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Legal Update

March 2025

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Key content

This Update highlights the latest regulations relating to the administrative penalties applicable to data privacy law violations.

Key points of focus under this Update:

- Increasing monetary fines and expanding the categories of violation acts related to consumers' information:
 - Violations related to notifications on the collection and use of consumers' information
 - Violations related to the processing of consumers' information
 - Regulations on violations related to authorizing or hiring a third party to process consumers' information
 - Regulations on violations related to the formulation and announcement of policies on consumers' information protection
 - Regulations on violations related to the breach of information
 - Special case
- Aspects that are stricter and more demanding than Decree No.13/2023/ND-CP dated 17 April 2023 issued by the Government (Decree No.13)
- Recommendations

Details

Decree No. 24/2025/ND-CP amending and supplementing Decree No. 98/2020/ND-CP on administrative penalties for the protection of consumers' rights

On 21 February 2025, the Government issued Decree No. 24/2025/ND-CP (Decree 24) amending and supplementing Decree No. 98/2020/ND-CP (Decree 98) on administrative penalties for the protection of consumers' rights. Effective from 21 February 2025, Decree 24 marks a significant development in Vietnam's personal data protection legislation which (i) **increases monetary fines** as well as (ii) **expands the categories of violating acts** related to consumers' information committed by enterprises, as set forth below.

Comparison between Decree 24 and Decree 98 regarding data privacy law violations

1. Violations related to notifications on the collection and use of consumers' information

Category	Decree 98	Decree 24
Violating act	Failure to clearly and publicly notify consumers of the purpose before collecting and using consumers' information	Failure to notify or notify consumers not in accordance with the law of the purpose, scope of information collection and use, and duration of information storage before collecting and using consumers' information
Monetary fines	VND20 million to VND40 million	VND40 million to VND60 million

2. Violations related to the processing of consumers' information

Category	Decree 98	Decree 24
Violating act	<ul style="list-style-type: none">Using consumers' information inconsistently with the purposes notified to consumers without the consumer's consentFailure to correct or take measures for consumers to update or correct information detected as inaccurate	<ul style="list-style-type: none">(i) Failure to establish a method for consumers to choose the scope of information they agree to provide and express their consent or disagreement; (ii) Failure to allow consumers to choose whether to allow or not to allow the sharing, disclosing or transferring information to a third party; or the using of consumers' information to advertise and promote products, goods, services and other commercial activities(i) Using consumers' information inaccurately and inappropriately for the purposes and scope notified; (ii) Failure to notify consumers before changing the purpose and scope of use of information notified or changing the purpose and scope of use of information notified to consumers without the consent of consumers; or (iii) Collect and use information of consumers without the consent of consumersFailure to comply with consumers' requests for inspection, editing, updating, deletion,

	<ul style="list-style-type: none"> Failure to ensure the safety, accuracy and adequacy of consumers' information during its collection, use or transfer Transferring consumers' information to a third party without their consent, unless otherwise prescribed by law 	<p>transferring, or ceasing the transfer of consumers' information or failure to provide consumer with tools and information for self-implementation</p> <ul style="list-style-type: none"> Failure to delete consumer information upon expiration of the storage period in accordance with the consumers' information protection policies or the provisions of law Absence of measures to ensure the safety and security of consumers' information when collecting, storing, and using or measures to prevent violations of consumers' information safety and security Transferring consumers' information to a third party without their consent, unless otherwise prescribed by law Failure to receive or handle consumer feedback, requests and complaints related to the unauthorized collection of information, misuse for the notified purpose and scope
Monetary fines	VND20 million to VND40 million	Monetary fines from VND40 million to VND60 million for the first 4 violations, or VND60 million to VND80 million for the last 3 violations

3. Regulations on violations related to authorizing or hiring a third party to process consumers' information

Category	Decree 98	Decree 24
Violating act	Not provided	<ul style="list-style-type: none"> Failure to authorize or hire in writing a third party to collect, store, use, edit, update or delete consumers' information The written authorization or hiring of a third party to collect, store, use, edit, update or delete consumers' information does not stipulate the scope and responsibilities of each party in protecting consumer information Authorizing or hiring a third party to collect, store, use, modify, update or delete consumer information without the consent of consumers
Monetary fines		<ul style="list-style-type: none"> Monetary fines from VND100 million to VND400 million for entities establishing and operating digital/intermediary digital platforms in case of transactions in cyberspace Monetary fines from VND40 million to VND60 million for other cases

4. Regulations on violations related to the formulation and announcement of policies on consumers' information protection

Category	Decree 98	Decree 24
Violating act	Not provided	<ul style="list-style-type: none"> Failure to formulate or insufficiently formulating consumer information protection policies Failure to publicize or publicizing the consumer information protection policies in the incorrect form Failure to allow consumers to access consumer information protection policies before or at the time of information collection
Monetary fines		VND40 million to VND60 million

5. Regulations on violations related to the breach of information system

Category	Decree 98	Decree 24
Violating act	Not provided	Failure to notify the competent state management agency within 24 hours from the time of detecting the breach of the information system, causing risks to consumers' information safety and security
Monetary fines		VND60 million to VND80 million

6. Special case

Category	Decree 98	Decree 24
Violating act & Monetary fines	Monetary fines are doubled when information belongs to the personal secrets of consumers.	Monetary fines are doubled when the relevant information is sensitive personal data of consumers or quadrupled when violations are committed by organizations establishing and operating large digital platforms .

Comparison of compliance requirements between Decree 24 and Decree No. 13 on personal data protection

Of note, Law on Protection of Consumers' Rights 2023 and Decree 24 have certain aspects that are stricter and more demanding than the Decree No.13 on personal data protection. B2C enterprises and digital platforms should pay attention to these requirements, including:

- Consent of the data subject/consumer: Aside from the purposes of data processing as provided in the Decree No.13, the consumers under Decree 24 have the new right to choose the scope of information they agree to provide. Consumers can also choose to allow or not to allow the sharing, disclosing, or transferring information to a third party; or the use of consumer information to advertise and promote products, goods, services and other commercial activities.
- Change of purpose of data/consumer information processing: When there is a change to the purpose of data processing, there is no clear instruction in the Decree No.13 on the course of action that the data controller, the data controller cum processor needs to take. Whereas, under Decree 24, the organization collecting and using the consumer information is explicitly obligated to notify and obtain the consumer's consent prior to the change in the purpose and scope of use of the information notified to consumers.
- Handling of data/consumer information breach: Under the Decree No.13, data controllers are required to notify the A05 within 72 hours from the occurrence of the breach. Whereas, under Decree 24, organizations are required to notify the competent state management agency within 24 hours from the time of detecting the breach of the information system which causes risk to consumer information safety and security.
- Data subject rights: Decree 24 also includes the right of consumers to request inspection, deletion, transferring, or ceasing the transfer of consumer information. The organizations collecting and using consumer information are obligated to comply with these requests or provide consumer with tools and information for self-implementation.

The sanctions imposed by Decree 24 hence mandate alignment with not only the Decree No.13, but also the strict requirements under the Law on Protection of Consumers' Rights 2023. It should be noted that although Decree 24 only provides for monetary fines for violations of consumer data privacy, once the draft Law on Personal Data Protection and draft Cybersecurity Administrative Penalties Decree go into effect, additional penalties and remedial measures may be imposed, including temporary suspension of personal data processing, or temporary withdrawal of business and professional licenses.

Recommendations

To avoid the risk of financial penalty, additional penalties and remedial measures, cessation of operations, reputational damages as well as loss of customer trust, it is recommended that enterprises develop or review data protection frameworks, policies, consent form, processing notification, relevant contracts and procedures, internal management, third party risk management as well as breach management policies in compliance with both the Decree No.13 and the Law on Protection of Consumers' Rights 2023, especially for enterprises establishing and operating digital platforms – who may be subject to heavy fines for non-compliance.



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APAC No. 16180301

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