

Asia Internet Coalition (AIC) Industry Comments on the Dossier of Request for Development of Data Law

4 April 2024

To

Mr. To Lam,
Minister of Public Security (MPS)
Government of Vietnam

Mr. Nguyen Minh Chinh, Director General of the Department of Cyber Security and High-Tech Crime Prevention and Control
Minister of Public Security (MPS)
Government of Vietnam

The [Asia Internet Coalition \(AIC\)](#) and its members express our sincere gratitude to the Ministry of Public Security (MPS) for the opportunity to submit comments on the **Dossier of Request for Development of Data Law** (Data Law).

The AIC is an industry association of leading Internet and technology companies. AIC seeks to promote the understanding and resolution of Internet and ICT policy issues in the Asia Pacific region. Our member companies would like to assure MPS that they will continue to actively contribute to the proper management of data and data governance efforts in support of the digital economy goals of Vietnam.

We commend MPS for exploring avenues to holistically address new issues regarding data that have emerged. The development of the Data Law is timely and significant, given that data is becoming an increasingly vital asset and resource of the digital economy. As part of Vietnam's effort to become an AI Hub in ASEAN by 2030, proactive management of data is essential. Effective implementation of the Data Law will accelerate the country's digital transformation and growth of the digital economy.

While we support these efforts, we also wish to express our recommendations about some of the requirements proposed. As such, please find attached to this letter detailed comments and recommendations, which we would like MPS to consider when preparing the Data Law.

We are grateful to MPS for upholding a transparent, multi-stakeholder approach and further welcome the opportunity to offer our inputs and insights, directly through industry meetings and participating in the official consultations / workshops.

Should you have any questions or need clarification on any of the recommendations, please do not hesitate to contact our Secretariat Mr. Sarthak Luthra at Secretariat@aicasia.org or at +65 8739 1490.

Thank you.

Sincerely,



Jeff Paine
Managing Director
Asia Internet Coalition (AIC)

Detailed Comments and Recommendations

Article/Concern	Industry Feedback
<p>General</p> <p>Re: Enhancing the Government's data governance capabilities</p>	<p>There has been a consistent effort to move towards a digital government by the Vietnamese government in the past few years. Digitalization of Government procedures and services will allow many administrative procedures to be carried out online. Some of these procedures and services include issuing regulations and guidance for online registration, information provision and reports, under the form of form filling, file upload, system connections etc.</p> <p>We note three general areas of concern. The first is that there are areas for the IT infrastructure of many Government agencies to be enhanced. Such improvements will significantly reduce the likelihood and severity of cyber attacks, data theft, data exposure, leakage or loss.</p> <p>The second area of concern is that there are no clear regulations and policies in place for Government data privacy and system protection, particularly information/data on computer systems and cyberspace.</p> <p>The third area of concern is that awareness of personal data privacy and confidentiality of business data has room for improvement. Enhancements in these areas will reduce the impact of data leakage, misuse, and violations.</p>

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	<p>Improvements in these areas will increase the trust that the public and organisations have when, providing information to Government agencies.</p> <p><u>Our recommendation:</u></p> <p>We recommend that the Government create policies to enhance the Government's data governance policies in three areas. The first area is in the investment and development of Government IT infrastructure for Government data collection, storage and management.</p> <p>The second area is the development of internal policies and processes for Government data system protection, and provisions on legal responsibilities of Government agencies in case of data leakage or loss.</p> <p>The third area is the assignment of specialized personnel for data protection in Government agencies. This will also include a plan to train and raise awareness of Government officials in terms of data governance.</p>
<p>General</p> <p>Re: Free-of-charge use and exploitation of open Government data from the National Comprehensive Database</p>	<p>We note that open public data sources can help to raise awareness and knowledge of the community, open opportunities for business development, economic growth, and fostering scientific study, etc. In the region and globally, many Governments provide open data sources free-of-charge, meeting their citizens and businesses' needs of data search, usage, and exploitation, opening many development opportunities.</p> <p><u>Our recommendation:</u></p> <p>We suggest that the Government should classify and maintain free-of-charge open data sources for public use.</p>
<p>Article 4 - General principles in processing data</p>	<p>We note that the MPS is currently drafting the Law on Personal Data Protection. There are also other regulations that govern information safety and data security, such as the Law on Network Information Safety, Law on Cybersecurity, the Personal Data Protection Decree, etc. Given these various laws and policies, we believe there should be a clear delineation, as well as a clear interpretation of the interaction between this Law on Data and other laws and regulations on personal data protection and data security.</p>

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	<p>We further note that the Law on Data stipulates principles for data collection, storage, and protection; is meant to address data management; enhance information security; and more importantly, unify regulations related to the collection and use of information. The Draft Law on Data’s Scope and Purpose also sets forth that it is to regulate governance of data in Vietnam; its General Principles provide key considerations about data processing; it also has sections on Data Classification and Data Sharing; and quite significantly, the Law on Data likewise provides for Data Strategy and Governance. We submit that policies on these subjects should first be settled and enacted, as they are the foundation for related data laws, such as the future Law on Personal Data Protection. To ensure that these key policies are first set and are able to provide a unified direction and strategy for future related laws and policies, and to avoid possible inconsistencies and conflicts with related future laws and policies, we recommend that the Law on Data be enacted before other related laws, such as the Law on Personal Data Protection.</p> <p><u>Our recommendation:</u></p> <p>We recommend that the Ministry of Public Security clearly delineate this Law in relation to other Laws and regulations on information privacy and safety.</p> <p>We would also recommend prioritizing the enactment of the Data Law before the enactment of the Law on Personal Data Protection.</p>
<p>Article 14</p> <p>Re: Providing data for Government agencies</p>	<p>We note that digital platforms have been requested to share extensive amounts of data that fall outside the scope of regulation. This increases the administrative burden for businesses, as well as affects the legal rights and benefits of businesses.</p> <p><u>Our recommendation:</u></p> <p>We seek greater transparency and clarity regarding regulations on data sharing requests, and how these data sharing requests will not be misused.</p> <p>Further, we recommend that Ministry provide further details in relation to the draft Article 14 of the Data Law, including:</p> <ul style="list-style-type: none"> ● For Vietnam Government to consider fortifying procedures to

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	<p>ensure effective, rigorous and layered oversight in relation to data requests;</p> <ul style="list-style-type: none"> ● For Vietnam Government to consider strengthening its data security regime to ensure that data entrusted to the government is handled and protected with utmost care; and ● For Vietnam Government to consider fortifying safeguards in relation to data requests, taking into consideration various factors, including privacy of individuals.