AL-FARABI KAZAKH NATIONAL UNIVERSITY

FACULTY OF INFORMATION TECHNOLOGY AND ARTIFICIAL INTELLIGENCE
DEPARTMENT OF CYBERSECURITY AND CRYPTOLOGY

LEGAL REGULATION OF INFORMATION SECURITY

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MODULE 3

VIOLATIONS AND LEGAL LIABILITY

LECTURE 12

DISCIPLINARY LIABILITY FOR INFORMATION SECURITY VIOLATIONS

LECTURE OBJECTIVE

Explain how workplace security duties arise, how a disciplinary violation is assessed and which procedural steps protect the parties.

LECTURE PLAN

1. Employment duties and security misconduct

2. Disciplinary measures and procedure

3. Prevention and related liability

EMPLOYMENT DUTIES AND SECURITY RULES

Concept or participant	Meaning, duties and application
Employment framework	The lecture discusses the Labour Code, employment contracts, collective agreements and internal rules.
Civil service	Additional duties may apply to employees who act as public officials.
Communication	Employees need access to the policies and procedures that govern their work.

Security obligations become part of employment through the applicable legal framework, contract, role and internal rules. The employee’s knowledge of the requirements is relevant to their application. A clear assignment identifies the required task, frequency and expected result, which supports both daily work and later assessment.

EXAMPLES OF DISCIPLINARY MISCONDUCT

Concept or participant	Meaning, duties and application
Access rules	An employee shares credentials or uses access granted for one task to perform another.
Handling of information	An employee sends restricted information through an unauthorized channel.
Failure to perform a duty	An employee omits an assigned backup, security check or incident report.

Misconduct can involve an active step, such as disclosing a file, or an omission, such as failing to perform an assigned check. The employer establishes the relevant duty and the actual conduct. Operational records and the employee’s explanation help identify whether the problem arose from the person’s action or another cause.

DISCIPLINARY MEASURES

Concept or participant	Meaning, duties and application
Reprimand levels	The lecture describes a remark, reprimand and severe reprimand as graduated disciplinary measures.
Termination	Termination of the employment contract is available on legally specified grounds.
One offence	The disciplinary procedure described in the lecture allows one disciplinary sanction per offence.

The source distinguishes graduated disciplinary measures and termination on specified legal grounds. The response follows the applicable procedure and the circumstances of the event. For each disciplinary offence, the source describes one disciplinary sanction. Other consequences, such as compensation, require a separate assessment of their grounds.

DISCIPLINARY PROCEDURE

Fact finding

Identify the duty, establish what happened and collect relevant records.

Written explanation

Request a written explanation from the employee and document a failure to provide one as required.

Employer’s act

Record the decision formally and communicate it to the employee under the applicable procedure.

Fact finding connects the alleged conduct with an assigned duty. The written explanation gives the employee an opportunity to describe circumstances and provide evidence. The employer records its decision in the required act and communicates it. A refusal to provide or acknowledge a document also needs the appropriate record.

TIMING AND NOTICE

Protected periods

The lecture identifies periods such as temporary incapacity, leave and business travel when an order cannot be issued.

Notice

The lecture describes notification against signature or documented delivery if personal notice is impossible.

Duration

The lecture describes a six-month maximum for the continuing effect of a disciplinary sanction, apart from termination, with possible early removal.

Procedural timing affects when a disciplinary decision can be issued and how it is communicated. The source describes notice within three working days, protected periods and a maximum duration for the continuing effect of sanctions other than termination. These procedural conditions form part of the assessment of the measure.

PREVENTING REPEAT VIOLATIONS

Clear assignments

Define who manages permissions, performs backups and reports incidents.

Training

Use realistic examples and make procedures accessible to staff.

Review

Check whether technical controls, workloads or unclear responsibilities contributed to the event.

Prevention also concerns the conditions under which staff work. Unclear duties, missing access to procedures or conflicting assignments can contribute to failures. Training and technical controls support compliance, while periodic reviews identify outdated permissions or missed tasks. Corrective action addresses the cause as well as the individual event.

CASE DISCUSSION

A staff member sends a restricted file to an unauthorized address despite a written handling procedure.

What evidence would establish the duty, the action and the employee’s opportunity to explain?

Analysis

Review the handling procedure, acknowledgement or training records, and message or system records. Give the employee the opportunity to provide a written explanation. Compensation for damage raises a separate question that requires its own grounds.

WRITTEN EXPLANATION AND THE DECISION RECORD

The disciplinary procedure begins with establishing the facts and requesting the employee’s written explanation. The lecture describes documenting a failure to provide the explanation when the required period expires.

The decision record identifies the relevant duty and the findings supporting the measure. Communication to the employee is part of the procedure, including a documented method when personal notice is impossible.

The lecture describes notice within three working days and a maximum continuing effect of six months for sanctions other than termination. It also describes possible early removal by the employer.

The source identifies periods when an employer’s act cannot be issued, including temporary incapacity, leave and business travel. The procedural timing therefore forms part of the legal assessment.

EMPLOYEE DAMAGE AND MATERIAL LIABILITY

The lecture discusses damage to property entrusted to an employee, deliberate destruction and certain other grounds for material liability. The relevant agreement and circumstances determine the scope of the issue.

A disciplinary finding does not itself calculate the loss. The employer’s claim requires evidence of the damage and the applicable grounds for recovery.

The source describes an employee responsible for monitoring system operation who delays required updates and checks. The analysis identifies the assigned duty, the omission and the possible effects on the system.

Operational records help distinguish an unperformed task from a task that failed for another reason. The employee’s explanation can identify workload, system faults or unclear instructions relevant to the assessment.

CONCLUSION

1. Disciplinary liability concerns duties arising from employment.

2. The procedure includes establishing the facts, requesting an explanation and communicating the decision.

3. Compensation for damage raises a separate question that requires its own grounds.

SELF-ASSESSMENT QUESTIONS

1. How do information security duties arise within an employment relationship?
2. What workplace actions or omissions may constitute security misconduct?
3. What evidence helps establish whether an employee breached an assigned duty?
4. Why is the employee’s explanation important in disciplinary proceedings?
5. How does disciplinary liability differ from an obligation to compensate for damage?

REFERENCES

1. Lecture 12. Disciplinary Liability for Information Security Violations. Course materials.

2. Republic of Kazakhstan. Labour Code.

3. T. R. Peltier. Information Security Policies, Procedures, and Standards.