NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 67-2006-QH11

LAW
ON
INFORMATION TECHNOLOGY

Pursuant to the 1992 *Constitution* of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 passed by Legislature X of the National Assembly at its 10th Session on 25 December 2001;

This Law regulates information technology.

CHAPTER I

General Provisions

Article 1 *Governing scope*

This Law regulates information technology application and development activities, measures to ensure information technology application and development, and the rights and obligations of bodies, organizations and individuals engaged in information technology application and development activities.

Article 2 *Applicable entities*

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 Law on Information Technology*

1. Where there is any difference between provisions in the *Law on Information Technology* and those in another law on the same issue relating to information technology application and development, then the provisions of the *Law on Information Technology* shall apply.

2. If an international treaty of which the Socialist Republic of Vietnam is a member contains provisions which are different from those in this Law, then the provisions of such international treaty shall apply.

Article 4 *Interpretation of terms*

In this Law, the following terms shall be construed as follows:

1. *Information technology* means a collection of scientific methods, technologies and modern technical tools for production, transmission, collection, processing, storage and exchange of digital information.

2. *Digital information* means information created by using digital signals.

3. *Network environment* means the environment in which information is provided, transmitted, collected, processed and exchanged via information infrastructure.

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4. *Information infrastructure* means a system of equipment serving 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 for activities in socio-economic sectors, foreign affairs, national defence and security, and other activities in order to improve the productivity, quality and efficiency of such activities.

6. *Information technology development* means research and development activities relating to processes 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 distance* means the difference in terms of conditions and ability to use computers and information infrastructure for accessing information sources or knowledge.

8. *Venture investment in the information technology sector* means investment in enterprises engaged in such sector with prospects of earning great profits but with high risks.

9. *Information technology industry* means a hi-tech eco-technical branch which produces and supplies information technology products, including hardware or software products and digital information contents.

10. *Hardware* means complete digital equipment; assemblies of components; components; parts of digital equipment, and the assembly of a component or components.

11. *Digital equipment* means electronic, computer, telecommunications, transmission, radio-receiving and transmitting equipment or other integrated equipment used for production, transmission, collection, processing, storage and exchange of digital information.

12. *Software* means a computer program which is described be a system of signs, codes or languages for controlling digital equipment in order to perform certain functions.

13. *Source code* means a pre-compilation product of software, which is not able to control digital equipment.

14. *Machine code* means a post-compilation product of 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 is not responsible to receive it as stipulated by law.

16. *Computer virus* means a computer program which can spread and 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 servicing the provision and exchange of information.

18. *Digitalization* means the change of information of various kinds into digital information.

Article 5 *State policies on information technology application and development*

[The State has the following policies on information technology application and development:]

1. Giving priority to information technology application and development in the socio-economic development strategy and the cause of industrialization and modernization of the country.

2. Facilitating organizations and individuals in conducting information technology application and development activities to meet the requirements of socio-economic development, foreign affairs, national defence and security; advancing and developing the information technology industry to become a key economic branch and to meet the requirements of domestic and export markets.

3. Encouraging investment in the information technology sector.

4. Giving priority to the allocation of sums from the State Budget for information technology application in a number of essential sectors, formation of an information technology industry and development of information technology human resources.

5. Creating favourable conditions for development of national information infrastructure.

6. Making preferential policies for organizations and individuals engaged in information technology application and development activities in respect of agriculture; rural, distant, remote, border or island areas; and for ethnic minorities, disabled persons and persons with difficult conditions.

7. Ensuring the legitimate rights and interests of organizations and individuals engaged in information technology application and development.

8. Promoting international exchange and co-operation, and encouraging co-operation with Vietnamese organizations and individuals abroad in the information technology sector.

Article 6 *State administration of information technology*

1. Formulating strategies, planning, plans, policies on information technology application and development and organizing the implementation thereof.

2. Formulating, promulgating, disseminating and publicizing legal instruments, national standards and technical regulations in the information technology sector and organizing the implementation thereof.

3. Managing information safety and security in information technology application activities.

4. Organizing the management and utilization of information resources and national databases.

5. Managing, facilitating and advancing international co-operation in information technology.

6. Managing, training, fostering and developing information technology human resources.

7. Formulating mechanisms, policies and regulations relating to products and public services in the information technology sector.

8. Formulating mechanisms, policies and regulations in relation to mobilization of information technology resources to serve national defence and security and in emergencies as stipulated in article 14 of this Law.

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9. Managing information technology statistics.

10. Conducting inspections and examinations, resolving complaints and denunciations, and dealing with offences in relation to information technology.

Article 7 *Responsibilities for State administration of information technology*

1. The Government shall assume unified State administration of information technology.

2. The Ministry of Posts and Telematics shall be responsible to the Government for presiding over and co-ordinating with ministries and relevant ministerial equivalent bodies in undertaking State administration of information technology.

3. Ministries and ministerial equivalent bodies shall, depending on their duties and powers, be responsible to preside over and co-ordinate with the Ministry of Posts and Telematics in undertaking State administration of information technology as assigned by the Government.

4. People's committees of provinces and cities under central authority shall, depending on their duties and powers, undertake State administration of information technology in their respective localities.

5. The implementation of information technology application for operations of State bodies shall be organized in accordance with regulations of the Government.

Article 8 *Rights of organizations and individuals engaged in information technology application and development activities*

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

   (a) To search, exchange and use information in the network environment, except for information with the contents specified in article 12.2 of this Law;

   (b) To request restoration of their information or restoration of the ability to access their information sources in the case where such information does not breach article 12.2 of this Law;

   (c) To request the authorized State body to resolve in accordance with law in the case where [the request for] restoration of their information or restoration of the ability to access such information sources is refused;

   (d) To take delivery to contact addresses available in the network environment upon agreement of the owners of such contact addresses;

   (dd) To refuse to supply or receive products or services which are contrary to the law in the network environment and to be responsible for such refusal.

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

   (a) To research and develop information technology products;

   (b) To produce information technology products; to digitalize, maintain and increase the value of information resources.

3. State bodies shall be entitled to refuse to receive information in the network environment if the reliability and confidentiality of such information transmitted via the network environment are not ensured.

Article 9 *Responsibilities of organizations and individuals engaged in information technology application and development activities*

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

2. Organizations and individuals engaged in business activities in the network environment must post in the network environment relevant information, including:

   (a) Their name, geographical address, telephone number and email address;

   (b) Information on their establishment decision, operating licence or business registration certificate (if any);

   (c) Name of the body in charge of the supplier (if any);

   (d) Information on price, tax and transportation expenses (if any) of goods or services.

3. Organizations and individuals engaged in information technology development shall 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 such databases in performing acts of re-producing, distributing, disseminating, transmitting or supplying contents constituting such databases.

4. When operating in the network environment, State bodies shall have the following responsibilities:

   (a) To announce on the mass media activities carried out in the network environment in accordance with article 27.1 of this Law;

   (b) To notify the organizations or individuals concerned of their contact addresses in the network environment;

   (c) To reply, depending on their powers, to documents sent by organizations or individuals via the network environment;

   (d) To supply information servicing the public interest and administrative procedures in the network environment;

   (dd) To use e-signatures in accordance with the law on e-transactions;

   (e) To ensure the reliability and confidentiality of information in sending or receiving documents in the network environment;

   (g) To ensure the accuracy, completeness and timeliness of information and documents which are exchanged, supplied and posted for seeking recommendations in the network environment;

(h) To ensure that the system of equipment for supplying information or gathering recommendations in the network environment can work in and beyond working hours, except for cases of force majeure;

(i) To comply with article 28 of this Law in supplying information and seeking recommendations via websites.

Article 10 *Information technology inspection*

1. The inspectors of the Ministry of Posts and Telematics shall perform the function of specialized inspection of information technology.

2. The organization and operation of inspectors for information technology shall be subject to the law on inspection.

Article 11 *Information technology societies and associations*

1. Information technology societies and associations shall be responsible to protect the legitimate rights and interests of organizations and individuals engaged in technology information application and development activities.

2. Information technology societies and associations shall be organized and operate in accordance with the law on associations.

Article 12 *Prohibited conduct*

[The following conduct is prohibited:]

1. Obstructing lawful activities or supporting illegal activities in relation to information technology application and development; illegally obstructing the operation of the system of national domain-name servers; destroying information infrastructure or information in the network environment.

2. Supplying, exchanging, transmitting, storing or using digital information for the following purpose:

(a) Opposing the State of the Socialist Republic of Vietnam or undermining the national unity bloc;

(b) Exciting violence, propagating wars of aggression; sowing hatred among nations and people, exciting obscene, depraved, criminal or social evils or superstition; undermining the nation's fine traditions and customs;

(c) Disclosing State secrets, military, security or economic, external relation secrets or other secrets stipulated by law;

(d) Distorting, slandering or offending the prestige of organizations or the honour, dignity or prestige of citizens;

(dd) Advertising and disseminating goods and services included in the list of prohibited [goods and services] stipulated 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 unauthorized links to domain names lawfully used by organizations or individuals.

CHAPTER II

Information Technology Application

SECTION I

General Provisions on Information Technology Application

Article 13 *General principles for information technology application activities*

1. Organizations and individuals shall be entitled to carry out information technology application activities in accordance with the provisions of this Law and other relevant laws.

2. The State encourages information technology application to activities in socio-economic sectors, foreign affairs or national defence and security; and to activities of prevention and fighting 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 must abide by the law on telecommunications and press and this Law.

Article 14 *Priority given to information technology application in emergencies*

1. The authorized State body shall decide to mobilize all or part of the information infrastructure in order to prioritize the technology application in using such information infrastructure in any of the following emergency circumstances:

   (a) Serving prevention and fighting of flood, storm, fire, natural disaster or any other catastrophe;

   (b) Serving to give fist aid and to prevent and control epidemics;

   (c) Serving salvage and rescue;

   (d) Serving national defence and security, maintenance of social order and safety, and prevention and fighting of crime.

2. The Government shall make specific regulations on prioritized information technology application in emergencies.

Article 15 *Management and use of digital information*

1. Organizations and individuals shall be entitled to freely use digital information for legitimate purposes consistent with law.

2. The authorized State body shall be responsible to take measures to ensure convenient access to and use of digital information.

3. The supply, exchange, transmission, storage and use of digital information must not violate the provisions of article 12.2 of this Law and other relevant laws.

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4. Organizations and individuals shall not be permitted to quote contents of digital information of another organization or individual in a case where the owner of such digital information has warned or the law has stipulated that the quotation of information is not allowed.

5. When the quotation of digital information is allowed, organizations and individuals shall be responsible to specify the source of such information.

Article 16 *Transmission of digital information*

1. Organizations and individuals shall be entitled to transmit digital information of other organizations and individuals in compliance with this Law.

2. Organizations and individuals transmitting digital information of another organization or individual shall not be responsible for the contents of information which is stored in an automatic, intermediary or temporary basis due to a technical requirement if the temporary storage is for the purpose of serving the information transmission and the information is stored for sufficient duration for the transmission.

3. Organizations and individuals transmitting digital information shall be responsible to take in a timely manner necessary measures to prevent illegal access to information or to remove illegal information upon the request of the authorized State body.

4. Organizations and individuals transmitting digital information of another organization or individual shall not be responsible for contents of that information, unless they perform one of the following acts:

   (a) Initiating on their own the transmission of information;

   (b) Selecting recipients of the transmitted information;

   (c) Selecting and modifying the contents of the transmitted information.

Article 17 *Temporary storage of digital information*

1. Organizations and individuals shall be entitled to temporarily store digital information of another organization or individual.

2. Organizations and individuals temporarily storing digital information of another organization or individual shall not be responsible for the contents of such information, unless they perform one of the following conducts:

   (a) Modifying the contents of the information;

   (b) Failing to comply with the regulations on access to or update on contents of information;

   (c) Illegally collecting data via the temporary storage of 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 out the capacity of storage equipment for information storage in the network environment.

2. The contents of digital information to be stored shall not breach the provisions of article 12.2 of this Law.

3. Organizations and individuals leasing out digital information storage space shall have the following responsibilities:

   (a) To perform requests of the authorized State body in relation to definition of a list of lessees who have leased digital information storage space for establishment of their websites and a list of owners of digital information stored by such organization or individual;

   (b) To take in a timely manner necessary measures to prevent any illegal accessing of information to or remove illegal digital information upon a request of the authorized State body;

   (c) To cease the lease of digital information storage space by another organization or individual in a case where they themselves discover, or are notified by the authorized State body, that the stored information is illegal;

   (d) To ensure confidentiality of information of organizations and individuals who lease information storage space.

Article 19 *Digital information search tools*

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

2. The State shall have a policy to encourage organizations and individuals to develop and supply digital information search tools.

3. Organizations and individuals shall be responsible to cease the supply of tools for searching digital information sources to other organizations and individuals in a case where they themselves discover, or are notified by the authorized State body, that such information is illegal.

Article 20 *Monitoring and supervising contents of digital information*

1. The authorized State body shall be responsible to monitor and supervise digital information; and to investigate breaches of the law arising from the process of transmitting or storing digital information.

2. Organizations and individuals engaged in information technology application shall not be responsible to monitor or supervise digital information of other organizations and individuals nor to investigate breaches of the law arising from the process of transmitting or storing digital information of other organizations and individuals, unless the authorized State body so requests.

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

1. Organizations and individuals collecting, processing and using personal information of another person in the network environment must obtain consent from such person, unless otherwise stipulated by law.

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2. Organizations and individuals collecting, processing and using personal information of another person shall have the following responsibilities:

   (a) To notify such person of the form, scope, place and purpose of the collection, processing and use of his or her personal information;

   (b) To use the collected personal information for proper purposes and to store such information only for a certain period as stipulated by law or as agreed upon by the two parties;

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

   (d) To immediately take necessary measures upon receipt of a request for re-examination, correction or cancellation in accordance with article 22.1 of this Law; and not to supply or use relevant personal information until such information is corrected.

3. Organizations and individuals shall be entitled to collect, process and use personal information of another person without the consent of the latter in a case where such personal information is used for the following purposes:

   (a) Signing, modifying or performing contracts for use of information, products or services in the network environment;

   (b) Pricing [or] calculating charges for use of information, products or services in the network environment;

   (c) Performing other obligations in accordance with law.

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

1. An individual shall be entitled to request any organization or individual storing his or her personal information in the network environment to check, correct or cancel such information.

2. Organizations or individuals shall not be permitted to supply personal information of another person to any third party unless otherwise stipulated by law or agreed by such person.

3. An individual shall be entitled to claim compensation for loss caused by a breach during the supply of personal information.

Article 23 *Establishment of websites*

1. Organizations and individuals shall be entitled to establish their websites in accordance with law and shall be responsible to manage the contents and operation of their websites.

2. Any organization or individual using a Vietnamese national domain name ending in ".vn" and establishing a website shall not be required to give notification to the Ministry of Posts and Telematics. Any organization or individual not using a Vietnamese national domain name ending in ".vn" shall inform the Ministry of Posts and Telematics in the network environment of the following information:

   (a) Name of the organization stated in the establishment decision, operational license, business registration certificate, or licence for establishment of a representative office; or the name of the individual;

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

(c) Address of the head office of the organization or of the permanent residence of the individual;

(d) Telephone and facsimile number, email address;

(dd) Previously registered domain names.

3. Organizations and individuals shall be responsible before the law for the accuracy of the information specified in clause 2 of this article, and upon change in such information they shall notify such change.

4. Websites used for press activities shall be subject to this Law, the law on press and other relevant laws.

5. Websites used for socio-economic activities, foreign affairs, national defence and security shall be subject to this Law and other relevant laws.

SECTION II

Information Technology Application to Operation of State Bodies

Article 24 *Principles for information technology application to operations of State Bodies*

1. Information technology application to the operations of State bodies must be prioritized and ensure publicity and transparency in order to improve the effectiveness and efficiency of the operations of State bodies; and to facilitate the people in properly exercising the rights and performing the obligations of a citizen.

2. Information technology application to the operations of State bodies must advance the program on renewal of operations of State bodies and the administrative reform program.

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

4. Operational processes and procedures must be open and transparent.

5. Uniform standards shall be used to ensure compatibility in terms of technology in the entire information system of State bodies.

6. Security, safety, thrift and efficiency must be ensured.

7. Heads of State bodies shall be responsible for information technology application under their management.

Article 25 *Conditions for information technology application to operations of State bodies*

1. State bodies shall be responsible to prepare conditions for information technology application to their operations.

2. The Government shall specify conditions to ensure information technology application to the operations of State bodies; and shall formulate and organize implementation of a national program on information technology application to the operations of State bodies with the following main items:

   (a) Roadmap for implementation of operations by State bodies in the network environment;

   (b) Branches or spheres having great effect on socio-economic development to which priority should be given in information technology application;

   (c) Sharing and joint use of digital information;

   (d) Spheres which are prioritized and encouraged in research and development, international co-operation, development of human resources and construction of information infrastructure in order to meet requirements for information technology application to the operations of State bodies from time to time;

   (dd) Financial sources for information technology application to the operations of State bodies;

   (e) Key programs, proposals and projects in relation to information technology application to the operations of State bodies.

Article 26 *Information technology application to operations of State bodies [shall comprise the following items]:*

1. Building and using information infrastructure to service the operations of State bodies, and exchange and supply of information between State bodies and organizations or individuals.

2. Building, collecting and maintaining databases to service the operations of State bodies and the public interest.

3. Setting up standard forms to service the exchange and supply of information and the collection of recommendations from 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 with other State bodies.

6. Providing public services in the network environment.

7. Formulating and implementing training plans; and improving awareness and the level of information technology application of State employees and officers.

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

Article 27 *Operations of State bodies in the network environment*

1. Operations of State bodies in the network environment shall comprise:

   (a) Supply, exchange and collection of information from organizations and individuals;

   (b) Sharing of information among themselves and with other State bodies;

   (c) Provision of public services;

(d) Other activities in accordance with regulations of the Government.

2. The time and place for delivery or receipt of information in the network environment shall be subject to the law on e-transactions.

Article 28 *Websites of State bodies*

1. A website of a State body must meet the following requirements:

(a) Assuring convenient access by organizations and individuals;

(b) Supporting organizations and individuals in accessing and using standard forms on the website (if any);

(c) Ensuring the accuracy and consistency of information contents on the website;

(d) Updating information on the website in a timely and regular manner;

(dd) Implementing the law on protection of State secrets.

2. A website of a State body must have the following main information:

(a) The organizational structure, functions, duties and powers of such body and of each of the entities under its control;

(b) System of specialized legal instruments and relevant laws;

(c) Administrative processes and procedures carried out by entities under its control; the name of the person responsible for each step of the administrative processes and procedures; the time-limit for handling the administrative procedures;

(d) Information for dissemination, publication and guidance for implementation of specialized laws, regimes, policies, strategies and planning;

(dd) List of official e-mail addresses of each entity under its control and of competent State employees and officials;

(e) Information on investment projects and items, bidding, and procurement of public property;

(g) List of activities in the network environment which are currently carried out by such body in accordance with article 27.1 of this Law;

(h) The section for obtaining opinions [feedback] from organizations and individuals.

3. State bodies shall supply free of charge information specified in clause 2 of this article.

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SECTION III

Information Technology Application to Commerce

Article 29 *Principles for information technology application to commerce*

1. Organizations and individuals shall be entitled to apply information technology to commerce.

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

Article 30 *Websites for sale of goods*

1. An organization or individual shall be entitled to establish a website for sale of goods in accordance with this Law and other relevant laws.

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

   (a) Supplying adequate and accurate information on goods, services, conditions for transactions, procedures for dispute settlement and compensation for loss;

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

   (c) Publicizing cases where consumers shall be entitled to cancel or amend agreements in the network environment.

3. Organizations and individuals owning a website for sale of goods shall be responsible for the information contents posted on their website, and shall implement the provisions of this Law and other relevant laws on execution of contracts, orders, payment, advertisement and sale promotion.

Article 31 *Supply of information for execution of contracts in the network environment*

1. An organization or individual selling goods and/or providing services shall supply the following information for execution of a contract, unless otherwise agreed by the parties concerned:

   (a) Steps to be carried out for execution of a contract in the network environment;

   (b) Technical measures for identifying and modifying incorrectly loaded information;

   (c) Archive of contract files and permission for access to such files.

2. Organizations and individuals shall, when they supply information on contractual terms to consumers, ensure the ability of consumers to store and re-generate such information.

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Article 32 *Resolution of consequences of incorrect entering of commercial information in the network environment*

Where a purchaser enters incorrectly information and sends it into a website for sale of goods while the information-entering system fails to provide the ability to modify the information, the purchaser shall be entitled to unilaterally terminate the contract if he/she has already taken the following measures:

1. Notified in a timely manner the seller of the incorrectly entered information and the seller has already confirmed receipt of that notice;

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

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 online payment shall be stipulated by the authorized State body.

SECTION IV

Information Technology Application to Several Sectors

Article 34 *Information technology application to the education and training sector*

1. The State shall adopt policies aimed at encouraging information technology application to teaching, learning, enrolling, training and other education and training sector activities in the network environment.

2. Organizations and individuals conducting education and training activities in the network environment shall comply with this Law and the law on education.

3. The authorized State body shall be responsible to formulate and implement a program for support of organizations and individuals in order to advance information technology application to education and training.

4. The Ministry of Education and Training shall stipulate 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 *Information technology application to the healthcare sector*

1. The State shall adopt policies aimed at encouraging information technology application to the healthcare sector.

2. Organizations and individuals conducting healthcare activities in the network environment shall comply with this Law, the law on medicine and pharmacy, and other relevant laws.

3. The Ministry of Health shall specify conditions for healthcare activities in the network environment.

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Article 36 *Information technology application to the culture and information sector*

1. The State shall adopt policies aimed at encouraging information technology application to digitalization of cultural products, archiving of and advertisement for digitalized cultural products, and other activities in the culture sector.

2. Organizations and individuals conducting cultural or press activities in the network environment shall comply with this Law and the law on the press, culture and information.

3. Organizations and individuals whose budget for digitalization of cultural products of conservation value is funded by the State shall comply with regulations of the Government on conditions for digitalization of cultural products of conservation value.

4. The Government shall make regulations on management of entertainment activities in the network environment aimed at ensuring the following requirements:

   (a) Entertainment contents must be healthy and have educational and cultural value, and must not be contrary to the fine traditions and customs of the nation;

   (b) Responsibilities and interests of participants in entertainment activities in the network environment must be attached to the common interest of society and the community;

   (c) Technical safety and service quality must be ensured;

   (d) Political security and social order and safety must be maintained and crime arising from these activities must be prevented.

Article 37 *Information technology application to national defence, security and several other sectors*

Information technology application to defence, security and several other sectors shall be subject to regulations of the Government.

CHAPTER III

Information Technology Development

SECTION I

Information Technology Research and Development

Article 38 *Encouragement of information technology research and development*

1. The State encourages organizations and individuals to research and develop technologies and information technology products for socio-economic development, maintenance of national defence and security, and improvement of the material and spiritual life of the people.

2. Organizations and individuals engaged in research and development of technologies and information technology products for reform of socio-economic management or technological renewal shall be entitled to tax or credit incentives and other incentives in accordance with law.

3. The State facilitates organizations and individuals engaged in scientific and technological activities in transferring results of the research and development of technologies and information technology products for wide application to production and life.

Article 39 *Material and technical facilities servicing information technology research and development activities*

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

Article 40 *Research and development of technologies and information technology products*

1. The State encourages organizations and individuals to participate in research and development of technologies and information technology products.

2. The State shall set aside part of the State budget for programs and subjects of software development and research; prioritize the information technology research and development activities of universities and research institutes; and shall develop a mode of co-operation between research or training and production in terms of information technology.

3. The State administrative body for formation technology shall preside over and co-ordinate with the State administrative body for science and technology to select research and training establishments and enterprises to perform duties of research and development of key information technology products.

Article 41 *Standards and quality in activities of information technology application and development*

1. Standards and quality of information technology products and services shall be controlled in accordance with the law on standards and quality control.

2. Organizations and individuals shall be encouraged to participate in production and provision of information technology products and services, to announce their standards, and must ensure that their products and services conform to the announced standards.

3. Quality of information technology products and services shall be controlled in the following forms:

   (a) Certification of conformity with standards and technical regulations;

   (b) Announcement of conformity with standards and technical regulations;

   (c) Quality inspection.

4. The Ministry of Posts and Telematics shall announce information technology products and services to which national or international standards shall apply; promulgate and announce the application of technical regulations; shall make specific regulations on control of quality of information technology products and services; shall stipulate conditions applicable to domestic and foreign testing bodies aimed at servicing control of quality of information technology products and services and announce competent information technology testing bodies.

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5. The assessment of satisfaction of standards in respect of information technology products shall be recognized mutually between the Socialist Republic of Vietnam and foreign countries and international organizations in accordance with treaties of which the Socialist Republic of Vietnam is a member.

SECTION II

Development of Information Technology Human Resources

Article 42 *Policies on development of information technology human resources*

1. The State shall adopt policies aimed at expanding the scale and improving the quality of training of information technology human resources.

2. Any priority or key programs and projects of the State in relation to information technology application and development must include an item of training of information technology human resources.

3. Organizations and individuals shall be encouraged to set up training establishments for information technology human resource in accordance with law.

4. Training establishments shall be entitled to the incentives in information technology training activities equivalent to software production enterprises.

5. The State shall adopt policies aimed at supporting teachers, students and pupils in the national education system in accessing the internet at educational establishments.

Article 43 *Information technology certificates*

The Ministry of Posts and Telematics shall preside over and co-ordinate with the Ministry of Education and Training and the Ministry of Labour, War Invalids and Social Affairs in making regulations on conditions for information technology training activities, issuance of information technology certificates, and recognition of information technology certificates of foreign organizations used in Vietnam.

Article 44 *Employment of information technology human resources*

1. People working full-time for information technology application and development in State bodies shall be entitled to a preferential regime in terms of working conditions.

2. Criteria of trades and titles in relation to information technology shall be promulgated by the authorized State body.

Article 45 *Vietnamese working overseas*

1. The State encourages organizations and individuals to seek and expand labour markets aimed at creating overseas jobs for Vietnamese employees to take part in activities relating to information technology in accordance with the law of Vietnam and consistent with the law of host countries and international treaties of which the Socialist Republic of Vietnam is a member.

2. The State shall adopt preferential policies for foreign organizations and individuals and overseas Vietnamese to recruit domestic labour for development, production and processing of information technology products.

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Article 46 *Universalisation of information technology knowledge*

1. The State shall adopt policies aimed at encouraging the nationwide universalization of information technology knowledge.

2. People's committees of provinces and cities under central authority shall be responsible to 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 be responsible to formulate and organize implementation of a program on universalization of information technology knowledge in the national education system.

4. The State shall adopt policies aimed at supporting the learning and universalization of information technology knowledge for disabled persons, poor people, ethnic minority people and others entitled to preferential treatment in compliance with requirements for development from time to time and in accordance with regulations of the Government.

SECTION III

Development of the Information Technology Industry

Article 47 *Forms of an information technology industry*

1. *Hardware industry* means an industry producing hardware products including accessories, components and digital equipment.

2. *Software industry* means an industry producing software products including system software, application software, control software, automated products and other similar products, providing solutions for installation and maintenance and use instructions.

3. *Content industry* means an industry producing digital information products, including socio-economic information, science and education information, [and/or] culture and entertainment information in the network environment and other similar products.

Article 48 *Policies on development of information technology industries*

1. The State shall adopt preferential and priority policies on investment in development of information technology industries shall specially pay attention to the software industry and the content industry in order for them to become a key economic branch in the national economy.

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

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

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Article 49 *Development of information technology industry market*

The authorized State body shall promulgate regulations on, and organize the implementation of activities for development of the information technology industry market, including:

1. Advancing information technology application; prioritizing the use of State budget capital for procurement and use of domestically manufactured information technology products.

2. Promoting trade, organizing domestic exhibitions and trade fairs, supporting enterprises to participate in international exhibitions and trade fairs, and promoting and marketing the image of the information technology industries of Vietnam in the world.

3. Methods of valuating software servicing the management of projects for information technology application and development.

Article 50 *Key information technology products*

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

   (a) Having a great demand in the domestic market and generating high added value;

   (b) Being exportable;

   (c) Having a positive impact on technological renewal and economic efficiency in respect of other economic sectors;

   (d) Meeting requirements for national defence and security.

2. The Ministry of Posts and Telematics shall publish a list and formulate a program on development of key information technology products from time to time, consistent with the planning for development of the information technology industries.

3. Information technology products included in the list of key information technology products stipulated in clause 2 of this article shall be given priority by the State in investment in research, development and production.

4. Organizations and individuals engaged in research, development and production of key information technology products shall be entitled to incentives in accordance with regulations of the Government; shall be given priority by the State in investment and shall be entitled to part of copyright royalties in respect of key information technology products in which the State has invested.

5. Organizations and individuals engaged in research, development and production of key information technology products in which the State has invested shall satisfy conditions stipulated by the authorized State body; shall not be permitted to transfer or assign technologies or solutions to development of key information technology products in which the State has invested without consent from the authorized State body; shall be subject to inspection and control by the authorized State body, and shall comply with the reporting regime stipulated by the authorized State body regarding research, development, production and trade promotion of key information technology products.

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Article 51 *Concentrated information technology zones*

1. Concentrated information technology zone is the form of a concentrated hi-tech zone or [a form of] co-operation between research, development, production, business and training establishments for information technology. Organizations and individuals investing and operating in a concentrated information technology zone shall be entitled to State preferential policies applicable to hi-tech zones.

2. Domestic and foreign organizations and individuals shall be encouraged to invest in and to build concentrated information technology zones in accordance with master planning of the Government.

SECTION IV

Development of Information Technology Services

Article 52 *Types of information technology service [shall comprise:]*

1. Investigation, survey and market research in relation to information technology.

2. Consultancy, analysis, planning, classification and design in the information technology sector.

3. System integration, commissioning, application management services, updating and maintenance of confidentiality.

4. Design, storage and maintenance of websites.

5. Warranty, maintenance and assurance of network and information safety.

6. Updating, searching, storage and data processing, and exploration of a database.

7. Distribution of information technology products.

8. Information technology training.

9. Certification of e-signatures.

10. Other services.

Article 53 *Policies on development of information technology services*

1. The State shall adopt policies aimed at encouraging development of information technology services.

2. The Government shall stipulate specific preferential regimes and other conditions for several types of information technology service.

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CHAPTER IV

Measures to Ensure Information Technology Application and Development

SECTION I

Information Infrastructure Servicing Information Technology Application and Development

Article 54 *Principles for development of information infrastructure*

1. Information infrastructure shall be developed to ensure quality and diversification of services in order to meet requirements of information technology application and development.

2. The authorized State body shall be responsible to ensure development of information infrastructure consistent with requirements for socio-economic development; to facilitate all economic sectors in using information infrastructure in an environment of fair, equitable and transparent competition; and shall take synchronous measures to prevent any act abusing the information infrastructure to commit a breach as specified in article 12 of this Law.

Article 55 *Ensuring information infrastructure for servicing information technology application and development*

1. The State shall adopt policies aimed at developing the national information infrastructure in a wide range, with a large capacity, high speed and quality and competitive charge compared with those in regional countries; encouraging organizations and individuals to jointly invest in and use information infrastructure.

2. Public internet access points shall be given priority for installation at post offices, communal post-culture points, railway stations, bus terminals, seaports, airports, bordergates, residential areas, hospitals, schools, supermarkets and cultural and sport centres, to meet the needs of organizations and individuals.

Article 56 *Information infrastructure servicing State bodies*

1. Information infrastructure servicing State bodies from the central to local levels shall be uniformly built and managed in accordance with regulations of the Government.

2. The budget for investment, construction, exploitation and maintenance of information infrastructure servicing State bodies shall be funded by the State budget and other sources.

Article 57 *Information infrastructure servicing public purposes*

1. The State shall adopt policies aimed at prioritizing allocation of investment capital and shall apply a financial support mechanism to the construction and use of information infrastructure servicing public purposes and shall narrow the digital gap.

2. State administrative bodies for information technology at all levels shall be responsible to organize implementation of programs and projects for narrowing the digital gap, including:

   (a) Installation of systems of computers and internet access points at schools and public places nationwide;

   (b) Development of a body of instructors for computer use and internet access;

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(c) Narrowing the digital gap between areas and regions.

Article 58 *National databases*

1. *National databases* mean a collection of information on one or more socio-economic spheres which are established, updated and maintained to meet requirements for access and use of information in all economic sectors and to serve public interests.

2. Organizations and individuals shall be entitled to access and use information in the national databases, unless otherwise stipulated by law.

3. The State shall fund part or whole of the budget for establishment and maintenance of national databases.

4. The Government shall stipulate a list of the national databases; shall establish, update and maintain the national databases; and shall promulgate regulations on exploitation and use of the national databases.

Article 59 *Databases of ministries, branches and localities*

1. *Database of a ministry, branch or locality* means a collection of information which is established, updated and maintained to meet the requirements of such ministry, branch or locality for access and use of information and to serve the public interest.

2. Organizations and individuals shall be entitled to access and use information in the database of a ministry, branch or locality, unless otherwise stipulated by law.

3. The State shall fund part or whole of the budget for establishment and maintenance of databases of ministries, branches and localities.

4. Ministries, ministerial equivalent bodies, Government bodies and people's committees of provinces and cities under central authority shall specify lists of databases; shall establish, update and maintain the databases; and shall 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 shall be protected. People's committees of all levels, the people's armed forces, and organizations and individuals engaged in management or exploitation of information infrastructure shall be responsible to co-ordinate in protecting the safety of the national information infrastructure.

2. Organizations and individuals shall be responsible to ensure the safety of the information infrastructure under their management; shall be subject to control, inspection and examination by authorized State bodies and shall implement requirements for ensuring the safety of information infrastructure and information security issued by such authorized State bodies.

3. Organizations and individuals engaged in management and exploitation of the information infrastructure shall create the necessary working, technical and professional conditions for authorized State bodies to exercise their duties to control, and shall ensure information security if so requested.

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SECTION II

Investment in Information Technology

Article 61 *Investment of organizations and individuals in information technology*

1. The State encourages organizations and individuals to invest in information technology application activities in order to reform socio-economic management, to renew technology and to improve competitiveness of products.

2. The State encourages and protects the legitimate rights and interests of domestic organizations and individuals, overseas Vietnamese, and foreign organizations and individuals investing in information technology.

3. Investment items of enterprises in information technology application and development and the following expenses shall be excluded upon calculation of taxable income in accordance with the *Law on Corporate Income Tax*:

   (a) [Expenses for] establishing schools or providing information technology training courses in enterprises;

   (b) [Expenses for] sending trainees to learn new technologies aimed at servicing requirements for information technology application and development of enterprises.

Article 62 *State investment in information technology*

1. Investment in information technology is development investment.

2. The State shall prioritize the arrangement for a budget for information technology, and shall ensure that the annual increase rate of budget expenditure for information technology shall be higher than the increase rate of State budget expenditure. The budget for information technology must be managed and used efficiently.

3. The Government shall promulgate appropriate regulations on investment management in respect of projects for information technology application using investment capital originated from the State budget.

4. The State Budget Index shall have a separate item of expenditure for information technology.

Article 63 *Investment for the cause of information technology application and development*

1. Expenses from the State budget for the cause of information technology application and development shall be used for the following purposes:

   (a) Universalizing information technology application and supporting efficient projects for information technology application;

   (b) Developing digital information sources;

   (c) Establishing national databases and databases of ministries, branches and localities;

   (d) Building information infrastructure for servicing public purposes and State bodies;

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(dd) Surveying, researching, formulating, testing and applying scientific and technical advances in information technology; mechanisms, policies, strategies, master plans, plans, standards, technical regulations, econo-technical norms and models of information technology application and development;

(e) Developing information technology human resources;

(g) Disseminating, popularizing and educating the law on information technology; providing professional and management training on information technology;

(h) Granting information technology awards;

(i) Other activities for the cause of information technology application and development.

2. The Ministry of Posts and Telematics shall gather estimated budgets for information technology application and development as stipulated in clause 1 of this article on an annual basis from ministries, ministerial equivalent bodies, government bodies and provinces and cities under central authority for submission by the Government to the National Assembly.

Article 64 *Investment and development of information technology to service agriculture and rural areas*

1. All resources shall be attracted for investment in building information infrastructure and accelerating the process of modernization in rural, mountainous and island areas.

2. Favourable conditions shall be created for people in distant or remote areas, regions inhabited by ethnic minority people or in areas with difficult or especially difficult socio-economic conditions to apply information technology to their production and life.

3. Organizations and individuals engaged in information technology application and development in distant or remote areas, regions inhabited by ethnic minority people, or in areas with difficult or especially difficult socio-economic conditions shall be entitled to preferential policies on investment or finance and other incentives in accordance with law.

4. Part of the budget for application activities and provision of information technology services for the purpose of encouraging agricultural, forestry and fishery expansion and deep-sea fishing shall be funded by the State.

SECTION 3

International Co-operation in Information Technology

Article 65 *Principles for international co-operation in information technology*

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

Article 66 *Contents of international co-operation in information technology [shall comprise:]*

1. Analysis of the international information technology trend, the scale and prospect of development of foreign markets; and formulation of strategies on development of overseas information technology markets.

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2. Popularization of information on orientation and policies of Vietnam and other countries in the world on information technology application and development.

3. Formulation of mechanisms and policies aimed at stepping up co-operation between Vietnamese organizations or individuals and foreign organizations or individuals or international organizations operating in the information technology sphere.

4. Implementation of programs and projects for international co-operation in information technology

5. Development of overseas information technology markets, and introduction of Vietnamese information technology products via international exhibitions and approach to potential customers.

6. Organization of international workshops, conferences and forums on information technology.

7. Execution, accession to and implementation of bilateral and multilateral international treaties, and accession to regional and international information technology organizations.

8. Receipt of foreign technologies transferred into Vietnam.

SECTION IV

Protection of Legitimate Rights and Interests, and Support to 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 fight against infringement of 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 shall constitute part of the national information resources, shall have an equal value in use and must be managed, exploited and used efficiently for proper purposes.

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

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

3. Organizations and individuals registering for use of Vietnamese national domain names ending ".vn" shall be responsible before the law for their use purposes and the accuracy of registered information and shall ensure that the registration and use of Vietnamese national domain names ending ".vn" do not infringe upon the legitimate rights and interests of other organizations and individuals existing before the date of registration.

4. The Ministry of Posts and Telematics shall make regulations on registration, management and use of, and resolution of disputes in relation to Vietnamese national domain names ending ".vn".

Article 69 *Protection of intellectual property rights in the information technology sphere*

The protection of intellectual property rights in the information technology sphere shall be subject to the law on intellectual property and the following regulations:

1. Organizations and individuals transmitting information in the network environment may make a temporary copy of a protected work due to technical requirements to transmit the information and such temporary copy shall be stored for a sufficient period for information transmission.

2. Lawful users of protected software shall be entitled to reproduce such software as a standby for storage and replacement of damaged software without obtaining any permission or paying royalties.

Article 70 *Prevention of spam*

1. Organizations and individuals shall not be permitted to hide their names or to use unlawfully the name of another organization or individual when sending information in the network environment,

2. Organizations and individuals sending advertisement information in the network environment shall assure that consumers are able to reject such advertisement information.

3. Organizations and individuals shall not be permitted to continue sending advertisement information in the network environment to a consumer if such consumer notifies his or her refusal to receive the advertisement information.

Article 71 *Prevention of computer viruses and harmful software*

Organizations and individuals shall not be permitted to create, install or spread computer viruses or harmful software into digital equipment of other persons aimed at conducting one of the following acts:

1. Changing installation parameters of digital equipment.

2. Collecting information of other persons.

3. Deleting or deactivating software for ensuring information safety and security installed in digital equipment.

4. Preventing the ability of users to delete or limit the use of unnecessary software.

5. Usurping the right to control digital equipment.

6. Modifying or deleting information stored in digital equipment.

7. Other infringement of the lawful rights and interests of users.

Article 72 *Assurance of information safety and confidentiality*

1. Lawful personal information of an organization or individual being exchanged, transmitted or stored in the network environment shall be kept confidential in accordance with law.

2. Organizations and individuals shall not be permitted to perform any of the following acts:

   (a) Hacking into, modifying or deleting information of another organization or individual in the network environment;

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(b) Obstructing the provision of services by the information system;

(c) Preventing access to information by other organizations and individuals in the network environment, unless the law so permits;

(d) Cracking, stealing or using passwords, codes and information of another organization or individual in the network environment;

(dd) Other acts causing loss of safety or confidentiality of information of another organization or individual 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 the negative impact of information in the network environment;

(b) To take measures to prevent and fight against information technology applications with contents inciting violence and pornography.

2. The family shall be responsible to prevent its children from accessing information harmful to them.

3. The authorized State body shall take the following measures to prevent children from accessing harmful information in the network environment:

(a) Organizing the building and dissemination of the use of software filtering contents;

(b) Organizing the building and dissemination of tools to prevent children from accessing information which is harmful to them;

(c) Providing guidelines on establishment and management of websites for children aimed at promoting the establishment of websites with information contents suitable for and not harmful to children; improving the ability to control information content in the network environment which is suitable and not harmful to children.

4. Service providers shall take measures to prevent children from accessing information harmful to children in the network environment.

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

Article 74 *Supporting disabled persons*

1. The State encourages and creates favourable conditions for disabled persons to participate in information technology application and development activities and to develop their working capacity through information technology application and development; and adopts preferential policies for the disabled persons to participate in education and training programs in information technology.

2. National strategies, plans and policies on information technology development must include contents on supporting and ensuring integration by disabled persons into the community.

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3. The State shall adopt preferential policies in terms of taxation, credit and other incentives for the following activities:

(a) Research and development of tools and applications aimed at improving the ability of disabled persons to access and use sources of information and knowledge by way of using computers and information infrastructure;

(b) Production and supply of technologies and information technology equipment, services or applications and digital information contents to meet the special requirements of disabled persons.

CHAPTER V

Resolution of Disputes and Dealing with Breaches

Article 75 *Resolution of disputes about information technology*

1. *A dispute about information technology* means a dispute arising from information technology application and development activities.

2. Parties are encouraged to resolve their disputes about information technology through conciliation; where parties fail to successfully conciliate, the dispute shall be resolved in accordance with law.

Article 76 *Method of resolution of disputes about registration and use of Vietnamese national domain names ending ".vn"*

Any dispute about registration and use of a Vietnamese national domain name ending ".vn" shall be resolved in accordance with the following methods:

1. Through negotiation or conciliation;

2. Through arbitration;

3. Legal action at a court.

Article 77 *Dealing with breaches of the law on information technology*

1. Any individual in breach of the law on information technology shall, depending on the nature and seriousness of the breach, be subject to disciplinary action, administrative penalty or prosecution for criminal liability; and if causing loss, shall pay compensation in accordance with law.

2. Any organization in breach of the law on information technology shall, depending on the nature and seriousness of the breach, be subject to an administrative penalty or suspension of the operation; and if causing loss, shall pay compensation in accordance with law.

CHAPTER VI

Implementing Provisions

Article 78 *Effectiveness*

This Law shall be of full force and effect as of 1 January 2007.

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Article 79 *Guidelines for implementation*

The Government shall make specific regulations and provide guidelines for the implementation of this Law.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam at Legislature XI, 9th Session, on 29 June 2006.

Chairman of the National Assembly
NGUYEN PHU TRONG

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