

**DECREE No. 63/2007/ND-CP OF APRIL 10, 2007, PROVIDING FOR SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF INFORMATION TECHNOLOGY**

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the June 29, 2006 Law on Information Technology;*

*Pursuant to the July 2, 2002 Ordinance on Handling of Administrative Violations;*

*At the proposal of the Minister of Post and Telematics,*

**DECREES:**

*Chapter I*

**GENERAL PROVISIONS**

*Article 1.- Scope of regulation*

1. This Decree provides for violations, forms and levels of sanction, and competence to sanction administrative violations in the domain of information technology application and development (below referred to as information technology for short).

2. Administrative violations in the information technology domain stipulated in Chapter II of this Decree mean acts intentionally or unintentionally committed by organizations or individuals in violation of the provisions of law on state management in the information technology domain, which are not crimes and must be administratively

sanctioned in accordance with law.

3. Other administrative violations in the information technology domain which are not directly stipulated in this Decree shall be handled in accordance with the law on sanctioning administrative violations in the relevant state management domains.

*Article 2.-* Subjects of application

1. Vietnamese organizations or individuals that commit administrative violations in the information technology domain shall be sanctioned in accordance with this Decree.

Foreign organizations or individuals that commit administrative violations in the information technology domain within the territory, territorial waters, contiguous zones, exclusive economic zones or continental shelf of Vietnam shall be administratively sanctioned like Vietnamese organizations or individuals. When a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions different from the provisions of this Decree, the provisions of that treaty shall be applied.

2. Minors who commit administrative violations in the information technology domain shall be handled in accordance with Point a, Clause 1, Article 6 and Article 7 of the July 2, 2002 Ordinance on Handling of Administrative Violations.

*Article 3.-* Sanctioning principles

1. The sanctioning of administrative violations in the information technology domain shall be conducted by competent persons defined in Articles 22, 23, 24 and 25 of this Decree in accordance with the law on sanctioning of administrative violations.

2. All administrative violations in the information technology domain must be stopped as soon as they are detected. The sanctioning must be conducted

quickly, fairly and thoroughly; all consequences of administrative violations must be redressed in accordance with law.

3. An administrative violation in the information technology domain shall be sanctioned only once. A person who commits many administrative violations in the information technology domain shall be sanctioned for each of those violations. Many persons who commit the same administrative violation in the information technology domain shall each be sanctioned for that violation.

4. The sanctioning of administrative violations in the information technology domain must be based on the nature and severity of the violations, personal records of violators and extenuating as well as aggravating circumstances defined in Articles 8 and 9 of the Ordinance on Handling of Administrative Violations so as to decide on appropriate forms, measures and levels of sanction.

5. Sanctions shall not be imposed for administrative violations committed in case of emergency, legitimate self-defense, unexpected incidents or by offenders who suffer mental diseases or other diseases which deprive them of the capacity to be aware of or control their behaviors.

*Article 4.-* Statute of limitations

1. The statute of limitations for sanctioning an administrative violation in the information technology domain is one year since the violation is committed.

With regard to acts of violating regulations on prices, charges, fees, import or export or intellectual property in the information technology domain, the statute of limitations for sanctioning administrative violations shall comply with relevant legal documents.

2. For an individual against whom a criminal case had been instituted, who had been prosecuted or had

involved in an information technology case already decided to be brought to trial according to criminal procedures but later a decision to suspend the investigation or the case was issued and his/her violation shows signs of administrative violation, such individual shall be administratively sanctioned; within three days after issuing the decision to suspend the investigation or the case, the decision issuer shall send that decision to a person with sanctioning competence; in this case, the statute of limitations for sanctioning the administrative violation is three months from the date the person with sanctioning competence receives the suspension decision and the violation file.

3. Past the time limit mentioned in Clause 1 or 2 of this Article, sanctions shall not be imposed but the remedies defined in Clause 3, Article 5 of this Decree shall still be applied.

4. Within the time limit defined in Clause 1 or 2 of this Article, if an individual or organization commits a new administrative violation in the same domain in which he/she/it has previously committed a violation or if he/she/it deliberately shirks or obstructs the sanctioning, the statute of limitations for sanctioning the administrative violation shall be counted from the time the new administrative violation is committed or the time the violator stops the act of shirking or obstructing the sanctioning.

*Article 5.- Administrative sanctions and remedies*

1. For each administrative violation, a violating organization or individual is subject to either of the following principal sanctions:

- a/ Caution;
- b/ Fine.

2. Depending on the nature and severity of their administrative violations, organizations or

individuals are also subject to one or some of the following additional sanctions:

- a/ Deprivation of the right to use permits;
- b/ Confiscation of material evidences and means used for commission of administrative violations;
- c/ Expulsion of foreigners who commit administrative violations in the information technology domain in Vietnam.

3. Apart from the above principal and additional sanctions, organizations or individuals committing administrative violations are also subject to one or some of the following remedies:

- a/ Forced restoration of the initial state which has been altered due to administrative violations;
- b/ Forced bringing out of the Vietnamese territory or re-export of information technology goods or objects;
- c/ Forced destruction of information technology objects or deletion of digital information contents which cause harms to the human spirit or health, affect fine traditions and customs;
- d/ Forced recovery or refund of money amounts which have been appropriated, improperly collected, spent or provided as incentives;
- e/ Revocation of domain names, Internet addresses or autonomous system numbers (ASN).

*Chapter II*

**ADMINISTRATIVE VIOLATIONS IN THE INFORMATION TECHNOLOGY DOMAIN, FORMS AND LEVELS OF SANCTION**

*Section 1. ACTS OF VIOLATING REGULATIONS ON INFORMATION TECHNOLOGY APPLICATION*

*Article 6.- Violations of regulations on storage,*

lease, transmission, supply, access, collection, processing, exchange and use of digital information

1. A caution or fine of between VND 100,000 and VND 200,000 shall be imposed for acts of excerpting digital information contents of other organizations or individuals without citing their sources though the exception is permitted by law.

2. A fine of between VND 200,000 and VND 500,000 shall be imposed for one of the following acts:

a/ Determining inaccurately or insufficiently the list of hirers of digital information-storing space at the request of competent state agencies;

b/ Storing personal information of other persons collected in the network environment beyond the time limit specified by law or mutually agreed upon.

3. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for one of the following acts:

a/ Excerpting contents of digital information of other organizations or individuals without consent of owners of that information or in contravention of law;

b/ Failing to stop the lease of digital information-storing space when detecting or being notified by a competent state agency that the stored information is illegal;

c/ Failing to stop the supply to other organizations or individuals tools of searching digital information sources when detecting or being notified by a competent state agency that such digital information sources are illegal;

d/ Collecting, processing and using personal information of other persons in the network environment without those persons' consent, except for cases provided for in Clause 3, Article 21 of the

Law on Information Technology;

e/ Collecting, processing and using personal information of other persons without notifying them of the forms, scope, places and purposes of the collection, processing and use of that information;

f/ Using personal information of other persons in the network environment for purposes other than those already notified to those persons;

g/ Failing to check, correct or delete personal information at the request of its owner which is stored in the network environment in the process of collecting, processing and using that information;

h/ Supplying or using personal information which has not yet been corrected despite its owner's request for correction thereof;

i/ Supplying or using personal information despite its owner's request for deletion thereof;

j/ Failing to store digital information recording operations in the network environment under regulations of competent state agencies.

4. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Illegally accessing computers, computer networks or databases;

b/ Failing to take necessary measures to prevent access to information or removal of illegal information at the request of competent state agencies when transmitting digital information or leasing digital information-storing space;

c/ Failing to comply with requests of competent state agencies for determining a list of hirers of digital information-storing space;

d/ Failing to keep secret information of organizations or individuals hiring digital

information-storing space;

e/ Failing to take necessary management and technical measures to ensure that personal information is not lost, stolen, disclosed, altered or destroyed when collecting, processing and using that information of other persons in the network environment;

f/ Supplying personal information of other persons to a third party in the network environment in contravention of law or without consent of those persons;

g/ Obstructing the exercise of the right to search for, exchange and use lawful information in the network environment;

h/ Failing to restore information or accessibility to lawful information sources at the request of the owner of that information;

i/ Failing to monitor and supervise digital information of other organizations or individuals at the request of competent state agencies;

j/ Failing to investigate violations of law in the course of transmission or storage of digital information of other organizations or individuals at the request of competent state agencies.

5. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Supplying, exchanging, transmitting or storing, using digital information for the purpose of inciting superstition or destroying fine national traditions and customs;

b/ Supplying, exchanging, transmitting or storing, using digital information for the purpose of distorting, slandering or hurting the prestige of organizations, the honor, dignity or prestige of other persons;

c/ Supplying, exchanging, transmitting or storing,

using digital information for the purpose of advertising and popularizing banned goods or services;

d/ Counterfeiting websites of other organizations or individuals.

6. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed for acts of supplying, exchanging, transmitting, storing or using digital information to stimulate obscene or depraved lifestyle, crimes or other social vices.

7. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for one of the following acts:

a/ Supplying, exchanging, transmitting or storing, using digital information to oppose the State of the Socialist Republic of Vietnam or destroy the national unity bloc, which, however, is not serious enough for penal liability examination;

b/ Supplying, exchanging, transmitting or storing, using digital information to incite violence, propagate wars of aggression, sow hatred between nations and peoples, which, however, is not serious enough for penal liability examination.

8. Additional sanctions:

a/ Confiscation of material evidences and means used for commission of administrative violations defined at Point b, Clause 3; Points a and g, Clause 4; in Clause 5, Clauses 6 and 7 of this Article;

b/ Expulsion of foreigners who commit administrative violations defined in Clauses 6 and 7 of this Article.

9. Remedies:

Forced deletion of digital information, for violations defined at Point b, Clause 2; Points a, b and c of Clause 5; in Clause 6; and Clause 7 of this Article.

**Article 7.-** Acts of violating regulations on information technology application in operations of state agencies

1. A caution or fine of between VND 100,000 and VND 200,000 shall be imposed for one of the following acts:

a/ Failing to post on websites all information defined in Clause 2, Article 28 of the Law on Information Technology;

b/ Failing to formulate or apply information security regulations.

2. A fine of between VND 200,000 and VND 500,000 shall be imposed for one of the following acts:

a/ Failing to apply processes to ensure safety of computer systems such as solutions to prevent and early detect illegal access to computer systems or data-storing equipment;

b/ Failing to promulgate or apply regulations on digital information sharing in order to ensure the common use of information on management, administration and coordination and other information in a synchronous and smooth manner between state agencies.

3. A fine of between VND 500,000 and VND 200,000 shall be imposed for one of the following acts:

a/ Failing to supply information in the public interest, and for administrative procedures in the network environment in accordance with law;

b/ Failing to ensure accuracy and sufficiency of information and documents exchanged, supplied and commented in the network environment;

c/ Failing to announce or fully announce on the mass media contents of operation in the network environment according to the provisions of Clause

1, Article 27 of the Law on Information Technology;

d/ Failing to ensure that the equipment system for information supply, public service provision and opinion collection in the network environment operates both during and outside working hours, or failing to announce system incidents under regulations;

e/ Failing to implement or devise backup plans on information infrastructure in order to supply the most necessary information and services under regulations of competent state agencies;

f/ Failing to load onto websites information defined in Clause 2, Article 28 of the Law on Information Technology;

g/ Failing to store information on common solutions and products, contents and results of implementation of information technology application projects which have been executed within the national database system or databases of ministries, branches and localities in accordance with law;

h/ Failing to periodically copy digitally transmitted data for storage under regulations of competent state agencies.

4. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for failing to apply authentication technologies, the right-of-access management mechanism and operation-recording mechanism of the system for the management and inspection of network access.

5. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following acts:

a/ Loading onto websites inaccurate information defined in Clause 2, Article 28 of the Law on Information Technology;

b/ Failing to make electronic forms for the

exchange and supply of information and gathering of opinions of organizations and individuals in the network environment.

6. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Procuring software programs but failing to applying them;

b/ Procuring software programs with the same or similar functions, thus causing waste;

c/ Failing to comply with the set norms, unit prices, standards and regimes in the procurement of information technology products.

7. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed for one of the following acts:

a/ Failing to take security and safety measures for information technology applications in accordance with law;

b/ Collecting charges for the supply of information defined in Clause 2, Article 28 of the Law on Information Technology.

#### 8. Remedies:

a/ Forced refund of the improperly spent money amount, for violations defined in Clause 6 of this Article;

b/ Recovery of the improperly collected money amount, for violations defined at Point b, Clause 7 of this Article.

**Article 8.-** Acts of violating regulations on information technology application in commerce

1. A fine of between VND 200,000 and VND 500,000 shall be imposed for one of the following acts:

a/ Failing to notify all relevant information defined in Clause 2, Article 9 of the Law on Information Technology when conducting business activities in the network environment;

b/ Supplying on sale website insufficient information on goods, services, transactional conditions, procedures for dispute settlement and damage compensation;

c/ Announcing on sale website insufficient information on cases in which consumers may cancel or amend agreements on sale websites;

d/ Supplying insufficient information for the conclusion of contracts defined in Clause 1, Article 31 of the Law on Information Technology, unless otherwise agreed upon by concerned parties.

2. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for one of the following acts:

a/ Failing to publicize relevant information defined in Clause 2, Article 9 of the Law on Information Technology when conducting business activities in the network environment;

b/ Failing to supply on sale websites information on goods, services, transactional conditions, procedures for dispute settlement and compensation for damage;

c/ Failing to announce on sale websites cases in which consumers may cancel or amend agreements;

d/ Failing to supply information for the conclusion of contracts defined in Clause 1, Article 31 of the Law on Information Technology, unless otherwise agreed upon by concerned parties.

3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Violating the provisions of law on payment

conditions, processes and procedures in the network environment;

b/ Failing to ensure that consumers may store and recover information on contractual conditions.

4. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Illegally obstructing the establishment of sale websites of organizations or individuals;

b/ Counterfeiting information, supplying untruthful information to trick customers in order to sell or buy goods online;

c/ Supplying untruthful relevant information defined in Clause 2, Article 9 of the Law on Information Technology when conducting business activities in the network environment;

d/ Supplying on sale websites untruthful information on goods, services, transactional conditions, procedures for dispute settlement and damage compensation.

5. Additional sanctions:

Confiscation of material evidences and means used for commission of administrative violations defined at Point a, Clause 4 of this Article.

6. Remedies:

Recovery of the money amount which has been illegally gained, for violations defined at Point b, Clause 4 of this Article.

**Article 9.-** Acts of violating regulations on the supply and use of confidential information and documents in the network environment

1. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of disclosing in the network environment business or personal secrets in contravention of law.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of disclosing in the network environment state secrets, military, security, economic or foreign affair secrets or other secrets, classified by law as secrets.

3. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for acts of disclosing in the network environment state secrets, military, security, economic or foreign affair secrets or other secrets classified by law as top secrets.

4. Additional sanctions:

Confiscation of material evidences and means used for commission of administrative violations defined in Clauses 1, 2 and 3 of this Article.

### ***Section 2. ACTS OF VIOLATING REGULATIONS ON INFORMATION TECHNOLOGY DEVELOPMENT***

**Article 10.-** Acts of violating regulations on information technology research and development

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of illegally obstructing or restricting the transfer of information technology and information technology product research and development results.

2. Other administrative violations related to scientific and technological activities in the information technology domain shall be handled according to the Government's decree on sanctioning of administrative violations in scientific and technological activities.

3. Additional sanctions:

Confiscation of means and material conditions used for commission of administrative violations



defined in Clause 1 of this Article.

**Article 11.-** Acts of violating regulations on standards and quality of information technology products and services

Administrative violations related to standards and quality of information technology products and services shall be handled according to the Government's decree on sanctioning of administrative violations in the domain of measurement and quality of products and goods.

**Article 12.-** Acts of violating regulations on development of information technology human resources

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of illegally obstructing organizations or individuals to set up information technology human resource training institutions.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for acts of illegally obstructing cooperation on information technology human resource training between training institutions and domestic or foreign organizations operating in the information technology domain.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for acts of granting information technology diplomas or certificates in contravention of law.

4. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for acts of committing frauds or counterfeits in order to enjoy preferences in activities of training information technology human resources.

5. Additional sanctions:

Confiscation of material evidences and conditions used for commission of administrative violations defined in Clauses 1, 2 and 3 of this Article.

6. Remedies:

Forced refund of preferential financial supports, for violations defined in Clause 4 of this Article.

**Article 13.-** Acts of violating regulations on information technology industry development

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following acts:

a/ Failing to apply software price determination methods promulgated by competent state agencies in the development of state budget-funded information technology application and development projects;

b/ Assigning or transferring technologies or solutions for development of state-invested key information technology products without consent or in contravention of regulations of competent state agencies.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Supplying untruthful information in order to participate in research, development and production of key information technology products;

b/ Illegally obstructing or restricting domestic or foreign organizations or individuals to invest and build information technology parks under government plannings;

c/ Illegally obstructing or restricting investment ventures in the information technology industry or investment in the development and supply of low-

cost digital equipment.

3. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed for one of the following acts:

a/ Making frauds or forgeries in order to enjoy incentives and priorities in the investment and development of the information technology industry, software industry or content industry;

b/ Making frauds or forgeries in order to enjoy state preferential policies applicable to organizations or individuals investing and operating in information technology parks or hi-tech parks;

c/ Appropriating copyright royalties which the violator is not entitled to, from key information technology products, of which the research, development and production are funded by the State and which the violator participates in;

d/ Failing to repay revenues earned from the trade of key information technology products invested by the State according to regulations.

4. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of stealing technologies, solutions or copyrights of key information technology products invested by the State.

5. Additional sanctions:

Confiscation of material evidences and means used for commission of administrative violations defined at Points b and c of Clause 2 and Clause 4 of this Article.

6. Remedies:

a/ Forced refund of preferential financial supports, for violations defined at Points a and b, Clause 3 of this Article.

b/ Recovery of the money amount which has been

illegally gained, for violations defined at Points c and d, Clause 3 of this Article.

**Article 14.-** Acts of violating regulations on development of information technology services

1. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed for acts of making frauds or forgeries in order to enjoy incentives for some types of information technology services.

2. Remedies:

Forced refund of preferential financial incentives, for violations defined in Clause 1 of this Article.

**Section 3. ACTS OF VIOLATING  
REGULATIONS ON MEASURES TO  
ENSURE INFORMATION TECHNOLOGY  
APPLICATION AND DEVELOPMENT**

**Article 15.-** Acts of violating regulations on information infrastructure in service of information technology application and development

1. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Illegally obstructing the installation of public Internet access points at post offices, commune cultural-post stations, train stations, car terminals, seaports, airports, border gates, residential quarters, hospitals, schools, supermarkets, cultural or sport centers;

b/ Damaging public Internet access points.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following acts:

a/ Illegally obstructing or restricting organizations or individuals to access and use information in the

national database or databases of ministries, branches or localities;

b/ Obstructing owners of databases to use databases when reproducing, distributing, disseminating, transmitting or supplying component contents of such databases;

c/ Destroying, blocking, deforming databases of enterprises.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Infringing upon lawful rights and interests of owners of databases;

b/ Destroying public information infrastructure;

c/ Destroying information infrastructure of organizations or enterprises;

d/ Destroying, blocking or deforming databases of ministries, branches or localities.

4. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed for one of the following acts:

a/ Destroying information infrastructure in service of state agencies;

b/ Destroying, blocking or deforming national databases;

c/ Delaying, refusing or committing other acts to shirk the execution of competent state agencies' decisions on the mobilization of a part or the whole of information infrastructure to prioritize the application of information technology in emergency cases defined in Clause 1, Article 14 of the Law on Information Technology.

5. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for acts of destroying the national information infrastructure, which,

however, are not serious enough for penal liability examination.

6. Additional sanctions:

a/ Confiscation of material evidences and means used for commission of administrative violations, for acts specified at Point a, Clause 1; in Clause 2; at Points b, c and d, Clause 3; Points a and b, Clause 4; and in Clause 5 of this Article;

b/ Expulsion of foreigners who commit violations defined at Point c, Clause 2; Point b, c or d, Clause 3; Point a or b, Clause 4; in Clause 5 of this Article.

7. Remedies:

Forced restoration of the initial state which has been altered due to administrative violations defined at Point b, Clause 1; Point d, Clause 2; Point b, c or d, Clause 3; Point a or b, Clause 4; or in Clause 5 of this Article.

**Article 16.-** Acts of violating regulations on investment in the information technology domain

1. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for one of the following acts:

a/ Using state budget and other budget sources for investment, construction, exploitation and maintenance of information infrastructure of state agencies in contravention of law;

b/ Using the State's investment capital or financial support mechanisms for the construction and use of public information infrastructure and narrowing of the digital gap in contravention of law;

c/ Using state funds for the construction and maintenance of national databases or databases of ministries, branches or localities in contravention of law.

2. A fine of between VND 70,000,000 and VND

100,000,000 shall be imposed for acts of making frauds or forgeries in order to enjoy investment or financial incentives and other incentives for organizations and individuals involved in information technology application and development in deep-lying or remote areas, ethnic minority-inhabited areas or areas meeting with difficult or particularly difficult socio-economic conditions for carrying out activities in other domains.

3. Other administrative violations in the information technology domain shall be handled in accordance with the Government's decree on sanctioning of administrative violations in the planning and investment domain.

4. Remedies:

a/ Recovery of the improperly spent money amount, for violations defined in Clause 1 of this Article;

b/ Forced refund of preferential financial supports, for violations defined in Clause 2 of this Article.

**Article 17.-** Violation of regulations on intellectual property in the information technology domain

1. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Storing copies of protected works used in the process of information transmission though the information transmission has been completed;

b/ Illegally using codes for installation of software programs.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following

acts:

a/ Declaring untruthful information on software products for participating in a contest;

b/ Failing to announce the whole or part of an original software program which has been used for development into another one, except for original softwares used by their very authors to develop into other ones.

3. Other administrative violations on copyright over computer programs or data collections shall be handled in accordance with the Government's decree on sanctioning of administrative violations related to copyright and related rights.

4. Other industrial property-related administrative violations in the information technology domain shall be handled in accordance with the Government's decree on sanctioning of administrative violations in the domain of industrial property.

5. Additional sanctions:

Confiscation of material evidences and means used for commission of administrative violations defined at Point b, Clause 1 of this Article.

**Article 18.-** Acts of violating regulations on the protection of lawful rights and interests and support of information technology product or service users

1. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Concealing one's own name or misusing names of other organizations or individuals when sending information in the network environment;

b/ Sending advertising information in the network environment without ensuring the consumers' capacity of refusing to receive such information

through the network environment;

c/ Continuing to send advertising information in the network environment to users that have notified their refusal to receive that information;

d/ Spreading contact addresses in the network environment without consent of their owners.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following acts:

a/ Creating and installing harmful computer viruses or software programs or harmful scripts in order to commit one of the violations defined in Article 71 of the Law on Information Technology;

b/ Illegally preventing access to information of other organizations and individuals in the network environment;

c/ Breaking into databases, stealing, using passwords, key words and information of other organizations or individuals in the network environment;

d/ When providing services, failing to take or devise measures to prevent children from accessing in the network environment information which is harmful to them as prescribed by law;

e/ Producing or supplying information technology products or services with contents contrary to the nation's ethics, fine traditions and customs;

f/ Attempting to illegally access information systems;

g/ Illegally entering into the process of transmitting data and information;

h/ Employing persons without information technology diplomas or certificates granted by competent state agencies in the management of information technology equipment systems.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Spreading harmful computer viruses or software programs or harmful scripts to commit one of the acts defined in Article 71 of the Law on Information Technology;

b/ Accessing, modifying or deleting in contravention of law contents of information of other organizations or individuals in the network environment;

c/ Attacking to reject services (DOS, DDOS) or committing acts to obstruct the provision of services of the information system;

d/ Gambling, organizing gambling, prostitution brokerage, cheating or terrorism in the network environment.

4. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed for one of the following acts:

a/ Applying priority policies for people with disabilities to participate in information technology education and training programs to ineligible subjects;

b/ Making forgeries or frauds in the supply of information in order to enjoy priority policies for people with disabilities to participate in information technology education and training programs;

c/ Applying to ineligible subjects tax, credit or other incentives for research and development of various tools and applications to improve the disabled people's capability of accessing and using information and knowledge sources through the use of computers and information infrastructure;

d/ Supplying untruthful information in order to enjoy tax, credit and other incentives for research

and development of various tools and applications to improve the disabled people's capability of accessing and using information and knowledge sources through the use of computers and information infrastructure;

e/ Applying to ineligible subjects tax, credit or other incentives for production and supply of technologies, equipment, services, application of information technology and digital information contents to meet special demands of persons with disabilities;

f/ Supplying untruthful information in order to enjoy tax, credit and other incentives for production and supply of technologies, equipment, services, application of information technology and digital information contents to meet special demands of persons with disabilities;

#### 5. Additional sanctions:

a/ Confiscation of material evidences and means used for commission of administrative violations defined at Point a, c or d, Clause 1; Point a, b, c, f or h, Clause 2; or Clause 3 of this Article;

b/ Expulsion of foreigners who commit violations defined at Point a or d, Clause 3 of this Article.

#### 6. Remedies:

a/ Forced restoration of the initial state which has been altered due to administrative violations defined at Point b, Clause 2; Point a, b or c, Clause 3, of this Article;

b/ Forced destruction of information technology products and services, for violations defined at Point f, Clause 2 of this Article;

c/ Forced refund of preferential financial supports, for violations defined in Clause 4 of this Article.

*Article 19.-* Acts of violating regulations on domain names, Internet addresses and ASN

1. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for one of the following acts:

a/ Supplying inaccurate information in order to register the use of the national domain name “.vn”;

b/ Assigning, leasing, reselling Internet protocols (IP) and ASN or buying or selling the domain name “.vn” in contravention of regulations.

2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of establishing websites not using the domain name “.vn” without notifying such or notifying inaccurate information to the Ministry of Post and Telematics or altering information without notifying such to the Ministry.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a/ Failing to use the domain name “.vn” on websites, for Vietnamese socio-political organizations, press or publishing agencies;

b/ Failing to use the national domain name “.vn” or failing to locate servers in Vietnam, for Party and State agencies;

c/ Creating illegal links or taking measures to appropriate, control or constrain lawful domain names of other organizations or individuals.

4. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for one of the following acts:

a/ Taking measures to break down, stop or alter operations of the national domain name server system;

b/ Destroying or changing the national domain name server system.

#### 5. Additional sanctions:

a/ Confiscation of material evidences and means used for commission of administrative violations defined at Point c, Clause 3 and in Clause 4 of this Article;

b/ Expulsion of foreigners who commit violations defined at Point c, Clause 3 or Clause 4 of this Article.

6. Remedies:

a/ Forced restoration of the initial state which has been altered due to administrative violations defined at Point c, Clause 3, and in Clause 4, of this Article;

b/ Recovery of the domain name, address and ASN, for violations defined in Clause 1 of this Article.

**Section 4. ACTS OF VIOLATING  
REGULATIONS ON REPORTING REGIME;  
FAILING TO SUBMIT TO SUPERVISION  
AND INSPECTION OF COMPETENT STATE  
AGENCIES**

**Article 20.-** Acts of violating regulations on reporting regime

1. A fine of between VND 100,000 and VND 200,000 shall be imposed for one of the following acts:

a/ Failing to store the reported contents, documents and data for a period specified by competent state agencies;

b/ Making late reports on the quality, products, services or the research and development, production and trade promotion of key information technology products which the violators participate in within 15 days under regulations of competent state agencies;

c/ Making late reports on the production and

business situation when participating in information technology industrial activities under regulations.

2. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for one of the following acts:

a/ Failing to report to competent state agencies on the quality, products and services in accordance with law;

b/ Failing to report on research and development, production and trade promotion of key IT products which the violators participate in under regulations of competent state agencies;

c/ Failing to report on the production and business situation when participating in information technology industry activities under regulations;

d/ Failing to make other reports on information technology under regulations of the Ministry of Post and Telematics.

3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Improperly reporting on information technology products and services and their quality to competent agencies;

b/ Improperly reporting on activities of research and development, production and trade promotion of key information technology products which they participate in;

c/ Improperly reporting on the production and business situation when participating in information technology industry activities under regulations.

**Article 21.-** Acts of obstructing, opposing state officers or agencies conducting information technology supervision and inspection

1. A fine of between VND 200,000 and VND 500,000 shall be imposed for one of the following

acts:

a/ Failing to produce related documents, papers and vouchers at the request of persons competent to conduct supervision and inspection;

b/ Failing to declare or improperly declaring supervision and inspection-related contents.

2. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of obstructing state officers or agencies conducting inspection or supervision.

3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a/ Dispersing material evidences of violations which are under supervision or inspection or in custody;

b/ Removing without permission seals from material evidences which have been sealed off or are kept in custody.

c/ To confiscate material evidences and means used for commission of administrative violations, which are valued at up to VND 2,000,000.

d/ To apply remedies defined at Points a, c, d and e, Clause 3, Article 5 of this Decree;

e/ To exercise the rights defined in Clause 2, Article 46 and Clause 2, Article 48 of the Ordinance on Handling of Administrative Violations.

2. Chief inspectors of provincial/municipal Post and Telematics Services have the power:

a/ To impose cautions;

b/ To impose fines of up to VND 20,000,000;

c/ To deprive of the right to use permits falling under their competence;

d/ To confiscate material evidences and means used for commission of administrative violations;

e/ To apply remedies defined at Points a, c, d and e, Clause 3, Article 5 of this Decree;

f/ To exercise other rights defined in Clause 1, Article 46 of the Ordinance on Handling of Administrative Violations.

3. The chief inspector of the Ministry of Post and Telematics has the power:

a/ To impose cautions;

b/ To impose fines of up to VND 100,000,000.

c/ To deprive of the right to use permits falling under his/her competence;

d/ To confiscate material evidences and means used for commission of administrative violations;

e/ To apply remedies defined at Points a, c, d and e, Clause 3, Article 5 of this Decree;

f/ To exercise other rights defined in Clause 1, Article 46 of the Ordinance on Handling of Administrative Violations.

### *Chapter III*

## **COMPETENCE, PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS**

### *Section I. SANCTIONING COMPETENCE*

*Article 22.-* Competence for sanctioning administrative violations of post, telematics and information technology -specialized inspectorates

1. Post, telematics and information technology -specialized inspectorates on duty have the power:

a/ To impose cautions;

b/ To impose fines of up to VND 200,000;



**Article 23.-** Sanctioning competence of other specialized inspectorates

Within their state management competence provided for by the Government, inspectors and chief inspectors of other specialized inspection agencies have the power to sanction administrative violations in the information technology domain like post, telematics and information technology - specialized inspectorates in accordance with this Decree.

**Article 24.-** Sanctioning competence of People's Committees at all levels

Presidents of People's Committees at all levels have the power to impose sanctions on administrative violations in the information technology domains specified in this Decree according to their competence provided for in Articles 28, 29 and 30 of the Ordinance on Handling of Administrative Violations within the localities under their respective management.

**Article 25.-** Sanctioning competence of police, border-guard, coastguard, customs, tax and market control forces

Police, border-guard, coastguard, customs, tax and market control forces may impose sanctions on administrative violations in the information technology domains which are directly related to their management domains and specified in this Decree according to their competence provided for in Articles 31, 32, 33, 34, 36 and 37 of the Ordinance on Handling of Administrative Violations.

**Article 26.-** Determination of competence for sanctioning administrative violations

1. When an administrative violation falls under the sanctioning competence of many persons, the person who first deals with the violation shall

sanction it.

2. The sanctioning competence of the persons defined in Articles 22, 23, 24 and 25 of this Decree is applicable to one administrative violation. In case of fine, the sanctioning competence shall be determined based on the maximum level of the fine bracket provided for a specific violation.

3. The competence to sanction a person who commits different administrative violations shall be determined on the principle defined in Clause 3, Article 42 of the Ordinance on Handling of Administrative Violations.

## **Section 2. SANCTIONING PROCEDURES**

**Article 27.-** Procedures for application of forms of sanction

1. As soon as an administrative violation in the information technology domain is detected, the person with sanctioning competence shall order to stop that violation.

2. When an administrative violation is subject to a caution or a fine of up to VND 100,000, the person with sanctioning competence shall issue an on-site sanctioning decision according to the simplified procedures provided for in Article 54 of the Ordinance on Handling of Administrative Violations.

3. When an administrative violation is subject to a fine of over VND 100,000, the person with sanctioning competence shall promptly make a record on the administrative violation according to Article 55 of the Ordinance on Handling of Administrative Violations. If the record maker has no competence to sanction the administrative violation, he/she shall promptly send the record and related documents to a competent authority for

issuance of a sanctioning decision.

4. Sanctioning decisions and procedures comply with the provisions of Articles 56 and 57 of the Ordinance on Handling of Administrative Violations.

5. Sanctioned organizations or individuals shall pay fines in accordance with Article 58 of the Ordinance on Handling of Administrative Violations.

**Article 28.-** Procedures for revocation of the right to use permits

Procedures for revocation of the right to use information technology permits comply with Article 59 of the Ordinance on Handling of Administrative Violations.

**Article 29.-** Procedures for confiscation and handling of material evidences and means used for commission of administrative violations

1. When applying the sanction of confiscation of material evidences and means used for commission of administrative violations in the information technology domain, persons with sanctioning competence shall make records in accordance with Article 60 of the Ordinance on Handling of Administrative Violations.

2. Material evidences and means used for commission of administrative violations in the information technology domain shall be handled in accordance with Article 61 of the Ordinance on Handling of Administrative Violations.

**Article 30.-** Execution of sanctioning decisions

1. Sanctioned organizations or individuals shall comply with sanctioning decisions within 10 days after being handed sanctioning decisions, unless

otherwise provided for by law. This time limit shall be stated in sanctioning decisions. Past this time limit, if the sanctioned organizations or individuals fail to voluntarily comply with the decisions, the persons with sanctioning competence may apply enforcement measures.

2. The postponement of compliance with fining decisions must comply with Article 65 of the Ordinance on Handling of Administrative Violations.

3. The statute of limitations for sanctioning administrative violations must comply with Article 69 of the Ordinance on Handling of Administrative Violations.

4. Administrative sanctioning decisions must be handed or notified to the sanctioned organizations or individuals. If past one year after issuance, a decision cannot be handed to the sanctioned individual or organization since he/she/it does not show up to receive it, his/her/its address is unidentified or because of other objective reasons, the person having issued the sanctioning decision shall issue another decision to terminate the application of the sanctions but still apply the remedies stated in the sanctioning decision.

**Article 31.-** Application of measures to enforce sanctioning decisions

1. The enforcement of decisions on sanctioning of administrative violations in the information technology domain must comply with Article 66 of the Ordinance on Handling of Administrative Violations.

2. The competence to issue enforcement decisions and organize the enforcement must comply with Article 67 of the Ordinance on Handling of Administrative Violations.

3. Procedures for application of measures to enforce administrative sanction decisions must comply with the Government's Decree No. 37/2005/ND-CP of March 18, 2005, providing procedures for the application of measures to enforce administrative sanction decisions.

*Article 32.-* Regulations on the transfer of dossiers of violations showing criminal signs for penal liability examination

When looking into a violation in order to decide on its sanction, if finding its criminal signs, the competent person shall immediately transfer the violation file to a competent criminal proceedings-conducting agency in accordance with Article 62 of the Ordinance on Handling of Administrative Violations.

#### *Chapter IV*

### COMPLAINTS, DENUNCIATIONS, HANDLING OF VIOLATIONS

*Article 33.-* Complaints, denunciations and settlement of complaints and denunciations

1. Organizations or individuals subject to administrative sanctions in the information technology domain or their lawful representatives may complain about sanctioning decisions of competent persons. Pending receipt of complaint-settlement results from competent agencies, they shall still comply with sanctioning decisions, except for the case of forced dismantlement of construction works.

2. Citizens may denounce with competent state agencies, organizations or individuals administrative violations in the information technology domain in accordance with the law on complaints and

denunciations.

2. Citizens may denounce with competent agencies, organizations or individuals illegal acts of persons competent to sanction administrative violations in the information technology domain.

4. The competence, procedures, order and time limit for complaint and denunciation and initiation of administrative lawsuits comply with the Law on complaint and denunciation and the Ordinance on Handling of Administrative Cases.

*Article 34.-* Handling of violations

1. Persons with competence to sanction administrative violations in the information technology domain who harass, tolerate, cover, do not sanction or untimely, inappropriately sanction or sanction those violation beyond their competence shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; and, if causing damage, they shall pay compensation in accordance with law.

2. Persons sanctioned for administrative violations in the information technology domain who commit acts of obstructing or opposing persons on duty shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability; and, if causing damage, they shall pay compensation in accordance with law.

#### *Chapter V*

### IMPLEMENTATION PROVISIONS

*Article 35.-* Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO."

*Article 36.*- Responsibilities for implementation organization

The Minister of Post and Telematics shall guide the implementation of this Decree. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial/municipal People's Committees shall implement this Decree.

*On behalf of the Government*

*Prime Minister*

NGUYEN TAN DUNG