Global Data and Cyber Handbook - Vietnam

Data Processing in the Employment Context

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

# Is an identified legal basis required in order to collect or process personal data or sensitive personal data in the employment context?

*Last review date: 2 January 2025*

Yes.

**The potential legal bases for data processing in the employment context are:**

Data subject consent

Performance of the labor contract

Compliance with a legal obligation

Other

# Can consent be validly obtained in the employment context?

*Last review date: 2 January 2025*

Yes, but this consent is typically more difficult to establish in an employment context (specify details below)

Although there is currently no explicit restriction for consent obtained in the employment context, local regulators might study the GDPR's elements of free consent and render the consent sought from employees invalid in certain scenarios.

# Has the data privacy regulator issued guidance on use of artificial intelligence, automated decision making or profiling in an employment context – for example, relating to use in employee monitoring or hiring?

No

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