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NEW LAW ON PERSONAL DATA PROTECTION:
COMPLIANCE READINESS & PRACTICAL IMPLEMENTATION

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SPEAKER



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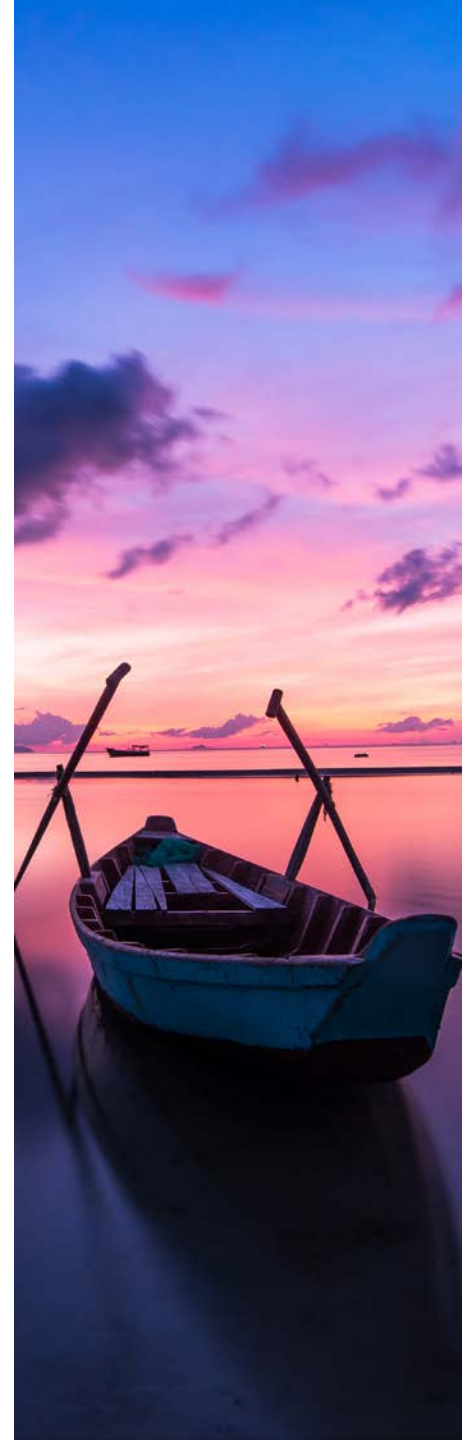
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Ms Minh Nguyen has more than 15 years of working experience in compliance, corporate, mergers and acquisitions, labour, intellectual property and dispute resolution for various top-tier international law firms.

Ms Minh Nguyen is also:

- Awardee of the prestigious Fulbright Scholarship
- Worked as Legal Compliance Manager in the SEA&NZ Business Unit of the largest brewing company in the world
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A. IMPORTANT DEFINITIONS

INTERTWIST BETWEEN PDPL AND DECREE 13

- **PDPL** refers to Law on personal data protection No. 91/2025/QH15 enacted on 26 June 2025 by the National Assembly of Vietnam (effective on 1 Jan 2026).
- **Decree 13** refers to Decree No. 13/2023/ND-CP issued on 17 April 2023 by the Vietnamese Government (effective from 1 July 2023).
- **Relationship:** PDPL will prevail **over** Decree 13 if there is any contradiction between the two on the same legal issue.
- **Special circumstances:**
 - If the processing of the PD has been conducted on the basis of the consents from the Data Subjects which were obtained in accordance with Decree 13 before 1 Jan 2026, there is **no need to obtain the Data Subjects' consents again** on or after 1 Jan 2026.
 - If the first submission of the impact assessment dossier (DPIA or DTIA) is received by the MPS in accordance with Decree 13 before 1 Jan 2026, there is **no need for a resubmission** on or after 1 Jan 2026 (except for the submission of the updated versions of the DPIA and DTIA in accordance with the PDPL).



PERSONAL DATA (PD)

- Means digital data or other forms of information that identify or help to identify a specific individual.
- Includes **basic PD** and **sensitive PD**.
- **Basic PD** refers to PD that reflects common identifying or background information of an individual, which is frequently used in transactions and social interactions (e.g. family name, middle name and first name as stated in the birth certificate; date of birth; gender; personal photos; ID number, etc.).
- **Sensitive PD** means PD associated with an individual's privacy that, when being infringed upon, shall directly jeopardize the legitimate rights and interests of such individual (e.g. health data in health records, personal location data that is identified through positioning function in an app, data on religion).
- PD, even after being encrypted, is still considered PD.
- PD, once **anonymised**, is no longer considered PD.



Example on PD from DTIA template (Form No. D25-DLCN-04)

Basic PD – Part 1

3.1.	Basic personal data (pursuant to Clause 3, Article 2 of Decree No. 13/2023/ND-CP dated 17 April 2023 of the Government on personal data protection; tick ✓ at the specified data type)		
	Last name, middle name and birth name		Nationality
	Other name (if any)		Picture of individual
	Date of birth		Phone number
	Date of death or missing		Identity card number
	Gender		Personal identification number
	Place of birth		Passport number
	Place of birth registration		Driver's license number
	Place of permanent residence		License plate number



Example on PD from DTIA template (Form No. D25-DLCN-04)

Basic PD – Part 2

Place of temporary residence		Personal tax identification number
Place of current residence		Social insurance number
Home town		Health insurance card number
Contact address		Marital status
Information about family relationship (parents, children)		Information about digital account of individual
Personal data reflecting activities in cyberspace		History of activities in cyberspace
Other information relating to a specific person or helping to identify a specific person that is not specified in Clause 4 of this Article		



Example on PD from DTIA template (Form No. D25-DLCN-04)

Sensitive PD – Part 1

Political point of view		Health status and private life recorded in medical records, excluding information about blood type
Religious point of view		
Information related to racial origin		Information related to ethnic origin
Information about inherited or acquired genetic characteristics of individual		Information about physical properties
Individual biological characteristics		Information about sex life
Information about sexual orientation		Data on crime, criminal behavior collected and stored by law enforcement agencies
Information identifying customers of credit institutions, foreign bank branches, payment intermediary service providers and other authorized organizations as prescribed by law		Account information of customers of credit institutions, foreign bank branches, payment intermediary service providers and other authorized organizations



Example on PD from DTIA template (Form No. D25-DLCN-04)

Sensitive PD – Part 2

Information about deposits of customers of credit institutions, foreign bank branches, payment intermediary service providers and other authorized organizations		Information about deposited property of customers of credit institutions, foreign bank branches, payment intermediary service providers and other authorized organizations
Information about transactions of customers of		Information about organizations and individuals as guarantors at credit
credit institutions, foreign bank branches, payment intermediary service providers and other authorized organizations		institutions, bank branches and payment intermediary service providers
Personal location data identified through location services		Other personal data considered specific under the law and requiring necessary security measures



PD PROCESSING

Refers to one or more activities that impact on PD, such as: collection, recording, analysis, confirmation, storage, alteration, publishing, combination, access, retrieval, recovery, encryption, **anonymisation**, decryption, duplication, sharing, transmission, provision, transfer, deletion, destruction of PD or other relevant activities.

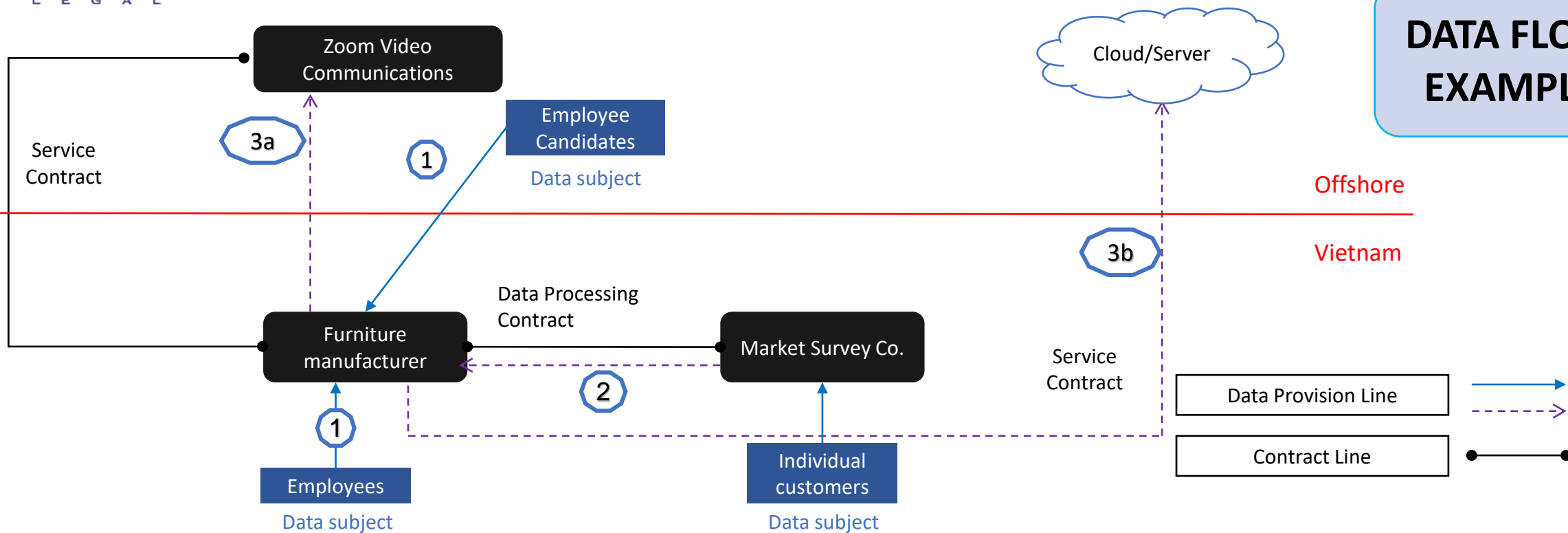


PERSONAL DATA PROTECTION (PDP) – RELATED PARTIES

1. **Data Subject** refers to an individual identified by PD.
2. **PD Controller** refers to a State agency, organisation or individual that decides the purpose and means of PD processing.
3. **PD Processor** refers to a State agency, organisation or individual who is contracted by the PD Controller to process PD in accordance with the instructions of the PD Controller.
4. **PD Controller cum Processor** is a hybrid role, referring to a State agency, organisation or individual that both decides the purpose and means of PD processing and simultaneously directly performs PD processing.
5. **Third Party** refers to an organisation or individual, other than the Data Subject, PD Controller, PD Processor, and PD Controller cum Processor, involved in the processing of PD in accordance with the law.



DATA FLOW EXAMPLE



- ① Employees based in Vietnam or Employee Candidates based overseas **provide PD** to Furniture manufacturer. This organization plays the role of **PD Controller cum Processor**.
- ② Market Survey Co. **provides PD of Individual Customers** to Furniture manufacturer in accordance with a **data processing contract** between the parties. In this regard, Market Survey Co. plays the role of **PD Processor**.
- ③a Zoom Video Communications provides video conferencing platform to Furniture manufacturer and will store PD of individuals mentioned in spoken word. Zoom Video Communications plays the role of **Third Party**.
- ③b **Cross-border data transfers** of PD of employees of Furniture manufacturer and PD of Individual customers to server/cloud service provider under a storage service contract. Server/cloud service provider plays the role of **Third Party**.



B. IMPACT OF DATA PRIVACY REGULATIONS ON BUSINESS OPERATIONS

Appointing DPO/DPD – EXEMPTIONS

- The Law on PDP sets out the obligation to appoint PDP Officer (**DPO**)/PDP Department (**DPD**), **or** engage external organisations or individuals that provide PDP services.
- Small and start-up enterprises are exempt from the obligation to retain a DPO/DPD **for 5 years since 1 January 2026**, and household businesses and microenterprises are exempt from the obligation to retain a DPO/DPD if:
 - not running business in personal data processing;
 - not directly processing sensitive data; and
 - not processing personal data of a large number of data subjects.



LAW ON PDP: **DPIA/DTIA.**

➤ What must be reported?

- Data Processing Impact Assessment (**DPIA**)
- Data Cross-border Transfer Impact Assessment (**DTIA**)
- Exemption on DPIA is applied to small and start-up enterprises for 5 years since 1 January 2026, or household businesses and microenterprises if meeting conditions set out in Slide 16.

➤ When reporting obligations are triggered?

- Must submit DPIA or DTIA one time during the company's lifetime within 60 days from the date of processing PD, or from the date of PD cross-border transfer.
- Must submit the updated versions in every 6 months if there is any change, unless the change is in relation to the business line or the DPO/DPD or the company existence and structuring.

➤ How should the reports be sent?

- **Online** submission via National PDP Portal
- **Postal** submission to the PDP Authority → **Most favorable**
- **In-person** submission to the PDP Authority



Exercise on DPIA (Form No. D24-DLCN-01)

II. INFORMATION OF PERSONAL DATA PROCESSORS (UNDER CONTRACT) (Specify each organization acting as a personal data processor, enclosed with a copy of the contract) <i>The list and details of the data processors are set out as Appendix 1.</i>			
1	Name of organization/individual (in Vietnamese):	1a	Name of organization/individual (international):
1b	Name of organization/individual (abbreviation):	1c	Tax code
2	Stock code:	3	Type of business (pursuant to Decree 53/2023/ND-CP) Domestic <input type="checkbox"/> Foreign <input type="checkbox"/>
4	Address (head office):		
5	Representative:		



Exercise on DPIA (Form No. D25-DLCN-04)

8	Time of personal data processing (<i>specify the expected time of personal data processing for each personal data processing activity; in case there are many different timelines for personal data processing, specify each timeline for personal data processing</i>)	
9	Period of personal data storage (<i>specify the expected period of personal data storage for each personal data processing activity; in the case of [a period prescribed by] law, specify under which law; if the periods of different personal data storage are different, specify each type of personal data</i>)	
10	Estimated time of deletion, destruction of personal data (<i><u>specify</u> expected period for each personal data processing activity</i>)	
	From:	To:
11	Manner of deletion, destruction of personal data (<i>recoverable, unrecoverable</i>)	



Practical Implementation – Challenges

Severe administrative sanction

Under the Law on PDP:

- For sale and purchase of PD: 10 times the revenue from the sale or VND 3 billion (approx. USD 120k), whichever is higher.
- For cross-border transfer violations: Up to 5% of the violator's revenue of the preceding year or VND 3 billion (approx. USD 120k), whichever is higher.
- Other violations: Up to VND 3 billion (approx. USD 120k).

Under the draft sanctioning decree:

- Up to 5% of total revenue of the organizational violator in Vietnam for the preceding year for violations such as (i) any repeated violations in illegal collection, transfer, purchase and sale of PD, or (ii) any violations in PD processing which cause disclosure or loss of PD of 5 million Vietnamese citizens or more.



Practical Implementation – Recommendations

Internal policies

- 1 Privacy policy for **EMPLOYEES**
- 2 Privacy policy for **SUPPLIERS/VENDORS/BUSINESS PARTNERS**
- 3 Privacy policy for **END-CONSUMERS/INDIVIDUAL CUSTOMERS/ONLINE VISITORS, etc.**



Practical Implementation – Recommendations

1 Privacy policy for EMPLOYEES	
PDP templates	i Consent template on processing PD of candidates
	ii Consent template on processing PD of employees
	iii Consent template on processing PD of employees' dependent (eg., child)
	iv Consent template on processing PD of employees on video and audio recording
	v PDP clauses in labour contract



Practical Implementation – Recommendations

2

Privacy policy for SUPPLIERS/VENDORS/BUSINESS PARTNERS

PDP templates

- i Supplier/Vendor/Business partner's letter of commitment on PDP
- ii PDP clauses in contract with Suppliers/Vendors/Business Partners



Practical Implementation – Recommendations

3

Privacy policy for END-CONSUMERS/INDIVIDUAL CUSTOMERS/ONLINE VISITORS, etc.

PDP templates

- i Consent template on processing PD of **end-consumer/individual customer/online visitor**, etc.
- ii Cookie notification (in case of **online visitors**)
- iii Consent template on processing PD of **guest** on video and audio recording (in case of media or promotion events, etc.)



Example of consent template on processing PD of **candidates**

CANDIDATE'S CONSENT ON PERSONAL DATA PROCESSING

I, having the following information:

- Full name:
- ID/Passport number:..... issued on: by:.....
- Date of birth:
- **Note:** [REDACTED] *does not hire individuals under the age of 18 as employees. If you are below 18 years old, you must refrain from sending your job application to us. If we discover that you are under 18 years old, we reserve the right to erase and/or remove your job application from our system without any prior notification to you. Furthermore, under such circumstances, we will not owe any obligation to you in terms of protection of your personal data.*
- Phone number:
- Email address:

hereby acknowledge that I have read and reviewed the terms and conditions regarding the processing, use, deletion, storage, disclosure and transfer of my personal data by [REDACTED], a company incorporated under the laws of Vietnam, having enterprise code [REDACTED]

Vietnam ("Company"), in accordance with the following scope and purposes:

1. Processing purposes

The personal data collected from me or otherwise from any third party will be processed for the purpose of processing and evaluating my application for employment with the Company, and if my application is successful, the personal data will be used in the administration of my employment.





C. ABOUT US AND HOW WE SUPPORT YOUR PDP COMPLIANCE



ACSV Legal is a Vietnam-based law firm with a team of high calibre lawyers with first-rate credentials.

ACSV Legal's premier compliance practice encompasses a wide range of compliance issues across all industry sectors.

REGULATORY ADVICE

Our team provides regulatory advice and updates on changes that affect the day-to-day operations of companies in Vietnam. We are regularly instructed to provide trainings to the key management personnel of clients on various topics such as data privacy, anti-corruption, and employment-related compliance matters.

INVESTIGATION

Our team is acquainted with conducting investigations resulting from whistleblowing reports. The team has experience handling different kinds of complaints related to data privacy, anti-bribery, anti-harassment, and anti-trust.



D. FINAL THOUGHTS
AND Q&As

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