

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 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.
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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

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

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
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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

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:

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.

4. Responsible for protecting his or her passwords, encryption codes and system of equipment.

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;

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

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

Article 36

Ministries, ministerial equivalent bodies and Government bodies shall exercise

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

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
;
 - (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 pr

- (k) Any breach of the regulations on computer operations, exploitation

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

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

, 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