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SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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LAW

ON INFORMATION TECHNOLOGY

(No. 67/2006/QH11)

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session,
This Law provides for information technology.*

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Law provides for information technology application and development activities, measures to ensure information technology application and development, and rights and obligations of agencies, organizations and individuals (hereinafter collectively referred to as organizations and individuals) engaged in information technology application and development activities.

Article 2.- Subjects of application

This Law applies to Vietnamese and foreign organizations and individuals engaged in information technology application and development activities in Vietnam.

Article 3.- Application of the Information Technology Law

1. When disparities appear between the provisions of the Information Technology Law and those of other laws on the same matters related to information technology application and development activities, the provisions of the Information Technology Law prevail.
2. When a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions different from those of this Law, the provisions of that treaty prevail.

Article 4.- Interpretation of terms

In this Law, the terms below are construed as follows:

1. Information technology means a combination of scientific and technological methods and modern technical tools for the production, transmission, collection, processing, storage and exchange of digital information.
2. Digital information means information generated by the method of using digital signals.
3. Network environment means an environment in which information is supplied, transmitted, collected, processed, stored and exchanged via information infrastructure.

4. Information infrastructure means a system of equipment in service of the production, transmission, collection, processing, storage and exchange of digital information, including telecommunications networks, the Internet, computer networks and databases.
5. Information technology application means the use of information technology in socio-economic, external, defense, security and other activities with a view to raising the productivity, quality and efficiency of these activities.
6. Information technology development means research and development activities relating to the process of production, transmission, collection, processing, storage and exchange of digital information; development of information technology human resources; development of the information technology industry and development of information technology services.
7. Digital gap means the difference in conditions and ability to use computer and information infrastructure to access sources of information and knowledge.
8. Venture investment in the information technology domain means investment in enterprises operating in such domain with prospect of bringing huge profits but also with high risks.
9. Information technology industry means a hi-tech econo-technical sector, which produces and supplies information technology products, including hardware and software products and digital information contents.
10. Hardware means complete digital equipment; component assemblies; components; parts of digital equipment, component assemblies or components.
11. Digital equipment means electronic, computer, telecommunications, transmission, radio-receiving and -transmitting equipment or other integrated equipment, which is used for the production, transmission, collection, processing, storage and exchange of digital information.
12. Software means a computer program which is described by a system of signs, codes or languages for controlling digital equipment to perform certain functions.
13. Source code means a pre-compilation product of a software, which is yet able to control digital equipment.
14. Computer language means a post-compilation product of a software, which is able to control digital equipment.
15. Spam means an email or a message sent to a recipient who does not wish or has no responsibility to receive it according to the provisions of law.
16. Computer virus means a computer program which can spread or cause malfunction of digital equipment, or which can copy, modify or delete information stored in digital equipment.
17. Website means a website or a collection of websites in the network environment in service of information supply and exchange.
18. Digitalization means the change of information of various types into digital information.

Article 5.- State policies on information technology application and development

1. To prioritize the information technology application and development in socio-economic development strategies and in national industrialization and modernization.

2. To create favorable conditions for organizations and individuals engaged in information technology application and development activities to meet socio-economic development, external relation, defense and security requirements; to develop the information technology industry into a key economic sector, meeting the domestic market and export demands.
3. To promote investment in the information technology domain.
4. To earmark part of the state budget for the application of information technology to essential domains, the establishment of the information technology industry and the development of information technology human resources.
5. To create favorable conditions for the development of the national information infrastructure.
6. To adopt preferential policies for organizations and individuals to carry out information technology application and development activities in agriculture; in rural, deep-lying, remote and border and island areas, and for ethnic minority people, disabled people and people in plights.
7. To guarantee legitimate rights and interests of organizations and individuals engaged in information technology application and development.
8. To boost international exchange and cooperation; to encourage cooperation with overseas Vietnamese organizations and individuals in the information technology domain.

Article 6.- Contents of state management of information technology

1. Formulating, and organizing the implementation of, information technology application and development strategies, plannings, plans and policies.
2. Elaborating, promulgating, propagating, popularizing, and organizing the implementation of, legal documents, national standards and technical regulations in the information technology domain.
3. Managing information safety and security in information technology application activities.
4. Managing and using the national information resources and database.
5. Managing and facilitating international cooperation on information technology.
6. Managing, training, retraining and developing information technology human resources.
7. Formulating mechanisms, policies and regulations related to products and public services in the information technology domain.
8. Formulating mechanisms, policies and regulations on mobilization of information technology human resources in service of defense and security and in emergency circumstances specified in Article 14 of this Law.
9. Managing information technology statistics.
10. Inspecting, examining, settling complaints and denunciations, and handling violations in the information technology domain.

Article 7.- Responsibility to perform the state management of information technology

1. The Government shall perform the unified state management of information technology.

2. The Ministry of Post and Telematics is answerable to the Government for assuming the prime responsibility for, and coordinating with concerned ministries and ministerial-level agencies in, performing the state management of information technology.
3. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, assume the prime responsibility for, and coordinate with the Ministry of Post and Telematics in, performing the state management of information technology according to the Government's assignment.
4. Provincial/municipal People's Committees shall, within the ambit of their respective tasks and powers, perform the state management of information technology in their respective localities.
5. The application of information technology to state agencies' operation shall be specified by the Government.

Article 8.- Rights of organizations and individuals engaged in information technology application and development

1. Organizations and individuals engaged in information technology application have the following rights:

- a/ To seek, exchange and use information in the network environment, except information with contents specified in Clause 2, Article 12 of this Law;
- b/ To request the restoration of their information or the restoration of the ability to access their sources of information when the contents of such information do not breach the provisions of Clause 2, Article 12 of this Law;
- c/ To request competent state agencies to deal according to the provisions of law with cases where the restoration of information or the restoration of the ability to access such sources of information is rejected;
- d/ To distribute contact addresses available in the network environment after obtaining the consent of owners of such addresses;
- e/ To refuse to provide or receive in the network environment products or services in contravention of law and take responsibility for such refusal.

2. Organizations and individuals engaged in information technology development have the following rights:

- a/ To research into and develop information technology products;
- b/ To produce information technology products; to digitalize, maintain and increase the value of information resources.

3. State agencies may refuse to receive information in the network environment if the reliability and confidentiality of the information transmitted via the network environment are not secured.

Article 9.- Responsibilities of organizations and individuals engaged in information technology application and development

1. Organizations and individuals engaged in information technology application shall be responsible for the contents of their digital information in the network environment.

2. Organizations and individuals carrying out business activities in the network environment shall post in the network environment relevant information, including:

- a/ Their names, geographical addresses, telephone numbers and email addresses;
- b/ Their establishment decisions, operation licenses or business registration certificates (if any);
- c/ Names of provider-managing agencies (if any);
- d/ Prices, taxes and freights (if any) of goods or services.

3. Organizations and individuals engaged in information technology development have the following responsibilities:

- a/ To ensure the truthfulness of research and development results;
- b/ To guarantee the legitimate rights and interests of owners of databases and not to obstruct the use of those databases in performing acts of re-producing, distributing, advertising for, transmitting or supplying contents constituting those databases.

4. When operating in the network environment, state agencies have the following responsibilities:

- a/ To announce on the mass media the activities carried out in the network environment according to the provisions of Clause 1, Article 27 of this Law;
- b/ To notify their contact addresses in the network environment to concerned organizations or individuals;
- c/ To reply according to their competence to documents sent by organizations or individuals via the network environment;
- d/ To supply information in service of public interests as well as administrative procedures in the network environment;
- e/ To use e-signatures according to the provisions of law on e-transactions;
- f/ To ensure the reliability and confidentiality of information in sending and receiving documents in the network environment;
- g/ To ensure the accuracy, completeness and timeliness of information and documents which are exchanged, supplied and commented in the network environment;
- h/ Unless in force majeure circumstances, to ensure that the system of equipment for supplying information or gathering comments in the network environment works both within and beyond working hours;
- i/ To supply information and gather comments via websites in accordance with Article 28 of this Law.

Article 10.- Information technology inspectorate

1. The Post and Telematics Ministry's Inspectorate shall perform the specialized information technology inspection.

2. The organization and operation of information technology inspectorates shall comply with the law on inspection.

Article 11.- Information technology societies and associations

1. Information technology societies and associations shall protect the legitimate rights and interests of organizations and individuals engaged in information technology application and development.
2. Information technology societies and associations will be organized and operate in accordance with the law on associations.

Article 12.- Prohibited acts

1. Obstructing lawful activities or supporting illegal activities in information technology application and development; illegally obstructing the operation of the system of national domain-name servers; destroying the information infrastructure or destroying information in the network environment.
2. Supplying, exchanging, transmitting, storing or using digital information for the following purposes:
 - a/ Opposing the State of the Socialist Republic of Vietnam or undermining the all-people unity bloc;
 - b/ Exciting violence, propagating wars of aggression; sowing hatred among nations and peoples, exciting obscene, depravation, crime, social evils or superstition; undermining the nation's fine traditions and customs;
 - c/ Revealing state secrets, military, security, economic, external relation or other secrets provided for by law;
 - d/ Distorting, slandering, or offending the prestige of organizations or the honor, dignity or prestige of citizens;
 - e/ Advertising for or propagating goods or services banned by law.
3. Infringing upon intellectual property rights in information technology activities; illegally producing or circulating information technology products; forging websites of other organizations or individuals; creating illegal links to domain names lawfully used by organizations or individuals.

Chapter II

INFORMATION TECHNOLOGY APPLICATION

Section 1. GENERAL PROVISIONS ON INFORMATION TECHNOLOGY APPLICATION

Article 13.- General principles for information technology application

1. Organizations and individuals may carry out information technology application activities according to the provisions of this Law and other relevant provisions of law.
2. The State encourages the application of information technology to socio-economic, external relation, defense and security activities; prevention and combat of floods, storms, natural disasters and other catastrophes; salvage, rescue and other activities.

3. Organizations and individuals conducting telecommunications, broadcasting or television activities in the network environment shall abide by the provisions of law on telecommunications and press and the provisions of this Law.

Article 14.- Prioritizing the application of information technology in emergency circumstances

1. Competent state agencies shall decide to mobilize part or whole of the information infrastructure to prioritize information technology application in one of the following emergency circumstances:

- a/ Serving prevention and combat of floods, storms, fires, natural disasters or other catastrophes;
- b/ Serving emergency and prevention and control of epidemics;
- c/ Serving salvage and rescue;
- d/ Serving defense and security, maintaining social order and safety, and preventing and controlling crimes.

2. The Government shall specify the prioritized application of information technology in emergency circumstances.

Article 15.- Management and use of digital information

1. Organizations and individuals may freely use digital information for legitimate purposes in accordance with the provisions of law.

2. Competent state agencies shall take measures to ensure the convenient access and use of digital information.

3. The supply, exchange, transmission, storage and use of digital information must not violate the provisions of Clause 2, Article 12 of this Law and other relevant provisions of law.

4. When digital information owners have warned or the law provides that the quotation of information is not allowed, organizations or individuals may not quote contents of digital information of other organizations or individuals.

5. When the quotation of digital information is allowed, organizations and individuals shall clearly indicate sources of such information.

Article 16.- Transmission of digital information

1. Organizations and individuals may transmit digital information of other organizations and individuals in accordance with the provisions of this Law.

2. Organizations and individuals that transmit digital information of other organizations and individuals are not responsible for the contents of information which is stored in an automatic, intermediary or temporary manner for technical requirements if the temporary storage aims to serve information transmission and the information is stored in the duration long enough for the transmission.

3. Organizations and individuals that transmit digital information shall promptly take necessary measures to stop the illegal access to or illegal deletion of information at the request of competent state agencies.

4. Organizations and individuals that transmit digital information of other organizations and individuals are not responsible for the contents of that information, except when they perform one of the following acts:

- a/ They themselves start the transmission of information;
- b/ They select recipients of transmitted information;
- c/ They select and modify the contents of transmitted information.

Article 17.- Temporary storage of digital information

1. Organizations and individuals may temporarily store digital information of other organizations and individuals.

2. Organizations and individuals that temporarily store digital information of other organizations and individuals are not responsible for the contents of that information, except when they take one of the following acts:

- a/ Modifying the contents of information;
- b/ Failing to observe the provisions on accessing or updating information contents;
- c/ Illegally collecting data by temporarily storing information;
- d/ Disclosing confidential information.

Article 18.- Lease of digital information storage space

1. Lease of digital information storage space means the service of leasing the storage equipment capacity for information storage in the network environment.

2. The contents of digital information to be stored must not breach the provisions of Clause 2, Article 12 of this Law.

3. Organizations and individuals that lease space for digital information storage have the following responsibilities:

- a/ To comply with competent state agencies' request to determine lists of owners that hire digital information storage space for the establishment of their websites and lists of owners of digital information stored by such organizations or individuals;
- b/ To promptly take necessary measures to stop the illegal access to or illegal deletion of digital information at the request of competent state agencies;
- c/ Where they themselves detect, or are informed by competent state agencies that the stored information is illegal, to cease leasing digital information storage space to other organizations or individuals;
- d/ To ensure confidentiality of information of organizations or individuals that hire information storage space.

Article 19.- Digital information search tools

1. A digital information search tool means a computer program which receives the request for digital information search, searches for digital information and sends back the searched digital information.

2. The State adopts policies to encourage organizations and individuals to develop and supply digital information search tools.

3. When organizations and individuals themselves detect, or are informed by competent state agencies that digital information sources are illegal, they shall cease supplying other organizations and individuals with tools of searching for those information sources.

Article 20.- Monitoring and supervision of digital information contents

1. Competent state agencies shall monitor and supervise digital information; investigate law violations committed in the course of transmitting or storing digital information.

2. Except when requested by competent state agencies, organizations and individuals engaged in information technology application are neither responsible for monitoring or supervising digital information of other organizations and individuals nor for investigating law violations committed in the course of transmitting or storing digital information of other organizations and individuals.

Article 21.- Collection, processing and use of personal information in the network environment

1. Unless otherwise provided for by law, organizations and individuals that collect, process and use personal information of other people in the network environment must obtain the consent of those people.

2. Organizations and individuals that collect, process and use personal information of other people have the following responsibilities:

a/ To inform those people of the form, scope, place and purpose of collecting, processing and using their personal information;

b/ To use the collected personal information for proper purposes and store it only for a given period of time set by law or as agreed upon by the two parties;

c/ To take necessary managerial and technical measures to ensure that personal information shall not be lost, stolen, disclosed, modified or destroyed;

d/ When requested to re-inspect, correct or cancel information as stipulated in Clause 1, Article 22 of this Law, to immediately take necessary measures; to refrain from supplying or using relevant personal information until it is corrected.

3. Organizations and individuals may collect, process and use personal information of other people without the latter's consent when that information is used for the following purposes:

a/ Signing, modifying or performing contracts on the use of information, products or services in the network environment;

b/ Calculating charges for use of information, products or services in the network environment;

c/ Performing other obligations provided for by law.

Article 22.- Storage and supply of personal information in the network environment

1. Individuals may request organizations or individuals that store their personal information in the network environment to inspect, correct or cancel such information.

2. Unless otherwise provided for by law or consented by people, organizations or individuals may not supply those people's personal information to a third party.

3. Individuals may claim compensations for damage caused by violations in the supply of personal information.

Article 23.- Establishment of websites

1. Organizations and individuals may establish their websites according to the provisions of law and shall manage the contents and operation of those websites.

2. Organizations and individuals that use Vietnamese national domain names ending in ".vn" for establishing their websites need not to inform the Ministry of Post and Telematics thereof. Organizations and individuals that do not use Vietnamese national domain names ending in ".vn" for establishing their websites shall inform the Ministry of Post and Telematics in the network environment of the following information:

a/ Name of the organization written in the establishment decision, operation license, business registration certificate, or permit for setting up representative office(s); or name of the individual;

b/ Serial number, date and place of issue of the identity card; or serial number, date and place of issue of passport of the individual;

c/ Address of head office of the organization; or place of permanent residence of the individual;

d/ Telephone and facsimile numbers, email address;

e/ Registered domain names.

3. Organizations and individuals are responsible before law for the accuracy of the information specified in Clause 2 of this Article and shall notify the change in information, if any.

4. Websites used for press activities must comply with the provisions of this Law, the law on press and other relevant laws.

5. Websites used for socio-economic, external relation, defense and security activities must comply with the provisions of this Law and other relevant laws.

Section 2. INFORMATION TECHNOLOGY APPLICATION TO OPERATION OF STATE AGENCIES

Article 24.- Principles for information technology application to operation of state agencies

1. The application of information technology to operation of state agencies must be prioritized and ensure publicity and transparency with a view to raising the effectiveness and efficiency of operation of state agencies and creating conditions for people to well exercise their civil rights and duties.

2. The application of information technology to operation of state agencies must promote the program on renewing the operation of state agencies and the administrative reform program.

3. The supply and exchange of information must ensure its accuracy and suitability to use purposes.

4. Operation processes and procedures must be made public and transparent.

5. Using uniform standards, ensuring technological compatibility in the entire information system of state agencies.

6. Ensuring security, safety, thrift and efficiency.

7. Heads of state agencies shall be responsible for information technology application under their management.

Article 25.- Conditions for information technology application to operation of state agencies

1. State agencies shall prepare conditions for the application of information technology to their operation.

2. The Government shall specify conditions for ensuring the application of information technology to the operation of state agencies; formulate, and organize the implementation of, the national program on application of information technology to operation of state agencies with the following principal contents:

a/ Schedule for carrying out activities in the network environment by state agencies;

b/ Branches or domains having great effects on socio-economic development in which information technology application needs to be prioritized;

c/ Sharing and joint use of digital information;

d/ Domains in which research and development, international cooperation, human resources development and information infrastructure construction are prioritized and encouraged to meet the requirements of application of information technology to operation of state agencies in each period;

e/ Financial sources for the application of information technology to operation of state agencies;

f/ Key programs, schemes and projects on the application of information technology to operation of state agencies.

Article 26.- Contents of information technology application to operation of state agencies

1. Building and using the information infrastructure in service of state agencies' operation as well as information exchange and supply between state agencies and organizations or individuals.

2. Building, collecting and maintaining databases in service of state agencies' operation and public interests.

3. Setting forms in service of exchanging and supplying information and consulting organizations and individuals in the network environment.

4. Establishing websites in accordance with Articles 23 and 28 of this Law.

5. Supplying and sharing information to and with other state agencies.

6. Providing public services in the network environment.

7. Working out and realizing plans on training, and raising cadres' and civil servants' awareness about, and their level of application of, information technology.

8. Carrying out activities in the network environment in accordance with Article 27 of this Law.

Article 27.- State agencies' operation in the network environment

1. State agencies' operation in the network environment covers:

a/ Supplying, exchanging and collecting information to and with organizations and individuals;

b/ Sharing information among themselves and with other state agencies;

c/ Providing public services;

d/ Other activities provided for by the Government.

2. The time and place of sending and receiving information in the network environment shall comply with the provisions of law on e-transactions.

Article 28.- Websites of state agencies

1. State agencies' websites must meet the following requirements:

a/ Assuring convenient access by organizations and individuals;

b/ Supporting organizations and individuals to access, and use forms on, websites (if any);

c/ Ensuring the accuracy and uniformity in the contents of information on websites;

d/ Regularly and promptly updating information on websites;

e/ Observing the provisions of law on protection of state secrets.

2. The website of a state agency must have the following principal information:

a/ The organizational structure, functions, tasks and powers of that agency and of each of its dependent units;

b/ Specialized legal documents and relevant legal documents;

c/ Administrative processes and procedures carried out by dependent units; name of the person responsible for each step of the administrative processes and procedures; the time limit for handling the administrative procedures;

d/ Disseminating, popularizing, and guiding the implementation of, specialized laws, regimes, policies, strategies and plannings;

e/ The official list of email addresses of each dependent unit and of competent cadres and civil servants;

f/ Investment projects and items, bidding, and procurement of public property;

g/ The list of activities in the network environment carried out by that agency as stipulated in Clause 1, Article 27 of this Law;

h/ The column for feedback from organizations and individuals.

3. State agencies shall supply free of charge information specified in Clause 2 of this Article.

Section 3. INFORMATION TECHNOLOGY APPLICATION TO COMMERCE

Article 29.- Principles for information technology application to commerce

1. Organizations and individuals may apply information technology to commerce.

2. Commercial activities in the network environment must comply with the provisions of this Law, commercial law and law on e-transactions.

Article 30.- Websites for goods sale

1. Organizations and individuals may establish their websites for goods sale in accordance with this Law and other relevant provisions of law.

2. A website for goods sale must satisfy the following principal requirements:

a/ Supplying adequate and accurate information on goods, services, transaction conditions, dispute settlement and damage compensation procedures;

b/ Supplying consumers with information on safe and convenient modes of payment in the network environment;

c/ Publicizing cases where consumers may cancel or amend agreements in the network environment.

3. Organizations and individuals owning websites for goods sale shall be responsible for information contents posted on their websites, observe the provisions of this Law and other relevant provisions of law on entry into contracts, goods ordering, payment, advertisement and sale promotion.

Article 31.- Information supply for entry into contracts in the network environment

1. Unless otherwise agreed by involved parties, organizations and individuals that sell goods and/or provide services shall supply the following information for the entry into a contract:

a/ Implementation order to be followed for entry into a contract in the network environment;

b/ Technical measures to identify and modify incorrectly loaded information;

c/ Archive of contract dossiers and permission for access to such dossiers.

2. When supplying consumers with information on contractual terms, organizations and individuals shall guarantee consumers' ability to archive and re-generate such information.

Article 32.- Settlement of consequences of incorrect loading of commercial information in the network environment

When a purchaser incorrectly loads information and sends it into a website for goods sale while the information-loading system fails to provide ability to modify the information, the purchaser may unilaterally terminate the contract if he/she has already applied the following measures:

1. Promptly notifying the seller of the incorrectly loaded information and the seller has already confirmed the receipt of that notice;

2. Returning the goods he/she has received but not yet used or enjoyed any benefits from the goods.

Article 33.- Online payment

1. The State encourages organizations and individuals to make online payment in accordance with law.

2. Conditions, order and procedures for making online payment shall be specified by competent state agencies.

Section 4. APPLICATION OF INFORMATION TECHNOLOGY TO SEVERAL SECTORS

Article 34.- Application of information technology to the education and training sector

1. The State shall adopt policies to encourage the application of information technology to teaching, learning, enrolling, training and other activities in the education and training sector in the network environment.
2. Organizations and individuals that conduct education and training activities in the network environment shall observe the provisions of this Law and education law.
3. Competent state agencies shall formulate and execute programs in support of organizations and individuals with a view to promoting the application of information technology to education and training.
4. The Ministry of Education and Training shall specify conditions for education and training activities, recognize the legal validity of diplomas and certificates in education and training activities in the network environment, and accredit the quality of education and training in the network environment.

Article 35.- Application of information technology to the healthcare sector

1. The State shall adopt policies to encourage the application of information technology to the healthcare sector.
2. Organizations and individuals that conduct healthcare activities in the network environment shall observe the provisions of this Law, the law on medicine and pharmacy, and other relevant laws.
3. The Ministry of Health shall specify conditions for carrying out healthcare activities in the network environment.

Article 36.- Application of information technology to the culture and information sector

1. The State shall adopt policies to encourage the application of information technology to digitalization of cultural products, archive of and advertisement for digitalized cultural products, and other activities in the cultural sector.
2. Organizations and individuals that carry out cultural or press activities in the network environment shall observe the provisions of this Law and the laws on press and culture and information.
3. Organizations and individuals that are entitled to state funding supports for the digitalization of cultural products of conservation value shall observe the Government's regulations on conditions for the digitalization of cultural products of conservation value.
4. The Government shall provide for the management of entertainment activities in the network environment in order to meet the following requirements:
 - a/ Entertainment contents must be healthy and have educational and cultural values, and must not run counter to the nation's fine traditions and customs;
 - b/ Responsibilities and interests of participants in entertainment activities in the network environment must be associated with common interests of the society and community;
 - c/ Technical safety and service quality must be guaranteed;
 - d/ Political security and social order and safety must be maintained, crimes arising from these activities must be prevented.

Article 37.- Application of information technology to defense, security and several other sectors
The application of information technology to defense, security and several other sectors shall comply with the Government's regulations.

Chapter III

INFORMATION TECHNOLOGY DEVELOPMENT

Section 1. INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT

Article 38.- Promotion of information technology research and development

1. The State encourages organizations and individuals to research into and develop technologies and information technology products for socio-economic development, defense and security maintenance, and improvement of people's material and spiritual life.
2. Organizations and individuals engaged in research and development of technologies and information technology products for socio-economic management and technological renewal are entitled to tax, credit and other preferences under the provisions of law.
3. The State creates conditions for organizations and individuals engaged in scientific and technological activities to transfer results of research into, and development of, technologies and information technology products for wide application to production and life.

Article 39.- Material and technical foundations in service of information technology research and development activities

The State shall mobilize capital sources for investment in the construction of material and technical foundations of information technology research and development organizations; encourage organizations and individuals to invest in the construction of material and technical foundations in service of information technology research and development; invest in a number of international-standard key information technology laboratories; and promulgate a regulation on the use of key information technology laboratories.

Article 40.- Research into, and development of, technologies and information technology products

1. The State encourages organizations and individuals to participate in research into, and development of, technologies and information technology products.
2. The State shall set aside part of the state budget for software research and development programs and subjects; prioritize the information technology research and development activities in universities and research institutes; and develop information technology-related models which associate research and training with production.
3. Agencies in charge of state management of information technology shall assume the prime responsibility for, and coordinate with agencies in charge of state management of science and technology in, selecting research and training establishments and enterprises to conduct research into, and development of, key information technology products.

Article 41.- Standardization and quality control in information technology application and development activities

1. The management of standards and quality of information technology products and services shall comply with the law on standardization and quality control.

2. To encourage organizations and individuals to produce and provide information technology products and services, publicize institution standards, ensuring their products' and services' conformity with publicized standards.

3. The quality of information technology products and services shall be managed in the following forms:

a/ Certification of the conformity with standards and technical regulations;

b/ Publicization of the conformity with standards and technical regulations;

c/ Quality assessment.

4. The Ministry of Post and Telematics shall publicize information technology products and services subject to the application of national or international standards; promulgate, and publicize the application of, technical regulations; specify the management of the quality of information technology products and services; set criteria for domestic and foreign testing agencies in service of management of the quality of information technology products and services and announce competent information technology-testing agencies.

5. The mutual recognition of assessment of information technology products' conformity with standards between the Socialist Republic of Vietnam and foreign countries or international organizations shall comply with treaties to which the Socialist Republic of Vietnam is a contracting party.

Section 2. DEVELOPMENT OF INFORMATION TECHNOLOGY HUMAN RESOURCES

Article 42.- Policies on development of information technology human resources

1. The State shall adopt policies to expand the scale and raise the quality of training of information technology human resources.

2. The State's priority and key programs and projects on information technology application and development must have contents on training of information technology human resources.

3. Organizations and individuals are encouraged to set up information technology human resource-training establishments in accordance with law.

4. Training establishments are entitled to preferences in information technology-related training activities like those applicable to software production enterprises.

5. The State shall adopt policies to support teachers, students and pupils in the national education system in accessing the Internet at educational establishments.

Article 43.- Information technology certificates

The Ministry of Post and Telematics shall assume the prime responsibility for, and coordinate with the Ministry of Education and Training and the Ministry of Labor, War Invalids and Social Affairs in, specifying the conditions for information technology-related training activities, granting information technology certificates, and recognizing foreign organizations' information technology certificates used in Vietnam.

Article 44.- Employment of information technology human resources

1. People specialized in information technology application and development in state agencies are entitled to preferential working conditions.
2. Information technology-related professional criteria and titles shall be promulgated by competent state agencies.

Article 45.- Vietnamese guest workers

1. The State encourages organizations and individuals to seek and expand labor markets with a view to creating overseas jobs for Vietnamese laborers to take part in information technology-related activities according to the provisions of Vietnamese law, laws of host countries and treaties to which the Socialist Republic of Vietnam is a contracting party.
2. The State shall adopt preferential policies for foreign organizations and individuals as well as overseas Vietnamese to recruit domestic laborers for the development, production and outsourcing of information technology products.

Article 46.- Universalization of information technology knowledge

1. The State shall adopt policies to encourage the universalization of information technology knowledge nationwide.
2. Provincial/municipal People's Committees shall organize and carry out activities of universalizing information technology knowledge for organizations and individuals in their respective localities.
3. The Ministry of Education and Training shall formulate, and organize the execution of, programs on the universalization of information technology knowledge in the national education system.
4. The State shall adopt policies to support the learning and universalization of information technology knowledge for disabled people, poor people, ethnic minority people and other policy beneficiaries, suitable to development requirements in each period under the Government's regulations.

Section 3. DEVELOPMENT OF INFORMATION TECHNOLOGY INDUSTRY

Article 47.- Types of information technology industry

1. Hardware industry means an industry of producing hardware products, including accessories, components and digital equipment.
2. Software industry means an industry of producing software products, including system software, applied software, control software, automation and other similar products; providing installation and maintenance solutions and use instructions.
3. Content industry means an industry of producing digital information products, including socio-economic information, science-education information, culture-entertainment information in the network environment, and other similar products.

Article 48.- Policies on development of information technology industry

1. The State shall adopt preferential and priority policies on investment in the development of information technology industry, paying special attention to software industry and content industry, in order to make it a key economic sector in the national economy.

2. The State encourages investors to make venture investment in the information technology industry, development investment, and supply of low-price digital equipment.

3. The Government shall specify preference and priority levels and other conditions for development of the information technology industry.

Article 49.- Development of information technology industry market

Competent state agencies shall promulgate regulations on, and organize activities of development of the information technology industry market, including:

1. Promoting information technology application; prioritizing the use of state budget capital for the procurement and use of home-made information technology products;

2. Promoting trade, organizing domestic exhibitions and trade fairs, supporting enterprises to participate in international exhibitions and trade fairs, advertising for and marketing the image of Vietnam's information technology industry in the world;

3. Methods of valuating software in service of the management of information technology application and development projects.

Article 50.- Key information technology products

1. Key information technology products are information technology products satisfying one of the following requirements:

a/ The domestic market has a great demand for them and they can generate a high added value;

b/ Being exportable;

c/ Having positive impacts on technological renewal and having economic efficiency for other economic sectors;

d/ Meeting defense and security requirements.

2. The Ministry of Post and Telematics shall publicize lists, and formulate programs on development of, key information technology products in each period suitable to the planning on information technology industry development.

3. Information technology products on the lists of key information technology products specified in Clause 2 of this Article are prioritized by the State for investment in research, development and production.

4. Organizations and individuals engaged in research, development and production of key information technology products are entitled to preferences under the Government's regulations, to the state investment priority and part of the copyright royalties for key information technology products invested by the State.

5. Organizations and individuals engaged in research into, development and production of, key information technology products invested by the State shall satisfy conditions set by competent state agencies; neither hand over nor transfer technologies or solutions to development of key information technology products invested by the State without the consent of competent state agencies; submit to inspection and control by, and observe the reporting regime of, competent state agencies with regard to research into, development, production and trade promotion of key information technology products.

Article 51.- Information technology parks

1. Information technology parks are hi-tech parks or combined information technology-related research, development, production, business and training establishments. Organizations and individuals investing and operating in information technology parks are entitled to state preferential policies applicable to hi-tech parks.
2. To encourage domestic and foreign organizations and individuals to invest in and build information technology parks under the Government's planning.

Section 4. DEVELOPMENT OF INFORMATION TECHNOLOGY SERVICES

Article 52.- Types of information technology service

1. Investigation, survey and probing of the information technology market.
2. Consultancy, analysis, planning, classification and design in the information technology sector.
3. System integration, trial run, application management services, updating and confidentiality.
4. Design, storage and maintenance of websites.
5. Warranty, maintenance, and assurance of network and information safety.
6. Data updating, search, storage and processing, and database exploitation.
7. Distribution of information technology products.
8. Information technology-related training.
9. Certification of e-signatures.
10. Other services.

Article 53.- Policies on development of information technology services

1. The State shall adopt policies to encourage the development of information technology services.
2. The Government shall specify preferential regimes and other conditions for several types of information technology service.

Chapter IV

MEASURES TO ENSURE INFORMATION TECHNOLOGY APPLICATION AND DEVELOPMENT

Section 1. INFORMATION INFRASTRUCTURE IN SERVICE OF INFORMATION TECHNOLOGY APPLICATION AND DEVELOPMENT

Article 54.- Principles for information infrastructure development

1. Information infrastructure must be developed to ensure the quality and diversification of services with a view to meeting the requirements of information technology application and development.
2. Competent state agencies shall guarantee the development of information infrastructure to satisfy socio-economic development requirements; create conditions for all economic sectors to

use the information infrastructure in an environment of fair, equitable and transparent competition; and take comprehensive measures to prevent acts of abusing the information infrastructure to commit violations defined in Article 12 of this Law.

Article 55.- Ensuring information infrastructure in service of information technology application and development

1. The State shall adopt policies to develop the national information infrastructure in a wide range, with a large capacity, high speed and quality and competitive charges compared to those in regional countries; encourages organizations and individuals to jointly invest in and use the information infrastructure.
2. Public Internet access points shall be installed at post offices, communal post-culture points, railway stations, car terminals, seaports, airports, border gates, residential areas, hospitals, schools, department stores, and cultural and sport centers to meet organizations' and individuals' demands.

Article 56.- Information infrastructure in service of state agencies

1. The information infrastructure in service of state agencies from the central to local level shall be uniformly built and managed under the Government's regulations.
2. Funds for investment in, construction, exploitation and maintenance of the information infrastructure in service of state agencies come from the state budget and other sources.

Article 57.- Public-service information infrastructure

1. The State shall adopt policies of prioritizing the allocation of investment capital and applying financial support mechanisms for the construction and use of public-service information infrastructure and the narrowing of digital gap.
2. Agencies in charge of state management of information technology at all levels shall organize the execution of programs and projects on narrowing the digital gap, including:
 - a/ Installation of computers and Internet access points at schools and public places nationwide;
 - b/ Development of a contingent of computer use and Internet access instructors;
 - c/ Narrowing of digital gap between areas and regions.

Article 58.- National databases

1. A national database is a collection of information on one or several socio-economic domains, which is established, updated and maintained to meet the information access and use requirements of all economic sectors and serve public interests.
2. Unless otherwise provided for by law, organizations and individuals may access and use information in national databases.
3. The State shall provide part or whole of funds for the establishment and maintenance of the national databases.
4. The Government shall specify the list of national databases; establish, update and maintain the national databases; and promulgate a regulation on exploitation and use of the national databases.

Article 59.- Databases of ministries, branches and localities

1. The database of a ministry, branch or locality is a collection of information, which is established, updated and maintained to meet information access and use requirements of that ministry, branch or locality and serve public interests.
2. Unless otherwise provided for by law, organizations and individuals may access and use information in databases of ministries, branches or localities.
3. The State shall provide part or whole of funds for the establishment and maintenance of databases of ministries, branches and localities.
4. Ministries, ministerial-level agencies, government-attached agencies and provincial/municipal People's Committees shall specify lists of databases; establish, update and maintain databases; and promulgate regulations on exploitation and use of databases of their ministries, branches and localities.

Article 60.- Protection of information infrastructure

1. The national information infrastructure must be protected. People's Committees of all levels, people's armed forces, organizations and individuals that manage or exploit the information infrastructure shall coordinate with one another in protecting the safety of the national information infrastructure.
2. Organizations and individuals shall guarantee the safety of the information infrastructure under their management; submit to the management, inspection and examination by competent state agencies and meet those agencies' requirements on ensuring information infrastructure safety and information security.
3. When requested, organizations and individuals that manage and exploit the information infrastructure shall create necessary working, technical and professional conditions for competent state agencies to control and ensure the information security.

Section 2. INVESTMENT IN INFORMATION TECHNOLOGY

Article 61.- Investment in information technology by organizations and individuals

1. The State encourages organizations and individuals to invest in application of information technology to socio-economic management and technological renewal and to raising of products' competitiveness.
2. The State encourages and protects the legitimate rights and interests of domestic organizations and individuals, overseas Vietnamese, and foreign organizations and individuals that invest in information technology.
3. Enterprises' investments in information technology application and development and expenses below shall be excluded from taxable incomes under the Law on Enterprise Income Tax:
 - a/ Expenses for establishing schools or providing courses for information technology training in enterprises;
 - b/ Expenses for sending trainees to learn new technologies in service of information technology application and development demands of enterprises.

Article 62.- State investment in information technology

1. Investment in information technology is development investment.

2. The State shall prioritize the budget allocation for information technology, ensuring that the annual increase rate of budget expenditure on information technology shall be higher than the increase rate of state budget expenditure. Budget reserved for information technology must be managed and efficiently used.
3. The Government shall promulgate an investment management regulation applicable to information technology application projects funded with investment capital originating from the state budget.
4. The State Budget Index must have separate expenditures on information technology.

Article 63.- Investment in information technology application and development

1. The state budget expenditure on information technology application and development shall be used for the following purposes:

- a/ Universalizing the information technology application and efficiently supporting information technology application projects;
- b/ Developing digital information sources;
- c/ Establishing national databases and databases of ministries, branches and localities;
- d/ Building the information infrastructure in service of the public and state agencies;
- e/ Surveying, researching into, formulating, testing and applying scientific and technical advances in information technology; formulating mechanisms, policies, strategies, plannings, plans, standards, technical regulations, econo-technical norms, and models of information technology application and development;
- f/ Developing information technology human resources;
- g/ Propagating, popularizing and educating law on information technology; providing professional and management training on information technology;
- h/ Presenting information technology awards;
- i/ Carrying out other activities for information technology application and development.

2. The Ministry of Post and Telematics shall synthesize annual estimates of expenditures of ministries, ministerial-level agencies, government-attached agencies, provinces and centrally run cities on information technology application and development as stipulated in Clause 1 of this Article and send them to the Government for submission to the National Assembly.

Article 64.- Information technology investment and development in service of agriculture and rural areas

1. To attract all resources for investment in building the information infrastructure and accelerate the modernization in rural, mountainous and island areas.
2. To create favorable conditions for people in deep-lying or remote areas, regions inhabited by ethnic minority people, areas meeting with socio-economic difficulties or exceptional socio-economic difficulties to apply information technology to their production and life.
3. Organizations and individuals engaged in information technology application and development in deep-lying or remote areas, regions inhabited by ethnic minority people, areas

meeting with socio-economic difficulties or exceptional socio-economic difficulties are entitled to investment, financial and other preferences in accordance with law.

4. The information technology application and provision of information technology services to agricultural, forestry and fishery extension as well as offshore fishing shall be partly funded by the State.

Section 3. INTERNATIONAL COOPERATION ON INFORMATION TECHNOLOGY

Article 65.- Principles for international cooperation on information technology

Vietnamese organizations and individuals shall cooperate on information technology with foreign organizations and individuals and international organizations on the principles of respect for the national independence and sovereignty, non-interference in each other's internal affairs, equality and mutual benefits.

Article 66.- Contents of international cooperation on information technology

1. Analyzing the international information technology trend, the scale and perspective of developing foreign markets; and formulating strategies on development of overseas information technology markets.
2. Popularizing information on information technology application and development orientations and policies of Vietnam and other countries in the world.
3. Formulating mechanisms and policies to step up cooperation between Vietnamese organizations or individuals and foreign organizations or individuals as well as international organizations operating in the information technology domain.
4. Executing international cooperation programs and projects on information technology.
5. Developing overseas information technology markets, introducing Vietnamese information technology products at international exhibitions and approaching potential customers.
6. Holding international workshops, conferences and forums on information technology.
7. Concluding, acceding to and implementing bilateral and multilateral treaties, and joining regional and international information technology organizations.
8. Receiving foreign technologies transferred into Vietnam.

Section 4. PROTECTION OF LEGITIMATE RIGHTS AND INTERESTS OF, AND ASSISTANCE FOR, USERS OF INFORMATION TECHNOLOGY PRODUCTS AND SERVICES

Article 67.- Responsibility to protect legitimate rights and interests of users of information technology products and services

The State and society shall take measures to prevent and combat acts infringing upon the legitimate rights and interests of users of information technology products and services. The legitimate rights and interests of users of information technology products and services shall be protected in accordance with law.

Article 68.- Protection of Vietnamese national domain names ending in ".vn"

1. Vietnamese national domain names ending in ".vn" and their lower-level domain names constitute part of national information resources, which are of the same utility and must be managed, exploited and used for proper purposes and with efficiency.

The State encourages organizations and individuals to register and use Vietnamese national domain names ending in ".vn". Registered domain names must be serious to avoid confusion or distortion caused by polysyllabic or polysemantic words or when being used without Vietnamese language accents.

2. Vietnamese national domain names ending in ".vn" reserved for Party organizations and state agencies must be protected and not be infringed upon.

3. Organizations and individuals that register to use Vietnamese national domain names ending in ".vn" shall be responsible before law for their use purposes and the accuracy of registered information and ensure that the registration and use of Vietnamese national domain names ending in ".vn" do not infringe upon the legitimate rights and interests of other organizations or individuals, which are available before the date of registration.

4. The Ministry of Post and Telematics shall specify the registration, management and use of, and settle disputes over, Vietnamese national domain names ending in ".vn".

Article 69.- Protection of intellectual property rights in the information technology domain

The protection of intellectual property rights in the information technology domain shall comply with the law on intellectual property and the following regulations:

1. Organizations and individuals that transmit information in the network environment may make a temporary copy of a protected work according to the technical requirements of information transmission and that temporary copy shall be stored in a period of time which is long enough for information transmission;

2. Lawful users of protected software may reproduce that software for standby storage and replacement of the damaged software without asking for permission or paying copyright royalties.

Article 70.- Prevention of spam

1. When sending information in the network environment, organizations and individuals may not hide their names or impersonate other organizations or individuals.

2. Organizations and individuals that send advertisement information in the network environment shall assure consumers' ability to reject the advertisement information.

3. Organizations and individuals may not continue sending advertisement information in the network environment to consumers if the latter notify their refusal to receive the advertisement information.

Article 71.- Prevention of computer virus and harmful software

Organizations and individuals may not create, install or spread computer viruses or harmful software into digital equipment of other people in order to perform one of the following acts:

1. Changing installation parameters of digital equipment;

2. Collecting other people's information;

3. Deleting or deactivating the information safety and security-ensuring software installed in digital equipment;
4. Preventing users from deleting or limiting the use of unnecessary software;
5. Usurping the right to monitor digital equipment;
6. Modifying or deleting information stored in digital equipment;
7. Other acts infringing upon users' legitimate rights and interests.

Article 72.- Assurance of information safety and confidentiality

1. Organizations' and individuals' lawful personal information which is exchanged, transmitted or stored in the network environment shall be kept confidential in accordance with law.
2. Organizations and individuals may not perform any of the following acts:
 - a/ Hacking into, modifying or deleting information of other organizations or individuals in the network environment;
 - b/ Obstructing the provision of services by the information system;
 - c/ Preventing the access to information of other organizations or individuals in the network environment, unless it is so permitted by law;
 - d/ Cracking, stealing or using passwords, codes or information of other organizations or individuals in the network environment;
 - e/ Other acts of causing unsafety to, or disclosing confidentiality of, other organizations' or individuals' information which is exchanged, transmitted or stored in the network environment.

Article 73.- Responsibility to protect children

1. The State, society and schools have the following responsibilities:
 - a/ To protect children against negative impacts of information in the network environment;
 - b/ To take measures to prevent and combat information technology applications with violence-inciting or obscene contents.
2. Families shall prevent children from accessing harmful information.
3. Competent state agencies shall take the following measures to prevent children from accessing harmful information in the network environment:
 - a/ Building, and disseminating the use of, content filter;
 - b/ Creating and disseminating tools to prevent children from accessing information harmful to them;
 - c/ Guiding the establishment and management of websites exclusively for children with a view to promoting the establishment of websites with information contents suitable and not harmful to children; raising the capability to manage information contents in the network environment, which are suitable and not harmful to children.
4. Service providers shall take measures to prevent children from accessing harmful information in the network environment.

5. Information technology products and services with contents harmful to children must bear warning signs.

Article 74.- Supporting disabled people

1. The State shall encourage and create favorable conditions for disabled people to participate in information technology application and development activities and develop their working capacity through information technology application and development; adopt preferential policies for them to participate in information technology-related education and training programs.

2. National information technology development strategies, plans and policies must cover contents on supporting and guaranteeing disabled people's integration into the community.

3. The State shall adopt tax, credit and other preferential policies for the following activities:

a/ Research into and development of tools and applications aiming to raise disabled people's capability to access and use sources of information and knowledge by using computers and information infrastructure;

b/ Production and supply of technologies and information technology equipment, services and applications, as well as digital information contents to meet specific demands of disabled people.

Chapter V

SETTLEMENT OF DISPUTES AND HANDLING OF VIOLATIONS

Article 75.- Settlement of disputes over information technology

1. Disputes over information technology are those arising in information technology application and development activities.

2. Disputing parties are encouraged to settle their disputes over information technology through conciliation; when parties fail to conciliate, their disputes shall be settled in accordance with law.

Article 76.- Modes of settling disputes over registration and use of Vietnamese national domain names ending in ".vn"

Disputes over the registration and use of Vietnamese national domain names ending in ".vn" shall be settled in the following modes:

1. Negotiation or conciliation;

2. Arbitration;

3. Initiation of lawsuits at court.

Article 77.- Handling of violations of law on information technology

1. Individuals that commit violations of law on information technology shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensations therefor in accordance with law.

2. Organizations which commit violations of law on information technology shall, depending on the nature and severity of their violations, shall be administratively sanctioned or suspended from operation; if causing damage, they shall pay compensations therefor in accordance with law.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 78.- Implementation effect

This Law takes effect on January 1, 2007.

Article 79.- Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on June 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam at its 9th session.