

Legal Update: New Regulations in the ICT Sector in Vietnam

March 2016

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The final months of 2015 saw a flurry of new legislation in Vietnam's Information Communication and Technology (ICT) sector. Some of the new regulations have recently taken effect, while others will become effective later in 2016. Below we provide an overview of some key legislation:

- **Information security.** The new Law on Information Security is Vietnam's first comprehensive statute in this area. Previously, data-security regulations were scattered across different pieces of legislation, such as the Law on Information Technology and the Law on Telecommunications. The new law includes, among other things, provisions on ensuring safety and security of information; protecting personal information in the network environment; and preventing spam, computer viruses, and harmful software. The Law on Information Security was passed on November 19, 2015, and will take effect on July 1, 2016.
- **Broadcasting services.** Decree 06/2016/ND-CP on management, provision, and use of broadcasting services, which will come into force on March 15, 2016, regulates pay TV and the co-production of radio and TV programs. Replacing the current Decision 20 and Circular 19, Decree 06 has new, clearer regulations on Internet TV and offers some licensing exemptions for foreign channels which do not receive royalty payments. In addition, under the new decree, the number of foreign channels cannot exceed 30 percent of the total number of pay TV channels in Vietnam. The key content in Circular 19 on coproduction of radio and TV programs is retained in Decree 06, including the ban on coproduction of news and politics programs.
- **Internet resources.** Circular 24/2015/TT-BTTTT on management and use of Internet resources provides additional grounds for dealing with ".vn" domain name disputes. For more information about Circular 24, please refer to our [previous legal update](#).
- **Used IT products.** The list of used IT products that are prohibited from importation has been updated in Circular 31/2015/TT-BTTTT (passed on October 29, 2015, and effective from December 15, 2015). This list notably still includes refurbished IT products, but upcoming legislation (see below) is expected to include some exceptions for refurbished goods.
- **Used machinery, equipment, and production lines.** Circular 23/2015/TT-BTTTT on importing used machinery, equipment, and production lines was passed on November 13, 2015, and will take effect on July 1, 2016, replacing Circular 20. Circular 23 will make it significantly easier for ICT companies to import used equipment by reducing restrictions and facilitating customs clearance.

- **Quality control of telecom services.** Circular 35/2015/TT-BTTTT mainly updates the list of telecommunication services subject to quality control to keep up with the latest advances in technology. This circular came into effect on February 15, 2016.
- **Safety and security of information systems in banking operations.** Circular 31/2015/TT-NHNN provides comprehensive security regulations in banking operations in areas including safety and security of information systems and management of online transaction services. Importantly, the circular clearly sets out that it applies not only to the State Bank of Vietnam and credit institutions, but also to foreign bank branches and providers of intermediary payment services—a new category not covered by the previous regulations. The new circular passed on December 28, 2015, and took effect on March 1, 2016.

In addition, a number of key regulations have been proposed which are currently still in draft form, including:

- A circular on Over-The-Top services is currently on hold at the Ministry of Information and Communications (MIC).
- A draft circular on cross-border service provision of public information was released for a public consultation period, which ended in June 2015. The circular is under consideration and is expected to be approved by the MIC in 2016.
- There has been a long-pending draft of a decree on IT services, but it remains on hold.
- A circular on the list of IT services has been drafted and released for public consultation. It is under consideration for approval.
- Procedures for registration of information content service provision on mobile telecommunication networks may be addressed under a new circular. A draft was released for public consultation from July 6 to September 6, 2015, and is under further regulatory review.
- The existing Circular 12/2013 on telecom licensing may be amended. Draft amendments have been publicly released, but a timeline for the amendments is not yet available.
- Finally, there may be a future decision of the Prime Minister to allow importation of refurbished IT products, components, and accessories, as long as they meet certain stipulated conditions.

To learn more about these regulations, please contact vietnam@tilleke.com.

This summary is designed to provide general information only and is not offered as specific advice on any particular matter.

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