

GOVERNMENT
No. 55-2001-ND-CP

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, 23 August 2001

**DECREE
ON
MANAGEMENT, PROVISION AND USE
OF INTERNET SERVICES**

The Government

Pursuant to the *Law on the Organization of the Government* dated 30 September 1992;

Having considered the proposal of the General Director of the General Department of Posts and Telecommunications;

Decrees:

CHAPTER I

General Provisions

Article 1

1. The management, provision and use of internet services in Vietnam shall be governed by this Decree. All domestic organizations and individuals; foreign organizations and individuals engaged in the internet sector in Vietnam must comply with this Decree.
2. Where an international treaty relating to the internet to which the Socialist Republic of Vietnam is a signatory or participant contains provisions which are inconsistent with this Decree, the international treaty shall prevail.

Article 2

1. The internet is an information system which is connected in the form of Internet Protocol (IP) and uses a system of global uniform addresses aimed at providing different services and applications to users.

2. In Vietnam, the internet is an important part of the national information infrastructure, shall be protected by law and shall not be interfered with by any person. All State bodies, organizations and individuals shall be responsible for ensuring safety and security of systems of equipment and information on the internet.

Article 3

The development of the internet in Vietnam shall be carried out on the basis of the following principles:

1. The capacity of management must be consistent with the requirements for development at the same time as applying appropriate measures to prevent acts of abuse of the internet which affect national security and infringe upon ethics and fine customs.
2. The development of the internet with all high quality services and reasonable tariff is to satisfy requirements of the cause of industrialization and modernization of the country.

Article 4

Priority shall be given to arrangement of invested capital and financial regimes for the provision and use of internet services by bodies and organizations engaged in scientific studies, education, training and health care or development of the software industry, and by Party or State bodies.

Article 5

Policies on encouragement and promotion of publication on the internet of information in Vietnamese, in particular information on guidelines and policies of the Party and the laws of the State, shall be implemented. Organizations and individuals shall be facilitated in introducing their products and services on the internet.

Article 6

1. Information which is retained, transmitted and received from the internet must comply with the relevant provisions of the *Law on Media*, the *Law on Publication*, the *Ordinance on Protection of State Secrets* and the laws relating to intellectual property and management of information on the internet.
2. Organizations and individuals providing and using internet services shall be responsible for information retained or transmitted by them on the internet.

Article 7

1. State administrative bodies, entities and enterprises providing internet services shall be responsible for strengthening the work of dissemination, education and guidance of users using internet services aimed at exploiting and using information on the internet in accordance with law and preventing prohibited acts stipulated in article 11 of this Decree.
2. Organizations and individuals using the internet shall be responsible for complying with the laws relating to the internet in order to exploit and use effectively and healthily the internet.

Article 8

Confidentiality of private information of organizations and individuals on the internet shall be ensured in accordance with the provisions of the Constitution and the law. The authorized State body shall control information on the internet in accordance with the provisions of the law.

Article 9

No person shall be permitted to obstruct the lawful right to use internet services. Entities and enterprises providing internet services shall be entitled to refuse to provide services in the case where an organization or individual using such services breaches the laws relating to the internet.

Article 10

The coding and decoding of information on the internet must comply with the laws relating to encryption.

Article 11

The following acts shall be prohibited:

1. Disabling or destroying systems of equipment and obstructing the provision and use of internet services.
2. Stealing and illegally using passwords, encryption codes and private information of organizations and individuals on the internet.
3. Abusing the internet to oppose the State of the Socialist Republic of Vietnam; disrupting security and order; infringing upon ethics and fine customs, and committing other breaches of the law.

CHAPTER II

Establishment of Systems of Equipment, Provision and Use of Internet Services

Article 12

Internet services shall include internet access services, internet connection services and internet application services.

1. Internet access services are services providing users with access to the internet.
2. Internet connection services are services providing entities and enterprises providing internet services with the connection between them and the international internet.
3. Internet application services are services using the internet to provide users with applications or services, including postal, telecommunications, information, cultural, commercial, banking, financial, health, educational, training or technical supportive services and other services on the internet.

Internet information services are a form of internet application services, including media publication services (audio, visual or electronic media), circulation of publications on the internet, and services providing electronic news in other forms on the internet.

Article 13

Enterprises providing internet services shall include the following:

1. Internet access service providers (ISPs), being enterprises in all economic sectors which are issued by the General Department of Posts and Telecommunications with a licence to provide internet access services. Internet access service providers must comply with this Decree and the regulations on management of internet access services issued by the General Department of Posts and Communications.
2. Internet connection service providers (IXPs), being State owned enterprises or shareholding companies in which the State holds a controlling share or special share which are issued by the General Department of Posts and Telecommunications with a licence to provide internet connection services. Internet connection service providers must comply with this Decree and the regulations on management of internet connection services issued by the General Department of Posts and Communications.

3. Internet application service providers (OSPs), being enterprises using the internet to provide users with internet application services. Internet application service providers shall, in addition to complying with this Decree, comply with the laws relating to specialized State administration.

Article 14

Internet information service providers (ICPs) are bodies, organizations and enterprises which are issued by the General Department of Posts and Telecommunications with a licence to provide internet information services. Internet information service providers must comply with this Decree and regulations relating to media publication or circulation of publications on the internet and regulations relating to establishment and provision of electronic news in all forms on the internet issued by the General Department of Posts and Communications.

Article 15

Separate internet access service providers (Separate ISPs) are bodies, organizations and enterprises which are issued by the General Department of Posts and Telecommunications with a licence to provide separate internet access services on the following conditions:

1. Internet access services are for non-commercial purposes.
2. Users using internet services are members of two or more bodies, organizations or enterprises with the same nature of operation or the same purpose of work which are associated on the basis of a charter for operation, or a document providing the joint organizational structure or form of association or joint operation between members.
3. This Decree and the regulations relating to management of internet access and connection services issued by the General Department of Posts and Telecommunications must be complied with.

Article 16

Foreign invested enterprises wishing to provide internet services in Vietnam must, in addition to complying with this Decree, comply with any international treaties to which Vietnam is a signatory or participant and the laws relating to foreign investment in Vietnam.

Article 17

The General Department of Posts and Telecommunications shall, on the basis of the strategy and master planning for development of the internet in Vietnam, provide procedures and conditions for issuance of licences to provide internet access services and internet connection services; the Ministry of Culture and

Information shall provide procedures and conditions for issuance of licences to provide internet information services; ministries and branches in charge of specialized State administration their respective sectors shall provide conditions for provisions of other internet application services.

Article 18

Upon obtaining a licence to provide internet services in accordance with the provisions of the law, an enterprise providing internet service shall be:

1. Entitled to establish a system of equipment at its office and at public places in order to provide all internet services to users in Vietnam and overseas in accordance with its licence or business conditions, except for services included in the list of internet services which are prohibited or not permitted to be provided in accordance with law. The provision of internet services to service users overseas must comply with the laws of Vietnam and the laws of the country to which the services are provided.
2. Entitled to lease out the system of equipment to other bodies, organizations and enterprises in order to provide application services or internet information services and lease out the system of equipment to service users in order to install forms of electronic news on the internet in accordance with the regulations on management of services and information on the internet.
3. Responsible for applying and facilitating State administrative bodies in taking technical and professional measures in order to ensure safety and security of the system of equipment and information on the internet.

Article 19

1. A news agency or publishing house which is issued with an operating licence as stipulated may establish a system of equipment at its office in order to publish directly, or authorize an internet information service provider to publish, the news and publications on the internet.
2. When publishing the news or publications on the internet, news agencies, publishing houses and internet information service providers shall, in addition to implementing the regulations on management, provision and use of internet services, be responsible for implementing the laws relating to management of news and publications.

Article 20

1. An internet agent is an organization or individual in Vietnam providing internet access or application services to users on behalf of an internet access or application service provider on the basis of an agency contract and payment of remuneration.

2. An internet agent shall be responsible for:
 - (a) Providing services to service users on the terms relating to the form, quality and price or tariff of services agreed in the signed agency contract with the enterprise providing internet services.
 - (b) Implementing the regulations relating to management of internet services issued by State administrative bodies.

Article 21

1. Internet service users are organizations and individuals in Vietnam using internet services on the basis of a signed contract with an entity or enterprise providing internet services.
2. The contract may be made in writing, verbally or in the form of a specific act in accordance with the provisions of the law. In the case of contracts for provision and use of internet services which must be made in writing as stipulated by regulations, the contract must comply with such regulations. Contents of the contract must conform with the laws relating to contracts.

Article 22

An user using internet services shall be:

1. Entitled to use moveable equipment to access the internet or install a system of equipment at the site which he or she has the exclusive right to use in accordance with the provisions of the law in order to access a domestic entity or enterprise providing internet access services by way of direct connection through a transmission channel or dial through a telecommunications network, but may not access to entities or enterprises providing internet services overseas by way of direct international telephone call.
2. Entitled to use all internet application services provided by entities and enterprises providing internet application services in and outside Vietnam, except for services which are prohibited or are not permitted to be used.
3. Entitled to establish all forms of electronic news installed at his or her system of equipment or of entities and enterprises providing internet application services in and outside Vietnam in order to introduce or advertise a body, organization or individual and his or her products or services in accordance with the regulations relating to management of forms of electronic news on the internet and shall be responsible for such information before the law.

4. Responsible for protecting his or her passwords, encryption codes and system of equipment.
5. Not permitted to conduct business in the internet services provided.

Article 23

Internet resources shall include the system of names and numbers used for the internet which are uniformly identified globally. In Vietnam, internet resources shall form part of national information resources which should be managed, planned and used effectively.

Article 24

The State shall implement an appropriate policy on management in order to facilitate internet access or connection service providers in gradually reducing prices or tariff of internet access or connection services to a rate equal to or lower than the average rate of other countries in the region aimed at rapidly universalizing the internet in Vietnam and improving the competitiveness of Vietnamese enterprises during international economic integration.

Article 25

Organizations and individuals producing or importing systems of equipment, providing internet services and using internet resources shall be responsible for paying taxes, charges and fees in accordance with the provisions of the law. Preferential tax treatment shall be subject to applicable regulations of the State.

Article 26

In order to ensure the interests of service users, internet service providers shall be responsible for:

1. Registering and publishing quality standards of services in accordance with the State regulations on management of quality of services.
2. Ensuring the provision of services to users in accordance with the registered and published standards.
3. Reporting and being subject to inspections and examinations by State administrative bodies in charge of quality of services as stipulated.

Article 27

Internet connection shall be carried out on the basis of the following principles:

1. The establishment and use of telecommunications lines for connection between the systems of equipment of different entities or enterprises

providing internet services and the public telecommunications network must comply with the regulations relating to telecommunications.

2. Internet connection service providers (IXPs) may connect with each other and with the international internet.
3. Internet access service providers (ISPs) may connect with each other and with internet connection service providers.
4. Separate internet access providers (Separate ISPs) may connect with internet connection service providers and internet access service providers, but may not directly connect with each other.
5. Internet application service providers (OSPs) or internet information service providers may connect with internet connection service providers and internet access service providers.
6. Internet agents may connect with the enterprises providing internet services with which they sign an agency contract.

CHAPTER III

State Management of the Internet

Article 28

State management of the internet shall comprise the following:

1. Formulation of policies, strategies and plans for development of the internet;
2. Preparation and promulgation of legal instruments on the management, establishment of equipment system, provision and use of internet services;
3. Management of the issuance of licences for internet activities;
4. Control of technical standards and quality of internet services;
5. Control of prices and tariff for provision of internet services;
6. Scientific and technological management of internet activities;
7. Control of information on the internet;
8. Control of security and safety of internet activities;

9. Control of coding and decoding of information on the internet;
10. Management of internet resources;
11. Conducting of inspections and examinations, settlement of disputes and dealing with offences relating to internet activities;
12. Conducting international co-operation in internet activities.

Article 29

1. The Government shall exercise its unified management of the internet nationwide. Ministries, ministerial equivalent bodies, Government bodies and people's committees of cities and provinces under central authority shall perform their duty of State management of the internet as delegated by the Government in the provisions of this Decree.
2. The Government hereby assigns the General Department of Posts and Telecommunications to co-ordinate and co-operate in exercising State management of the internet with ministries, ministerial equivalent bodies, Government bodies and people's committees of cities and provinces under central authority; and to act as the focal link in international activities relating to the internet.

Article 30

The General Department of Posts and Telecommunications shall exercise State management with respect to the establishment of equipment systems and the provision and use of internet access and connection services as follows:

1. Formulating policies, strategies and plans for the development of the internet;
2. Promulgating, and providing guidelines for implementation of, provisions on licensing and management of internet access services and connection services;
3. Conducting planning, management and allocation of internet resources;
4. Taking the main role and co-ordinating with the Government Encryption Committee in managing the verification system on the internet.

Article 31

The Ministry of Science, Technology and Environment shall exercise State management with respect to research and development of application of advanced technology in internet activities.

Article 32

The Ministry of Culture and Information shall exercise State management with respect to information provided on the internet as follows:

1. Promulgating, and providing guidelines for implementation of, regulations on management of information on the internet;
2. Promulgating, and providing guidelines for implementation of, regulations on licensing and management of circulation of newspapers and publications on the internet; and regulations on establishment and provisions of forms of electronic news on the internet.

Article 33

The Ministry of Police shall exercise State management with respect to ensuring security of internet activities as follows:

1. Taking professional measures to ensure national security in internet activities;
2. Devising, and organizing the implementation of, technical measures to control information security on the internet in accordance with the provisions of the law on the basis of guaranteeing the quality of internet services.

Article 34

The Ministry of Finance shall be responsible to take the main role, in co-ordination with relevant ministries and branches, in preparing for submission to the Government for its decision a regime for financial support with respect to the provision and use of internet access services and connection services provided to the subjects of priority as stipulated in article 4 of this Decree.

Article 35

The Government Encryption Committee shall exercise State management with respect to coding and decoding of information provided on the internet as follows:

1. Studying and formulating policies and national coding standards for use on the internet;
2. Promulgating, and providing guidelines for implementation of, regulations on the provision and use of coding and decoding of information on the internet.

Article 36

Ministries, ministerial equivalent bodies and Government bodies shall exercise State management with respect to internet applications services under their respective specialized management as follows:

1. Promulgating, and providing guidelines for the implementation of, regulations on management of the provision and use of internet applications services;
2. Promulgating and publishing lists of internet applications services which are prohibited or are not yet permitted to be provided or used on the internet.

Article 37

People's committees of cities and provinces under central authority shall collaborate with ministries, ministerial equivalent bodies and Government bodies in carrying out management of internet activities within the locality of the respective cities and provinces in accordance with the regulations of this Decree.

CHAPTER IV**Complaints, Inspections, Examinations and
Dealing With Breaches****Article 38**

Any complaints lodged against an administrative decision and administrative act relating to internet activities; any denunciation of breaches relating to internet activities to competent State authorities shall be made in accordance with the regulations of the *Law on Complaints and Denunciations* dated 2 December 1998.

Article 39

Complaints and dealing with complaints relating to operations of internet service provision and use shall be subject to the regulations of the bodies in charge of State management of the internet as stipulated in Chapter III of this Decree.

Article 40

1. In accordance with the matters subject to State management as stipulated in Chapter III of this Decree, State administrative bodies shall be responsible to organize and provide instructions for inspections and

examinations aiming at regulating, preventing and dealing with breaches relating to internet activities in a timely manner.

2. Internet service providers, separate internet access service providers, internet information service providers and internet service users shall be subject to inspections and examinations conducted by competent State bodies in accordance with the provisions of the law.

Article 41

Acts of breach, forms and measures of penalty for administrative breaches of regulations relating to the internet shall be as follows:

1. A warning or a fine of fifty thousand (50,000) to two hundred thousand (200,000) Vietnamese dong shall be imposed for an act of failure to make declaration for renewal procedures when the licence for provision of internet services is lost or damaged.
2. A fine of two hundred thousand (200,000) to one million (1,000,000) Vietnamese dong for one of the following acts of breach:
 - (a) Using the password, encryption code or personal information of another person to access and use internet services illegally;
 - (b) Using software tools to access and use internet services illegally.
3. A fine of one million (1,000,000) to five million (5,000,000) Vietnamese dong shall be imposed for one of the following breaches:
 - (a) Breach of State regulations on standards and quality in the use of internet services;
 - (b) Breach of State regulations on prices and tariff for the use of internet services;
 - (c) Breach of State regulations on management of internet resources in the use of internet services;
 - (d) Breach of State regulations on internet access and connection management in the use of internet services;
 - (dd) Breach of State regulations on coding and decoding of information on the internet in the use of internet services;
 - (e) Breach of State regulations on safety and security of internet information in the use of internet services.

4. A fine of five million (5,000,000) to ten million (10,000,000) Vietnamese dong shall be imposed for one of the following acts of breach:
 - (a) Ceasing or suspending the provision of internet services without notifying internet users thereof in advance, except for cases of *force majeure*;
 - (b) Amending, erasing or changing the contents stated in a licence for provision of internet services;
 - (c) Using a licence for provision of internet services which has expired.

5. A fine of ten million (10,000,000) to twenty million (20,000,000) Vietnamese dong shall be imposed for one of the following breaches:
 - (a) Breach of State regulations on standards and quality in the provision of internet services;
 - (b) Breach of State regulations on prices and tariff for the provision of internet services;
 - (c) Breach of State regulations on management of internet resources in the provision of internet services;
 - (d) Breach of State regulations on internet access and connection management in the provision of internet services;
 - (dd) Breach of State regulations on coding and decoding of information on the internet in the provision of internet services;
 - (e) Breach of State regulations on safety and security of internet information in the provision of internet services;
 - (g) Using the internet with the intention of threatening, harassing, and defaming the honour and human dignity of other persons, which is not so serious as to require prosecution for criminal liability;
 - (h) Loading onto the internet, or abusing the internet to disseminate, debauched images and information, or any other information which is illegal as stipulated by the law relating to contents of information on the internet, which is not so serious as to require prosecution for criminal liability;
 - (i) Stealing a password, encryption code, or private information of any organization or individual and popularizing its use among others;

- (k) Any breach of the regulations on computer operations, exploitation and use, causing chaos, or blocking or deforming or destroying the data on the internet, which is not so serious as to require prosecution for criminal liability.
6. A fine of twenty million (20,000,000) to fifty million (50,000,000) Vietnamese dong shall be imposed for one of the following acts of breach:
- (a) Establishing a system of equipment and providing internet services without complying with the provisions stipulated in the licence;
 - (b) Creating and deliberately disseminating or spreading virus programs on the internet, which is not so serious as to require prosecution for criminal liability.
7. A fine of fifty million (50,000,000) to seventy million (70,000,000) Vietnamese dong shall be imposed for an act of establishing an equipment system and providing internet services without a licence.
8. In addition to administrative penalties, depending on the nature and seriousness of the breach, an organization or individual may be subject to one or more forms of additional penalty or remedial measures as follows:
- (a) Temporary or permanent suspension of provision and use of internet services, in the case of acts of breach referred to in clauses 2(a), 2(b), 3, 5 and 6(b) of article 41;
 - (b) Being deprived of the right to use a licence for a definite or indefinite period, in the case of breaches referred to in clauses 4(b) and 6(a) of article 41;
 - (c) Confiscation of material evidence and means used to commit an administrative breach, in the case of breaches referred to in clauses 4(b), 6(a) and 7 of article 41;
 - (d) Request for restitution of changes resulting from an administrative breach, in the case of breaches referred to in clauses 5(k) and 6(b) of article 41.

Article 42

Specialized inspectors and people's committees of all levels shall deal with administrative offences relating to internet activities in accordance with the regulations of the *Ordinance on Dealing with Administrative Offences*.

Article 43

Principles of penalty, terms of penalty, procedures for penalty for administrative offences, aggravating factors, extenuating factors, limitation periods for penalty and the time-limits when administrative offences relating to the internet are deemed not to be subject to penalty shall be in accordance with the provisions of the *Ordinance on Dealing with Administrative Offences*.

Article 44

Any organizations or individuals causing damage to other organizations or individuals in relation to the provision and use of internet services shall make compensation therefor as required by law.

Article 45

Any acts of abusing the internet to oppose the Socialist Republic of Vietnam, causing a breach of safety and security; and other serious offences of a criminal nature shall be subject to prosecution for criminal liability in accordance with law.

CHAPTER V**Implementation Provisions****Article 46**

This Decree shall be of full force and effect after fifteen (15) days from the date of signing and shall replace Decree 21-CP of the Government dated 5 March 1997 promulgating *Provisional Regulations on Management, Establishment and Use of the Internet in Vietnam*, and hereby repeals clauses 3(c) and 4(c) of article 11 of Decree 79-CP of the Government dated 19 June 1997 making provisions on dealing with administrative offences relating to State management of posts and telecommunications sector and wireless frequencies.

Article 47

The General Department of Posts and Telecommunications shall take the main role, in co-ordination with ministries, ministerial equivalent bodies, Government bodies and people's committees of cities and provinces under central authority, in guiding and inspecting the implementation of this Decree.

Article 48

Ministers, heads of ministerial equivalent bodies, heads of Government bodies, and chairmen of people's committees of cities and provinces under central authority shall be responsible for implementation of this Decree.

On behalf of the Government
Prime Minister
PHAN VAN KHAI