

Draft

## LAW OF MONGOLIA

2026, ... ..

Government Palace, Ulaanbaatar city

### ON DATA

*/Original law/*

## CHAPTER ONE GENERAL PROVISIONS

### Article 1. Purpose of the Law

1.1. The purpose of this Law is to establish data infrastructure, the legal framework and data governance, and to bring data into economic circulation by ensuring the quality, security, accessibility and inviolability of data.

### Article 2. Legislation on data

2.1. The legislation on data shall consist of the Constitution of Mongolia, the Civil Code, the Law on Transparency of Public Information, the Law on Cyber Security, the Law on Protection of Personal Data, the Law on Support of Information Technology Production, the Law on Free Zones, the Law on Archives and Records Management, the Law on Statistics, this Law, and other legislative acts issued in conformity with these laws.

2.2. If an international treaty to which Mongolia is a party provides otherwise than this Law, the provisions of the international treaty shall prevail.

### Article 3. Scope of the Law

3.1. This Law shall govern the activities of creating, collecting, classifying, processing, storing, using, re-using, exchanging, transmitting, backing up and destroying data (hereinafter referred to as “data circulation”) within the territory of Mongolia, as well as the relations arising in connection with the provision of data center services.

3.2. State bodies, local self-governing bodies, citizens of Mongolia, foreign citizens, stateless persons, domestic and foreign legal persons irrespective of the form of ownership, and organizations without the rights of a legal person that participate in the relations specified in Article 3.1 of this Law shall comply with this Law equally.

3.3. This Law shall not apply to the following relations:

3.3.1. relations connected with the circulation of data classified as state secrets or official secrets;

3.3.2. relations connected with the circulation of data pertaining to ensuring national security, national defense, intelligence, operative activities, and criminal proceedings;

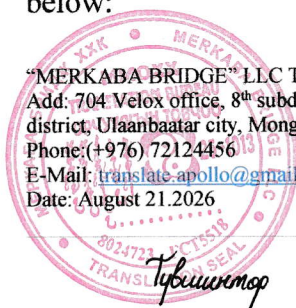
3.3.3. relations connected with the use of data by a citizen for the needs of himself/herself and family members for non-commercial purposes.

### Article 4. Definitions of terms of the Law

4.1. The following terms used in this Law shall be understood with the meanings set out below:

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- 4.1.1. “data center” means a space meeting the standard requirements of a building or facility with telecommunications and information technology equipment performing the functions of processing, transmitting, exchanging, storing and backing up data, and with the physical and virtual infrastructure for housing such equipment;
- 4.1.2. “data center service provider” means a legal person providing the services specified in Article 4.1.1 of this Law;
- 4.1.3. “foreign data center” means a data center specified in Article 4.1.1 of this Law to which the special regime provided in this Law applies;
- 4.1.4. “foreign data center service provider” means a person established under the legislation of a foreign state that has concluded the contract specified in Article 13.12 of this Law to provide the services specified in Article 4.1.2 of this Law;
- 4.1.5. “metadata” means the description defining the source, structure and content of data, the date of creation and of any modification or update, the record of provenance, the data owner, the conditions of use and other such matters;
- 4.1.6. “open data” means structured public information disseminated in a machine-readable format that can be retrieved in part;
- 4.1.7. “data” means a technical representation, expressed in the form of text, symbols, numbers, images, sound or other forms, of facts, characteristics or states relating to a person, a legal person, an object, an event or an activity, intended for processing, transmitting or storing in an electronic system;
- 4.1.8. “data-based product” means information having a specific use and value, capable of being used, exchanged, distributed and re-used, that has been processed by aggregating, classifying, analyzing or otherwise processing data;
- 4.1.9. “data infrastructure” means the totality of hardware, software, information networks and information systems intended for collecting, processing, storing, transmitting and exchanging data and information;
- 4.1.10. “data catalog” means a system with the capacity to consolidate, store and search information on data composition, metadata, source, owner, controller, classification, quality indicators, record of provenance, conditions of use, access rights and application programming interface connections;
- 4.1.11. “database” means an integrated set of data encompassing metadata, access restrictions, and the possibility of exchange and re-use;
- 4.1.12. “data owner” means a person who originally created the data, or who has, on the basis of law or a contract, acquired by transfer the right to own and dispose of non-personal data;
- 4.1.13. “data holder” means a person entitled to collect, process and use data pursuant to a permission granted by the data owner or a function provided by law;
- 4.1.14. “data controller” means a person who, on the basis of a law, a contract, a decision of a competent person, or other lawful grounds, determines the purpose, conditions and requirements of the data relationship, and organizes, independently or jointly with others, its lawfulness, security, quality and the implementation of data circulation;
- 4.1.15. “data user” means a person using data in accordance with the grounds and conditions provided by law;
- 4.1.16. “data processor” means a competent person performing analysis of data or rendering it into a systematized form;

4.1.17. “data supplier” means a person specified in Articles 4.1.12, 4.1.13, 4.1.14 and 4.1.16 of this Law who supplies data to a data user or to data infrastructure;

4.1.18. “data intermediary” means a person meeting the requirements for delivering data from a person or a legal person to a data user;

4.1.19. “data intermediation service” means a service, provided through a digital platform and technical infrastructure independent of the data user, that enables the joint use, exchange and aggregation of data by establishing a legal and technical interrelationship between the data holder and the data user;

4.1.20. “application programming interface” means an electronic connection solution intended to ensure the automatic, continuous exchange of data and interoperability between information systems and software.

## **Article 5. Principles to be observed in data relations**

5.1. The following principles shall be observed in data relations:

5.1.1. data shall be based on an original and lawful source;

5.1.2. it shall be accurate, complete and of good quality;

5.1.3. it shall have a specific purpose;

5.1.4. it shall be measurable;

5.1.5. state big data, except as otherwise provided by law, shall be open and accessible;

5.1.6. human rights, legitimate interests and privacy shall be protected, and mutual trust and ethics shall be observed;

5.1.7. the confidentiality of data and cyber security shall be ensured;

5.1.8. data infrastructure shall be reliable and continuously operational;

5.1.9. the regulation of data shall be aimed at supporting innovation and data-based economic growth.

5.2. The activities of a data center shall observe the principle of not adversely affecting national security, human rights or the public interest.

## **CHAPTER TWO DATA INFRASTRUCTURE, DATABASES**

### **Article 6. State big data infrastructure**

6.1. Mongolia shall have a state big data infrastructure.

6.2. The state big data infrastructure shall be an integrated set of information systems and information networks that establishes the conditions for securely, reliably and interoperably processing, exchanging, using, re-using and storing data among persons, legal persons and organizations without the rights of a legal person.

6.3. The state big data infrastructure shall pertain to the public information infrastructure specified in Article 18.1 of the Law on Transparency of Public Information.

6.4. The information system specified in Article 6.2 of this Law shall consist of state big data and the systems for storing, processing, exchanging and using it.

6.5. The operation of the system specified in Article 6.4 of this Law shall have the following components:

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- 6.5.1. a system for ensuring cyber security and for regulating access control, encryption and continuous operation;
  - 6.5.2. a record of the operations of data use, access and transmission (log, audit log);
  - 6.5.3. a consolidated data catalog and metadata registration system;
  - 6.5.4. a shared system for data exchange;
  - 6.5.5. the consolidated state information network specified in Article 26.1 of the Law on Transparency of Public Information and other networks meeting the requirements.
- 6.6. The architecture of the state big data infrastructure and the related technical conditions and requirements shall be approved by the member of the Government in charge of digital development and communications matters. The opinion of the intelligence body shall be obtained on the technical conditions and requirements.

## Article 7. State big data

7.1. The state big data of Mongolia (hereinafter referred to as “state big data”) shall be the data in the public information databases specified in Article 27, paragraph 27.1 of the Law on Transparency of Public Information, together with other data compositions.

7.2. Data shall be supplied to the state big data system from the databases specified in Article 27.1 of the Law on Transparency of Public Information; and privately owned legal persons, organizations without the rights of a legal person, and persons may supply data on a voluntary or contractual basis.

7.3. Data shall be supplied to the state big data system in accordance with the metadata registration and the consolidated classification, codes and standards of the databases.

7.4. For collecting and exchanging data in the state big data system, connection shall be made to, and use shall be made of, the shared data exchange system.

*Note: “shared data exchange system” means an integrated technological platform intended for batching, transmitting, exchanging and managing data and metadata between state and private-sector information systems;*

7.5. State big data shall be classified as follows:

- 7.5.1. open data;
- 7.5.2. restricted data;
- 7.5.3. closed data;
- 7.5.4. conditionally accessible data.

*Note: “conditionally accessible data” means data used, pursuant to a contract or permission, with a purpose limitation and other conditions.*

7.6. In using the state big data classified in accordance with Article 7.5 of this Law, access rights shall be granted having regard to the grounds provided by law and the purpose of use.

7.7. In exchanging the data classified in accordance with Article 7.5 of this Law by machine reading or by using an application programming interface, the technical conditions specified in Article 6.6 of this Law shall be met.

7.8. The state data system shall conform to the principle, provided in the Law on Transparency of Public Information, prohibiting the duplicative creation of primary-source or information databases. The structure of the system shall be organized and implemented in a form based on a consolidated metadata catalog, controlled inter-system linkages among application information systems, access-rights management and audit records.

7.9. The procedure for supplying, exchanging data in the state database and granting access rights to use it shall be approved by the Government, having regard to the data classification specified in Article 7.5 of this Law.

7.10. The relations of supplying data on the voluntary basis specified in Article 7.2 of this Law shall be regulated on the basis of a contract or a license to use data, and the contract shall necessarily specify the purpose, scope, term and payment conditions of use, the ensuring of security, and the conditions for recalling and destroying the data.

## **Article 8. Creation of databases and requirements imposed on them**

8.1. A person or legal person shall be entitled to create and use a database (hereinafter referred to as “database”) within the scope of a function provided by law, a contract, a permission, the consent of the data subject, the public interest, or other lawful grounds, and may observe the consolidated classification, codes and standards specified in Article 7.3 of this Law.

8.2. The data stored in a database shall have a metadata record containing the name, purpose, controller, source, classification, conditions of use, frequency of updating, storage period, quality indicators and access conditions.

8.3. A database shall meet the following requirements:

8.3.1. it shall have a key field enabling each data row to be uniquely identified, linked with other open data and used in an interrelated manner;

8.3.2. the key and field specified in Article 8.3.1 of this Law shall be used stably over the long term without alteration;

8.3.3. it shall establish the technical conditions for operating in direct interrelation with data from other sources.

8.4. A state body may, jointly with a privately owned legal person, create a shared database using, with permission, the data of the information databases specified in Article 27.1 of the Law on Transparency of Public Information, and other data.

8.5. For the creation of the shared database specified in Article 8.4 of this Law, the Government shall decide on the request of the information controller to use the public information databases, based on the opinion of the central state administrative body in charge of digital development and communications matters.

8.6. A data holder shall be obliged to maintain the metadata accurately, completely and with timely updating.

8.7. A state body shall register the data catalog and metadata in the consolidated registry and update them from time to time.

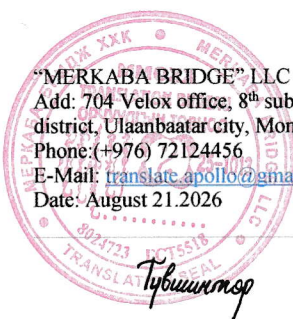
8.8. The data catalog and metadata registry shall establish the possibility of searching, using, exchanging and re-using data, and this shall not constitute grounds for creating a right of direct access to such data.

## **CHAPTER THREE DATA CIRCULATION**

### **Article 9. Creation and collection of data**

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9.1. Data shall be created and collected from a lawful source in accordance with a function provided by law, a contract, a license to use data or a data-based product, or the consent of the data owner.

9.2. The following requirements shall be met in creating and collecting data:

- 9.2.1. the purpose and grounds shall be certified in electronic form based on a permission;
- 9.2.2. the minimum amount of data necessary to implement the purpose shall be collected;
- 9.2.3. a unique key shall be used when collecting from duplicative sources;
- 9.2.4. the completeness and accuracy of the data shall be verified upon collection.

9.3. In creating and collecting data containing personal data, the consent of the data subject provided in the Law on Protection of Personal Data, or other grounds provided by law, shall be observed.

9.4. For the purpose of ensuring national security or taking response measures during a disaster or emergency, a competent state body shall access the data of persons and legal persons, collect the data at actual cost, use it within the scope of the purpose for which it was originally obtained, and shall be obliged to destroy it once the purpose has been fulfilled.

9.5. In cases other than those specified in Article 9.4 of this Law, a state body may, for the purpose of making decisions, planning policy, conducting research and studies, and preparing official statistical information, purchase on commercial terms, on the basis of a contract or agreement, the data created and collected by citizens and legal persons, in conformity with the Law on Statistics and other relevant legislation.

## **Article 10. Classification, processing and storage of data**

10.1. A data controller may classify the collected data by type in accordance with the consolidated metadata catalog and the consolidated classification, codes and standards of the databases.

10.2. Data shall be processed for the purpose of aggregating data, increasing the accessibility and use of information, and using it in economic, business, innovation, academic, training and research activities, and for other purposes.

10.3. The following general requirements shall be met in data processing activities:

- 10.3.1. it shall conform to a predetermined purpose, and the information on the source and processing of the data shall be documented;
- 10.3.2. in processing personal data, the conditions for ensuring the rights of the data subject specified in Article 16.1 of the Law on Protection of Personal Data shall be established;
- 10.3.3. it shall be made impossible to identify, directly or indirectly, the data subject relating to the data, or confidentiality shall otherwise be ensured and the data published as open data;
- 10.3.4. the transformations, aggregations, analyses, processing methodology and logical sequence performed on the data shall be certified in accordance with the record specified in Article 6.5.2 of this Law.

10.4. A data controller shall maintain, in electronic form and in a manner that cannot be destroyed or altered, the methodology, logical sequence, access history and record of operations of the activities of classifying, processing and storing data.

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10.5. A data processor shall ensure the accuracy and security of the processed data and update it from time to time.

10.6. A data controller shall ensure the integrity and confidentiality of the data it stores.

10.7. In storing data, the data classification, purpose of use, storage period, cyber security, access rights, archival requirements and the conditions of the contract and license shall be observed.

#### **Article 11. Exchange, transmission, use and re-use of data**

11.1. The activities of exchanging, transmitting, using and re-using data for the purpose of bringing it into economic circulation shall be carried out, within the scope of the access rights specified in Article 7.6 of this Law, in accordance with a law, contract, license, the consent of the data owner, or the decision of a competent body.

11.2. For the purpose of bringing data into economic circulation and testing new technologies and innovations, the regulatory sandbox specified in Article 4.1.6 of the Law on Support of Information Technology Production shall be used.

11.3. Data and data-based products shall be made available for use, for a fee or free of charge, in accordance with the conditions of the law, contract or license.

11.4. The type of license shall be determined by the data holder based on the categories of open, research, restricted, commercial, and public-interest, and a model template shall be approved by the body specified in Article 20 of this Law.

11.5. In using data for a purpose other than that for which it was originally obtained, or in transferring it for use by a third party, the license or the consent of the data owner shall be obtained anew.

11.6. In exchanging, transmitting and using restricted or closed data, the requirements specified in the law, contract, license, consent of the data owner or decision of a competent body, and cyber security, shall be ensured.

11.7. Where a person or legal person has been re-identified by aggregating data that has been rendered non-identifiable with other data or by drawing conclusions, the re-identified data shall be protected by a technical procedure restricting access.

11.8. The following requirements shall be met in using data in systems based on artificial intelligence, machine learning, or automated decision-making:

11.8.1. the training data, system outputs, operational records (logs), given instructions and history of conclusions shall be securely stored and protected;

11.8.2. technical solutions shall be introduced to prevent the re-identification of a person, the recovery of confidential information, and the unauthorized determination of behavior;

11.8.3. conditions shall be established to prevent the loss of intellectual property rights and trade secrets relating to the data;

11.8.4. it shall be ensured that, in the course of compiling and using the data, no discriminatory or distorted conclusions are drawn against a person on the basis of ethnicity, descent, language, skin color, sex or social status.

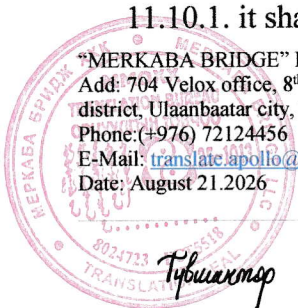
11.9. Data that the law requires to be made public, and open data, shall be published on one's own website and in the consolidated state open data system.

11.10. Data to be published shall meet the following requirements:

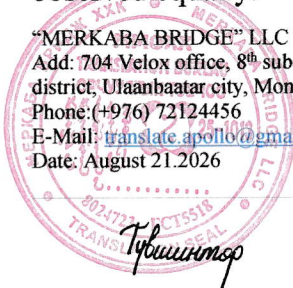
11.10.1. it shall have metadata;

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- 11.10.2. a re-identification risk assessment shall have been conducted before publication;
- 11.10.3. information specifically protected by law shall have been removed, and it shall have been made impossible to identify directly or indirectly.
- 11.11. Published open data shall be easy to access, copy, sort and search, and its conditions of use shall be specified.
- 11.12. A state data controller shall be obliged to publish as open data the following categories of data in its possession or under its management:
- 11.12.1. geographic and spatial data;
  - 11.12.2. environmental and geological data;
  - 11.12.3. climate and meteorological data;
  - 11.12.4. official statistical data;
  - 11.12.5. data on legal persons and their ultimate ownership;
  - 11.12.6. transport and road-traffic data;
  - 11.12.7. data on state services, the state and local budgets, and projects and programs;
  - 11.12.8. other data provided by law.
- 11.13. It shall be prohibited to publish data as open data in the following cases:
- 11.13.1. where, through such data, personal data or trade secrets would be disclosed, or a person or legal person could be identified directly or indirectly;
  - 11.13.2. where it would infringe intellectual property or the lawful rights and interests of a third party;
  - 11.13.3. where it pertains to state secrets or official secrets;
  - 11.13.4. other cases where making it publicly open is restricted by law.
- 11.14. A complaint made on the grounds specified in Article 11.13 of this Law shall be resolved by the data controller within 10 working days, and during the period of examining the complaint, access to and publication of such data shall be suspended.
- 11.15. A data controller shall receive requests and proposals made by a person or legal person concerning the use, re-use or making publicly open of data, and shall resolve them in accordance with the following procedure:
- 11.15.1. resolve the request within 20 working days of its receipt and provide the data in a machine-readable format, or transmit a proposal for a license to use data;
  - 11.15.2. extend, on one occasion, the period for resolving a complex and broad-ranging request by 20 working days with a reasoned explanation, and notify the applicant;
  - 11.15.3. in the event of refusal of the request, notify the applicant electronically of the grounds for refusal and the decision.
- 11.16. In the activities of exchanging and transmitting data, an application programming interface or data infrastructure meeting the requirements shall be used.
- 11.17. Where, in the course of data exchange, it is discovered that the data is erroneous, incomplete or fails to meet the requirements provided by law, the data user shall promptly notify the data supplier and the data controller and take measures to have it corrected or updated, or, if necessary, to suspend its use.
- 11.18. In transmitting data containing personal data across borders, the security requirements provided in the Law on Protection of Personal Data and other relevant legislation shall be observed equally.



11.19. A data owner shall be entitled to obtain, free of charge and in a structured, machine-readable and commonly used format, from the data controller the data pertaining to himself/herself that arose in the course of his/her own activities.

11.20. At the request of the data owner, the data controller shall, where technically feasible, transfer such data directly and securely to another data controller or service provider using an application programming interface.

11.21. In porting data pertaining to personal data, the grounds and procedure provided in the Law on Protection of Personal Data shall be observed.

11.22. The quality of data at the stages of data circulation may be assessed in accordance with the methodology specified in Article 18.1.4 of this Law.

## **Article 12. Archiving, backing up and destroying data**

12.1. The activity of archiving data shall be carried out in observance of the provisions of the Law on Archives and Records Management.

12.2. Data shall be backed up for the purpose of protecting it from loss, establishing the possibility of recovery in the event of a cyber attack, system failure, disaster or service interruption, and ensuring the continuity of the organization's activities.

12.3. A data controller shall determine the frequency, location, recovery time and protection procedure of backup, having regard to the classification, significance, risk level, storage period, frequency of use and recovery requirements of the data.

12.4. Backed-up data shall be subject to the same requirements of confidentiality, cyber security, access rights, encryption and the record specified in Article 6.5.2 of this Law as the primary data.

12.5. Data shall be destroyed in the following cases:

12.5.1. where it is established that the data was created, collected, processed or used in violation of the grounds or procedure provided by law, or where the data owner or data holder has made a request in accordance with the grounds provided by law;

12.5.2. where the destruction of the data is provided for by legislation, an international treaty of Mongolia, or a legally effective court decision;

12.5.3. where the data storage period, or the term of the contract, license, permission or right of use, has expired;

12.5.4. where other grounds provided by law have arisen.

12.6. In destroying data, the technical conditions rendering it impossible to restore shall be ensured, and a record shall be maintained containing the date, grounds and methodology of destruction, the responsible person, and the classification of the destroyed data.

## **CHAPTER FOUR DATA CENTERS**

### **Article 13. Provision of data center services and legal guarantees**

13.1. A legal person registered in Mongolia or in a foreign state may provide data center services within the territory of Mongolia.

13.2. The data and information of a foreign person housed in a foreign data center shall be inviolable, and, except as provided in an international treaty, a competent body of Mongolia

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shall be prohibited from accessing the data of such data center, conducting a physical or electronic inspection, seizing it, or suspending its operations.

13.3. The guarantee of inviolability specified in Article 13.2 of this Law shall not apply where it has been established in advance, in accordance with an international treaty to which Mongolia and the relevant foreign state are parties, that such data is being used for acts specified in conventions on combating genocide, crimes against the security of humanity, terrorism, crimes against children, and international cybercrime.

13.4. The relations of accessing, obtaining information from, or providing legal assistance in respect of the data specified in Article 13.2 of this Law shall be organized in accordance with the conditions provided in an international treaty of Mongolia.

13.5. On the matter of establishing special protection, inviolability and other legal guarantees for a foreign data center operating in Mongolia, Mongolia shall conclude with a third state an international treaty of Mongolia governing international legal relations.

13.6. For the purpose of ensuring the inviolability of the transit flow of a foreign data center passing through the territory of a neighboring state, special negotiations shall be conducted with neighboring countries and an international treaty of Mongolia shall be concluded.

13.7. Except as provided in an international treaty, a competent body shall not impose control or restriction on the network of a foreign data center operating in Mongolia that passes in transit through the territory of Mongolia.

13.8. For the purpose of ensuring the security and reliability of the transmission network of data centers and preventing potential technical risks, Mongolia shall organize its international internet gateways to be not fewer than three, geographically and technically independent and unrelated to one another.

13.9. For the purpose of ensuring the security and continuity of data, the Government of Mongolia may conclude with a third state an international treaty of Mongolia on housing data in a data center located in the territory of a foreign state.

13.10. Databases other than those pertaining to national security or state secrets may, based on the data classification and on cyber-security-risk and information-security audit assessments, be housed in domestic and foreign data centers located within the territory of Mongolia, as well as in the infrastructure of a cloud technology service provider conforming to international standards.

13.11. The work of resolving the request of a foreign person connected with creating the infrastructure necessary to provide data center services shall be carried out through a one-stop service. A preliminary feasibility study of the technical and economic justification shall be attached to a request connected with establishing a data center.

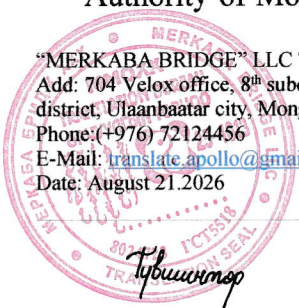
13.12. A benefit-sharing contract shall be concluded with a foreign person who has made a request to provide data center services in Mongolia, and the contract shall include the following conditions:

13.12.1. where the special protection and inviolability of the data center specified in Articles 13.2 and 13.5 of this Law have been guaranteed, the payment for the regulation of the inviolability guarantee shall be remitted to the state budget at the established rate;

13.12.2. where data transmission and export services are provided using low-orbit or other satellite networks independently of the infrastructure of the Communications Authority of Mongolia, a special service fee for ensuring the spatial independence of the

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network shall be calculated from the volume of exported data and remitted to the state budget;

13.12.3. where a party supplies its own data center by creating an independent energy source using renewable energy sources, a payment for energy independence shall be calculated from the volume of energy generated and remitted to the state budget;

13.12.4. where a party supplies its own data center by creating an independent energy source using natural resources, a payment for energy independence shall be calculated from the volume of energy generated, and a payment offsetting greenhouse gas emissions for the period until carbon emissions are reduced to net zero shall each be remitted to the state budget;

13.12.5. conditions shall be established for state bodies and academic and training institutions of Mongolia to use, free of charge, a certain percentage of the computing, backup and storage equipment of the data center;

13.12.6. increasing the volume of investment made in the domestic economy and increasing the net flow of foreign currency;

13.12.7. training highly specialized engineers and technology specialists in Mongolia and steadily increasing domestic jobs;

13.12.8. transferring advanced technology and know-how.

13.13. The methodology for calculating the rates of return specified in Articles 13.12.1, 13.12.2, 13.12.3 and 13.12.4 of this Law shall be approved by the Government, and the methodology shall specify the date on which calculation of the payments specified in Article 13.12 of this Law is to commence.

13.14. The state administrative body specified in Article 32<sup>1</sup>.1 of the Law on Transparency of Public Information shall organize the work connected with resolving the request specified in Article 13.11 of this Law and shall conclude the contract specified in Article 13.12 of this Law.

13.15. By concluding the contract specified in Article 13.12 of this Law, a foreign data center shall acquire the right to enjoy the investment, tax, infrastructure and other special legal guarantees and concessions of activity established by other relevant laws.

#### **Article 14. Requirements imposed on, and support for, green-technology and energy-efficient data centers**

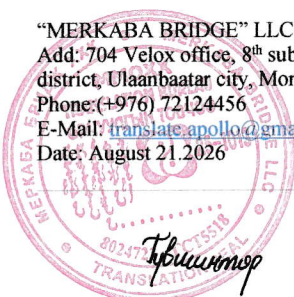
14.1. A data center newly established within the territory of Mongolia shall have a strategic plan for introducing environmentally friendly, energy-saving green technology.

14.2. The strategic plan specified in Article 14.1 of this Law shall clearly set out the arrangements for supplying the total electricity consumption of the data center from renewable energy sources such as solar, wind, water and geothermal energy, and for keeping carbon emissions at net zero.

14.3. The requirements imposed on a green data center, and whether energy efficiency and technology for reducing carbon emissions have been introduced, shall be determined in accordance with a standard, having regard to the following criteria:

14.3.1. the standard indicator of energy-use efficiency shall not exceed the norm established by the Government;

14.3.2. the strategic plan specified in Article 14.1 of this Law shall have been approved;



14.3.3. an energy storage and smart energy management system that comprehensively resolves the electricity generation, distribution and storage system on its own premises shall have been introduced;

14.3.4. an environmentally friendly eco-cooling, liquid-cooling, or heat re-use solution reducing the energy consumption of cooling shall have been introduced;

14.3.5. the national or international standards or technical regulations of energy efficiency shall have been met;

14.3.6. the calculation and reporting of greenhouse gas emissions, and a plan for reducing and offsetting them, shall have been approved.

14.4. For the purpose of supporting investment in green data centers, regulatory, infrastructure and financial support shall be provided in the following forms:

14.4.1. connecting the renewable energy source adjacent to the data center to the energy distribution network and including it in the first category of reliability of electricity supply;

14.4.2. providing conditions for purchasing, on a priority basis, the surplus flow of renewable energy generated by the data center itself into the central consolidated energy network during the period of recovering investment costs;

14.4.3. issuing a Government guarantee for inclusion in green loans and creating highly concessional loan conditions.

14.5. In establishing a green data center, an environmental impact assessment shall be conducted in accordance with the Law on Environmental Impact Assessment, and an energy efficiency assessment shall be conducted in accordance with the Law on Energy Conservation, respectively.

14.6. The concessions, exemptions and support specified in Articles 14.4.1 and 14.4.2 of this Law shall be enjoyed in accordance with the relevant legislation, based on the conclusion concerning the renewable energy use and energy efficiency of such data center.

14.7. The conditions and procedure for assessing the requirements of a green data center, certifying technology for reducing greenhouse gas emissions, and issuing the joint conclusion specified in Article 14.6 of this Law shall be jointly approved by the members of the Government in charge of environment, climate and energy matters.

14.8. Where a data center service provider carries out its activities relying on natural resources, it shall remit to the state budget, in observance of Article 13.13 of this Law, a payment for offsetting and reducing greenhouse gas emissions for the period until carbon emissions are reduced to net zero.

## **Article 15. Organizational support provided to data center service providers in free zones**

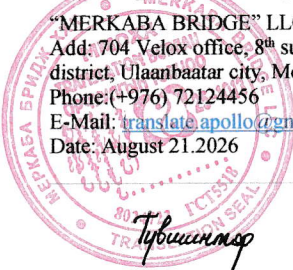
15.1. In conformity with the legislation on free zones, the following organizational support shall be provided to an investor providing data center services in a free zone:

15.1.1. resolving expeditiously, on the electronic one-stop principle, the state services, special permits, technical conditions, conclusions and registrations required to implement a data center project;

15.1.2. the central state administrative body in charge of energy matters resolving the electricity, renewable energy sources, energy storage, connection technical conditions and dispatch arrangements to ensure the continuous and reliable operation of the data center;

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15.1.3. the Communications Regulatory Commission resolving the establishment of the data center's telecommunications network, the connection of domestic and international transit flows, and the interconnection of networks;

15.1.4. the Office of the Governor of the relevant free zone providing support in comprehensively resolving land, water supply, the cooling system and other engineering infrastructure within the scope of the technical and economic feasibility study of the data center.

15.2. The organizational procedure for providing the electronic one-stop service specified in Article 15.1.1 of this Law shall be approved by the Government.

#### **Article 16. Regulation of data flows and network infrastructure**

16.1. In providing data transmission and export services using low-orbit and medium-orbit satellite networks, a ground station located within the territory of Mongolia shall be used. A ground station may be used jointly by providers of the same type of service.

16.2. For the purpose of testing and introducing, within a limited scope, new technology for data infrastructure connection and cross-border data exchange and transmission, a regulatory sandbox shall be established, and the procedure for operating and supervising it shall be approved by the Government.

16.3. No prior-permission regime shall be established for the cross-border flow of open-category data specified in Article 7.5 of this Law, and it shall be regulated by encryption, contractual conditions, and a risk assessment based on certified infrastructure.

16.4. The primary copy of restricted and conditionally accessible data shall be housed and stored within the territory of Mongolia, and a backup copy may, for the purposes of disaster protection and recovery, be housed in a foreign state in accordance with an international treaty, on the basis of meeting the security requirements.

### **CHAPTER FIVE DATA GOVERNANCE SYSTEM**

#### **Article 17. Powers of the Government**

17.1. Concerning data governance, the Government shall exercise the following powers:

17.1.1. ensuring the implementation of the unified state policy on data governance and development, and approving the strategy and program for developing the state big data infrastructure;

17.1.2. approving the strategy and program for introducing environmentally friendly, energy-saving green technology into the activities of data centers;

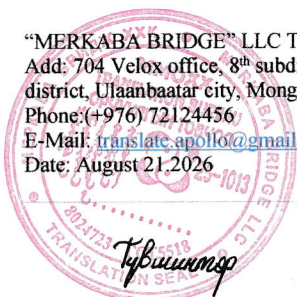
17.1.3. including in and resolving through the annual state budget the funds and budgetary sources required to establish the state big data infrastructure and expand its technical capacity;

17.1.4. issuing a Government guarantee to a person providing green data center services and creating highly concessional green loan conditions.

#### **Article 18. Powers of the central state administrative body in charge of digital development and communications matters**

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18.1. Concerning data governance, the central state administrative body in charge of digital development and communications matters shall exercise the following powers:

- 18.1.1. organizing, at the sectoral level, the implementation of the legislation on data and of Government decisions, developing the strategies specified in Articles 17.1.1 and 17.1.2 of this Law and the measures for implementing them, and ensuring their implementation;
- 18.1.2. maintaining the consolidated catalog of state big data;
- 18.1.3. developing the metadata registration and the consolidated classification, codes and standards of the databases;
- 18.1.4. developing the quality criteria of the data to be supplied to the state big data infrastructure, having regard to the accuracy, completeness and up-to-date status of the data, and approving them jointly with the body specified in Article 20 of this Law;
- 18.1.5. maintaining the registry of data intermediation service providers;
- 18.1.6. having an independent professional body conduct, in accordance with an annually approved method and methodology, an external assessment of the quality and accessibility of state big data, and presenting the assessment report to the Government and the National Big Data Council;
- 18.1.7. providing data controllers and information controllers with professional and methodological guidance on creating open data;
- 18.1.8. receiving and resolving complaints and disputes arising among state bodies, and between state bodies and persons or legal persons, in connection with data exchange and use, and, where necessary, transferring them for resolution to another body with jurisdiction;
- 18.1.9. approving, based on the opinion of the central state administrative body in charge of education matters, the list of certificates to be treated as equivalent to the diplomas and certificates of vocational education recognized in Mongolia specified in Article 21.4.1 of the Law on Labor Migration;
- 18.1.10. providing data controllers with recommendations aimed at ensuring the reliability of data and the data ethics and methodological requirements in the course of data exchange.

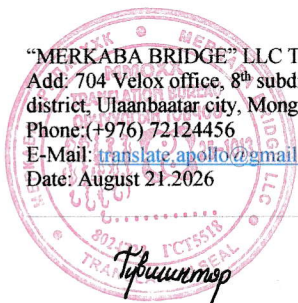
## Article 19. National Data Council

19.1. The National Data Council (hereinafter referred to as the “Council”), with the function of ensuring the coherence of cross-sectoral data policy and implementing the strategic management and regulation of national data governance, shall operate under the Prime Minister of Mongolia.

19.2. The Council shall exercise the following functions:

- 19.2.1. conducting assessments during the implementation of the sectoral strategy and measures on data governance, and submitting proposals and recommendations to the Government;
- 19.2.2. issuing recommendations aimed at bringing data into economic circulation and supporting the private sector.

19.3. The Council shall be composed of representatives from human rights, digital development, cyber security, statistics, information technology, communications, academia, the private sector and civil society organizations.



19.4. The Council shall be chaired by the Prime Minister and, in his/her absence, by the member of the Government in charge of digital development and communications matters, and the composition and rules of procedure of the Council shall be approved by the Government. The functions of the Secretariat of the Council shall be performed by the central state administrative body in charge of digital development and communications matters.

#### **Article 20. Functions of the national data authority**

20.1. The functions of the national data authority (hereinafter referred to as the “Data Authority”) shall be exercised by the National Statistics Committee.

20.2. Concerning data governance, the Data Authority shall exercise the following functions:

20.2.1. supervising the compilation and implementation of metadata and providing methodological recommendations;

20.2.2. enforcing the data classification at the national level and ensuring its implementation;

20.2.3. providing assessments of the implementation of the quality and standards of the big data of state bodies and legal persons, based on the unified criteria approved jointly in accordance with Article 18.1.4 of this Law;

20.2.4. approving and implementing the procedure for issuing and certifying an information trust certificate attesting that a data controller or service provider has met the standards of data governance and security;

20.2.5. producing annually a consolidated report on the use and quality status of state data, submitting it to the Government and the National Data Council, and presenting it to the State Great Khural.

#### **Article 21. Functions of the National Data Center**

21.1. The body responsible for the data infrastructure, with the function of ensuring the continuous, reliable and secure operation of the state big data infrastructure and of storing, backing up and processing data, shall be the National Data Center.

21.2. The National Data Center shall exercise the following functions in data relations:

21.2.1. being responsible for the continuous, reliable and secure technical operation of state big data and the big data infrastructure;

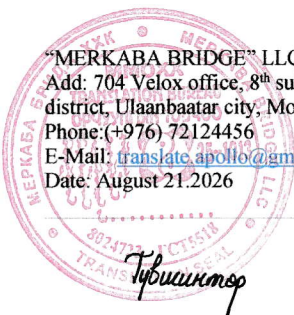
21.2.2. collecting state big data in accordance with Article 7.1 of this Law and ensuring the technical and system readiness for conducting data analysis for state decision-making;

21.2.3. introducing advanced technological solutions of encryption, electronic signature and access control for transmitting and exchanging state big data;

21.2.4. storing and protecting, in an unalterable manner and for the period provided by legislation, the history of operations accessing state big data and the records of transmission activities;

21.2.5. verifying at the technical level, upon the requirement of a competent body, the implementation of the standards of data registration, metadata, quality, exchange and security of state bodies, and providing technical support and issuing conclusions for the data governance assessment carried out by the central state administrative body;

21.2.6. conducting the data quality audit specified in Article 20.2.2 of this Law and providing, in accordance with the information security regime, the system logs, access



records, and transmission and technical information required by a competent body on the grounds provided by law;

21.2.7. regularly backing up state big data in accordance with Article 12.2 of this Law and ensuring the technical readiness to fully recover the data in the event of a system failure.

21.3. The National Data Center shall not duplicatively centralize the primary data of the information databases specified in Article 27.1 of the Law on Transparency of Public Information, and shall be responsible for the data exchange layer, backup, and security infrastructure.

## **CHAPTER SIX**

### **RESOLUTION OF DISPUTES AND LIABILITY IMPOSED ON VIOLATORS OF LEGISLATION**

#### **Article 22. Resolution of disputes**

22.1. A person who does not accept a decision of the body specified in Articles 11.14 and 18.1.9 of this Law shall lodge a complaint with the court within 30 days of receiving such decision.

22.2. A commercial dispute arising from a contract concluded between parties having the right to own and dispose of data may, if the parties have mutually agreed, be resolved by arbitration in accordance with the Law on Arbitration. This paragraph shall not apply to disputes of public law or disputes connected with state big data.

#### **Article 23. Activities prohibited by law**

23.1. The following activities shall be prohibited in data relations:

23.1.1. re-identifying a person or legal person, or recovering information classified as confidential, by aggregating processed or used data with other sources;

23.1.2. housing data pertaining to national security or state secrets in a foreign or foreign-invested data center;

23.1.3. a data center service provider accessing, copying, altering, destroying or transferring to a third party, without authorization, the data it stores, or using it for a purpose other than that specified in the conditions of the contract or license.

#### **Article 24. Liability imposed on violators of the Law**

24.1. Where the act of an official who has violated this Law does not bear the elements of a crime, disciplinary liability provided in the Law on the Civil Service or the Labor Law shall be imposed.

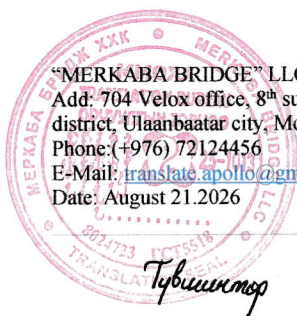
24.2. Where an act violating this Law does not warrant the imposition of criminal liability, the liability provided in the Law on Infringements shall be imposed.

#### **Article 25. Entry into force of the Law**

25.1. This Law shall come into force from the .... day of the .... month of 2027.

### **CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIA**

*Draft*



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## LAW OF MONGOLIA

2026, ... ..

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### ON MAKING ADDITIONS AND AMENDMENTS TO THE LAW ON FREE ZONES

**Article 1. The following paragraph and subparagraph with the content set out below shall be added to the Law on Free Zones:**

***1/ Paragraph 9.3 of Article 9:***

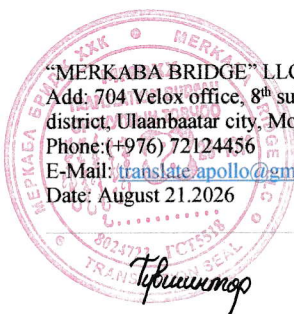
“9.3. The relations of resolving requests connected with providing data center services in a free zone shall be governed in accordance with paragraphs 13.11 to 13.14 of Article 13 of the Law on Data.”

***2/ Subparagraph 19.1.5 of Article 19:***

“19.1.5. income remitted, in accordance with the contract specified in Article 13.12 of the Law on Data, by a person providing data center services in a free zone.”

**Article 2. This Law shall come into force from the date on which the Law on Data comes into force.**

**Signature**



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## LAW OF MONGOLIA

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### ON MAKING ADDITIONS AND AMENDMENTS TO THE LAW ON TRANSPARENCY OF PUBLIC INFORMATION

**Article 1. The following subparagraph with the content set out below shall be added to the Law on Transparency of Public Information:**

***1/ Subparagraph 4.1.10 of Article 4:***

“4.1.10. ‘information database’ means a composition of information, or an information system, organized so as to enable the systematic collection, storage, updating, protection and use of information for the purpose of the functions, registration, references, services, evidentiary documentation, control, statistics, policy planning and decision-making provided in the Law on Transparency of Public Information and other sectoral laws;”

**Article 2. Subparagraph 4.1.1 of Article 4 of the Law on Transparency of Public Information shall be reformulated as follows:**

***1/ Subparagraph 4.1.1 of Article 4:***

“4.1.1. ‘information system’ means an integrated environment, comprising hardware, software, databases, networks and the regulation of access rights, that implements the activities of collecting, processing, storing, updating, protecting, transmitting and using the information used for the functions, registration, references, services, control, statistics, policy planning and decision-making provided by law;”

**Article 3. The words “, open data” specified in subparagraph 32.1.10 of Article 32 of the Law on Transparency of Public Information shall be deleted.**

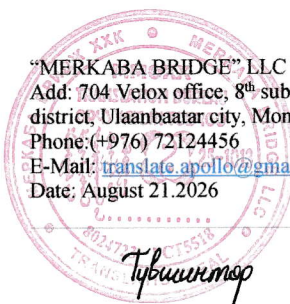
**Article 4. Article 12 of the Law on Transparency of Public Information and subparagraph 32.1.16 of Article 32 thereof shall each be deemed repealed.**

**Article 5. This Law shall come into force from the date on which the Law on Data comes into force.**

**Signature**

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**LAW OF MONGOLIA**

2026, ... .. Government Palace, Ulaanbaatar city

**ON MAKING ADDITIONS TO THE LAW ON EXAMINATION AND RESOLUTION  
OF INFRINGEMENTS**

**Article 1.** After the words “paragraph 1 of Article 15.2,” specified in paragraph 6.50 of Article 1.8 of the Law on Examination and Resolution of Infringements, the words “paragraph 15.37” shall be added.

**Article 2.** This Law shall come into force from the date on which the Law on Data comes into force.

**Signature**



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## LAW OF MONGOLIA

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### ON MAKING ADDITIONS TO THE LAW ON INFRINGEMENTS

**Article 1. The following article and paragraphs with the content set out below shall be added to Chapter Fifteen of the Law on Infringements:**

**1/ Article 15.37. Violation of the Law on Data**

“1. Where processed or used data has been aggregated with other sources without the grounds provided by law so as to re-identify a person or legal person, or where information classified as confidential has been recovered, and this does not warrant the imposition of criminal liability, a person shall be fined an amount in tugriks equal to two thousand units, and a legal person shall be fined an amount in tugriks equal to twenty thousand units.

2. Where data prohibited from being published as open data in accordance with Article 11.13 of the Law on Data has been published, a person shall be fined an amount in tugriks equal to two thousand units, and a legal person shall be fined an amount in tugriks equal to twenty thousand units.

3. Where a data center service provider has accessed, copied, altered, destroyed or transferred to a third party the data it stores, without the grounds provided by law or the conditions of an authorizing contract or license, or has used it for a purpose other than that specified in the conditions of the contract or license, and this does not warrant the imposition of criminal liability, a legal person shall be fined an amount in tugriks equal to fifty thousand units.”

**Article 2. This Law shall come into force from the date on which the Law on Data comes into force.**

**Signature**

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