

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Law No.: 104/2016/QH13

Hanoi, April 06, 2016

LAW

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

This law provides for the exercise of the citizens' right of access to information, principles and procedures for exercising the right of access to information, responsibilities of state agencies in ensuring the citizens' right of access to information.

Article 2. Interpretation of terms

In this Law, these terms are construed as follows:

1. *Information* refers to details and data that are contained in existing documents and papers and stored in writings, printouts, electronic texts, pictures, photos, drawings, tapes, disks, video recordings, audio recordings or in other forms produced by state agencies.

2. *Information generated by the state agency* refers to news and data which are generated during the execution of functions, tasks and powers by a state agency as regulated by the law. The instrument containing such information must be signed, sealed or certified by the competent official of such state agency.

3. *Access to information* includes the reading, watching, listening, reproduction and photocopying of the information.

4. *Provision of information* includes the state agency's disclosure of information and provision of information as requested by citizens.

Article 3. Rules for ensuring the right of access to information

1. All citizens are treated equal and not discriminated in exercising their right of access to information.
2. The information must be provided in an accurate and sufficient manner.
3. The provision of information must be made in a timely and transparent manner, convenient for citizens to access and in conformity with procedures regulated by the law.
4. Restrictions on the right of access to information must be regulated by the law, where necessary, for the purpose of ensuring the national defense and security, social security, social ethics and community health.
5. The exercise of the citizens' right of access to information must not be harmful to national interests, lawful rights and interest of other agencies, organizations and individuals.
6. The Government grants favorable opportunities for the disabled and those who reside in border regions, islands, mountainous regions, areas faced to extremely difficult social and economic conditions to practice their right of access to information.

Article 4. Entities exercising the right of access to information

1. Citizens may exercise their right of access to information as regulated in this Law.
2. Legally incapacitated persons may request for the provision of information via their legal representatives.

Persons with limited cognition and behavioral control may request for the provision of information via their guardians.

3. Persons under 18 years old may request for the provision of information via their legal representatives, except for the cases governed by the children law and other laws.

Article 5. Accessible information

Citizens are permitted to access to information of state agencies, excepted for inaccessible information as regulated in Article 6 of this Law and accessible information with particular conditions as regulated in Article 7 of this Law.

Article 6. Inaccessible information

Inaccessible information consists of:

1. Classified information that contains important contents associated with politics, national defense and security, foreign relations, economics, science, technology and other fields as regulated by the law.

Once classified information is declassified, citizens may access to it as regulated by this Law.

2. Information the access to which is considered as harming the national interests, causing adverse influence on the national defense and security, international relations, social order and security, social ethics and the community health; harming human life, living or property of others; information classified as working secrets; those concerning internal meetings of state agencies; documents drafted by state agencies to serve their internal activities.

Article 7. Accessible information with particular conditions

1. Information relating to a trade secret may be accessible if the trade secret holder has assented to the access to such information.

2. Information relating to secrets and privacy of an individual may be accessible if such individual grants an assent; information relating to family secrets may be accessible if there is an assent granted by all members of that family.

3. Heads of state agencies may, during the execution of their functions, tasks and powers, and where necessary, decide the provision of information concerning trade secrets, personal secrets and privacy or family secrets for the purpose of protecting interests and health of the community as regulated by relevant laws without asking for the assent of relevant entities as regulated in Clause 1 and Clause 2 of this Article.

Article 8. Rights and duties of citizens inherent in the access to information

1. Citizens shall have the following rights:

- a) To be provided with information in a sufficient, accurate and timely manner;
- b) To lodge complaints, file lawsuits or report illegal acts in the access to information.

2. Citizens must fulfill the following duties:

- a) To conform to the access to information law;
- b) Do not falsify contents of information provided by state agencies;
- c) Do not infringe lawful rights and interests of agencies, organizations or other individuals while practicing the right of access to information.

Article 9. Scope and responsibilities for providing information

1. State agencies shall provide information they generate, except for the cases regulated in Article 6 of this Law; as for the cases regulated in Article 7 of this Law, the provision of information is carried out if relevant conditions have been satisfied as regulated.

Communal people's committees shall provide information they generate and those they receive to directly execute their functions, tasks and powers, except for the cases regulated in Article 6 of this Law; as for the cases regulated in Article 7 of this Law, the provision of information is carried out if relevant conditions have been satisfied as regulated.

2. State agencies shall directly organize the provision of information, except for the following cases:

- a) The Office of the National Assembly shall organize the provision of information that is generated by the National Assembly, agencies affiliated to the National Assembly, agencies affiliated to the Standing Committee of the National Assembly, and the information that it directly generates;
- b) The Office of the President shall provide information generated by the President and the information that it directly generates;
- c) The Office of the Government shall provide information generated by the Government and the Prime Minister, and the information that it directly generates;
- d) Offices of the National Assembly Delegations shall provide information generated by the National Assembly Delegations and the information that they directly generate;
- dd) Offices of provincial people's councils shall provide information generated by people's councils, standing boards of people's councils and agencies of people's councils of provinces and the information they directly generate;
- e) Offices of provincial people's committees shall provide information generated by people's committee, chairpersons of people's committees of provinces and the information they directly generate;
- g) Offices of people's councils and people's committees of districts shall provide information generated by people's councils, standing boards of people's councils, agencies of people's councils, people's committees and chairpersons of people's committees of districts, and the information they directly generate;
- h) The communal people's committee shall provide information that it directly generates or generated by its affiliated agencies and the information it receives to directly execute its functions, tasks and powers to citizens residing in such commune; and provide such information to citizens other than those residing in such commune if such information is considered as associating to their lawful rights and interests;
- i) Minister of National Defense and Minister of Public Security regulate agencies in charge of providing information in their organizational structures.

Article 10. Methods of receiving information

Citizens may obtain information by employing one of the following methods:

- 1. Exercise the freedom of access to information publicly announced by state agencies;
- 2. Request state agencies to provide information.

Article 11. Prohibited acts

1. Deliberate provision of false or incomplete information or delay in provision of information; destruction of information; forging of information.
2. Intentional provision or use of information to fight against the Government of the Socialist Republic of Vietnam, sabotage the implementation of solidarity policies or incite violent acts.
3. Intentional provision or use of information to offend honor, human dignity and prestige or cause gender discrimination or damage to property of other individual, organization or agency.
4. Obstruct, threaten or victimize the applicant or provider of information.

Article 12. Access to information request fees

1. Information is provided free of charge for citizens, except for other cases of fee collection as regulated by law.
2. The applicant for the provision of information must pay fees actually incurred from printing, duplication, photocopying and sending information.

Minister of Finance shall promulgate detailed regulations on fee levels as mentioned in this clause.

Article 13. Supervision of the guarantee of the right of access to information

1. The National Assembly shall conduct the supreme supervision of the guarantee of the citizens' right of access to information.
2. The people's council shall supervise the guarantee of the right of access to information for citizens residing in its region; consider reports made by same-level people's committee on the exercise of the right of access to information by citizens residing in such region.
3. The Vietnamese Fatherland Front and its affiliated agencies shall conduct the social supervision of the guarantee of the citizens' right of access to information.

Article 14. Complaint, filing lawsuit and denunciation

1. The applicant for the provision of information is entitled to complain or file a lawsuit against the competent state agency or the information provider regulated in Article 9 of this Law.
2. Citizens are entitled to denounce against acts in violation of the access to information law.
3. The complaint, filing lawsuit or denunciation against acts in violation of the access to information law must be carried out in compliance with the law on complaint and denunciation and the law on administrative procedures.

Article 15. Taking action against violations

1. Persons who commit acts of violation against the access to information law shall, depending on the nature and severity of their violations, be disciplined or face administrative penalties or criminal prosecution as regulated.
2. If the information provider commits any of prohibited acts stated in Article 11 of this Law and causes damage, the state agency in charge of providing information must provide compensation and the individual who has such act of violation must assume reimbursement liability as regulated by the law on state compensation liability.
3. Persons who exercise the right of access to information and use provided information to cause adverse influence on lawful rights and interests of other agencies, organizations or individuals have to incur liability as regulated by the law.

Article 16. Enforcement of access to information law

This law shall apply to the access to information by citizens. Provisions on the access to information regulated in other laws may apply provided that they must be in conformity with regulations in Article 3 of this Law.

Chapter II

INFORMATION DISCLOSURE

Article 17. Information subject to mandatory disclosure

1. The following types of information must be disclosed publicly:
 - a) Legislative documents; administrative documents with universal effect; international treaties of which the Socialist Republic of Vietnam is a member or international agreements to which Vietnam is a signatory; administrative procedures and working procedures of state agencies;
 - b) Information regarding the dissemination and guidance on the implementation of laws and policies in sectors under the state management;
 - c) Drafts of legislative documents as regulated by the law on promulgation of legislative documents; contents and results of the referendum and acquisition of people's opinions about issues which are under the decision of state agencies and have to be asked for people's opinions as regulated by the law; schemes and their drafts on the establishment, dissolution, merger or division of administrative units or modification of administrative areas;
 - d) National and local socio-economic development strategies, programs, projects, schemes and plans; sector/field planning, methods and results thereof; annual working programs and plans of state agencies;

dd) Information regarding state budget estimates; reports on state budget enactment; state budget statements; estimates, enactment reports, statements of budgets of fundamental construction programs/projects funded by state budget; state budget procedures;

e) Information regarding the provision, management and use of official development assistance (ODA) and non-governmental aid as regulated; information about the management and use of social relief and benefits; and information about the management and use of people's contributions and types of funds;

g) Information about lists of public investment and public procurement projects/programs, and the management and use of public investment funding, the situation and results of the execution of public investment plans/programs/projects; bidding information; information on land use plans; land price; land appropriation; plans for compensation, site clearance and resettlement concerning regional projects/works;

h) Information about investment activities funded by state budget, the management and use of state capital in enterprises; reports on business and ranking of enterprises; reports on the supervision of the disclosure of financial information of enterprises and state agencies representing owners; information about the organization and operation of state-owned enterprises;

i) Information about products, goods and services that have adverse influence on the health and environment; inspection conclusions in the fields of environmental protection, community health, foods safety and labour safety;

k) Information about functions, tasks, powers and organization structure of agencies and their affiliated units; tasks and powers of officials in charge of dealing with people's issues; internal regulations and rules promulgated by state agencies;

l) Periodical working reports; annual financial statements; information about the statistics on sectors under the state management; sector/field-related national database; information regarding the recruitment, use and management of officials and public employees; information about lists of scientific programs/topics and results thereof;

m) The list of types of information subject to mandatory disclosure as regulated in Point b Clause 1 Article 34 of this Law; name, address, telephone number, fax number and email address of the state agency or the official in charge of receiving information requests;

n) Information concerning public interests and community health;

o) Information concerning taxes, fees and charges;

p) Other information that must be disclosed as regulated by the law.

2. Apart from types of information prescribed in Clause 1 of this Article, state agencies shall, depending on actual conditions, actively disclose other information that they generate or manage.

Article 18. Methods and time of information disclosure

1. Methods of information disclosure consist of:

- a) Post information on portals and websites of state agencies;
- b) Provide information via the mass media;
- c) Post information on Official Gazettes;
- d) Post information in the notice form at head offices of state agencies and other locations;
- dd) Disclose information through the reception of citizens, press conference, press release, activities of spokespersons of state agencies as regulated by the law;
- e) Other methods that are convenient for citizens and determined by agencies in charge of disclosing information.

2. If a specific method of disclosure for a given type of information is regulated by the law, such regulations of the law shall apply.

In the other hand, if a specific method of disclosure for a given type of information is not regulated by the law, the state agency in charge of providing information shall, depending on its actual conditions, select one or a certain methods of information disclosure prescribed in Clause 1 of this Article to ensure that citizens are able to access such information.

3. Apart from the methods of information disclosure regulated in Clause 1 of this Article, stage agencies must determine methods of information disclosure in conformity with access to information capacity and conditions of citizens who are the disabled and residents in border regions, islands, mountainous regions, and areas faced to extremely difficult social and economic conditions.

4. Time of disclosing information in each sector shall comply with relevant law. If the time of information disclosure is not regulated by the law, competent state agencies must disclose information within 05 days from the date on which it is generated.

Article 19. Posting information on portals and websites

1. Among types of information stated in Article 17 of this Law, the following types of information must be posted on portals and websites:

- a) Legislative documents; international treaties of which the Socialist Republic of Vietnam is a member or international agreements to which Vietnam is a signatory; administrative procedures and working procedures of state agencies;

b) Information regarding the dissemination and guidance on the implementation of laws and policies in sectors under the state management;

c) National and local socio-economic development strategies, programs, projects, schemes and plans; sector/field planning, methods and results thereof; annual working programs and plans of state agencies;

d) Information about lists of public investment and public procurement projects/programs, results of public investment and procurement execution, the management and use of public investment funding and sources of loan capital;

dd) Information about functions, tasks, powers and organization structure of state agencies and their affiliated units; address, telephone number, fax number and email address of the state agency or the official in charge of receiving information requests;

e) Annual financial statements; information about the statistics on sectors under the state management; information about lists of scientific programs/topics and results thereof;

g) List of types of information subject to mandatory disclosure which includes address, methods, time and period of disclosure for each type of information;

h) Information which is considered as necessary for public interests and community health;

i) Other information that must be posted on portals and websites as regulated by law.

2. Posting information on portals and websites in provinces or central-affiliated cities shall comply with information application plans of provincial people's committees.

3. State agencies in charge of providing information as regulated in this law shall retain records and documents inputted into the list of information subject to mandatory disclosure and arrange them under methods or forms convenient for ensuring the right of access to information for citizens; ensuring that information may be stored electronically, must be digitized for an appropriate period and open access, which means that all information is available to everyone. In addition, state agencies must connect with the nationwide electronic network in order that citizens may easily access to information by different systems.

4. Portals and websites of state agencies must be connected or integrated with those of their affiliated units for updating information and facilitating citizens in retrieving or exploiting information.

5. Apart from types of information prescribed in Clause 1 of this Article, state agencies shall, depending on their actual conditions, actively post other information that they generate on their portals and websites.

6. In case state agencies do not yet establish their own portals and websites, they shall, depending on their actual conditions, disclose all information regulated in Clause 1 of this Article in other appropriate methods.

Article 20. Providing information via the mass media

1. State agencies in charge of providing information must provide mass media agencies in sufficient, accurate and timely manner with types of information which must be released via the mass media as regulated by the law.

2. Publication or broadcasting of information in the press shall comply with regulations of the press law. Mass media agencies must publish or broadcast information in a sufficient, accurate and timely manner.

Article 21. Posting information on official gazettes and in the notice form

1. The disclosure of information by posting it on official gazettes and publishing must be carried out in conformity with the law.

2. With regard to information which is disclosed in the notice form, if the location and period of posting information in the notice form are not regulated by the law, such information must be publicly posted at heads offices of state agencies or community areas within at least 30 days.

Article 22. Taking action against disclosure of inaccurate information

1. If the state agency finds that the information which it generates and discloses is inaccurate, it must correct such inaccurate information and disclose the corrected information in a timely manner.

2. If the state agency finds that the information which it discloses but is generated by another state agency is inaccurate, the information-disclosing agency must correct such inaccurate information and disclose corrected information in a timely manner.

3. If the state agency finds that the information which it generates but is disclosed by another state agency is inaccurate, it must request the information-disclosing agency to correct inaccurate information and disclose corrected information in a timely manner.

4. In case citizens believe that disclosed information is inaccurate, they must request the agency disclosing such information to correct it. Within 15 days as of the receipt of request for correcting disclosed information, the information-disclosing agency shall check the accuracy of such information and respond to citizens' request in writing. If the information-disclosing agency determines that the disclosed information is actually inaccurate as reported, it must correct such information and disclose corrected information in a timely manner.

5. Inaccurate information is disclosed in which method of information disclosure shall be corrected and re-disclosed in that method of information disclosure.

Chapter III

PROVISION OF REQUESTED INFORMATION

Section 1. GENERAL REGULATIONS ON PROVISION OF REQUESTED INFORMATION

Article 23. Information provided upon request

1. Information subject to mandatory disclosure as regulated in Article 17 of this Law may be provided upon request in the following cases:

- a) Information is not yet released within its disclosure period as regulated;
- b) Information whose disclosure period expires as regulated by the law;
- c) Information which is being disclosed publicly but the applicant for such information fails to access it due to the force majeure.

2. Information concerning trade secrets, personal secrets and privacy or family secrets shall be provided upon request if conditions relating to the provision of such information have been satisfied as regulated in Article 7 of this law.

3. Information concerning the life, activities, production and business of the applicant for such information shall be provided if it is not classified in types of information regulated in Article 17 of this Law and Clause 2 of this Article.

4. Apart from types of information prescribed in Clause 1, Clause 2 and Clause 3 of this Article, state agencies shall, within the ambit of their functions, tasks and powers, and depending on their actual conditions, may provide other information that they generate or manage.

Article 24. Methods of request for information

1. Applicants may submit their request for information by one of the following methods:

- a) Directly or authorize another person to come the competent state agency to request for information.

Receiver of request for information shall guide the applicant to fill all contents regulated in Clause 2 of this Article in the information request form.

If the applicant for information is an illiterate or disabled who is unable to fill the information request form, the receiver of request for information shall assist such applicant in completing required contents of the information request form.

- b) Submit information request forms electronically, by fax or by mail.

2. The information request form is made in Vietnamese language and consists of the following main contents:

- a) Full name; residence or address; ID number, number of Citizen Identity Card or Passport of the applicant; fax number, telephone number and email address (if any);
- b) Requested information which includes name of document/record/paper;
- c) Method of providing information;
- d) Reasons and purposes of requesting information.

3. In case of request for information regulated in Clause 1 and Clause 2 Article 7 of this Law, letter of assent made by relevant entity must be enclosed to the information request form.

4. The information request form must apply the government's form.

Article 25. Methods of providing information upon request

1. Requested information shall be provided under one of the following methods:

- a) Requested information is directly provided at the head office of the requested agency;
- b) Requested information may be provided electronically, by fax or mail.

2. The requested agency shall provide information in the method as requested by the applicant and in conformity with the nature of the requested information and such agency's capacity, unless otherwise prescribed by law.

Article 26. Receipt of request for information

1. State agencies shall receive requests for information and enter them into their records of information provided upon request.

2. If contents of the information request form regulated in Clause 2 Article 24 of this law are incomplete, the information-providing agency shall guide the applicant to supplement it.

3. If the state agency receives a request for information which is not within the ambit of its functions and tasks, it must notify and guide the applicant to contact the agency in charge of providing such information.

Article 27. Response to request for information

While receiving a valid request for information, the state agency in charge of providing information shall inform the applicant of time-limit, location and method of providing information; actual fees for printing, duplicating, photocopying, sending requested information

by post or fax (if any), and method and period for making such payment of fees; and provide requested information in conformity with procedures stated in this Chapter.

Article 28. Refusal of request for information

1. State agencies may refuse to provide information in the following cases:

a) Requested information is the one regulated in Article 6 of this Law; or the applicant fails to meet information-related conditions regulated in Article 7 of this Law;

b) Requested information is the one regulated in Article 17 of this Law, except for the cases regulated in Clause 1 Article 23 of this Law;

c) Requested information is not within the ambit of their tasks;

d) The information has been provided twice to the applicant, except for the case where such applicant gives legitimate reasons;

dd) Requested information is beyond the capacity or causes adverse influence on normal activities of the state agency;

e) The applicant for information fails to make required payment of fees for printing, duplicating, photocopying and sending information by post or fax.

2. In a case of refusal to provide information, the state agency must specify its reasons in writing.

Section 2. PROCEDURES FOR PROVIDING REQUESTED INFORMATION

Article 29. Procedures for directly providing information at the head office of the information-providing agency

1. As for simple information which is available on request, applicants for such information may directly read, watch, listen, record, duplicate or take a photocopy of documents containing such information or request state agencies to immediately provide duplicates or copies thereof.

2. As for complex information which must be gathered from different units affiliated to the information-providing agency or the provision of which requires taking opinions of other agencies or units, the requested agency must, within 10 working days from the receipt of a valid request, direct the applicant for such information to read, watch, listen, record, duplicate or take a photocopy of documents containing such information or receive duplicates or copies thereof at its head office, or grant an official dispatch of its refusal to provide such information.

The requested agency may extend the above time-limit to consider, retrieve, gather, duplicate or settle the request for information provided that such extended time-limit shall not exceed 10 working days and such information-providing agency must grant a notice of extending the time-limit for providing information.

Article 30. Procedures for providing information electronically

1. Information may be provided electronically if the following requirements are satisfied:

- a) Requested information must be the one which is stored in existing files and available to transmit electronically;
- b) State agencies have qualified technical facilities to provide requested information electronically.

2. Electronic provision of information may be carried out in the following forms:

- a) Attach and send files in email;
- b) Provide one-time access code;
- c) Provide links to access and download information.

3. As for simple information which is available on request, the requested agency must provide requested information within 03 working days from the receipt of a valid request.

4. As for complex information which must be gathered from different units affiliated to the requested agency or the provision of which requires taking opinions of other agencies or units, the requested agency must, within 03 working days from the receipt of a valid request, grant a written notice of the period for settling such request for information. The requested agency must, within 15 working days from the receipt of a valid request, provide requested information or grant a written notice of refusal to provide information.

The requested agency may extend the above time-limit to consider, retrieve, gather, duplicate or settle the request for information provided that such extended time-limit shall not exceed 15 working days and the requested agency must grant a notice of such extension within regulated period for providing information.

Article 31. Procedures for providing information by fax or mail

1. As for simple information which is available on request, the requested agency must provide requested information within 05 working days from the receipt of a valid request.

2. As for complex information which must be gathered from different units affiliated to the requested agency or the provision of which requires taking opinions of other agencies or units, the requested agency must, within 03 working days from the receipt of a valid request, grant a written notice of the period for settling such request for information. The requested agency must, within 15 working days from the receipt of a valid request, provide requested information or grant a written notice of refusal to provide information.

The requested agency may extend the above time-limit to consider, retrieve, gather, duplicate or settle the request for information provided that such extended time-limit shall not exceed 15 working days and the requested agency must grant a notice of such extension within regulated period for providing information.

Article 32. Taking action against inaccurate information provided upon request

1. If the state agency finds that the provided information is inaccurate, it must, within 05 working days from the date on which the provided information is discovered inaccurate, correct such information and re-provide the corrected information to the applicant, except for the cases regulated in Clause 3 of this Article.

2. If the applicant for information believes that the provided information is inaccurate, such applicant is entitled to request the information-providing agency to provide accurate information.

Within 15 days as of the receipt of request for correcting provided information, the information-providing agency shall verify the accuracy of the provided information and respond to the applicant. If the provided information is actually inaccurate, the information-providing agency must correct such information and re-provide information, except for the cases regulated in Clause 3 of this Article.

3. If communal people's committees cannot verify the accuracy of information which is under their management, they must, within 05 working days from the date on which they find that provided information is inaccurate or receive request for correcting information, request the information-generating agency to verify it. Within 15 days as of the receipt of request for verifying information, the information-generating agency must verify its generated information and respond to communal people's committees. If the provided information is actually inaccurate, the information-generating agency must enclose its accurate information to its response.

Within 03 working days from the receipt of response from the information-generating agency, communal people's committees must correct the provided information or notify the applicant for information.

Chapter IV

RESPONSIBILITIES FOR ENSURING THE EXERCISE OF RIGHT OF ACCESS TO INFORMATION FOR CITIZENS

Article 33. Methods for ensuring the exercises of citizens' right of access to information

1. Improve the capacity and professional skills of officials who are assigned to provide information in ensuring citizens' right of access to information.

2. Set up and maintain portals and websites; set up and maintain database containing information which must be provided by state agencies as regulated by the Government.

3. Step up the provision of information via activities of spokespersons of state agencies and via the mass media.
4. Define units and individuals that take prime responsibility for providing information.
5. Reasonably arrange places for receiving and providing information to citizens in consistent with actual conditions of each agency.
6. Strengthen records, archives and statistical affairs; equip with technical and information technology facilities and other necessary conditions in order that applicants for information may directly read, watch, listen, write, duplicate and make photocopies of documents at head offices of state agencies and via electronic network.

Article 34. Duties of information-providing agencies to ensure the exercise of right of access to information

1. State agencies in charge of information regulated in Article 9 of this Law shall discharge the following duties:

- a) Disclose and provide information in a timely, accurate and sufficient manner. Information-providing agencies must correct or supplement information if they discover that their provided information is inaccurate or insufficient.
- b) Actively set up, update and disclose lists of information subject to mandatory disclosure and upload such lists on websites and portals of information-providing agencies; frequently update and disclose information in conformity with time, period and methods mentioned in lists of information subject to mandatory disclosure;
- c) Maintain, retain and update database containing information that must be provided for ensuring that information is systemized to facilitate the retrieval and provide in a sufficient and timely manner;
- d) Ensure the accuracy and sufficiency of information. Transmission of information between data systems must comply with the law.
- dd) Provide guidance on techniques of methods and procedures of information security, and protecting information management systems;
- e) Check, classify, examine and ensure the secret of information before it is provided;
- g) Carefully consider interests of the provision of information for disclosing or providing it upon request for the purpose of ensuring public interests and community health;
- h) Promulgate and announce internal regulations on the organization of the provision of information within the ambit of tasks of an information-providing agency with the following main contents: defining the unit in charge of providing information; transmission of information

between the information-generating unit and the unit in charge of providing information; determining information that may be provided and that is not allowed to provide; updating information disclosed and provided upon request; procedures for responding to request for information between the unit in charge of providing information and the unit in charge of managing database containing such information and relevant units;

i) Re-examine regulations of laws on access to information within the ambit of functions, tasks and powers of information-providing agencies in order to request competent state agencies to make amendments or supplements to such regulations in conformity with this Law;

k) Handle complaints and denunciation, and take action against violations of the access to information as regulated by laws;

l) Submit reports at request of competent state agencies on the guarantee of citizens' right of access to information at information-providing agencies.

2. The head of the unit in charge of providing information shall ensure the fulfillment of the provision of information within the ambit of its agency's tasks and take action against acts of obstructing the citizens' right of access to information *intra vires*.

3. The official who is assigned to provide information shall provide information to citizens in a timely and sufficient manner. Harassing or making obstruction or difficulty during the performance of assigned duties is strictly prohibited.

Article 35. Responsibilities of the Government, ministries, ministerial-level agencies, Government-affiliated agencies and people's committees at all levels to ensure the exercise of right of access to information

1. The Government shall conduct the consistent state management of ensuring the exercise of citizens' right of access to information and perform the following duties and rights:

a) Promulgate, within its competence, or request the competent state agencies to promulgate, amend or supplement and perfect laws on access to information;

b) Promulgate regulations on methods of facilitating the disabled and residents in border regions, islands, mountainous regions, areas faced to extremely difficult social and economic conditions in exercising the right of access to information;

c) Carry out methods of disseminating knowledge and improving awareness on rights and duties of agencies, units, officials, public employees and citizens in exercising the right of access to information;

d) Provide guidance on exercises of the right of access to information to agencies, units and citizens;

dd) Inspect the compliance with the law, and take action against acts of violating the law on access to information;

e) Provide guidance on techniques of methods and procedures for retaining information and protecting information management systems;

g) Monitor, expedite and inspect the exercise of the citizens' right of access to information.

2. Ministries, ministerial-level agencies and the Government-affiliated agencies shall, within the ambit of their functions and tasks, discharge duties stated in Point a, c, d, dd and g Clause 1 of this Article.

3. The Ministry of Information and Communications shall assist the Government in performing its duties state in point e Clause 1 of this Article.

4. The Ministry of Justice shall assist the Government in monitoring the enforcement of this law.

5. Provincial people's committees shall conduct the state management in their provinces and use methods of ensuring the citizens' right of access to information as guided by the Government.

6. State agencies shall, depending on their actual conditions, facilitate applicants for information in directly reading, watching, listening, writing, duplicating or making photocopies of documents containing their requested information at their head offices; equip tables of information or other equipment to disclose information.

Chapter V

IMPLEMENTATION

Article 36. Implementation

1. Foreigners residing in Vietnam are entitled to request for information concerning their rights and obligations.

Procedures for submitting request for information applicable to foreigners residing in Vietnam shall apply regulations in Chapter III of this law.

2. If there are many persons who work together in the same organization or enterprise and request for the information containing same contents, their request for information may be submitted via such organization or enterprises.

This clause is detailed by the Government.

Article 37. Effect

This Law comes into force from July 01, 2018.

The Government and competent state agencies shall elaborate articles and clauses assigned in this Law.

This Law is ratified by the 13th National Assembly of the Socialist Republic of Vietnam during the 11th session dated April 06, 2016.

**PRESIDENT OF THE NATIONAL
ASSEMBLY**

Nguyen Thi Kim Ngan

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