shall ensure the development of interbank identification system (hereinafter – the “identification system”), adopt regulatory legal acts governing the procedures for functioning of the identification system, the rights and duties of identification system participants and at what manner they connect to the identification system, the procedure for interaction between the identification system participants as part of reporting information in the identification system, obtaining data from the identification system and using such information, as well as take other measures aimed at ensuring the functioning of the identification system;”;

- paragraphs thirty third – sixty first shall be considered as thirty fourth - sixty-second;

3.2. In clause 1 of Edict of the President of the Republic of Belarus No. 389 “On the Single Settlement and Information Space in the Republic of Belarus” dated August 30, 2011 (National Legal Internet Portal of the Republic of Belarus, 2011, No.99, 1/12803; National Legal Internet Portal of the Republic of Belarus, May 18, 2013, 1/14264; January 14, 2014, 1/14734):

Subclause 1.3 shall be read as follows:

- “1.3. The National Bank shall establish and develop the Single Settlement and Information Space, define the order of functioning of the Single Settlement and Information Space, including setting of rules and obligations of its members;”;

Subclause 1.3 shall be added to the clause as follows:

- “1.3 Open Joint Stock Company “Non-bank Financial Institution ‘Single Settlement and Information Space’ ” shall:

- ensure functioning of the AIS “Settlement” and its subsystems, being the constituent parts of the AIS “Settlement”, as well as define the order of switching to the AIS “Settlement” and its subsystems;

- ensure functioning of the information resource incorporating the data on fulfilling by legal and natural persons of the obligations on payments for housing and utility services and telecommunication services, commercial loans (retail sale of goods on credit, deferred payment or payment in installments for goods sold in retail trade) granted to organizations and independent entrepreneurs, as well as functioning of other information resources established on the basis of the AIS “Settlement” and organize and conduct works on creation and development of the AIS “Settlement”;

- develop and implement measures to ensure effective, safe and secure functioning of soft- and hardware infrastructure of the AIS “Settlement” and protection of information in the AIS “Settlement”;

- collect, process, store, and use the information contained in the information systems of the Republic of Belarus, on personal data of natural persons without their consent in compliance with requirements specified by legislation on information, informatization, and protection of information;

- implement other functions necessary for the functioning of the AIS “Settlement” and its subsystems;”;

Subclause 1.7 shall be read as follows:

- “1.7. Settlement and payment agents shall be obliged to ensure transferring to recipients of monetary funds obtained under payments for services no later than on the banking day following the day of receipt of the mentioned payments, excluding the cases provided for by the National Bank.

The monetary funds accepted as payments to the budget shall be credited to the budget by settlement agents no later than on the banking day following the day of accepting the mentioned payments, except for the cases specified by the Ministry of Finance and the National Bank;”.

- in the first part of subclause 1.8 the words “by the National Bank” shall be replaced by “by the Joint Stock Company “Non-bank Financial Institution ‘Single Settlement and Information Space’”;

- add subclause 1.10 to the clause, which shall read as follows:

- “1.10. legal persons, independent entrepreneurs which have contractual arrangements with banks and/or legal persons related to receipt of payments for services from natural persons, including individual entrepreneurs, to their account, including those associated with trading according to templates via internet shops, shall ensure the possibility of accepting such payments via the AIS “Settlement”.”.

4. The National Bank shall establish the Joint Stock Company “Non-bank Financial Institution ‘Single Settlement and Information Space’”, which is created with participation of other legal persons, by February 1, 2016, and to invest in its authorized capital:

- non-monetary contribution in the form of the state-owned property being in operational management of the National Bank, according to the attachment after its assessment in the order specified by legislation; and
- monetary contribution, taking into account the second part of this clause.

The share of the National Bank’s participation in the authorized capital of the Joint Stock Company “Non-bank Financial Institution ‘Single Settlement and Information Space’” shall amount to no less than 50% and one share with the total amount of no more than BYR100.1 billion.

5. The Council of Ministers of the Republic of Belarus and the National Bank shall:

- ensure bringing of legislative acts into line with this Edict and take other measures to implement it by October 1, 2016; and
- in concert with local executive and regulatory authorities, as well as other government agencies and organizations, continue work on ensuring the possibility of effecting payments to the budget in the non-cash form via the AIS “Settlement”.

6. The National Bank and Operation and Analytical Centre under the aegis of the President of the Republic of Belarus shall take measures on ensuring, since October 1, 2016, the use in the identification system by banks of the open key certificates for verifying electronic digital signature, issued by republican certification authority of the State System of Managing Public Keys of Verification of Electronic Digital Signature of the Republic of Belarus.

7. The National Bank shall explain the issues of application of this Edict.

8. This Edict shall come into force in the following order:

- paragraph 15 and 16 of subclause 3.2 of clause 3 – since January 1, 2017;
- subclause 2.2 of clause 2, clause 3 (excluding paragraphs 4 and 5 of subclause 3.1, paragraphs 11-13, 15 and 16 of subclause 3.2 of clause 3) – since April 1, 2016.

clause 1, paragraph 3 of subclause 2.4, subclauses 2.5-2.8 of clause 2 – since October 1, 2016;

Other provisions of this Edict – after its official release.

A. Lukashenko
President of the Republic of Belarus