

# Draft decree dealing with violations of personal data protection regulations

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## At a glance...

Following the issuance of Decree No. 13 of the Government dated April 17, 2023 on personal data protection, the Ministry of Public Security is now at the final stage of working on a draft decree on administrative penalties against violations in relation to cybersecurity and personal data protection activities. A draft decree has been proposed to take effect next month.

## In detail...

Based on the latest version of the draft decree made available to us, we note the following:

- Some violations in relation to personal data protection regulations, such as failure to obtain a data subject's consent, failure to give a privacy notice, failure to delete and destroy data, failure to issue internal privacy policies in line with the law, violations of personal data protection relating to marketing and advertising business activities (for first violation) could be fined up to VND200mil.
- Other non-compliance such as (i) not submitting the assessment report on the impact of personal data processing, or (ii) not submitting the assessment report on the impact of overseas transfer of personal data within the statutory timelines, could be subject to a fine from VND140 - 200mil.
- More significantly, the draft decree also provides that a fine of up to 5% of a company's total revenue of the preceding financial year in Vietnam may be applied in certain circumstances,
- such as:
  - Violations of personal data protection rules in marketing and advertising business activities, for the second violation;
  - Illegal collection, transfer, purchase, or sale of personal data for the second violation;
  - Failure to instigate the protection measures in the processing of personal data or the overseas transfer of personal data leading to the losses of personal data of more than 5 million Vietnamese citizens.
- In addition to these monetary fines, other administrative measures may also be considered, such as temporary suspension of business operations or suspension of processing personal data for a period of 1-3 months, public criticism, deletion and destruction of the personal data and so on.

We will continue to monitor and keep you updated on any further development of this draft regulation.

## Contact us

This publication has been prepared for general guidance on matters of interest only, and does not constitute professional advice. For further information or if you require our official advice or assistance, please reach out to us.



**Phan Thi Thuy Duong**

Partner  
Legal services

+84 (28) 3823 0796, Ext. 1508  
[phan.thi.thuy.duong@pwc.com](mailto:phan.thi.thuy.duong@pwc.com)



**Pho Duc Giang**

Director  
Digital Trust and Cybersecurity

+84 (28) 3823 0796, Ext. 1012  
[pho.duc.giang@pwc.com](mailto:pho.duc.giang@pwc.com)



**Tran Thi Than Niem**

Senior Manager  
Legal services

+84 (28) 3823 0796, Ext. 1535  
[tran.thi.than.niem@pwc.com](mailto:tran.thi.than.niem@pwc.com)

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