

NOTARIAL INFORMATION-SHARING WITH SOCIAL PROTECTION AUTHORITIES AS A SAFEGUARD OF THE PROPERTY AND INHERITANCE RIGHTS OF VULNERABLE PERSONS: EVIDENCE FROM UZBEKISTAN

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Abstract

Notarial confidentiality is a core principle of the Latin-type notariat, yet modern legal systems increasingly require notaries to share selected information with public authorities. This article examines the 2025 reform in Uzbekistan that obliged notaries to provide social protection authorities with information on lifelong maintenance and life annuity transactions, transactions concerning the property of persons under guardianship, and, upon request, on property passing to citizens by inheritance and gift. Using doctrinal, comparative and case-based methods, the article analyses the legal framework before and after Law No. ZRU-1102 of 17 December 2025, the rationale of the reform and its relationship with notarial secrecy and personal data protection. It argues that targeted, request-based information-sharing strengthens the protection of elderly persons, wards and low-income families and improves the accuracy of social assistance, provided that the scope of data, the channel of transmission and the purposes of use are strictly defined. Recommendations are formulated for an electronic, logged exchange through the notarial information system and for minimum safeguards that preserve the confidence of citizens in the notary.

Keywords: Notary; notarial confidentiality; inheritance; lifelong maintenance; guardianship; social protection; personal data; Uzbekistan.

Introduction

In the Latin notariat the notary is an impartial public officer who gives legal certainty to private transactions and protects the interests of all parties, especially the weaker ones. Confidentiality of notarial acts is one of the guarantees of this role: citizens disclose their family, property and inheritance affairs to the notary because they trust that the information will not be passed on without legal grounds. At the same time, the state has a legitimate interest in information held by notaries, for example for taxation, combating money laundering or preventing abuse against vulnerable persons.

Uzbekistan offers an instructive example of how this balance can be adjusted. In recent years the country has carried out a broad reform of the notariat, including the transfer of notarial acts to an electronic information system. In parallel, a new social protection system was created

with the National Agency for Social Protection under the President and the “Inson” social services centres. Social assistance requires reliable information on the property and income of applicants, while elderly persons and wards remain exposed to transactions that may deprive them of housing. Law No. ZRU-1102 of 17 December 2025 connected these two developments by establishing a duty of notaries to share specified information with social protection authorities. The proposal underlying this reform was developed in the author’s doctoral research and was taken into account in drafting the law¹.

The purpose of this article is to analyse the content and rationale of this duty, to assess its compatibility with notarial confidentiality and personal data protection, and to propose safeguards for its application.

2. Materials and Methods

The study is based on the Law of the Republic of Uzbekistan “On the Notariat” of 26 December 1996 No. 343-I as amended by Law No. ZRU-1102, the Law “On Personal Data” of 2 July 2019 No. ZRU-547, and the Civil Code provisions on inheritance, lifelong maintenance and life annuity. Doctrinal analysis was used to interpret the amended provisions; the comparative method was applied to reporting duties of notaries in Germany and in the European Union; and the case method was used on anonymised situations from the author’s notarial practice since 2018. Owing to the duty of notarial confidentiality, no personal data or quantitative data from the author’s practice are disclosed.

3. Results

3.1. The legal framework before the reform

Article 6 of the Law “On the Notariat” prohibits notaries and other persons who become aware of notarial acts in the course of their duties from disclosing that information, including after the termination of their employment². Information on notarial acts may be given only to the persons on whose behalf the acts were performed, and to courts, prosecution and investigative bodies in connection with cases in their proceedings. Part four of the same article lists further recipients, among them the authority responsible for combating money laundering and the financing of terrorism, the tax authority (on sales and lease contracts for real estate and the amount of rent), the internal affairs bodies (on powers of attorney and transactions with motor vehicles), the cadastral authority (on the cadastral number and the acquirer of transferred real estate), and, upon request, credit bureaus and realtor organisations. Social protection authorities were not among these recipients.

As a consequence, social protection bodies had no lawful access to information on transactions that directly affect the persons they serve. A lonely elderly citizen could transfer his or her dwelling under a lifelong maintenance contract to a person who later failed to provide care; the property of a ward could be divided or alienated; and applicants for social assistance could

1 Act of implementation of the Institute for Parliamentary Research under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 3/dn-81 of 26 May 2026.

2 Law of the Republic of Uzbekistan “On the Notariat” No. 343-I of 26 December 1996, Art. 6. <https://lex.uz/docs/54458>

conceal property acquired by inheritance or gift. In each of these situations the notary held the relevant information but could not share it.

3.2. The content of the 2025 reform

Law No. ZRU-1102 added to part four of Article 6 a new paragraph naming the National Agency for Social Protection under the President of the Republic of Uzbekistan and the “Inson” social services centres (hereinafter, the social protection authority) as recipients of notarial information³. Three categories of information are covered. First, information on contracts for the transfer of a house or flat subject to lifelong maintenance and on life annuity contracts. Second, information on transactions concerning the division of property of a person under guardianship and other transactions affecting his or her fate, as well as on the authentication of signatures in applications for adoption, guardianship or trusteeship. Third, upon a request sent on the basis of an application for social services and assistance, certificates on notarial acts performed, including information on the value of property passing to citizens by inheritance and gift and on other income-generating transactions subject to state registration.

Correspondingly, Article 18 of the Law, which sets out the duties of the notary, was supplemented with two paragraphs obliging the notary to provide the social protection authority with the information in the first two categories and, upon its request, with the information in the third category⁴. A further amendment to Article 34 provides that the signatures of the applicant and family members on an application for social services do not require notarial authentication and that these signatures constitute consent to the receipt and processing of the relevant information by the social protection authority⁵.

3.3. Rationale

The reform pursues two distinct aims. The first is protective. Lifelong maintenance and life annuity contracts are typically concluded by elderly persons who exchange their home for care. Informing the social protection authority of such contracts allows it to monitor whether care is actually provided and to intervene in cases of abuse. Similarly, information on transactions with the property of wards enables the authority to verify that guardians act in the ward’s interest, including the protection of the ward’s future inheritance rights.

The second aim is distributive. Social assistance must reach those who need it. Inheritance and gifts are among the most common sources of unrecorded property. A request-based exchange, triggered only by an application for social assistance and backed by the applicant’s consent, allows the authority to verify the declared property situation without imposing a general reporting burden on notaries.

4. Discussion

The reform raises the question of whether it erodes notarial confidentiality. Three arguments suggest that it does not, provided that it is applied within its limits. First, confidentiality has never been absolute: the pre-existing list of recipients in Article 6 already reflected the

³ Law of the Republic of Uzbekistan No. ZRU-1102 of 17 December 2025, Art. 3(1); Law “On the Notariat”, Art. 6, part four.

⁴ Law No. ZRU-1102, Art. 3(2); Law “On the Notariat”, Art. 18, part one, paragraphs thirteen and fourteen.

⁵ Law No. ZRU-1102, Art. 3(3); Law “On the Notariat”, Art. 34, part five.

legislator's choice to share notarial information where a superior public interest exists. Second, the new duty is narrowly targeted: the first two categories concern vulnerable persons whom the social protection authority is legally bound to protect, and the third category is available only upon request and with the applicant's consent. Third, the Law "On Personal Data" requires that personal data be processed for defined purposes and to the extent necessary for those purposes, which constrains the use of the information received⁶.

Comparative experience confirms that reporting duties are compatible with the Latin notariat. In Germany, § 34 of the Inheritance and Gift Tax Act obliges courts, authorities and notaries to notify the tax office of documents relevant to the assessment of inheritance and gift tax⁷. Within the European Union, notaries are among the obliged entities of the anti-money laundering directives and must report suspicious transactions⁸. The Uzbek reform differs in that its main purpose is social protection rather than taxation or law enforcement, which strengthens its legitimacy but also requires particular care for the dignity of the persons concerned.

The author's notarial practice shows that the main risks lie not in the principle but in its implementation: excessive transmission of data beyond what the request requires, the use of paper channels that leave no record of who received the information, and uncertainty among citizens about how their information will be used. These risks can undermine trust in the notary, which is the foundation of the institution.

5. Conclusion and Recommendations

The 2025 reform in Uzbekistan transformed the notary from a passive keeper of confidential information into an active participant in the protection of vulnerable persons, while preserving the principle of confidentiality through a closed list of recipients and purposes. To secure this balance, the following measures are recommended: (1) an exhaustive list of data fields for each category of information should be approved, so that notaries transmit only what is necessary; (2) the exchange should be carried out exclusively in electronic form through the notarial information system, with automatic logging of every request and response; (3) the parties to lifelong maintenance and life annuity contracts should be informed by the notary at the time of certification that the information will be transmitted to the social protection authority; and (4) the social protection authority should be prohibited from using the information received for purposes other than those stated in the law.

These measures would allow the notariat to contribute to social protection without losing its core value – the trust of citizens.

⁶ Law of the Republic of Uzbekistan "On Personal Data" No. ZRU-547 of 2 July 2019. <https://lex.uz/docs/4396419>

⁷ Erbschaftsteuer- und Schenkungsteuergesetz (ErbStG), § 34 (Anzeigespflicht der Gerichte, Behörden, Beamten und Notare). https://www.gesetze-im-internet.de/erbstg_1974/_34.html

⁸ Directive (EU) 2015/849 of 20 May 2015, Art. 2(1)(3)(b) and Art. 33. OJ L 141, 5.6.2015, p. 73.



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