

Legal Alert

March 2024

VIETNAM PROPOSES DEVELOPMENT OF A COMPREHENSIVE PERSONAL DATA PROTECTION LAW

The Ministry of Public Security in Vietnam is spearheading the creation of a new Personal Data Protection Law to tackle crucial shortcomings in the country's data protection practices. Two pivotal documents, "Report on the Impact Assessment of the Policy in the Proposal for the Development of the Personal Data Protection Law" and "Report on the Assessment of the Current State of Social Relations Related to Personal Data Protection," have been released on the Government's electronic portal, accessible at <https://chinhphu.vn/du-thao-vbqpl/ho-so-de-nghi-xay-dung-luat-bao-ve-du-lieu-ca-nhan-6312>. These reports highlight the critical need for a comprehensive legal framework that enshrines the protection of personal data, conforming to the principles laid down in the 2013 Constitution.

Key Points from the Report:

- 1. Fragmentation of Legal Framework:** the current legal framework comprises 69 disparate legal documents lacking consistency and comprehensive coverage of personal data issues, necessitating the introduction of cohesive legislation.
- 2. Policy Recommendations:** the proposed measures aim to harmonize domestic law with international standards, enhance socio-economic development through secure data use, combat widespread personal data misuse, and improve public awareness and compliance..
- 3. Drafting Process:** the formulation process involved extensive consultation with stakeholders, including the public, government agencies, and businesses, to ensure effective personal data protection while fostering socio-economic growth and aligning with global practices.
- 4. Challenges and Concerns:** rapid technological advancements and extensive personal data collection by both state and non-state entities have led to significant privacy concerns and data breaches, highlighting the need for robust legislative measures.
- 5. International Context:** Vietnam's participation in international agreements that mandate data protection measures and the influence of global regulations, such as the EU's GDPR, underscore the necessity for aligning domestic legislation with international standards.

Implications:

The proposed Personal Data Protection Law is anticipated to provide a more comprehensive and advanced framework compared to the currently effective PDP Decree issued in April 2023. It aims to address critical gaps in the existing legal landscape, promote responsible data handling practices, and safeguard individuals' privacy rights in the digital age.

Call to Action:

Agencies, organizations, and individuals, both domestically and internationally, are invited to study the reports and contribute their opinions to the formulation process. Stakeholder engagement is crucial in ensuring that the proposed legislation effectively addresses the complexities of personal data protection while promoting socio-economic development in Vietnam.

Stay tuned for further updates on the development of the Personal Data Protection Law in Vietnam.

Contact us

Hanoi

46th Floor, Keangnam Landmark 72,
E6 Pham Hung, Me Tri, Nam Tu Liem

T +84 (24) 3946 1600

Ho Chi Minh City

10th Floor, Sun Wah Tower,
115 Nguyen Hue, Ben Nghe, District 1

T +84 (28) 3821 9266

Da Nang

Unit D3, 5th Floor, Indochina Riverside Towers,
74 Bach Dang, Hai Chau I, Hai Chau

T +84 (236) 351 9051

The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

© 2024 KPMG Limited, KPMG Tax and Advisory Limited, KPMG Law Limited, KPMG Services Company Limited, all Vietnamese one member limited liability companies and member firms of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.



Scan to visit our website: kpmg.com.vn

Email: info@kpmg.com.vn