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THE STANDING COMMITTEE OF NATIONAL ASSEMBLY -

Số: 30/2000/PL-UBTVQH10

ORDINANCE ON STATE SECRETS PROTECTION

(No. 30/2000/PL-UBTVQH10 of December 28, 2000)

In order to raise the responsibility of State bodies, political organizations, socio-political organizations, social organizations, economic organizations, other organizations, people’s armed force units and all citizens in the task of protecting the State secrets, contributing to the building and defense of the Fatherland;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

Pursuant to the Resolution of the Xth National Assembly, at its 6th session, on the 2000 law and ordinance making program;

This Ordinance prescribes the protection of the State secrets.

Chapter I

GENERAL PROVISIONS

Article 1.- The State secrets mean information on cases, affairs, documents, objects, venues, time, speech, carrying important contents in the fields of politics, national defense, security, external affairs, economy, science, technology and other fields, which the State does not publicize or has not yet publicized and the disclosure of which will cause harm to the State of the Socialist Republic of Vietnam.

Article 2.- To protect the State secrets is a very important task of the State of the Socialist Republic of Vietnam.

The State bodies, political organizations, socio-political organizations, social organizations, economic organizations, other organizations, people’s armed force units (hereinafter referred collectively to as agencies, organizations) and all citizens have the duty and responsibility to protect the State secrets.

Article 3.- All acts of gathering, disclosing, losing, appropriating, buying and selling, and illegally destroying State secrets, and the abuse of State secret protection to conceal acts of law breaking, infringing upon the legitimate rights and interests of agencies, organizations and citizens, or obstructing the implementation of State plans are strictly forbidden.

The access to, preservation, supply and treatment of State secrets must comply with the Government’s regulations.

Chapter II

THE SCOPE OF STATE SECRETS

Article 4.- Depending on the importance of the contents of information and the extent of harm caused if disclosed, the State secrets are classified into three categories: Absolute secret, top secret and secret.

Article 5.- The State secrets in the following fields are classified as absolute secret:

1. The national security strategies; the national defense plans; the plans on mobilization to cope with wars; weapons and means of decisive significance for the national defense capability;

2. The domestic and foreign lines and policies of the Communist Party of Vietnam and the State of the Socialist Republic of Vietnam, which are not or have not yet been publicized.

Information transferred by foreign countries or international organizations to Vietnam, which are determined by the Government as being absolute secret;

3. Intelligence and counter-intelligence organization and activities prescribed by the Government;

4. The national cipher;

5. The national strategic reserves; data on State budget estimates and settlement regarding domains not yet publicized; plans on money issuance, safety lock of each money sample and papers with monetary value; unpublicized schemes or plans for money recovery and change;

6. Restricted areas, places; other information and documents which are determined by the Government as absolute secret.

Article 6.- The State secrets in the following scope are classified top secret:

1. High-level talks and contacts between our country and foreign countries or international organizations in the political, defense, security, external, economic, scientific, technological and other domains, which have not yet been publicized.

Information transferred by foreign countries or international organizations to Vietnam, which are determined by the Government as top secret;

2. Operation organization, equipment and combat plans of people’s armed force units, except the organization and operation prescribed in Clause 3, Article 5 of this Ordinance; plans for production, transport and storage of weapons; important works on border, air space, sea and island defense;

3. Military maps; State coordinates of grade I, grade II of the comprehensive national network enclosed with the point notes.

The locations and height value of major checkpoints of the meteorological, hydrographic and marine-gauging stations; the data on the height and absolute zero of marine-gauging checkpoints;

4. The volume of money printed, issued; reserve money in Vietnam Dong and foreign currencies; data on cash overspending and inflation, not yet publicized; plans on prices of strategic commodities under the State management, which have not yet been publicized;

5. Depositories and volumes of precious and rare metals, gems, foreign exchanges and other precious and race objects of the State;

6. Scientific works, inventions, patents, utility solutions, professional knowhows of special importance for national defense, security, economy, sciences, technologies, which have not yet been publicized by the State;

7. Plans for export, import of special commodities which occupy important position in the national development and defense, which are not or have not yet been publicized;

8. Other information and documents, which are determined as top secret by the Government.

Article 7.- The State secrets other than those prescribed in Article 5 and Article 6 of this Ordinance are classified as secret.

The list of State secrets classified as secret shall be decided by the Minister of Public Security at the proposals of the heads or authorized persons of agencies or organizations.

Article 8.- Basing themselves on the lists of State secrets classified as absolute secret, top secret and secret, which are promulgated by competent authorities under the provisions of this Ordinance, the heads or the authorized persons of agencies and organizations shall decide the confidentiality of

each specific State secret.

Article 9.- The elaboration, decision and change of classification and declassification for each State secret must comply with the competence and procedures prescribed in this Ordinance.

Chapter III

THE STATE MANAGEMENT OVER STATE SECRETS; RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND CITIZENS FOR PROTECTION OF STATE SECRETS

Article 10.- Contents of the State management over State secrets protection shall include:

1. Promulgating and guiding the implementation of, legal documents on State secrets protection;
2. Classifying and declassifying State secrets; stipulating the promulgation of lists of State secrets;
3. Deciding the funding and ensuring material and technical foundations in service of the work of State secrets protection;
4. Prescribing regimes and policies for people directly performing the work of State secrets protection;
5. Inspecting, examining and handling violations as well as settling complaints and denunciations in the field of State secrets protection;
6. Making preliminary review and final review of the work of State secrets protection.

Article 11.-

1. The State shall exercise the unified State management over the State secrets protection.
2. The Ministry of Public Security shall take responsibility before the Government for the exercise of State management over State secrets protection and have the following tasks and powers:
 - a) To submit to the Government and the Prime Minister draft legal documents on State secrets protection;
 - b) To guide agencies and organizations to make lists of State secrets and effect the protection of State secrets;
 - c) To appraise the classification and declassification of State secrets of Absolute Secret and Top Secret degrees and submit them to the Prime Minister for decision;
 - d) To classify and declassify State secrets of the Secret degree after consulting with the heads or authorized persons of concerned agencies and organizations;
 - e) To inspect, examine and handle violations and to settle complaints and denunciations in the field of State secrets protection;
 - f) To assist the Government in making preliminary review and final review of the work of State secrets protection.

Article 12.- Within the ambit of their tasks and powers, the heads or authorized persons of agencies and organizations as well as the presidents of the People's Committees of all levels shall have the following responsibilities:

1. To organize the realization of the work of State secrets protection according to the provisions of this Ordinance and other relevant legal documents;
2. To promulgate and organize the implementation of their respective internal regulations on State secrets protection as stipulated by the Government;
3. To make lists, confidentiality degree changes and declassification of State secrets and submit them to the competent authorities for decision;
4. To arrange State secrets protection personnel according to the Government's regulations;
5. To propagate and educate people under their respective management for higher responsibility as well as vigilance and strict observance of the legislation on State secrets protection;
6. To effect the regime of reporting on the work of State secrets protection as provided for by the Government.

Article 13.- The Ministry of Defense shall have the responsibility to effect the work of State secrets protection in agencies and units under its management as provided for by the Government.

Article 14.- The Government shall stipulate the protection of State secrets in publishing, press and other mass media activities in accordance with the provisions of this Ordinance.

Article 15.- The contents of State secrets, if transmitted by telecommunications means and computers, must be coded according to the legislation on cipher.

Article 16.- Scientific projects, inventions, patents and utility solutions of agencies, organizations or citizens, which are related to contents of the State secrets, must be registered at the competent State bodies and shall be protected according to law.

Article 17.- Vietnamese agencies, organizations and citizens, when having contacts with foreign organizations and/or individuals, must abide by the provisions of the legislation on State secrets protection; when carrying out programs on international cooperation related to State secrets, they must obtain consent of the competent State bodies in charge of State secrets protection.

Article 18.- People who perform the work of State secrets protection must have good virtues and professional qualifications, be capable of fulfilling their assigned tasks and must commit to protect the State secrets.

Persons tasked to have access to State secrets must commit to protect the State secrets.

Chapter IV

COMMENDATION AND HANDLING OF VIOLATIONS

Article 19.- Agencies, organizations and citizens having merits in the protection of State secrets shall be commended and/or rewarded according to the provisions of law.

Article 20.- Those who violate the provisions of this Ordinance and other law provisions on State secrets protection shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability; if damage is caused, compensation must be made according to law provisions.

Chapter V

IMPLEMENTATION PROVISIONS

Article 21.- This Ordinance takes effect as from April 1, 2001.

This Ordinance replaces the October 28, 1991 Ordinance on State Secrets Protection.

All previous regulations contrary to this Ordinance are annulled.

Article 22.- The Government shall specify and guide the implementation of this Ordinance.

On behalf of the National Assembly

Standing Committee

Chairman

NGONG DUC MANH

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Bộ Tư pháp Liên hệ Phản hồi

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