

# Legal Update

September 2024

## An Overview of Vietnam Draft Personal Data Protection Law

### NOTABLE UPDATES

Issue	Main Content
<b>Expanded territorial scope</b>	Those processing personal data of foreign nationals in Vietnam to be regulated.
<b>Protection of Sensitive Data</b>	Evaluation of data protection credibility is required.
<b>New principle for group companies</b>	Each company in a corporate group must independently protect personal data, with separate, explicit consent required for each entity.
<b>Consent without conditions</b>	Organizations cannot require data subjects to consent to data transfers for unrelated services.
<b>Data Processing Impact Assessment</b>	A description and assessment of the current status of compliance with personal data protection regulations are required, along with a document detailing the data protection compliance rating.
<b>Cross-border Transfer of Data</b>	Regulated transfers include sharing data with foreign recipients, at international events, sending personal data abroad, online publication, business purposes, and fulfilling foreign legal obligations.
<b>Regulatory filings update</b>	Processing and Transfer Impact Assessment Reports must be updated every six months or immediately in cases of company dissolution, mergers, changes in data protection officers, or changes in registered data-related services or activities.
<b>Contracting with Data Subjects</b>	Contracts with data subjects must include personal data protection provisions, outlining responsibilities, rights, and obligations. Employee monitoring measures must be specified and require consent.
<b>Service Mechanisms</b>	New concepts and requirements are introduced for personal data protection (PDP) services, including DPO-as-a-Service, data protection experts, organizations certifying compliance, and entities ranking trustworthiness in data protection practices.

## SPECIAL DATA PROCESSING CASES ◆

### Credit information



Credit information cannot be bought, sold, or transferred without authorization, and must not be used for credit scoring without consent. Anonymization must be applied, and breaches reported to data subjects. Unauthorized sharing is prohibited unless legally allowed, and credit data can only be shared with financial institutions as per legal regulations.

### Employee data



Employee monitoring requires clear consent, must follow legal procedures, and unauthorized monitoring technologies are prohibited

### Location data



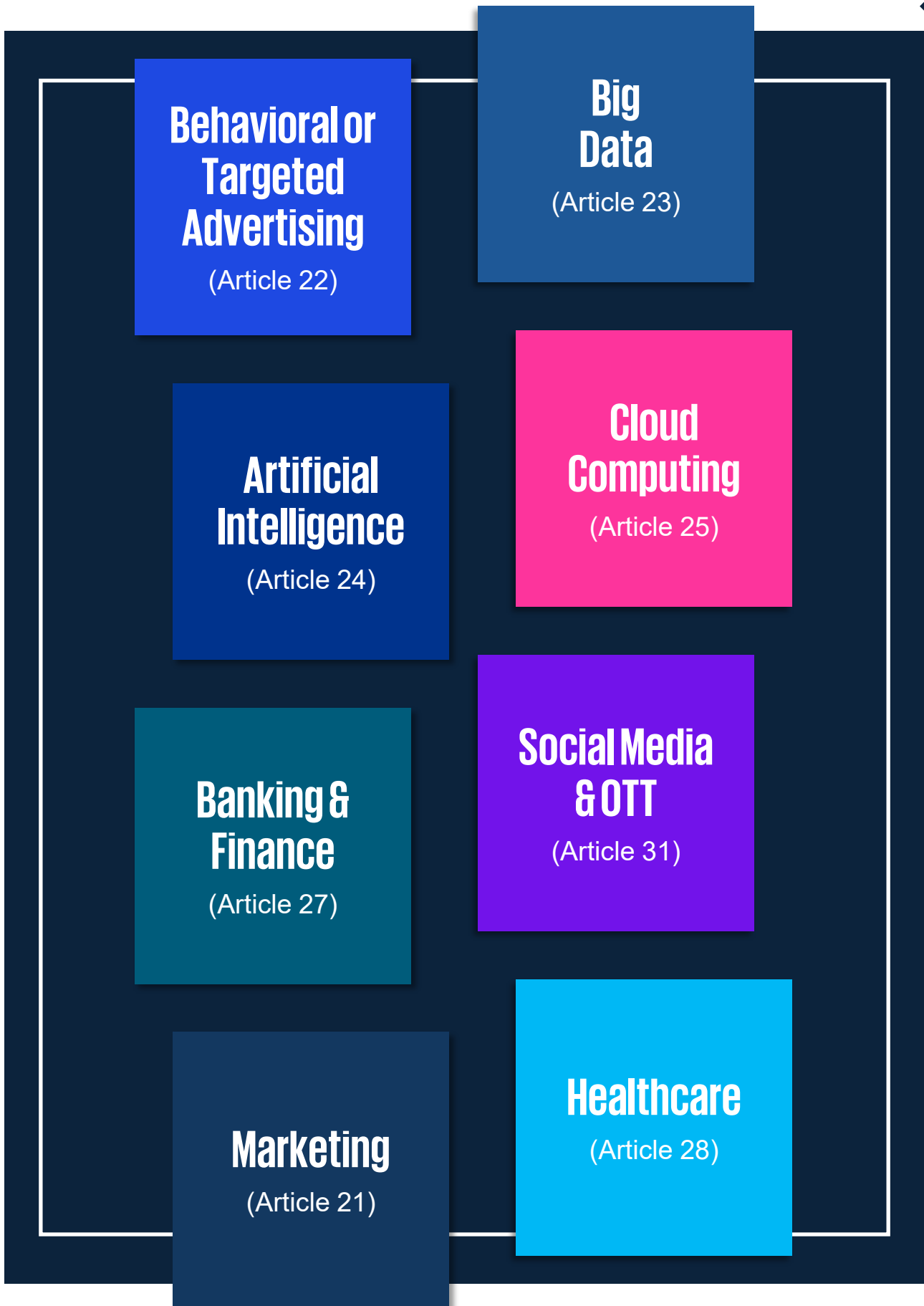
Location tracking using RFID or similar technologies requires explicit consent from the data subject or a legal mandate. Mobile platforms must inform users about the use of location data and implement safeguards to prevent unauthorized third-party access

### Biometric data



Clear notification must be provided to data subjects regarding potential consequences and risks

## NEW SECTORAL REQUIREMENTS



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