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Legal Update
on the Draft Legal Documents Guiding the Data Law

On 30 November 2024, the Data Law was officially passed and will come into effect on 01 July 2025.¹ To concretise the provisions of the Data Law, the Ministry of Public Security (MPS) has drafted and released various draft legal documents for public consultation. In addition to draft decree guiding the implementation of the Data Law,² the MPS also introduced three other documents, including (i) the draft decree regulating science, technology, and innovation activities, and products and services related to data; (ii) the draft decree on the National Data Development Fund; and (iii) the draft decision on promulgating the list of important data and core data. In this legal update, we will outline the key contents of these legal documents, which provide comprehensive information on the management, protection, and development of data related to the Data Law.

1. Draft decree regulating science, technology, and innovation activities, and products and services related to data

This Decree provides regulations on the management, development, and controlled testing of scientific research and application, technology, and innovation activities in relation to data (i.e., sandbox on data products). Its primary goals are to advance scientific and technological research, foster innovation, create a testing environment for new initiatives, mitigate risks, and provide a legal framework for introducing new data products and services. Issues such as data intermediary products and services, data analysis and synthesis products and services, and data platforms are also addressed in this Decree.

By adopting a holistic approach, the Decree seeks to drive the growth of a data-centric economy while ensuring necessary safeguards. It underscores the importance of international

¹ See our update on the Data Law at <https://lexcommvn.com/news-and-resources/legal-updates/Legal-Update-on-Vietnams-Data-Law>.

² See our update on this decree at <https://lexcommvn.com/news-and-resources/legal-updates/Legal-Update-on-the-Draft-Decree-Guiding-the-Implementation-of-the-Data-Law>.

collaboration in data science and technology, promoting technology transfer and training to strengthen Vietnam's capabilities. Additionally, it establishes a framework for the controlled testing of new data products and services, enabling innovation while managing risks. This Decree aims to strike a balance between promoting technological advancement and ensuring data security and privacy.

2. Draft decree on the National Data Development Fund

This Decree details the establishment, management, and use of the National Data Development Fund (**Fund**). The Fund is a non-profit, off-budget state financial fund established and managed by the MPS. The Fund's objectives are to support activities that develop and apply technology in data processing, promote the application of data to serve national digital transformation and invest in businesses and individuals conducting research on solutions to increase data protection.

The Fund will play a crucial role in financing and supporting data-related initiatives. This Decree outlines the Fund's organisational structure, management mechanisms, and operational principles. It also specifies the criteria and procedures for accessing funding, ensuring transparency and accountability in the allocation of resources. This Decree encourages the Fund to prioritise investments in areas such as artificial intelligence, machine learning, cloud computing, blockchain, and the Internet of Things, recognising their potential to drive innovation and economic growth.

3. Draft decision on promulgating the list of important and core data

This Decision aims to provide detailed guidance on the classification and protection of core data and important data.

- **Core data** represents highly sensitive information requiring stringent protection, encompassing national security, defence, and confidential government activities, including sensitive and classified information related to national borders, defence projects, military infrastructure, critical economic zones, Party's operations, foreign affairs, national emergency plans, and internal affairs.
- **Important data**, while not as critical as core data, still necessitates careful handling due to its potential impact on various sectors, including data related to anti-corruption efforts, transportation safety and security, historical and cultural sites, science and technology, public health, natural resources, finance, industry and trade, agriculture, and personal data of citizens.

4. Conclusion

These three legal documents, along with the Law on Data, create a synchronised legal framework, contributing to promoting socio-economic development based on data while protecting national security and the interests of organisations and individuals. The public consultation period for both Decrees is from 17 January to 17 March 2025, with their implementation scheduled for 1 July 2025. Meanwhile, the Decision is open for consultation from 24 January to 24 March 2025 and will come into effect immediately upon issuance.

Key contacts

If you have any questions or would like to know how this might affect your business, please contact the key contacts.



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