Global Data and Cyber Handbook - Vietnam

Artificial Intelligence, Profiling and Automated Decision Making

| Contents |
| --- |
| To generate table of contents, right-click here and select **Update Field.** |

# Are there any restrictions or requirements related to creating profiles of data subjects or utilizing automated decision-making for decisions related to data subjects, including with respect to artificial intelligence?

*Last review date: 2 January 2025*

No.

# If such restrictions or requirements exist, are they subject to any exceptions?

*Last review date: 2 January 2025*

N/A

# Has the data privacy regulator issued guidance on data privacy and artificial intelligence, automated decision-making or profiling?

No

# Has the data privacy regulator taken enforcement action in relation to artificial intelligence, including automated decision-making or profiling?

*Last review date: 2 January 2025*

No enforcement activity to date

# Do other (non-personal data or cybersecurity) laws or regulations impose restrictions on use of artificial intelligence, automated decision-making or profiling?

*Last review date: 2 January 2025*

☒  Yes, laws in force

☒  Draft legislation in progress

☒  Non-binding guidance or principles issued or in progress

Consumer Protection Law requires operators of large digital platforms to periodically assess the use of AI and fully/partially automated solutions. Under the draft decree guiding this Law, this assessment must be submitted to a competent authority on an on-request basis.

Vietnam is also drafting a National Standard on Artificial Intelligence – Life Cycle Processes and Quality Requirements ("**Draft Standard**"). The Draft Standard is based on DIN SPEC 92001-1 and 92001-2 and comprises two parts: Part 1: Quality Metamodel ([link](https://www.mic.gov.vn/Upload_Moi/VanBan/1.-D%E1%BB%B1-th%E1%BA%A3o-TCVN-AI-P1.M%C3%B4-h%C3%ACnh-Meta-DIN-SPEC-92001-1-2019.pdf)) and Part 2: Robustness ([link](https://www.mic.gov.vn/Upload_Moi/VanBan/2.-d%E1%BB%B1-thao-TCVN-AI-P2.%C4%90%E1%BB%99-b%E1%BB%81n-v%E1%BB%AFng-DIN-SPEC-92001-2-2020.pdf)). An explanation (in Vietnamese) of the Draft Standard can be found at this [link](https://www.mic.gov.vn/Upload_Moi/VanBan/2.TM--c%C3%A1c-du-thao-TCVN-AI-DIN-SPEC-92001-1-v%C3%A0-92001-2.pdf). Although a standard is generally applied on a voluntary basis, it can become legally binding if it is referenced by a legal document or technical regulation.

Two national standards on AI were issued in late 2023 by the Minister of Science and Technology for voluntary application (as of now):

National Standard No. TCVN 13902:2023 ISO/IEC 22989:2022 in Information technology - Artificial intelligence - Artificial intelligence concepts and terminology: This standard is equivalent to ISO/IEC 22989:2022, providing terminology for AI and describing concepts in the field of AI.

National Standard No. TCVN 13903:2023 ISO/IEC TR 24028:2020 in Information technology - Artificial intelligence - Overview of trustworthiness in artificial intelligence: This standard is equivalent to ISO/IEC TR 24028:2020, surveying topics related to trustworthiness in AI systems, including the following:

approaches to establish trust in AI systems through transparency, explainability, controllability, etc.

engineering pitfalls and typical associated threats and risks to AI systems, along with possible mitigation techniques and methods, and

approaches to assess and achieve availability, resiliency, reliability, accuracy, safety, security and privacy of AI systems

On 11 June 2024, the Minister of the Ministry of Science and Technology of Vietnam issued Decision No. 1290/QD-BKHCN providing guidance on principles for researching and developing responsible Artificial Intelligence (AI) systems ("**Decision**").

This Decision, which came into effect immediately upon issuance, is enclosed with Version 1.0 of the Guide on Principles for Researching and Developing Responsible AI Systems ("**Guide**"). It is essential to highlight that the Guide is established as a voluntary standard rather than a mandatory rule.

The Decision emphasizes a human-centric approach, stressing the importance of balancing the economic benefits of AI with ethical considerations and legal compliance.

The MIC is working on a draft Law on Digital Technology Industry ("**DTI Law**"). The draft law is expected to be submitted to the National Assembly for official enactment in May 2025. Importantly, AI is a focus of this law. The lawmakers dedicated a section on AI, which we summarize below:

The draft DTI law introduces a nuanced approach to classifying AI systems, distinguishing between "high-risk" and "high-impact" AI systems.

Three key actors in the AI ecosystem are identified: developers, providers, and users. AI developers and providers bear most of the obligations.

A specific label would be affixed on digital tech products generated by AI.

A set of ethical principles is introduced, applicable to all actors throughout the AI lifecycle.

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