

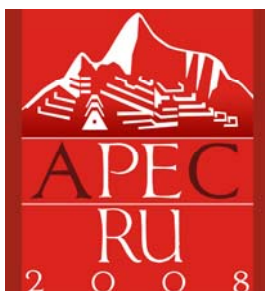


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Data Privacy and Data Protection in e-Commerce in Viet Nam

Submitted by: Viet Nam



**Technical Assistance Seminar on International
Implementation of the APEC Privacy
Framework
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DATA PRIVACY AND DATA PROTECTION IN E-COMMERCE IN VIETNAM

Mr. Duong Hoang Minh
Vietnam e-Commerce and Information
Technology Agency (VECITA)

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Data privacy and personal data protection in the world

Data privacy and personal data protection in the world

- OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (1980).
- EC's Directive 95/46/EC in Oct. 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
- APEC Data Privacy Framework (2004).
- In USA, Canada, Japan,... Legal Frameworks on Data Privacy are already in place.

The issue of data privacy and personal data protection in Vietnam

- The concepts of personal information protection and data privacy are still new.
- Legal framework is still lack of regulations on data privacy and personal information protection.
- Knowledge and understanding of general public and businesses are limited.

Legal framework on data privacy and personal data protection in Vietnam

- Civil Code (2001): Article 38. Right on personal life confidentiality.

This article stipulate that right on personal life confidentiality is to be respected and protected by law. The collection, disclose of private life of a person must be under his/her agreement or consent.

- Criminal Code (1999): Chapter III. Offences on the right on freedom and democracy of citizen

Article 125. Offence on violation the confidentiality or safety of mail, telephone, facsimile of other people

Legal framework on data privacy and personal data protection in Vietnam (cont.)

- Law on E-Transactions: Article 46. Information confidentiality in e-transactions

1. Agencies, organizations and individuals shall have the right to select security measures in accordance with the provisions of the law when conducting e-transactions.

2. Agencies, organizations and individuals must not use, provide or disclose information on private and personal affairs or information of other agencies, organizations and/or individuals which is accessible by them or under their control in e-transactions without the latter's consents, unless otherwise provided for by law.

- Law on Information technology: Article 21 and Article 22.

These two articles stipulate more detailed regulations regarding information protection in the environment such as regulations on collection, process, use, storage and provision of personal information.

Privacy policy of Vietnamese websites

- From the total of 290 websites surveyed by VECITA in 2007, only 75 websites (26%) publish their privacy policies, the remaining 215 websites are still lack of specific commitments on the collection and use of personal information.

Awareness of Vietnamese people on privacy and personal data protection

- In 2006: the safety and security of personal data was voted No. 3 in the top 7 obstacles to the e-commerce development.
- In 2007: this issue was voted obstacle No 1
- These results show that the public and businesses are concerned and worried about safety and security of their information when involving in e-commerce.

Recent personal data leakage cases

- A case of stealing credit card accounts to buy and sell around 100 air-tickets of Tiger Airways.
- Another case of stealing credit card accounts and use money from these accounts to buy goods through the internet with the amount reaching more than 440 million VND (around 30.000 USD).
- A case involving the posting on the internet intimate footage of a young television actress, which drew the great attention of the general public.

Approaches to enhance personal data protection in Vietnam

- Educating the public and businesses on the issues related to privacy and data protection in e-commerce.
- Stepping up the development of domestic approaches to privacy protection:
 - Perfecting the legal framework on data privacy.
 - Developing National Trustmark Organization (TrustVn) with international recognition.

Approaches to enhance personal data protection in Vietnam (cont.)

- Enhancing international cooperation, especially with APEC member economies.
- Actively participate in the APEC's programs and projects on data privacy.

Thank you!