

ALERT ON DECREE NO. 53/2022/ND-CP ON CYBER SECURITY

The new Decree of the Government
focuses on mandatory data storage
in Vietnam

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Notable contents of Decree No. 53/2022/ND-CP on Cyber security Law

The Government has recently released Decree No. 53/2022/ND-CP (“Decree 53”) on 15 August 2022 which consists of 30 articles and 6 chapters and provides detailed regulations on several articles of the Cyber security Law. Decree 53 shall become effective from 01 October 2022.

In this Alert, we would like to highlight the notable contents of the Decree, which are expected to have impacts (which are potentially significant in certain cases) on overseas e-commerce and digital based service providers carrying out cross-border business activities in Vietnam.

Requirements on mandatory data storage in Vietnam

Overseas digital service providers carrying out the following business activities in Vietnam must store certain data in Vietnam:

- Telecommunications services; Storing and sharing data in cyberspace services;
- Providing national or international domain names to service users in Vietnam;
- E-commerce;
- Online payment; payment intermediary; transportation connection services through cyberspace;
- Social networks and social media;
- Online video games;
- Services of providing, managing or operating other information in cyberspace in the form of messages, voice calls, video calls, e-mails and online chats.

Data to be stored in Vietnam

This would include data on personal information of service users, data created by service users (e.g., account name / identity, service usage time, credit card information, e-mail, access IP, phone number etc.) and data on the network of service users (i.e., friends, interacted groups etc.). The data must be stored in Vietnam for at least 24 months.

Apart from data storage requirements, those overseas digital services providers may also have to set up branch or representative office in Vietnam in certain cases, upon receiving the request from the Ministry of Public Security (e.g., in cases services are used in violating cybersecurity’s regulations and the providers cannot provide sufficient prevention or protection upon notification and request of relevant authorities).

The Decree may also have potential impacts on the implementation of Circular No. 80/2021/TT-BTC on tax administration, especially on the provisions on foreign digital service providers. We will have further analysis on subsequent newsletters. As the effective date is fast approaching, it is advisable for the companies to review this decree closely and be prepared to tackle its implications.



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