

LEGAL UPDATES (March 8th, 2021)

In these legal updates, we would like to send clients the legal updates on some following issues:

- Vietnamese Ministry of Public Security published the draft Decree on Personal Data Protection for public consultation.
- Proposing a Decree on customs management for exported and imported goods that are traded via e-commerce.

1. Vietnamese Ministry of Public Security published the draft Decree on Personal Data Protection for public consultation

On 9th February 2021, the Ministry of Public Security (“MPS”) published a Draft Decree on Personal Data Protection. The draft decree covers issues such as the introduction of definitions, including personal data, sensitive data, and data processing, data subject rights, and consent, as well as data principles such as purpose limitation, data retention, and cross-border data transfers.

The draft decree also sets out fines for violations of data protection legislation, ranging from administrative fines of upwards of VND 100 million or for multiple data breaches and severe violations of personal data, a fine amounting upwards to 5% of total revenue of the offending party.

There are eight principles in protecting personal data:

- Personal data can only be obtained in necessary situations in accordance with the laws.
- Personal data can only be processed for the purpose that was registered or declared.
- Personal data can only be obtained to the extent necessary to achieve the purpose set.
- Personal data can only be used when there is consent from the data subjects or when it is required by authorities.
- Personal data should be updated and complete to ensure its processing.
- Security measures should be applied to protect Personal data from being processed.
- The data subjects have the right to know and be informed about the processing activities over their Personal data.
- Personal data should be kept confidential while being processed.

The MPS aims to finalise the draft and submit it to the Government within the first quarter of 2021.

2. Proposing a Decree on customs management for exported and imported goods that are traded via e-commerce.

On 26th February 2021, the Government issued Resolution 24/NQ-CP on the approval of the proposal to develop a Decree on customs management for exported and imported goods that are traded via e-commerce with the following main contents:

- Firstly, building a system to receive and process information related to import and export goods of e-commerce transactions on the basis of the national single window mechanism, the ASEAN single-window mechanism, to facilitate transaction control, speed up customs clearance due to full database
- Secondly, developing policies related to the export and import of goods traded via e-commerce such as: customs procedures, customs valuation, licensing, conditions, specialized examination, exemption from licensing, exemption from conditions, exemption from specialized examination

We hope this short Letter of legal updates would bring you useful information.

Best regards.

Contributor(s):**Mr. LE TIEN DAT****Senior Partner****M** (+84) 939 107 387 | **E** dat.le@apolatlegal.com**Mr. TRAN CHAU HOAI HAN****Associate****M** (+84) 988 787 285 | **E** han.tran@apolatlegal.com

Disclaimer: All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances. Apolat Legal can accept no responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication. On any specific matter, reference should be made to the appropriate adviser.

ABOUT US,

Apolat Legal is a professional law firm with its offices in Ho Chi Minh city and Ha Noi city. The firm's lawyer team specializes in almost all legal practice areas in Vietnam including Enterprise and Investment; Labor and Employment; Intellectual Property; Dispute Resolution; Real Estate and Construction; Information and Communication; Natural Resources and Environment; Transport; Industry and Trade; Education and Training; Finance and Banking; Agriculture; Legal Document Translation; Legal Training.

Our reputation and the quality of its services are reflected by our clients. We are serving nearly 1,000 clients both local and multi-national companies.

We are also honored to receive numerous recognitions and/or articles posted by world-leading and local organizations and publications including: The Law Association for Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), The Saigon Times, etc.

Contacts:**HO CHI MINH CITY (Head office)**

5th Floor, IMM Building
99-101 Nguyen Dinh Chieu, District 3
Ho Chi Minh City, Vietnam

THE BRANCH IN HA NOI CITY

Room A8, 29th Floor, East Tower, Lotte Center
54 Lieu Giai, Cong Vi Ward, Ba Dinh District
Hanoi City, Vietnam

Tel: +84-28-3899 8683

Email: info@apolatlegal.com

Website: www.apolatlegal.com

SINGAPORE (Affiliated office)

#26-10, SBF Center,
160 Robinson Road
Singapore 068914

Tel: +84-93-2014 986

Email: info@apolatlegal.com

Website: www.apolatlegal.com