



Special Alert

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Vietnam Tightens Grip on Social Media under the New Code of Conduct

Besides the positive effects that social networks bring to users in Vietnam such as promoting the rapid development of information and increasing community cohesion, there still exist negative effects such as taking advantage of social networks to spread misinformation or offensive content that is in violation of the moral standards, regulations of law in Vietnam. With the aim of promoting a healthy and civilized social network environment, the Ministry of Information and Communications (MIC) has recently issued a code of conduct on social networks (the "COC"), as attached to Decision No. 874/QD-BTTTT dated 17 June 2021 of the MIC. The COC came into effect on 17 June 2021.

The COC targets three major groups comprising: social network users (including individuals and organizations); officials and employees of State authorities; and social network service providers (including onshore and offshore service providers). Accordingly, the general rules set forth include respecting and complying with the law; having healthy behavior and conduct in line with the nation's good moral, cultural and traditional values; complying with regulations and instructions on information safety and security; taking responsibility for behaviors on social networks; and cooperating with competent authorities to handle acts and information content in violation of the law.

In addition to some of the prohibited acts as specified in Article 5 of Decree No. 72/2013/ND-CP dated 15 July 2013 of the Government on management, provision and use of Internet services and online information, as amended by Decree No. 27/2018/ND-CP dated 1 March 2018 and Decree No. 150/2018/ND-CP dated 7 November 2018 ("Decree 72"), users are encouraged to use their real names on social network platforms, register their information for certification and contact, share information with official and reliable sources, share positive information about good people and good deeds, promote and advertise the country - people - beautiful cultural traditions of the Vietnamese people, educate and protect children and teenagers in cyber space, and not to advertise or trade in illegal services.

These aforementioned rules are not only applicable to users but also for State authorities and their officials and employees when they participate in social networks as a user. Moreover, the State authorities are also required to provide information on social networks consistent with that published in other mainstream media, promptly handle conflicting information related to their functions, duties and powers and are further encouraged to respond to conflicting information on social networks.

The rules applicable to service providers repeat a number of conditions and requirements for such service providers in the current rules governing social networks already in force such as posting the terms of service, having measures for detecting, notifying and coordinating with the State authorities to handle, prevent and remove content in violation of intellectual property and other laws and protecting information of users, etc. In addition, service providers are encouraged to have guidelines for their users, a policy for support and protection of the legitimate rights and interest of “disadvantaged people” in society, i.e., the poor, ethnic minorities, children, adolescents, people with disabilities, when they use social networks for avoidance of exploitation, abuse and mental violence, and to take measures to ensure the safety and healthy development of children and adolescents on social networks.

While the COC is mainly intended to encourage users and social network service providers to act properly while using / providing social networks and not as a hard and fast law, they do require State authorities and their officials and employees to abide by them.

Most of the contents of the COC are otherwise quoted from the 2006 Law on Information Technology and Decree 72, and therefore, any violation of the COC may correspondingly be punished in line with those provisions of law.

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