

Appendix 1

Data Protection Regulations in the ASEAN Region

1. Brunei Darussalam

Horizontal data protection regulations are not currently in force in Brunei Darussalam. A draft Personal Data Protection (PDP) Order is currently under consideration for 2024 implementation. The Info-communications Technology Industry Authority published the draft order in May 2021 and began a public consultation process, which concluded in December 2021. Its response provided a horizontal view on the expected operation of the draft order.

Regulations applicable in individual sectors also include policies on PDP in the finance sector and public authorities (i.e. ministries, educational institutions, and statutory bodies). The Accountants Act and Code of Professional Ethics is a sub-regulation of the Lawyers Act. Data protection regulations concerning non-personal data are not regulated.

Table A1.1. Legal System of Data Protection Regulations in Brunei Darussalam

Horizontal Data Protection Act (DPA)	
1	Draft Personal Data Protection Order
Subordinate regulations of the DPA	
	N/A
Vertical Laws and Regulations	
2	Banking Order, 2006
3	Islamic Banking Order, 2008
4	Data Protection Policy, 2015 (revised version)
5	Accountants Act, 2010
6	Lawyers Act, 1987, Cap. 132

2. Cambodia

In Cambodia, horizontal data protection regulations have not been formulated nor is there currently any progress towards their formulation. Data protection regulations are regulated by laws and regulations in individual sectors. The E-commerce Law, which entered into force in May 2020, is intended to apply to e-commerce businesses as well as internet provider companies, which must be authorised or licensed by the Ministry of Commerce and Ministry of Post and Telecommunications. The law requires data holders to take measures to protect personal data on electronic systems. There are no data protection regulations regarding non-personal data.

Table A1.2. Legal System of Data Protection Regulations in Cambodia

Horizontal Data Protection Act (DPA)	
	N/A
Subordinate Regulations of the DPA	
	N/A
Vertical Laws and Regulations	
1	E-Commerce Law dated 2 November 2019
2	Law No. 1119_016 on Consumer Protection (October 2019)
3	Sub-Decree No. 252 on the Management, Use, and Protection of Personal Identification Data dated 22 December 2021
4	Law on Banking and Financial Institutions dated 18 November 1999
5	Prakas on Credit Reporting dated 26 June 2020
6	Law on Anti-money Laundering and Combating the Financing of Terrorism, 2007
7	Prakas on Anti-money Laundering and Combating the Financing of Terrorism dated 10 September 2008
8	Sub-decree No. 61 on Physician's Code of Ethics
9	Sub-decree No. 156 on Dental Ethics
10	Law on Telecommunications enacted 17 December 2015
11	Sub-decree No. 246 on Digital Signatures dated 29 December 2017
12	Law on Cybercrime (Draft V.1)
13	Constitution of the Kingdom of Cambodia, 2008
14	Civil Code
15	Criminal Code, 2009
16	Code of Civil Procedure, 2008

3. Indonesia

Regarding horizontal data protection regulations, Indonesia enacted Law No. 27 (PDP Law) in October 2022, which came into effect in October 2024. The Ministry of Communications and Informatics also released a draft subordinate regulation on the implementation of the law for public comment in September 2023, which details the regulations with which controllers and processors of personal data must comply.

Prior to the enactment of the PDP Law, governmental and ministerial regulations regulated PDP processed in electronic systems.

In January 2024, the Electronic Information and Transactions Law was amended (Second Amendment Law), which stipulates that e-authentication service providers must have a domicile in Indonesia. There are no provisions for the protection of non-personal data.

Table A1.3. Legal System of Data Protection Regulations in Indonesia

Horizontal Data Protection Act (DPA)	
1	Law No. 27 of 2022 on Personal Data Protection (PDP)
Subordinate Regulations of the DPA	
	Subordinate Regulation of the PDP Law
Vertical Laws and Regulations	
2	Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions
3	Government Regulation No. 71 of 2019 on Implementation of Electronic Systems and Transactions
4	Minister of Communication and Informatics Regulation No. 20 of 2016 on PDP in Electronic Systems
5	Regulation of the Minister of Communication and Informatics No. 5 of 2020 on Private Electronic System Operators (Ministerial Regulation No. 5)
6	Minister of Communication and Informatics Regulation No. 5 of 2020 on Electronic System Organisers in the Private Sector
7	Law No. 36 of 1999 on Telecommunications
8	Law No. 19 of 2016 on Information and Electronic Transactions
9	Article 40 Law No. 36 of 1999 on Telecommunications
10	Article 6 Law No. 14 of 2008 on Public Information Disclosure
11	Law No. 7 of 1992 on Banking
12	Law No. 8 of 1995 on the Capital Market
13	Article 19(4) of Government Regulation No. 46 of 2014 on the Healthcare Information System

4. Lao People's Democratic Republic

In the Lao People's Democratic Republic, the Electronic Data Protection Law came into force in October 2017 as a horizontal data protection regulation. It also consists of guidelines and individual laws that are subordinate to this law. The Electronic Data Protection Law also covers non-personal data such as official data.

Table A1.4. Legal System of Data Protection Regulations in the Lao People's Democratic Republic

Horizontal Data Protection Act (DPA)	
1	Law on Electronic Data Protection No. 25/NA, dated 12 May 2017
Subordinate Regulations of the DPA	
2	Guideline on the Implementation of the Law on Electronic Data Protection No. 2126/MPT, dated 8 August 2018
Vertical Laws and Regulations	
3	Law on Resistance and Prevention of Cybercrime No. 61/NA, dated 15 July 2015
4	Guideline on the Implementation of the Law on Counter and Prevention of Cybercrime No. 2543/MPT, dated 24 September 2018
5	Law on Electronic Signature No. 59/NA, dated 12 December 2018
6	Decree and Law on Electronic Transaction No. 20/NA, dated 7 December 2012
7	Decision on Penalties in Cyber Crime No. 3624, dated 11 December 2017
8	Guidelines on Computer Systems Security No. 3623, dated 11 December 2017
9	Decree on Internet Information Management No. 327/GOV, dated 16 September 2014
10	Decree on E-commerce No. 296/GOV
11	Decree on Consumer Protection in Financial Services No. 225/GO, dated 6 April 2020
12	Decision on the Activities Regarding Credit Information No. 928/BOL, dated 20 September 2012
13	Decision on the Access of Credit Information No. 03/BOL, dated 2 January 2018
14	Decision on Business Operation of Electronic Signatures No. 1101/MPT, dated 29 May 2020
15	Decree on Internet Information Center / Decree on Data Center Pass-through Internet No. 412, November 2016
16	Decision on Consumer Protection for Telecommunication and Internet Service No. 1061/MPT, dated 25 May 2020
17	Decree on Credit Information No. 224/GOV, dated 19 July 2019
18	Law on Information and Communication Technology No. 02/NA, dated 7 November 2016
19	Law on Telecommunications (Revised Version) No. 5, dated 16 November 2021
20	Penal Code No. 26/NA, dated 17 May 2017

5. Malaysia

In Malaysia, the PDP Act 2010 was enacted in 2010, and its subordinate regulations include PDP Regulations 2013, which set out the rules for the act; PDP (Class of Data Users) (Amendment) Order of 2016, which defines the types of businesses that must register data users; and General Code of Practice of PDP, which sets out practical guidelines for the act.

The government published draft amendments to the PDP Act in October 2022, which consider introducing an obligation on information users to appoint a data protection officer and an obligation to notify the PDP Commission in the event of a breach. The bill is expected to be submitted to Parliament as early as 2024.

Furthermore, in April 2024, the upper house of Parliament (*Dewan Negara*) passed the Cybersecurity Bill 2024. It requires national critical information infrastructure entities to comply with certain measures, standards, and processes in the management of cybersecurity threats and cybersecurity incidents.

Table A1.5. Legal System of Data Protection Regulations in Malaysia

Horizontal Data Protection Act (DPA)	
1	Personal Data Protection (PDP) Act 2010
Subordinate Regulations of the DPA	
2	PDP Regulations 2013
3	PDP (Registration of Data User) Regulations 2013
4	PDP (Fees) Regulations 2013
5	PDP Standard 2015
6	PDP (Compounding of Offences) Regulations 2016
7	PDP (Class of Data Users) (Amendment) Order 2016
8	Appointment and Revocation of Appointment of Personal Data Protection Commissioner
9	General Code of Practice of PDP 2023
10	PDP (Appeal Tribunal) Regulations 2021
Vertical Laws and Regulations	
11	Cybersecurity Bill 2024

6. Myanmar

In Myanmar, comprehensive data protection rules have not been prescribed, nor is there movement towards their enactment. Data protection rules are regulated by vertical laws. The Law Protecting the Privacy and Security of Citizens (2017) provides for the protection of personal privacy and security of citizens under the Constitution. The Electronic Transactions Law (2021) also provides for the protection of individual electronic data and

personal data, but the overall structure is fragmented.

Table A1.6. Legal System of Data Protection Regulations in Myanmar

Horizontal Data Protection Act (DPA)	
	N/A
Subordinate Regulations of the DPA	
	N/A
Vertical Laws and Regulations	
1	Competition Law (2015)
2	Competition Rules (2017)
3	Electronic Transactions Law (2021)
4	Telecommunications Law (2013)
5	Law Protecting the Privacy and Security of Citizens (2017)
6	Amendment of Law Protecting the Privacy and Security of Citizens (2021)
7	Financial Institutions Law (2016)
8	Notification No. 116/97 of the Ministry of Finance and Revenue (Insurance Business Rules)
9	Law Relating to Private Healthcare Services (2007)
10	(Draft) Bill – Cyber Security Law and Privacy and Data Protection
11	E-commerce Guidelines (September 2023)

7. Philippines

In the Philippines, horizontal data protection regulations and its subordinate regulations as well as advisory opinions are published by the National Privacy Commission. The Data Privacy Act of 2012 provides for the protection of personal information and sensitive personal information.

Table A1.7. Legal System of Data Protection Regulations in Philippines

Horizontal Data Protection Act (DPA)	
1	Data Privacy Act of 2012 (Act Protecting Individual Personal Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose the National Privacy Commission [NPC], and for Other Purposes)
Subordinate Regulations of the DPA	
2	Implementing Rules and Regulations of Republic Act No. 10173 (Data Privacy Act of 2012)
3	NPC Advisory No. 2023-01: Guidelines on Deceptive Design Patterns

4	NPC Advisory No. 2022-01: Guidelines on Requests for Personal Data of Public Officers
5	NPC Advisory No. 2021-03: Guidelines on the Processing of Personal Data for Election Campaigns or Partisan Political Activity
6	NPC Advisory No. 2021-02: Guidance for the Use of the ASEAN Model Contract Clauses and ASEAN Data Management Framework
7	NPC Advisory No. 2021-01: Data Subject Rights
8	NPC Advisory No. 2020-04: Guidelines on the Use of Closed-circuit Television (CCTV) Systems
9	NPC Advisory No. 2020-03-A: Amending NPC Advisory No. 2020 –03 on Guidelines for Workplaces and Establishments Processing Personal Data for COVID-19 Response
10	NPC Advisory No. 2020-03: Guidelines for Workplaces and Establishments Processing Personal Data for COVID-19 Response
11	NPC Advisory No. 2020-02: Guidelines on the Use of Videoconferencing Technology for the Remote Appearance and Testimony of Parties before NPC
12	NPC Advisory No. 2020-01-A: Amending Certain Provisions of NPC Advisory No. 2020-01: Protocols for the Publication of Decisions, Resolutions, and Orders on the NPC Website
13	NPC Advisory No. 2020-01: Protocols for the Publication of Decisions, Resolutions, and Orders on the NPC Website
14	NPC Advisory No. 2018-01, 2018-02: Announcement Regarding the Submission of Personal Data Breach Notifications and Annual Security Incident Reports
15	NPC Advisory No. 2017-03: Guidelines on Privacy Impact Assessments
16	NPC Advisory No. 2017-02: Access to Personal Data Sheets of Government Personnel
17	NPC Advisory No. 2017-01: Designation of Data Protection Officers
18	NPC Circular No. 2024-01: Amendments to Certain Provisions of the 2021 Rules of Procedure of NPC – 2021 Rules of Procedure of NPC
19	NPC Circular No. 2023-07: Guidelines on Legitimate Interest – FAQ Guidelines on Legitimate Interest
20	NPC Circular No. 2023-06: Security of Personal Data in the Government and the Private Sector
21	NPC Circular No. 2023-05: Prerequisites for the Philippine Privacy Mark Certification Program
22	NPC Circular No. 2023-04: Guidelines on Consent
23	NPC Circular No. 2023-03: Guidelines on Identification Cards
24	NPC Circular 2023-02: Data Privacy Competency Program – FAQ Data Privacy

	Competency Program
25	NPC Circular No. 2023-01: Schedule of Fees and Charges of NPC
26	NPC Circular No. 2022-04: Annex 1
27	NPC Circular No. 2022-04: Registration of Personal Data Processing System, Notification Regarding Automated Decision-Making or Profiling, Designation of Data Protection Officer, and NPC Seal of Registration
28	NPC Circular No. 2022-03: Guidelines for Private Security Agencies on the Proper Handling of Customer and Visitor Information
29	NPC Circular No. 2022-02: Amending Certain Provisions of NPC Circular No. 20-01 on the Guidelines on the Processing of Personal Data for Loan-Related Transactions
30	NPC Circular No. 2022-01: Guidelines on Administrative Fines n FAQs on the Guidelines on Administrative Fines
31	NPC Circular 2021-02: Guidelines on the Processing of Personal Data during Public Health Emergencies for Public Health Measures
32	NPC Circular 2021-01: 2021 Rules of Procedure of NPC
33	NPC Circular 2020-03: Data-sharing Agreements
34	NPC Circular 20-02: Rules on the Issuance of Cease and Desist Orders – FAQs
35	NPC Circular 20-01: Guidelines on the Processing of Personal Data for Loan-related Transactions
36	Department of Health (DOH)-NPC Joint Memorandum Circular No. 2020-0003: Guidelines on the Monitoring and Evaluation of the Use of Telemedicine in COVID-19 Response
37	DOH-NPC Joint Memorandum Circular No. 2020-0002: Privacy Guidelines on the Processing and Disclosure of COVID-19-related Data for Disease Surveillance and Response
38	DOH-NPC Joint Memorandum Circular No. 2020-0001: Guidelines on the Use of Telemedicine in COVID-19 Response
39	NPC Circular 18-03: Rules on Mediation before NPC
40	NPC Circular 18-02: Guidelines on Compliance Checks
41	NPC Circular 18-01: Rules of Procedure on Requests for Advisory Opinions
42	NPC Circular 17-01: Appendix 1 – Registration of Data Processing Systems
43	NPC Circular 17-01: Registration of Data-processing Systems
44	NPC Circular 16-04: Rules of Procedure
45	NPC Circular 16-03: Personal Data Breach Management
46	NPC Circular 16-02: Data-sharing Agreements Involving Government Agencies
47	NPC Circular 16-01: Security of Personal Data in Government Agencies

Vertical Laws and Regulations	
48	Revised Rules of Criminal Procedure
49	An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and Imposition of Penalties Therefore and for Other Purposes (Republic Act No. 10175)
50	Rules and Regulations Implementing Republic Act No. 10175 (Cybercrime Prevention Act of 2012)
51	Rule on Cybercrime Warrants

8. Singapore

The PDP Act, Singapore's horizontal law on PDP, was fully implemented in July 2014, and was amended in February 2021. Singapore's PDP legislation consists of this act as the superior regulation, subordinate PDP regulations, and advisory guidelines, which serve as guides for interpretation and other matters. In addition, there are vertical laws in the finance, telecommunications, and other sectors.

The Cybersecurity Act (2018) provides for governmental access to information relating to the design, configuration, or operation of any computer, computer programme, or computer system; and information relating to the cybersecurity of any computer, computer programme or computer system. Non-personal data are included.

Table A1.8. Legal System of Data Protection Regulations in Singapore

Horizontal Data Protection Act (DPA)	
1	Personal Data Protection (PDP) Act 2012
Subordinate Regulations of the DPA	
2	PDP Regulations 2021
3	PDP (Appeal) Regulations 2021
4	PDP (Composition of Offences) Regulations 2021
5	PDP (Do Not Call Registry) Regulations 2013
6	PDP (Enforcement) Regulations 2021
7	PDP (Notification of Data Breaches) Regulations 2021
8	PDP (Prescribed Healthcare Bodies) Notification 2015
9	PDP (Prescribed Law Enforcement Agencies) Notification 2014
10	PDP (Prescribed Law Enforcement Agency) Notification 2020
11	PDP (Statutory Bodies) Notification 2013
12	Advisory Guidelines on the PDP for Children's Personal Data in the Digital Environment

13	Advisory Guidelines on Use of Personal Data in AI Recommendation and Decision Systems
14	Introduction to the Guidelines
15	Advisory Guidelines on Key Concepts in the PDP Act
16	Advisory Guidelines on the PDP Act for Selected Topics
17	Advisory Guidelines on Enforcement of Data Protection Provisions
18	Joint Advisory on ALTDOS
19	Advisory Guidelines on the Do Not Call Provisions
20	Advisory Guidelines on Application of PDP to Election Activities
21	Advisory Guidelines on the Personal Data Protection Act for NRIC and Other National Identification Numbers
22	Advisory Guidelines on Requiring Consent for Marketing Purposes
23	Advisory Guidelines for Management Corporations
24	Advisory Guidelines for the Education Sector
25	Advisory Guidelines for the Social Service Sector
26	Advisory Guidelines on In-vehicle Recordings by Transport Services for Hire
27	Advisory Guidelines for the Real Estate Agency Sector
28	Advisory Guidelines for the Healthcare Sector
29	Advisory Guidelines for the Telecommunication Sector
30	Joint Technical Advisory on Lock Bit 3.0
31	LIA Code of Conduct for Tied Agents of Life Insurers on the Singapore PDP Act
Vertical Laws and Regulations	
32	Public Sector (Governance) Act 2018
33	Telecommunications Act 1999
34	Criminal Procedure Code 2010
35	Cybersecurity Act 2018
36	Workplace Safety and Health (Medical Examinations) Regulations 2011
37	Banking Act 1970

9. Thailand

In Thailand, the PDP Act B.E. 2562 (2019), promulgated in May 2019 as a horizontal data protection regulation, came into effect in June 2022 after two delays. Some sections note the specification of concrete requirements in subordinate regulations, but the formulation of these subordinate regulations is still ongoing.

Regarding non-personal data, the Trade Secret Act B.E. 2558 (2015) provides protective provisions for trade secret data (i.e. business information that is not yet publicly known or to which those normally associated with that information do not yet have access).

Table A1.9. Legal System of Data Protection Regulations in Thailand

Horizontal Data Protection Act (DPA)	
1	Personal Data Protection (PDP) Act B.E. 2562 (2019)
Subordinate Regulations of the DPA	
2	Personal Data Protection Committee (PDPC) Notification on Security Measures for the Data Controller B.E. 2565 (2022)
3	PDPC Notification on Rules and Methods for Preparation and Maintenance of Records of Personal Data-processing Activities for the Data Processor B.E. 2565 (2022)
4	PDPC Notification on the Exemption from Maintenance of Record Obligations of the Data Controller, B.E. 2565 (2022)
5	PDPC Rules on the Filing, Refusal of Acceptance, Dismissal, Consideration, and Time Frame for Complaints B.E. 2565 (2022)
6	PDPC Notification on Rules and Methods of Personal Data Breach Notification B.E. 2565 (2022)
7	PDPC Notification on PDP Officers under Art. 41(2) of the PDP Act B.E. 2562 (2019) B.E. 2566 (2023)
8	Guideline for Obtaining Consent from Data Subjects According to the PDP Act
9	Guideline for Notifying Purposes and Details for Collecting Personal Data from Data Subjects According to the PDP Act
10	Guideline for Data Controllers and Data Processors: Case Studies from Consultation Concerning Enforcement of the PDP Act B.E. 2562 (2019)
11	Royal Decree Establishing Organisations and Businesses That Personal Data Controllers Are Exempted from under the PDP Act B.E. 2563 (2020)
12	Royal Decree on the Organisations and Businesses of which Personal Data Controllers Are Exempted under the PDP Act B.E. 2562 (2019) B.E. 2564 (2021)
13	Royal Decree Prescribing the Characteristics, Businesses, or Organisations That Are Exempted from the PDP Act B.E. 2562 (2019) B.E. 2566 (2023)
14	PDPC Notification on Security Measures of Personal Data for the Data Controller That Are Exempted from the PDP Act B.E. 2562 (2019) B.E. 2566 (2023)
15	PDPC Notification on Appropriate Measures for the Collection of Personal Data for the Purpose Relating to Research or Statistics under Section 24 (1) and Scientific, Historical, or Statistical Research Purposes, or Other
16	PDPC Notification on Criteria for PDP for Cross-border Transfer under Art. 28 of the PDP Act B.E. 2562 (2019) B.E. 2566 (2023)
17	PDPC Notification on Criteria for PDP for Cross-border Transfer under Art. 29 of the PDP Act B.E. 2562 (2019) B.E. 2566 (2023)
18	PDPC Notification on Criteria on Protection Measures for the Collection of

	Personal Data Relating to Criminal Records That Is not Carried out under Control of Authorised Authority under the Law B.E. 2566 (2023)
Vertical Laws and Regulations	
19	Electronic Transactions Act B.E. 2544 (2001)
20	Electronic Transactions Act No. 2 B.E. 2551 (2008)
21	Electronic Transactions Act No. 3 B.E. 2562 (2019)
22	Electronic Transactions Act No. 4 B.E. 2562 (2019)
23	Computer-related Crime Act B.E. 2550 (2007)
24	Computer-related Crime Act (No. 2) B.E. 2560 (2017)
25	Notification of Ministry of Digital Economy and Society on Characteristics and Methods of Sending of Information, and the Characteristics and Quantity of Information, Frequency, and Method of Transmission That Does not Cause Annoyance to the Recipient B.E. 2560 (2017)
26	Notification of Ministry of Digital Economy and Society on Notification Process, Suppression of the Proliferation of Computer Information, and Removal of Computer Data from Computer Systems B.E. 2560 (2017)
27	Notification of Ministry of Digital Economy and Society on Criteria, Timelines, and Procedures for Suspending Proliferation or Deleting Computer Data of Officials or Service Providers B.E. 2560 (2017)
28	Notification of Ministry of Digital Economy and Society on Criteria for Maintaining Computer Traffic Data of Service Providers B.E. 2564 (2021)
29	Special Case Investigation Act B.E. 2547 (2004)
30	Special Case Investigation Act (No. 2) B.E. 2551 (2008)
31	Emergency Decree on Public Administration in a State of Emergency B.E. 2548 (2005)
32	Notification of the National Broadcasting and Telecommunication Commission on Measures to Protect Telecommunications Users, Data Privacy, Privacy Rights, and Freedom of Communications B.E. 2566 (2023)
33	Guideline of the National Broadcasting and Telecommunication Commission on Measures to Protect Telecommunications Users, Data Privacy, Privacy Rights, and Freedom of Communications
34	Royal Decree on Measures for the Protection and Suppression of Technology Crimes B.E. 2566 (2023)
35	Credit Information Business Operation Act B.E. 2545 (2002)
36	Credit Information Business Operation Act No. 2 B.E. 2549 (2006)
37	Credit Information Business Operation Act No. 3 B.E. 2551 (2008)
38	Credit Information Business Operation Act No. 4 B.E. 2559 (2016)
39	Credit Information Business Operation Act No. 5 B.E. 2559 (2016)
40	Credit Information Business Operation Act No. 6 B.E. 2565 (2022)
41	Child Protection Act B.E. 2546 (2003)
42	National Health Act B.E. 2550 (2007)

43	Payment System Act B.E. 2560 (2017)
44	Notification of the Bank of Thailand SorGorSor2. 4/2563 on Market Conduct Rules
45	Notification of the Office of Insurance Commission on Rules and Methods for Issuing and Offering Life Insurance Policies for Sale and Performing the Duties of Life Insurance Agents, Brokers, and Banks B.E. 2563 (2020)
46	Notification of the Office of Insurance Commission on Rules and Methods for Issuing and Offering Non-life Insurance Policies for Sale and Performing the Duties of Non-life Insurance Agents, Brokers, and Banks B.E. 2563 (2020)
47	Notification of the Office of Insurance Commission on PDP Guideline for Life Insurance Business B.E. 2564 (2021)
48	Notification of the Office of Insurance Commission on PDP Guideline for Non-life Insurance Business B.E. 2564 (2021)
49	Notification of the Office of Insurance Commission on PDP Guideline for Loss-adjuster Business B.E. 2564 (2021)
50	Trade Secrets Act B.E. 2545 (2002)
51	Trade Secrets Act (No.2) B.E. 2558 (2015)

10. Viet Nam

In Viet Nam, Decree No. 13/2023/ND-CP regarding horizontal PDP was published on 17 April 2023 and came into effect on 1 July 2023, which was only 3 months. Subordinate regulations have not yet been defined.

As for vertical laws, the government issued Decree No. 85/2021/ND-CP and its effect on the e-commerce regulations, which came into effect in January 2022. This regulation amends Decree No. 52/2013/ND-CP and strengthens regulations for e-commerce businesses that are not based in Viet Nam.

In addition, the Decree on Management, Provision and Use of Internet Services and Online Information (Decree No. 72/2013/ND-CP of 15 July 2013) regulates information in online services, services such as social networks, online games, information sites and domain names, and online information security. The Ministry of Information and Communications issued a new draft decree to replace Decree No. 72, which was open for public comment from 17 July to 15 September 2023.

In addition, Decree No. 53/2022/ND-CP (effective October 2022), which establishes implementing regulations for the Cybersecurity Law, provides for implementing regulations regarding the obligation to store personal data in the country (i.e. data localisation) for domestic and foreign businesses that provide online services in Viet Nam. It prohibits the export of personal data outside of Viet Nam. The regulation also applies to information such as data created by service users (e.g. user account names and duration of service use) as personal data of service users.

Table A1.10. Legal System of Data Protection Regulation in Viet Nam

Horizontal Data Protection Act (DPA)	
1	Decree No.13/2023/ND-CP (PDPD: Personal Data Protection Decree)
Subordinate Regulations of the DPA	
	N/A
Vertical Laws and Regulations	
2	Law on Cybersecurity 24/2018/QH14
3	Decree No. 53/2022/ND-CP/2022
4	Law on Information Technology No. 67/2006/QH11
5	Law on Protection of Consumer Rights No. 19/2023/QH15
6	Decree No. 52 Regarding E-commerce; Decree No. 85/2021/ND-CP, Amending and Supplementing Decree No. 52
7	Law on Cyber-information (Network Information) Security No. 86/2015/QH13
8	Decree No. 27/2018/ND-CP
9	Decree No. 72/2013/ND-CP of 15 July 2013, on the Management, Provision and Use of Internet Services and Online Information
10	Law No. 91/2015/QH13
11	Law on Inspection No. 56/2010/QH12