
Technology, Media, And Telecommunications

Technology, Media and Telecommunications Update in Vietnam

Introduction

As the second quarter of 2018 has begun, we are very excited to share with you the significant legal developments in technology, media and telecommunications (“TMT”) sector during the second quarter of the year.

This quarterly update aims to highlight the significant TMT-related legal developments in the ASEAN region, as well as in the key economies across the world.

Written as a series of short, easy to digest summaries, we hope this update will help keep you informed about important events in the past year, and set you thinking about the potential opportunities as well as the legal issues in the area of technology in 2018. We will issue these short regional updates every quarter to help you and your business keep up to speed with the latest developments.

ASEAN

VIETNAM

1. Implementing the Law on Access to Information.

On 23 January 2018, the Government issued Decree No. 13/2018/ND-CP (“**Decree 13**”) to provide details and execution methods of some articles in the Law on Access to Information. The main regulations mentioned in the Decree 13 are as follows:

- (i) methods of facilitating the disabled and residents in border regions, islands, mountainous regions, areas faced to extremely difficult social and economic conditions in exercising the right of access to information¹;
- (ii) the access to information of citizens via organizations, unions, enterprises²;
- (iii) the forms for information requests³;
- (iv) the responsibilities of the unit in charge of providing information⁴.

This Decree shall take effect on 01 July 2018.

2. Decision on promulgation of a Regulation on cyber information security

On 12 February 2018, Ministry of Finance promulgated Decision No. 201/QD-BTC (“**Decision 201**”) which outlines the legal framework of cyber information security and replaces Decision No.3317/QD-BTC dated 24 December 2014 issued by the Ministry of Finance. The decision 201 stipulates information and security policy of the Ministry of Finance to apply the Law on Information Security, related regulations, standards and measures to ensure

¹ Decree 13, Article 2 and 3

² Decree 13, Article 4

³ Decree 13, Article 5

⁴ Decree 13, Article 8 and 9

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information security and information system of the Ministry of Finance. Notably, confidential information and information on the list of State secrets of the financial sector must be protected according to the State regulations and the finance's regulation on the protection of State secrets and the corresponding contents in the policy under the Decision 201.

3. Amendments and supplementation on the management, provision, and use of Internet services and online information

The Decree 27/2018/ND-CP ("**Decree 27**") issued on 01 March 2018 amendment to the Decree 72/2013/ND-CP dated July 15, 2013 on management, provision, and use of Internet services and online information, the Decree 27 provides amendments and supplementations of the remarkable provision. They are as follows:

- (i) A news website or a social networking website must use at least 01 domain name ".vn" and store data in a server system, having IP address in Vietnam.
- (ii) Technical equipment system of social networking website must satisfy⁵:
 - a. Ensuring that there is at least 01 server system located in Vietnam for the purpose of inspection, store, or post, at any time;
 - b. Storing information about accounts, time of login and log out, IP addresses of users and log of processed information for at least 02 years;
 - c. Receiving and processing users' reports of violations;
 - d. Detecting, warning, and blocking illegal access, online attacks, and meeting standards for ensuring information safety;
 - e. Having back up plans for maintaining safe and consecutive operation and resolving when any problem occurs, except for force majeure events.
- (iii) The Decree 27 also specifies procedures of issuance, amendments and supplementation, renewal, reissuance, and withdrawal of Certificate of Eligibility to open gaming centers.

The Decree takes effect on 15 April 2018.

4. New Regulation on amendment of Fees for Telecommunications operations and charges for issuance of license

On 12 January 2018, the Ministry of Finance issued Circular No 03/2018/TT-BTC ("**Circular 03**") on amendments to some articles of the Circular No 273/2016/TT-BTC ("**Circular 273**"), dated 14 November 2016 of the Ministry of Finance on fees for telecommunications operations and charges for issuance of license for telecommunication services and license for telecommunications operations and collection, waiver, transfer, management and use thereof.

Circular 03 provides amendments on fees for telecommunication services and fees for the establishment of a public telecommunication network. In addition, schedule of fees and charges for issuance of a license for telecommunications operations have been amended accordingly (Eg. reducing the fee of repair and maintenance of submarine telecommunications cable lines (payment for each time of repair and maintenance of cable lines) from 500,000 US dollar⁶ to 50,000 US dollar.⁷

This Circular was enforced on 1 March 2018.

⁵ Decree 27/2018/ND-CP, Article 1.10

⁶ Appendix of Circular 273/2016/TT-BTC

⁷ Appendix of Circular 03

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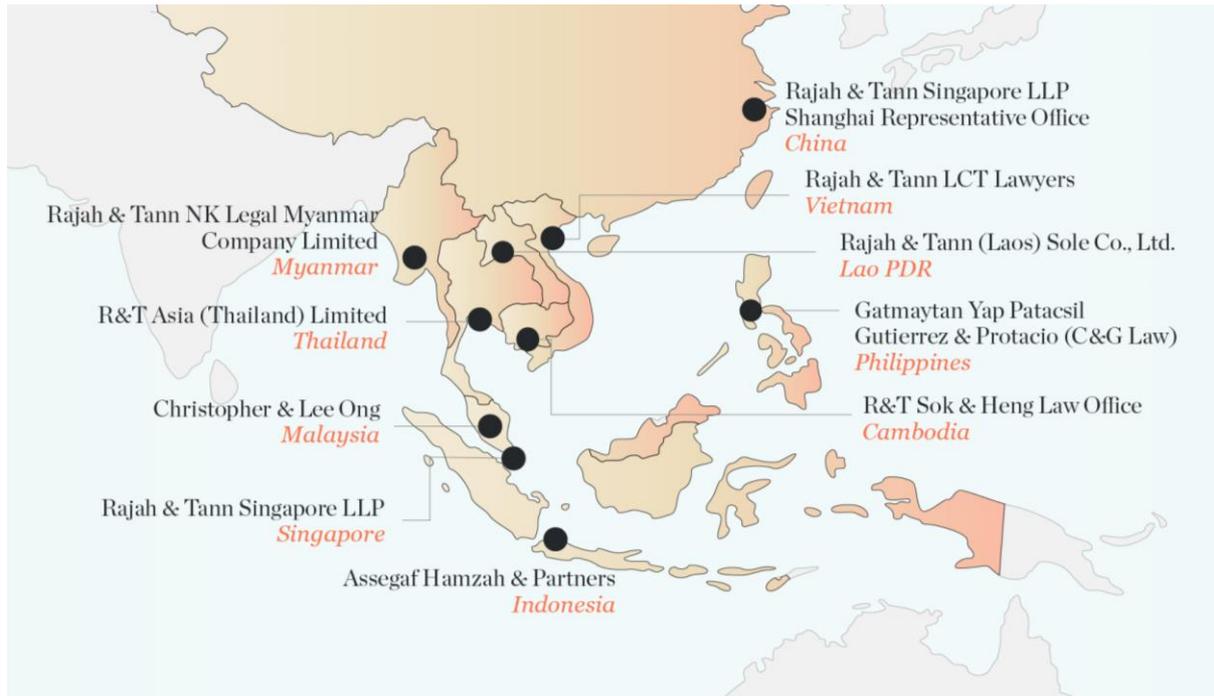
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Client Update: Vietnam

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