LEGAL NEWSLETTER

September/ 2022

# Dear Value Clients and Partners,

ADK Vietnam Lawyers would like to introduce to you the September 2022 Legal Newsletter with the following main contents:

# Legal Spotlight

* 1. **Decree regulates a number of articles of the Cybersecurity Law**

On August 15, 2022, the Government has just issued Decree No. 53/2022/ND-CP regulating a number of articles of the Cybersecurity Law.

Decree No. 53/2022/ND-CP has regulated the orders, procedures for taking measures to request the deletion of illegal or untrue information in cyberspace infringing upon national security, social order and safety, lawful rights and interests of agencies, organizations and individuals. Specifically, pursuant to Clause 1, Article 19 of Decree No. 53/2022/ND-CP, in case of applying the measure of deleting illegal or untrue information:

1. When information in cyberspace is identified by competent agencies to have contents that infringe upon national security, disseminate information that sabotages the Socialist Republic of Vietnam, incite riots, and disrupt public security and order according to regulations of the law.
2. When there are legal bases to determine that information in cyberspace has humiliating and slanderous contents; infringes upon the order of the economic management; fabricates and falsifies information, causing confusion among the people and severe damage to socio-economic activities to the extent that such information must be removed.
3. Other information on cyberspace with the contents prescribed at Points c, đ, and e, Clause 1, Article 8 of the Cybersecurity Law in accordance with law, including

c) Distortion of history, denial of revolutionary achievements, undermining national solidarity, blasphemy, discrimination by gender or race;.

đ) Prostitution, vice, human trafficking; posting pornographic or criminal information; damaging Vietnam’s good traditions, social ethics or public health.

e) Enticing, persuading or tempting others to commit crimes.

**Decree No. 53/2022/ND-CP takes effect from October 1, 2022.**

* 1. **The National database of reception of citizens, processing of submissions and handling of complaints, denunciations, petitions and feedback**

Decree No. 55/2022/ND-CP dated August 23, 2022 of the Government regulating the National database of reception of citizens, processing of submissions and handling of complaints, denunciations, petitions and feedback takes effect from 10/10/2022.

Specifically, pursuant to Article 3 of Decree No. 55/2022/ND-CP on the National database of reception of citizens, processing of submissions and handling of complaints, denunciations, petitions and feedback:

1. The National database of reception of citizens, processing of submissions and handling of complaints, denunciations, petitions and feedback (hereinafter referred to as “database”) refers to a collection of information on complaints, denunciation forms, petitions and feedback sent by authorities, organizations and individuals and information and data on citizen reception, processing of submissions and handling of complaints, denunciations, petitions and feedback by competent authorities, which is standardized, digitized, archived and managed with the help of information infrastructure in accordance with regulations of this Decree and other relevant laws.
2. The database shall be exclusively established and managed by the Government Inspectorate, and updated and operated at Ministries, ministerial agencies, Governmental agencies and People’s Committees at all levels so as to serve the state management of citizen reception, and handling of complaints, denunciations, petitions and feedback.

# Decree 55/2022/ND-CP takes effect from October 10, 2022.

* 1. **Regulations on electronic identification and authentication**

On September 5, 2022, the Government issued Decree No. 59/2022/ND-CP regulating on electronic identification and authentication.

Accordingly, this Decree provides for electronic identities, electronic identification, electronic authentication; electronic authentication services; rights and obligations of users of electronic authentication services; responsibilities of concerned agencies, organizations and individuals.

Specifically, pursuant to Article 20 of Decree No. 59/2022/ND-CP on the authority to grant eID accounts and issue decisions to lock or unlock eID accounts.

1. Director of the Police Department on Administrative Management of Social Order under the Ministry of Public Security shall be mandated to issue eID accounts; issue decisions on automatic locking or unlocking of eID accounts on the electronic identification and authentication system, and requests for locking or unlocking of eID accounts of central department-, equivalent- or higher-level agencies.
2. Directors of Police Sub-Departments on Administrative Management of Social Order under Police Departments of provinces and centrally-affiliated cities shall be mandated to issue decisions on eID account locking or unlocking requests filed to these Police Departments
3. Directors of Police Divisions of districts shall be mandated to issue decisions on eID account locking or unlocking requests that the Divisions receive
4. Directors of Police Sub-Divisions of communes shall be mandated to issue decisions on eID account locking or unlocking requests that the Sub-Divisions receive

**Decree No. 59/2022/ND-CP takes effect from October 20, 2022**

# Featured Articles of ADK Lawyer in August

# The article “Security investment fund". The article has given an overview of the types of securities investment funds as well as the conditions and procedures for establishing a securities investment fund in accordance with current laws.

To read the above articles in more detail, please visit our website at: <https://adk-lawyers.com/en/legal-articles>

# Some prominent legal documents take effect from October 2022

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| **No** | **Text name** | **Date issued** | **Date of Effective** |
| **DECREE** | | | | |
|  | Decree 66/2022/ND-CP of the Government regulating the functions, tasks, powers and organizational structure of the Committee for Ethnic Affair takes effective from October 1, 2022 | 20/9/2022 | 01/10/2022 |
|  | Decree No. 69/2022/ND-CP of the Government amending and supplementing a number of the Decrees's articles regulating business activities in the maritime sector takes effective from October 30, 2022 | 23/9/2022 | 30/10/2022 |
| **CIRCULAR** | | | | |
|  | Circular No. 08/2022/TT-BNNPTN of the Ministry of Home Affairs, Minister of Agriculture and Rural Development on regulations on codes, professional standards, professional and salary classification for agricultural and rural development civil servants | 11/08/2022 | 06/10/2022 |
|  | Circular No. 13/2022/TT-BTTTT of the Ministry of Information and Communications on the salary arrangement of editorial, reporter, translator, television director officials in the information and communication majors | 26/8/2022 | 10/10/2022 |
|  | Circular No. 07/2022/TT-BNV of the Ministry of Home Affairs regulating salary classification of archival officials | 31/8/2022 | 15/10/2022 |
|  | Circular No. 55/2022/TT-BTC of the Ministry of Finance amending and supplementing a number of Circular No. 238/2016/TT-BTC's articles regulating the price of technical safety inspection and environmental protection services for motor vehicles, equipment and special-use motorcycles in circulation; assessment and calibration of motor vehicle testing equipment | 24/8/2022 | 08/10/2022 |
|  | Circular No. 59/2022/TT-BTC of the Ministry of Finance regulating the collection's rate of some fees and charges in order to support difficulties for transport business activities | 29/9/2022 | 01/10/2022 |
|  | Circular 11/2022/TT-BKHCN of the Ministry of Science and Technology on the abolition of the legal documents enacted by the Minister of Science and Technology regulating the method of determining the localization rate for cars | 10/8/2022 | 01/10/2022 |

We hope this Legal Newsletter has a lot of useful information.

Best Regards.

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