

Some developments relating to the draft Personal Data Protection Decree

17 March 2022

At a glance...

Upon collecting public comments on the draft Personal Data Protection Decree (PDPD) a year ago (*please refer to our [previous NewsBrief](#) for further details on this draft*), the Ministry of Public Security (MPS) then submitted an updated version of the draft PDPD to the Government for approval.

On 7 March, the Government issued Resolution 27/NQ-CP as an ‘approval-in-principle’ of key contents of the draft PDPD proposed by the MPS.

In detail...

- Under Resolution 27, the Government agrees that personal data can be processed without the consent of the data subject in the following cases:
 - where the processing is necessary in response to an emergency situation that threatens the life, health or safety of the data subject or other individuals;
 - where the disclosure of personal data is in accordance with the law;
 - where the processing is necessary to fulfil national defence/security requirements or is carried out by competent authorities in accordance with other laws;
 - where a competent state agency investigates and handles law violations in accordance with laws; and
 - where personal data is processed by a competent state agency for the purpose of serving the operation of the state agency in accordance with laws.
- Although it approved the key contents of the draft PDPD, the Government assigned and authorised the MPS to further consult the National Assembly Standing Committee about the draft PDPD.
- The MPS is also assigned to assume the prime responsibility for developing a Law on Personal Data Protection. This is consistent with the Prime Minister's Decision 06/QD-TTg, issued on 6 January, according to which, personal data protection regulations in Vietnam are being considered to be upgraded from 'decree' level to 'law' level in 2024.

Contact us

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