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LEGAL UPDATES
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NEW LAND-RELATED REGULATIONS: HOW THE GOVERNMENT GETS TO GRIPS WITH DIFFICULTIES IN IMPLEMENTATION OF THE LAND LAW

Following the Vietnamese Government's policy on relieving regulatory obstacles in implementing the current Law on Land, Decree No. 10/2023/ND-CP ("**Decree 10**") issued recently on 3rd April 2023 will bring variant changes of land-related regulations from its effective date on 20th May 2023.

Ownership over condotels and resort villas will be acknowledged

The competent authorities have long refused to issue ownership certificates for condotels and resort villas (despite their massive growth), due to different interpretations brought on by the confusing silence of laws.

Decree 10 will establish better legal grounds for acknowledging ownership over these kinds of real estate which are legally referred to as "construction works used for tourist accommodation purposes". Accordingly, condotels and resort villas are qualified for the issuance of ownership certificates within the category of commercial and service land with limited use duration (normally, up to 50 years), provided that they must satisfy the relevant requirements (relating to land, construction and real estate business). In terms of procedural aspects, Decree 10 also sets specific procedures for the issuance of ownership certificate in real estate projects other than housing. These new rules are expected to reassure investors (especially buyers) and facilitate them to access bank financing.



Source: [@mrsiraphol - Freepik.com](#)

Tightening up legal framework on land auction

In reaction to several scandals with abnormal auction high price that have occurred in recent years, Decree 10 makes this activity stricter in an effort to establish a transparent and stable real estate market and guarantee the bidders' effective involvement. Notably, the advance which bidders must deposit for participation in the land auction will be 20% of starting bid. Additionally, companies with cross-ownership may not be permitted to take part in the auction of a land lot or project

Stepping stones for online issuance of land use right certificates



Source: [@HoangTuan photography - Pixabay.com](#)

As a sign of the transition to e-Government, Decree 10 states for the first time that the procedures for issuance of land use right and real estate ownership certificates can be made by electronic method. Accordingly, applicants may receive notifications from the registration authorities via SMS or settle financial obligations to the State online by accessing public service portal.

Although this change will not be taken place nationwide (since it is dependent on the registration authorities' sufficient capability to arrange the process), it is nonetheless encouraging for the administrative procedures reform, allowing businesses and individuals to save more time and money.

VIETNAM ISSUED COMPREHENSIVE REGULATIONS OF PERSONAL DATA PROTECTION FOR THE FIRST TIME EVER



Source: [@sitthiphong - Freepik.com](https://www.freepik.com/@sitthiphong)

Personal data protection has become more crucial than ever in the world nowadays as data is now a “new oil” for businesses’ growth but cybercrime is also on the rise. Given that situation, eventually, the Vietnam Government issued Decree No. 13/2023/ND-CP (“**Decree 13**”) on 17th April 2023 setting forth a comprehensive legal framework of personal data protection.

Expected to take effect on 1st July 2023, Decree 13 regulates the processing, transfer and protection of personal data in Vietnam of both domestic and foreign individuals and entities. With no transitional period given, saved for limited cases, firms and businesses subject to Decree 13 now have around two months to prepare and make necessary adjustments for their compliance with new requirements thereof.

What is personal data to be protected?

“Personal data” is generally defined by Decree 13 as information (regardless of symbol, letters, number, image, sound and similar form(s) on electronic environment) associating with and identifying a natural person. Notably, personal data is classified into (but not purport to be exhaustive):

- basic data (e.g., name, gender, birthday, nationality, marital status, resident place, contact address, portrait, phone number, No. of ID card, passport, driver's license, license plate and tax code, identification of social insurance and medical insurance card, relationships with parents and children, digital accounts, online activities, et al.); and

- sensitive data (e.g., political or religious views, health status, racial or ethnic origin, biological characteristics, sexual life and orientation, criminal offenses as collected and stored by law enforcement authorities, locations, et al.).

Consent of data subjects: prerequisite in principle with exceptions

Consent of data subjects must be obtained for all activities of personal data processing. Decree 13 requires that such a legal and valid consent must satisfy the following ones:

- data subjects are voluntary and fully aware of the type, processing purpose, data processor and their rights and obligations;
- consent must be (i) expressed in writing, by voice, ticking box, syntax through text messages, selecting technical settings or other forms sufficiently indicating consent; and (ii) made in printable format or reproduced in text, including electronic or verifiable format;
- consent must be for specific purpose(s) and data subjects may give consent for each one;
- data subjects must be informed in case of processing their sensitive personal data.

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