

New procedural rules for setting up a general information website and social network



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Under the Vietnamese regulations of Internet service and online information, social network is defined as an information system that provides its users with such services as storage, provision, use, search, sharing and exchange of information, including the provision of the service of creating private websites, forums, online chat rooms, audio and video sharing, and other similar services. General information website means websites of agencies, organizations and enterprises that post aggregated information cited textually and accurately from official sources and specify the names of the authors or agencies of the official sources, and the time when such information is published.

On the basis of these definitions, the Ministry of Information and Telecommunication (the "MOIT") promulgated Circular No. 09/2014/TT-BTTTT on regulating the details of the management, provision and use of information on the general information website and social network (the "Circular 09"). Under Circular 09, websites required to have an operation license are not only general information websites and social networks, but also internal websites and specialized websites when the contents are related to general information websites or social networks.

According to Circular 09, a general information website and social network requires a person responsible for the website content being the head of an organization or enterprise or the deputy thereof who has a university or higher degree. It also requires a person responsible for technical aspects who has a skill on information safety and security in accordance with Circular No. 03/2014/TT-BTTTT, dated 11 March 2014, of the MOIT on promulgating the standard for using information technology.

For obtaining the said operation license, organizations and enterprises are required to ensure further conditions on finance, technological standards, information management, and domain names. In particular, the organization or enterprise must make a financial plan to maintain an operation of a technical apparatus system during the life of the license for storing the information published on a general information website, the information of users on social networks, ensuring information security, and assisting with the examination or inspection by the competent authority as requested.

For general information websites, the condition on information management requires that there are public information management processes and control regimes to ensure that information is cited from

the correct source, and a regime for elimination of incorrect contents within three hours from its detection or the request of a competent authority in the form of email, text or phone. Similarly, social networks are required to have an agreement on provision and use of social network service with users, and ensure the users accept such agreement before using the social network, have measures to protect personal security information of users, and the discretion on the collection of their personal information or provision of such to others. Moreover, users of social network services are required to confirm registration or changes of personal information by receiving messages on their phone or email.

Domain names of general information websites and social networks used for registration must meet published conditions, i.e. the character string of a domain name can't be similar or identical to the name of a press agency if it is not such press agency; and one domain name can't concurrently be used for a general information website and a social network of one organization or enterprise; and the domain name must have the validity at least six months at application time.

Under Circular 09, operation licenses last for ten years. They may be renewed two times with the maximum extended duration of each time being two years. However, such license will be automatically invalid if the licensed organization or enterprise does not set up the general information website or social network within 90 days from the effective date.

During operation, the licensed organization or enterprise must have an annual report submitted to the MOIT and the Department of Information and Telecommunication where the licensed organization or enterprise has its head office.

The new Circular 09 also allows owners to transfer their websites through the procedure for new issuance of an operation license within 30 days from the transfer date.

Circular 09 comes into effect on 3 October 2014. The currently operating social networks must conduct the procedure for obtaining a new operation license within 180 days from the effective date of Circular 09 if the licensed organization or enterprise wants to continue the operation of its social networks.

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