

PORTAL **HOME** **SEARCH** **TIẾNG VIỆT**

Legal normative documents

Consolidated documents

Promulgator

The National Assembly

The Standing Committee of
National Assembly

The Government

Prime Minister

Ministerial-level agencies

Other agencies

Type of Document

Constitution

Code

Law

Ordinance

Order

Portal » DB National » Legal Normative Documents » **Circular 38/2016/TT-BTTTT**

Vietnamese Documents **Full Text** Attribute Schema Download Print

Effective: **Effective** Effective Date: **15/02/2017**

**MINISTRY OF INFORMATION AND
COMMUNICATIONS**

Number: 38/2016/TT-BTTTT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

Ha Noi , December 26, 2016

CIRCULAR

Detailing cross-border provision of public information

*Pursuant to the Government's Decree No. **132/2013/ND-CP** of October 16, 2013, defining the functions, duties, powers and organizational structure of the Ministry of Information and Communications;*

*Pursuant to the Government's Decree No. **72/2013/ND-CP** of July 15, 2013, on the management, provision and use of Internet services and online information;*

At the proposal of the Director of the Authority of Broadcasting and Electronic Information,

The Minister of Information and Communications promulgates the Circular detailing the provision of public information across the border.

Article 1. Scope of regulation and subjects of application

1. This Circular details the cross-border provision of public information which is used in Vietnam or accessed from Vietnam (hereafter referred to as the cross-border provision of public information).
2. This Circular applies to domestic and overseas organizations and individuals involved in the cross-border provision of public

Resolution
Joint Resolution
Decree
Decision
Circular
Joint circular
Published Time
1945 to 1950
1951 to 1960
1961 to 1970
1971 to 1980
1981 to 1990
1991 to 2000
2001 to 2010
2011 to 2020
2021 to 2030

information.

Article 2. General provisions

1. Cross-border provision of public information means overseas organizations and individuals (hereafter referred to as foreign organizations and individuals) using websites, social networks, online applications, searching services and other similar online form to provide public information which is accessed or used by users in Vietnam (including organizations and individuals).

2. Competent Vietnamese state management agencies have the rights to take necessary measures to ensure the enforcement of the policies on online information development and management prescribed in Clauses 4 and 5, Article 4 of Decree No.

72/2013/ND-CP in the following cases:

a/ Foreign organizations and individuals providing public information across the border violate Clause 1, Article 5 of Decree No.

72/2013/ND-CP;

b/ Foreign organizations and individuals fail to cooperate with the Ministry of Information and Communications in coordinating and handling information violating Clause 1, Article 5 of Decree No. **72/2013/ND-CP**.

Article 3. Responsibilities of foreign organizations and individuals providing public information across the border

1. To comply with the Vietnamese law when providing public information to users in Vietnam.

2. Foreign organizations or individuals providing public information across the border that rent digital information storages in Vietna to provide services, or have a number of visits from Vietnam of 1 (one) million or higher in 1 (one) month have the following rights and obligations:

a/ To notify their contact information to the Ministry of Information and Communications in accordance with Article 4 of this Circular;

b/ To collaborate with the Ministry of Information and Communications in handling violating information in accordance with Article 5 of this Circular.

Article 4. Information and methods of notification

1. Contact information of a foreign organization or individual providing public information across the border includes:

a/ Registered organization name, transactional name, name of the country where the organization registers its operation or name c the individual service provider;

b/ Headquarters address of the organization or address of permanent residence and citizenship of the website owner, and location of the service-providing main server system;

c/ Contact person or organization of the foreign organization or individual and contact in Vietnam, including name of the organizatic or individual, e-mail address and telephone number.

2. Foreign organizations and individuals shall send notices to the Ministry of Information and Communications by sending reports directly or by post or via the Internet to e-mail address *report38@mic.gov.vn*.

Article 5. Principles, measures and coordination mechanisms for handling online violating information

1. The Ministry of Information and Communications shall, pursuant to Clause 1, Article 5 of Decree No. **72/2013/ND-CP**, determine violating information to be removed or prevented from access by users in Vietnam.

The Ministry of Information and Communications shall send a written or electronic request for collaboration, notifying a foreign organization or individual of the handling of the information violating Clause 1, Article 5 of Decree No. [72/2013/ND-CP](#). Within 24 (twenty-four) hours after receiving a request for collaboration from the Ministry of Information and Communications, an organization or individual providing public information across the border shall identify the violating information and handle it as requested.

Pass this time limit, the Ministry of Information and Communications shall send the second request if the foreign organization or individual neither handles the violating information as requested nor gives a feedback. Within 24 hours after the Ministry of Information and Communications sends the second request, if the foreign organization or individual still fails to handle the violating information as requested and to give a feedback, the Ministry of Information and Communications shall take necessary technical measures.

2. When detecting information violating Clause 1, Article 5 of Decree No. [72/2013/ND-CP](#) which threatens national interests of Vietnam, competent Vietnamese specialized agencies shall immediately take necessary technical measures to prevent the violating information from being provided to users in Vietnam, and concurrently send a request for handling the violating information in accordance with Clause 1, Article 5 of this Circular.

Technical measures shall only be removed once the violating information has been handled by the foreign organization or individual as requested by the Ministry of Information and Communications.

Article 6. Rights and obligations of telecommunications enterprises and enterprises leasing digital information storages in Vietnam

1. Within 3 (three) hours after detecting information violating Clause 1, Article 5 of Decree No. [72/2013/ND-CP](#), a telecommunications enterprise or an enterprise leasing digital information storages in Vietnam shall report such to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) in writing, by telephone or via e-mail to report38@mic.gov.vn.

2. A telecommunications enterprise shall:

a/ Take necessary technical measures to implement Article 5 of this Circular at the request of the Ministry of Information and Communications. The time for completion must be no later than 3 (three) hours after receiving the request;

b/ Report the number of visits from Vietnam to websites providing public information across the border at the request of the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information).

3. An enterprise leasing digital information storages in Vietnam shall send to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) biannual and annual reports on every June 15 and December 15 or irregular reports upon request on its lease of digital information storages in Vietnam to foreign organizations and individuals for providing public information to users in Vietnam.

a/ A report must contain: name of the lessor, address and location for installation of equipment, legal person of the renting foreign organization or individual, rent period, number of equipment and internet connection capacity;

b/ A report shall be sent directly, by post or via e-mail to report38@mic.gov.vn;

c/ Within 10 (ten) working days after there is a change in the notified information prescribed at Point a, Clause 3 of this Article, an

enterprise leasing digital information storages in Vietnam shall make an additional notice of such change.

Article 7. Rights and obligations of users in Vietnam

When detecting information provided by a foreign organization or individual across the border violates Clause 1, Article 5 of Decree No. [72/2013/ND-CP](#), a user in Vietnam shall:

1. Notify the violating information to the foreign organization or individual.
2. Notify the violation to the Ministry of Information and Communications directly, by post or via e-mail to report38@mic.gov.vn.
3. Initiate a lawsuit at a competent people's court in Vietnam in case the violating information harms the legitimate rights and interests of an organization or individual as prescribed by the law of the Socialist Republic of Vietnam.

Article 8. Effect

1. This Circular takes effect on February 15, 2017.
2. Foreign organizations and individuals providing public information across the border to users in Vietnam shall implement this Circular within 90 days after this Circular takes effect./.

MINISTER
(Signed)

Truong Minh Tuan

File Attachment

File Attachment: [38.2016.TT.BTTTT.doc](#)

 Send comment