

**THE NATIONAL
ASSEMBLY**

No.: 20.../QH13

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

LAW ON

ACCESS TO INFORMATION

Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Law on Access to Information.

CHAPTER I

GENERAL PROVISIONS

Article 1. Scope of governing

1. This Law provides for the right to access to information of citizens; principles, orders, procedures of enforcement of the right to access to information; obligations and responsibilities of state agencies in ensuring the right to access to information of citizens, and rights and obligations of citizens in implementation of the right to access to information.

This Law does not provide for information provision among state agencies during performance of their tasks, among state agencies and organizations in the political system during performance of their functions, tasks, missions, and objectives in compliance of provisions of relevant laws.

2. Access to the following information shall comply with provisions of relevant laws:

- a) Information relating to state secrets;
- b) Information relating to privacy secrets, business secrets, intellectual property (owned by the State);
- c) Information in materials, dossiers transferred to historical archiving agencies;
- d) Information during inspection, auditing;
- đ) Information during investigation, prosecution, trial periods.

Article 2. The right to access to information of citizens

1. Citizens shall have the right to access to information; freedom of access to information published by state agencies; request for information provision by state agencies and use of information in compliance with this Law.

2. Persons losing their civil act capacity, persons having their civil act capacity restricted, and juvenile shall perform the right to access to information through their legal representatives, except otherwise prescribed in the Law on child protection, care and education.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Information* means information created and owned by state agencies during performance of their functions and tasks as mentioned in documents, dossiers, materials in the forms of hand-writing copies, printed copies, electronic copies, paintings, pictures, drawings, tapes, disks, videos, recordings or other forms;

2. *Access to information* means reading, watching, listening, recording, copying, taking photos, archiving information;

3. *Information provision* means information publication by state agencies or information provision as requested.

Article 4. Principles of ensuring the right to access to information

1. All citizens are equal and are not discriminated in performance of the right to access to information.

2. Provided information must be accurate and sufficient; information must be timely and transparently provided in compliance with orders and procedures mentioned in the laws.

3. The right to access to information shall be restricted in compliance with the laws and if it is deemed necessary to protect the national defense, national security, social order and safety, social ethics, and the community health.

4. Performance of the right to access to information of citizens must not infringe upon the interests of the nation, the people, the state; the legitimate rights and obligations of agencies, organizations, individuals.

5. The Government shall create favorable conditions for persons with disability, people living in mountainous areas, islands, areas with exceptional socio-economic difficulties to perform the right to access to information.

Article 5. Rights and obligations of citizens in getting access to information

1. Citizens shall have rights as follows:

- a) Being fully, precisely, and timely provided with information;
- b) Filing complaints, lawsuits, and denunciations against violations of provisions of the law on access to information.

2. Citizens shall have obligations as follows:

- a) Complying with provisions of the law on access to information;
- b) Using information for given purposes, not distorting provided information.

Article 6. State agencies responsible for information provision

1. State agencies responsible for information provision are agencies creating and keeping information during performance of their functions and tasks.

2. State agencies responsible for information provision include:

a) The Office of the National Assembly shall provide information on activities of the National Assembly, the Standing Committee of the National Assembly, the Ethnic Minority Council, Committees of the National Assembly, and the Office of the National Assembly;

b) The Office of the State President shall provide information on activities of the State President, and the Office of the State President;

c) The Office of the Government shall provide information on activities of the Government, the Prime Minister, and the Office of the Government;

d) Ministries, ministerial agencies, governmental agencies shall provide information on their activities;

đ) Hierarchical agencies under ministries, ministerial agencies of the Government shall provide information on their activities;

e) People's courts, People's procuracies at all levels shall provide information on their activities;

g) The State Audit of Vietnam shall provide information on their activities;

h) Offices of the National Assembly Delegations shall provide information on activities of the National Assembly Delegations;

i) Offices of People's Councils of provinces and cities directly under the central management (hereinafter referred to as provincial level) shall provide information on activities of People's Councils, departments of People's Council and Offices of People's Councils;

k) Offices of People's Committees of provinces and cities directly under the central management shall provide information on activities of People's Committees, Offices of People's Committees;

l) Professional agencies under provincial People's Committees shall provide information on their activities;

m) Offices of People's Councils and People's Committees of districts, towns, provincial cities shall provide information on activities of People's Councils, People's Committees, and professional agencies under People's Committees;

n) People's Committees of communes, wards, and towns shall provide information on their activities.

3. Agencies responsible for information provision mentioned in Section 2 of this Article shall assign agencies, units or individuals to act as focal points in receiving request for information provision as well as in providing information.

Article 7. Information provision for community interests and health

Heads of agencies responsible for information provision shall consider, examining, making decision on information provision not created but held by such agencies or on information publication not mentioned in Article 10 of this Law if it is deemed necessary for community interests and health.

Article 8. Prohibited behaviors

1. Intentionally providing incorrect and insufficient information; destroying; falsifying information.

2. Providing, using information against the Socialist Republic of Vietnam; undermining the great national solidarity; inciting violence; conducting propaganda on wars; inciting hostile, sowing hatred, ethnic and religious division.

3. Providing, using information to infringe the dignity and honor of other persons; infringing the reputation of agencies, organizations.

4. Obstructing, threatening, victimizing persons requesting for information provision or persons providing information.

Article 9. Application of the Law on access to information

This Law shall apply to access to information of citizens in general.

Other laws relating to access to information issued after the date this Law enters into force shall comply with principles mentioned in Article 4 of this Law.

If other laws do not prescribe specific information, provisions of this Law shall apply.

CHAPTER II INFORMATION PUBLICATION

Article 10. Information subject to publication

1. State agencies mentioned in Section 2 Article 6 of this Law are responsible for information publication as follows:

a) Information published as required by laws;

b) Administrative procedures and working processes of agencies relating to individuals, organizations.

2. Before publishing information, state agencies mentioned in Section 2 Article 6 of this Law shall check to ensure compliance with provisions of the laws on confidential information.

Article 11. Forms and time of information publication

1. Forms of information publication include:

a) Publishing information on portals and websites of agencies;

b) Publishing information on mass media;

c) Publishing information on the official gazette;

d) Posting at head offices of agencies and other places if necessary;

đ) Publishing information through citizen receptions, press conferences, press releases, activities of spokespersons of agencies in compliance with the laws;

e) Other forms at the convenience of citizens as defined by state agencies responsible for information publication.

2. If provisions of relevant laws prescribe specific forms of information publication, such provisions shall apply.

If there is no specific provision in relevant laws, agencies responsible for information publication might, based on the practical situation, select one or a number of forms of information publication mentioned in Section 1 of this Article in order to ensure access to information by citizens.

3. For persons with disability, people living in mountainous areas, islands, areas with exceptional social-economic difficulties, state agencies shall take initiative in determining forms of information publication in line with ability and conditions to get access to information of citizens in addition to forms mentioned in Section 1 of this Article.

4. Time of information publication in each area shall comply with provisions of relevant laws; if there is no provision of relevant laws on time of information publication, within 03 (three) working days as from the date the information is attained, competent agencies shall make public such information.

Article 12. Information publication on portals and websites

1. Out of information mentioned in Article 10 of this Law, the following information must be made public on the portals and websites;

a) Information subject to publication on portals and websites as required by the laws;

b) Functions, tasks, authorities, organizational structure, organizational diagram of agencies and units; administrative procedures and working processes of agencies relating to individuals, organizations; by-laws and regulations issued by the agencies; addresses, telephone numbers, fax numbers, emails of agencies, units, individuals acting as focal points in receiving request for information provision and providing information as mentioned in Article 6 of this Law;

c) Lists of information subject to publication as requested. Lists of information subject to publication must specify addresses, forms, time, and time limit of publication of each type of information;

d) Other necessary information for the community interests and health.

2. Information publication on portals and websites at provinces and cities directly under the central management shall comply with the plans on informational technology application of People's Committees of provinces and cities directly under the central management.

Article 13. Information publication on mass media

1. State agencies responsible for information provision shall fully, accurately, and timely provide mass media with information subject to publication on mass media as required by the laws.

2. For information directly relating to the community interests and health that should be made public, the mass media companies are responsible for cooperation and making conditions for publication.

3. Putting and broadcasting news on mass media shall comply with provisions of the laws. When putting an advertisement and broadcasting news, mass media companies shall ensure fullness, accuracy, timeliness of the information.

Article 14. Information publication on the Official Gazette or posting at head offices of agencies

1. Information publication on the Official Gazette, posting information at head offices of agencies shall comply with the laws on information publication on the Official Gazette and posting information at head offices of agencies.

2. For information published in the form of posting at head offices of agencies of which places and time limit of posting are not specified, such information must be posted at the head offices of the agencies and public places within at least 30 (thirty) days.

Article 15. Dealing with incorrect information

1. If it is found that a number state agencies publish different information on the same issue, the agencies creating the information are responsible for confirming the accuracy of the information created and mad public by such agencies.

2. If it is found that incorrect and insufficient information affects the right to access to information of citizens, the social order and safety under their management, the state agencies are responsible for active and timely publication of official information created and held by such agencies.

CHAPTER III

REQUESTED INFORMATION PROVISION

Article 16. Requested information provision

1. Information subject to publication but not being made public; information published but the time limit for publication has expired or information being published but not accessible by the persons requesting for information provision.

2. Information relating to the life, activities, production, and business of citizens not subject to publication as mentioned in Article 10 of this Law.

3. Information on internal issues; internal dossiers, materials of state agencies; information during settlement of works of state agencies, if it is deemed necessary to protect legitimate rights and interests of the persons requesting for information provision but not affecting legitimate rights and interests of a third party.

Article 17. Written requests for information provision

1. Request for information provision of citizens shall be made in writing. It is possible to submit written requests in person at head offices of the requested agencies or by post, internet, fax or other appropriate forms.

2. Written requests for information provision shall include main issues as follows:

a) Names, addresses, identification numbers or passport numbers of the persons requesting for information provision; fax numbers, telephone numbers, emails (if any);

b) Information to be provided;

c) Methods of information provision;

d) Reasons for requesting information provision and purposes of using information mentioned in Section 3 Article 16 of this Law.

3. After receiving valid written requests for information provision mentioned in Section 2 of this Article, at least 03 (three) working days as from the date of receipt of the requests, the requested agencies are responsible for guiding the persons requesting for information provision to submit additional information.

If within 30 (thirty) days as from the date of sending requests for submission of additional information but the persons requesting for information provision do not submit additional information, the written requests shall be deemed invalid.

If the information requested for publication is not created and held by the requested agencies, such agencies shall inform and guide the persons requesting for information provision to send written requests for information provision to the agencies creating such information.

Article 18. Methods of provision of requested information

1. Requested information shall be provided in one of the forms as follows:

a) Direct submission of information at head offices of the agencies;

b) Submission of information through electronic means;

c) Information provision by post, fax or other appropriate forms.

2. The requested agencies are responsible for providing information within the scope and methods requested depending on the nature of the requested information and their ability to provide information.

Article 19. Orders, procedures, time limit for provision of requested information

1. For requests for information provision which are simple, available and ready for publication, the requested agencies are responsible for provision of such information to the persons requesting for information provision within 03 (three) working days as from the date of receipt of valid requests.

2. Except cases mentioned in Section 1 of this Article, within 03 (three) working days as from the date of receipt of valid requests, the requested agencies shall send a notice on the time limit, places, forms of information provision, costs of access to information (if any).

3. Time limit for information provision is as follows:

a) Within 12 (twelve) days as from the date of receipt of valid requests, except cases mentioned in Point b of this Section;

b) Within 15 (fifteen) days as from the date of receipt of valid requests for information requiring a certain period of time for compiling, copying, considering, dealing with dossiers and materials.

Article 20. Refusal of information provision

1. The requested agencies shall refuse information provision in circumstances as follows:

a) Information provision might cause harms to the national defense, the national security, state secrets, personal secrets, family secrets, privacy secrets, business secrets, life, health, safety of human beings ;

b) Information provision affects legitimate rights and interests of a third party;

c) Requested information is not prescribed in Article 16 of this Law;

d) Requested information are not created and held by the requested agencies;

đ) Information has been provided twice (02) to the persons requesting for information provision;

e) The amount of requested information exceeds the ability of the requested agencies and thus affects the normal operation of the agencies.

2. The requested agencies are responsible for sending written notices on refusal of information provision to the persons requesting for information provision, specifying reasons for refusal within the time limit mentioned in Section 1 Article 19 of this Law.

Article 21. Getting access to part of dossiers and materials

The requested agencies might consider and make decision on provision of part of dossiers and materials containing requested information if splitting that part of the dossiers and materials do not affect secrecy of the full dossiers and materials.

Article 22. Costs of access to information

1. Persons requesting for information provision shall incur costs for printing, copying, sending dossiers and materials by post.

2. Persons requesting for information provision shall make payment in full prior to receipt of requested information.

RESPONSIBILITIES IN ENSURING THE RIGHT TO ACCESS TO INFORMATION OF CITIZENS

Article 23. Measures to ensure the right to access to information of citizens

1. State agencies mentioned in Section 2 Article 6 of this Law are responsible for taking measures to ensure the right to access to information of citizens as follows:

a) Organizing training courses to improve capacity, qualification, professional skills of persons assigned to be responsible for information provision on the right to access to information of citizens;

b) Running portals, websites; developing and running database of information of which the agencies are responsible for provision as required by the Government;

c) Promoting information provision through activities of spokespersons of the agencies and on mass media;

d) Strengthening archiving and statistical activities; provision of technical and information technology equipments and other necessary conditions;

đ) Allocating places for citizen receptions to provide information based on available resources of each agency.

2. Heads of agencies providing information are responsible for ensuring performance of the tasks of information provision, timely dealing with violations of persons assigned to provide information which obstructs the implementation of the right to access to information of citizens.

3. Persons assigned to provide information are responsible for provision of timely and sufficient information to citizens without causing any harassment, obstruction, difficulty during implementation of their tasks.

Article 24. Responsibilities of agencies providing information

Agencies providing information shall have responsibilities as follows:

1. Timely, sufficiently, fully making public, providing information; publishing a disclaimer or providing additional information if it is found that provided information is incorrect or insufficient;

2. Taking initiative in developing, updating, making public lists of information subject to publication, information provided upon request and uploading such lists on portals, websites; regularly updating and making public information at the time, during the time limit and under forms mentioned in the lists of information subject to publication;

3. Maintaining, archiving, updating a database of information that the agencies are responsible for provision, ensuring that information is kept in a systematic, sufficient, comprehensive manner and is easy for searching;

4. Ensuring accuracy and sufficiency of information. Transfer of information among database systems shall comply with provisions of the laws;

5. Issuing technical guidance on measures and processes of protection of information and information management systems;

6. Reviewing, classifying, checking and ensuring secrecy of information before provision;

7. Timely reviewing and considering benefits of information provision to make public or to provide information as requested in order to protect public interests;

8. Issuing and publishing internal regulations on information provision under their responsibilities. Main contents of the regulations include: orders, procedures of transfer of information to the focal points; classifying information not subject to provision and updating information subject to publication; information provided upon request into the database under responsibilities of the agencies; orders, procedures of dealing with requests for information provision between the focal points, the units managing the database and relevant units;

9. Reviewing provisions of the laws on access to information relating to their functions, tasks and authorities to timely making proposals to competent agencies for revision and amendment in line with this Law;

10. Reporting to competent agencies on the practical situation of ensuring the right to access to information of citizens at the agencies as requested.

Article 25. Responsibilities of the Government, ministries, provincial People's Committees in ensuring the right to access to information

1. The Government shall unify the state management on ensuring the right to access to information of citizens and implement tasks and authorities as follows:

a) Issuing or making proposals to competent agencies on issuance, revision, amendment of the laws on ensuring the right to access to information;

b) Implementing training and dissemination activities to improve awareness on the rights and responsibilities of agencies, state officials, and citizens in ensuring the implementation of the right to access to information;

c) Giving guidance to agencies and citizens in implementation of the right to access to information;

d) Inspecting, supervising compliance of the laws on ensuring the right to access to

information of citizens;

đ) Giving technical guidance on measures and processes for protection of information and database;

e) Monitoring, speeding up, and supervising to ensure the implementation of the right to access to information of citizens.

2. Ministries, ministerial agencies, governmental agencies are responsible for implementation of tasks mentioned in Point a, b, c, d, and e in Section 1 of this Article based on their assigned functions and tasks.

3. The Ministry of Information and Communication shall assist the Government in implementation of tasks mentioned in Point đ Section 1 of this Article.

4. The Ministry of Justice shall assist the Government in general supervision of compliance this Law.

5. Provincial People's Committees are responsible for state management in their regions, implementing measures to ensure the right to access to information of citizens as guided by the Government.

Article 26. Supervision to ensure the implementation of the right to access to information

1. The National Assembly shall conduct supervision to ensure the implementation of the right to access to information of citizens.

2. People's Councils shall conduct supervision to ensure the implementation of the right to access to information of citizens at localities; reviewing annual reports of People's Committees at the same level on the implementation of the right to access to information of citizens at the localities.

3. Vietnam Fatherland Front and its member organizations are responsible for supervision of the implementation of the right to access to information of citizens by the society.

CHAPTER V

FILING COMPLAINTS, LAWSUITS, DENUNCIATIONS AND DEALING WITH VIOLATIONS

Article 27. Filing complaints, lawsuits, denunciations

1. Persons requesting for information provision are entitled to file complaints and lawsuits against agencies responsible for information provision mentioned in Section 2

Article 6, agencies, units, individuals acting as focal points of information provision as mentioned in Section 3 Article 6 of this Law.

2. Cases of filing complaints and lawsuits:

a) Persons requesting for information provision receive refusal for information provision of which reasons for refusal are not in line with bases mentioned in Section 1 Article 20 of this Law;

b) Provided information is not the information requested;

c) Information is not sufficiently and correctly provided but neither disclaimer nor additional information is provided as mentioned in Section 1 Article 24 of this Law;

d) After the time limit for consideration and dealing with requests for information provision but persons requesting for information provision do not receive the information;

đ) Incurring unlawful costs of access to information.

3. Citizens are entitled to make denunciations on violations of persons providing information relating to the law on access to information.

4. Settlement of complaints, lawsuits, and denunciations shall comply with provisions of the laws on filing complaints, lawsuits, and denunciations.

Article 28. Settlement of violations

1. Persons having acts of destroying, falsifying, distorting dossiers and materials in order to obstruct the implementation of the right to access to information of citizens, distorting information, not providing information, intentionally delay information provision, intentionally provide incorrect or insufficient information causing misunderstanding of contents of information shall be disciplined or examined for penal liabilities depending on the extent of violations.

2. Persons requesting for information provision violating the law on access to information shall be fined or examined for penal liabilities depending on the extent of violations in compliance with the law.

CHAPTER VI

IMPLEMENTATION PROVISIONS

Article 29. Operative provision

Foreigners legally residing in Vietnam shall have the right to request for information provision directly relating to their rights and obligations.

Orders and procedures of request for information provision shall comply with provisions in Chapter III of this Law.

Article 30. Transitional provision

1. During the time from the date this Law is promulgated until prior to the date this Law enters into force, the agencies mentioned in Section 2 Article 6 of this Law are responsible for full implementation of measures mentioned in Article 24 and Article 25 of this Law in order to effectively implement this Law.

2. Information created prior to the date this Law enters into force shall continue to be accessed in compliance with the laws issued prior to the date this Law takes effect. Laws and ordinances on the right to access to information of citizens issued prior to the date this Law enters into force shall continue to be valid until such laws and ordinances are abrogated or replaced.

Article 31. Effect

This Law takes effect on...

The Government shall provide guidance on articles and clauses of this Law as assigned.

This Law was passed on ... by the National Assembly of the Socialist Republic of Vietnam at itsth session.

CHAIRMAN
Nguyen Sinh Hung