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OCTOBER 2022

# LEGAL UPDATE

ELECTRONIC IDENTIFICATION  
AND AUTHENTICATION





On 5 September 2022, the Government promulgated Decree 59/2022/ND-CP (**Decree 59**) regulating electronic identification and authentication. This Decree is expected to ease information identification in the online environment. Decree 59 took effect on 20 October 2022.

In this update, we set out some notable points of Decree 59.

## 1. Electronic Identity

*Electronic identity (eID)* means the information of an individual or organisation in the electronic identification and authentication system. This eID, which each individual and organisation will receive, enables the identification and allows a more effective and systematic management of the information in the online environment.

There will be three types of eID, namely an eID for a Vietnamese citizen, an eID for a foreigner and an eID for an organisation. The eID of Vietnamese and foreign individuals displays personal and biometric information such as a portrait photo and fingerprints, the organisation's eID only shows the corporation's information.

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<sup>1</sup> According to the Civil Code a ward is a minor who has no parents or whose parents are unidentifiable or incapacitated, have limited cognition, behaviour control or limited capacity of exercise, have their parental rights restricted by a court, or do not have the means

## 2. Electronic Identity Account

### 2.1 Scope

Decree 59 also introduces an *electronic identity account (eID Account)* as a collection of usernames, passwords or other authentication methods created by the electronic identification and authentication regulator. The eID Account will be granted to Vietnamese or foreign citizens who are at least 14 years old. Citizens who are younger than 14 years old or wards<sup>1</sup> may share the eID Account with their parents or guardians.

The eID Account will also be granted to competent authorities or organisations that are established or have successfully registered their operation in Vietnam.

### 2.2 Information Display

The eID Accounts are divided into two types based on the displayed information:

- Level 1 shows the personal information and portrait photo of an individual.
- Level 2 shows
  - the personal information, portrait photo and fingerprint of an individual; or
  - corporate information of an organisation.

to care for or educate a minor and the parents request the minor to be a ward. A ward can also be an adult being an incapacitated person or someone with limited cognition or behaviour control.





So an organisation can only have the Level 2 eID Account.

### 2.3 Purpose

Subject to the types of the eID Accounts as set out above, the purpose of eID Accounts differs:

- Level 1 eID Accounts can be used to prove personal information for activities and transactions that require personal information; and
- Level 2 eID Accounts can be used to prove:
  - personal information in activities and transactions that require the provision of personal information and will replace
    - the citizen ID card for Vietnamese citizens; or
    - a passport or other valid travel documents for foreigners; and
  - identity information of organisations in activities and transactions that require the provision of organisation information.

Given the above, the application of the eID Accounts will reduce identification steps and fasten administrative procedures and transactions in the electronic environment.

Furthermore, Decree 59 governs the use of the eID Accounts in VneID which is an application on digital services created by the Ministry of Public Security (**MPS**). It is used for electronic identification<sup>2</sup> and authentication<sup>3</sup> procedures, as well as the procedures for the eID subjects to register and use electronic services to activate and use their eID Accounts.

### 3. Electronic Authentication Services

Finally, Decree 59 outlines the conditions for providing electronic authentication services and relevant procedures. Note that providing *electronic authentication* services is a conditional business sector. Service providers are required to obtain the certificate on satisfying the conditions of electronic authentication business issued by the MPS if the following conditions are satisfied:

- Be a state-owned public service unit or company under the control of the People's Public Security Forces;
- Meet the conditions on personnel qualifications and citizenship; and
- Meet technical conditions on information security systems and storage plans, and information on the machinery and equipment currently owned in Vietnam.

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<sup>2</sup> Electronic identification refers to an act of registering, verifying, creating and binding an eID to an eID holder.

<sup>3</sup> Electronic authentication refers to an act of confirming or asserting

identities attached to an eID holder by accessing, discovering and examining those identities using various information sources or verifying an eID account.