

## LEGAL UPDATES

### BANKING

#### **Decree No. 117/2018/ND-CP regarding maintaining confidentiality and disclosing customer information by credit institutions and branches of foreign banks**

Effective date: 1 November 2018

- (1) Customer information (“**Customer Information**”) of a credit institution or foreign bank branch (“**Bank**”) must be kept confidential and only disclosed pursuant to the laws.
- (2) Customer Information of Banks means
  - (a) information provided by a customer; and/or
  - (b) information arising in the course of a customer’s proposal or request; and/or
  - (c) information arising during the provision by the Banks of licensed banking services, including
  - (d) customer identification information; and
  - (e) information about accounts, monetary deposits, assets deposited, transactions, organizations and individuals being securing parties at the Banks, and other relevant information.
- (3) The Banks are not permitted to provide customer authentication information when accessing banking services (including secret codes, biometric data, access passwords of customers or other customer authentication information) to any agency, organization or individual, unless the customer provides consent in writing or in some other forms as agreed with the customer.
- (4) State agencies, other institutions and individuals must
  - (a) keep confidential the Customer Information received from the Banks;
  - (b) use the Customer Information only for the purpose of the requested use; and
  - (c) not provide Customer Information to a third party without the consent of the customer, unless otherwise provided by laws.
- (5) The specific laws may also apply to protection and disclosure of the Customer Information in special cases such as the Customer Information which is in the category of State secrets or the Customer Information used for anti-money laundering or anti-terrorism purposes.

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**BANKING****Circular No. 22/2018/TT-NHNN regarding approval to the proposed personnel of credit institutions and foreign banks branches**

Effective date: 1 November 2018

- (1) Under the Circular, the proposed appointment or election of the following personnel of a credit institution and foreign bank branches ("**Banks**") must be approved by the State Bank of Vietnam ("**SBV**"):
  - (a) members of Board of Management;
  - (b) members of Members' Council;
  - (c) members of Board of Inspectors; and
  - (d) (General) Director.
- (2) The Banks shall proceed the aforesaid appointment or election within 6 months from the date of approval by the SBV and then notify the SBV within 10 working days from the completion.
- (3) The Banks shall notify the SBV of any changes in the proposed appointment or election of the personnel pending completion of such appointment or election.

**COMMERCE****Decree No. 119/2018/ND-CP regarding e-invoicing**

Effective date: 1 November 2018

- (1) From 1 November 2018, sellers of goods and/or services shall issue e-invoices (with or without certification code of the tax authority as the case maybe) to customers, regardless of the value of purchase by customers. E- invoices shall be sent from sellers to buyers via an electronic method as agreed by both parties. Upon use of e-invoices, sellers shall destroy all unused paper invoices.
- (2) Before using e-invoices (either with or without verification code), the sellers must register and obtain approval from the tax authorities.
- (3) The period for sellers to make the transition to e-invoices is 24 months commencing from 1 November 2018 until 31 October 2020.

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