

# Draft Circular on the Cross-border Provision of Public Information

19 May 2015

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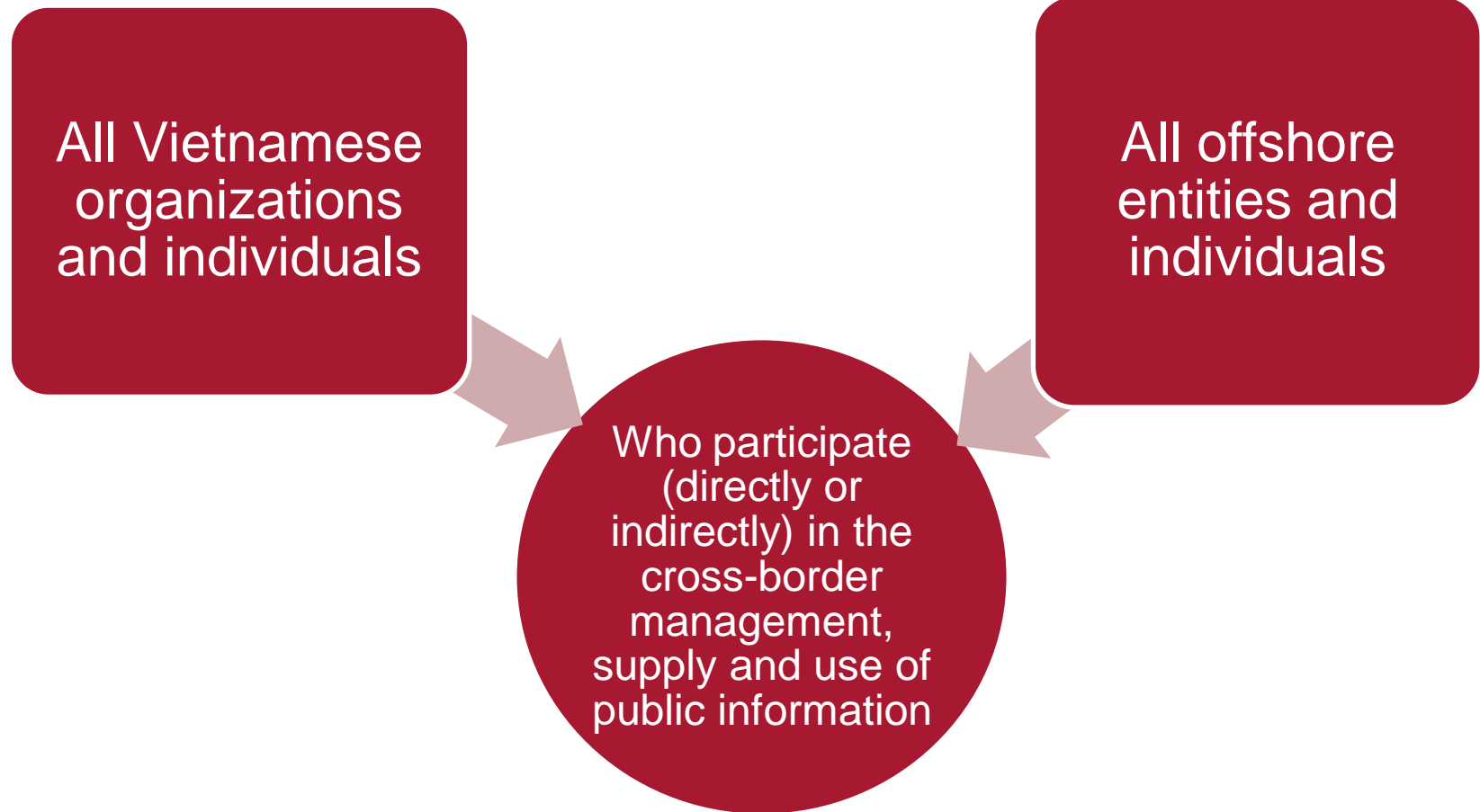
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# Agenda

1. Who is covered?
2. Draft Circular's requirements
3. Notification of contact and statistical information
4. Notice and take down procedures
5. Public comment
6. Q&A

# Who is covered?



# Draft Circular's requirements

**A.** Off-shore entities or individuals that set up equipment in Vietnam must have a commercial presence in Vietnam and comply with the relevant requirements if they provide

- “General public information on politics, economics, culture, society, or entertainment” via a website
- Or any type of public information via social network, search tool, application or other means.

# Draft Circular's requirements

**B.** Off-shore entities or individuals may be subject to “*necessary technical measures*” if:

- They violate the prohibited acts of Decree No. 72, Article 5, Prohibited Acts (“**Prohibited Acts**”),
- Or they fail to comply with Draft Circular, Article 4 (notification procedures) or Article 5 (take down requirements)

# Draft Circular's requirements

**C.** Off-shore entities or individuals that provide “general public information on politics, economics, culture, society, or entertainment” in Vietnamese, or that have at least one million hits in one month must:

- Have an authorized representative in Vietnam to serve as a point of contact and to cooperate with the competent Vietnamese authorities;
- Notify the MIC of their contact information as discussed below;
- Not actively violate the Prohibited Acts;
- Cooperate with Vietnamese authorities to take down information that violates the Prohibited Acts.

# Draft Circular's requirements

**D.** Off-shore entities or individuals that provide social networking services to 5,000 or more users in Vietnam must:

- Have an authorized representative in Vietnam to serve as a point of contact and to cooperate with the competent Vietnamese authorities;
- Notify the MIC of their contact information;
- Not actively violate the Prohibited Acts;
- Comply with further regulations stipulated in Article 3.2 of the Draft.

# Draft Circular's requirements

E. Off-shore entities or individuals that provide applications (or the like) that provide public information in Vietnamese and which can be downloaded or accessed by users must:

- Provide notice to Vietnamese users of the risks, rights and responsibilities in uploading, exchanging and sharing information in advance;
- Ensure that Vietnamese users can decide whether their personal information is used by third parties;
- Comply with further regulations stipulated in Article 3.3 of the Draft



# Draft Circular's requirements

**F.** Telecommunications and Internet enterprises, and enterprises providing online-storage services must:

- Upon request from Vietnamese authorities, stop providing services to Vietnamese users whom they have deemed to have violated the Prohibited Acts;
- Upon request from Vietnamese authorities, take down any public information deemed by Vietnamese authorities to violate the Prohibited Acts;
- Notify the MIC of the establishment of equipment systems (servers etc.) by foreign entities or individuals in Vietnam, and certain details related thereto, every 15 December and 15 June of each year, and to update the provided information when it changes.

# Draft Circular's requirements

**G.** All Vietnamese users of cross-border public information have an affirmative obligation to notify the MIC if they detect violations of the Prohibited Acts stipulated in Article 6.2 of this Draft.

# Notification of contact and statistical information


- Entities or individuals that are required to notify the MIC must provide the following contact information;
- Registered name, trade name of the entity or individual that owns the website;
- The address of the entity's headquarters or regular address, nationality of individuals;
- Legal representative in Vietnam, full name of authorized representative, job title, telephone number, email address;
- Notification may be made by mail, email or through the MIC's website.

# Notice and take down procedures

Any offshore entity or individual that receives a request from the MIC to remove content that violates the Prohibited Acts must do so immediately



If the offshore entities and individuals concerned would like to provide comments regarding the alleged violations, they may send such comments to the MIC within 7 working days of receiving the take-down request.



The MIC will then review any such comments and respond according to its determination.



# Public comment

The MIC has opened the Draft Circular for public comment until 13 June 2015.



# Q&A