

Adopted by the National Assembly of Vietnam on 6 April 2016

THE NATIONAL ASSEMBLY

No.:104/2016/QH13

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

## LAW ON 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 of governing

1. This Law provides for the right to access to information of citizens; principles, orders, procedures of the enforcement of the right to access to information; obligations and responsibilities of state agencies in ensuring the right to access to information of citizens.

##### Article 2. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Information* means news, data created by state agencies, contained in documents, dossiers, materials in forms of hand-writing copies, printed copies, electronic copies, paintings, pictures, drawings, tapes, disks, videos, recordings or other forms.

2. *Information created by state agencies* means news, data that are created by state agencies during the performance of their regulated functions, tasks and authority; and are signed, stamped or confirmed in written by the authorized person .

3. *Access to information* means reading, watching, listening, recording, copying, taking photos of, information;

4. *Information provision* means that state agencies publish information and provide information upon citizens' requests.

##### Article 3. Principles of ensuring the right to access to information

1. All citizens are equal and are not discriminated during the exercise of the right to access to information.

2. Provided information must be accurate and sufficient;

3. Information must be provided for citizens in timely, transparent and convenient methods, in compliance with orders and procedures regulated by the laws.

4. The right to access to information shall be restricted in compliance with the laws and if it is deemed necessary to protect the national defense, national security, social order and safety, social ethics, and public health.

5. Exercise of the right to access to information of citizens must not infringe upon the interests of the nation, the people, the legitimate rights and obligations of agencies, organizations and individuals.

6. The Government shall create favorable conditions for persons with disability, people living in mountainous areas, islands, areas with exceptional socio-economic difficulties to exercise the right to access to information.

#### **Article 4. Subject of the right to access to information**

1. Citizens shall exercise the right to access to information as prescribed by this Law.

2. A person losing their civil acts capacity shall request information via his/her representative by law.

A person having difficulty in being aware of or controlling his/her acts shall request information via his/her guardian.

3. A person under 18 years old shall request information via his/her representative by law, except otherwise prescribed by law on children and other laws.

#### **Article 5. Information accessible for citizens**

Citizens shall have the right to access to information held by state agencies, except for inaccessible information as regulated in Article 6 of this Law; or information accessible for citizens upon condition as regulated in Article 7 of this Law.

#### **Article 6. Information inaccessible for citizens**

1. Information classified as state secrecy, including important information in politics, national defense, national security, foreign affair, economics, sciences, technology and other fields as regulated by law.

When classified information is declassified, citizens shall have the right to access them under the provisions of this Law.

2. Information which, if published, can cause harm to state interests, cause bad effect to national defense, national security, international relationship, social order and safety, social ethics, social health; likely to cause serious damage to lives, life and property of individuals; information classified as work secrecy, information about internal meetings of state agencies, documents created by state agencies for internal works.

#### **Article 7. Information accessible for citizens upon condition**

1. Information related to business confidentiality shall only be accessible upon consent of the business owner.

2. Information related to privacy, individuals' secret shall only be accessible upon consent of such person, information with regard to family's secret shall only be accessible upon consent of each member of the family.

3. During the performance of their tasks and functions, the heads of state agencies shall determine the provision of information related to business confidentiality, life privacy, individuals' secret, families' secret if it deems necessary to the interests of public, social health according to the provision of regarding laws without the consent as provided for in Item 1 and Item 2 of this Article.

#### **Article 8. Rights and obligations of citizens in getting access to information**

1. Citizens shall have the rights as follows:

a) Being fully, precisely, and timely provided with information;

b) Filing complaints, lawsuits, and denunciations against violations of provisions of the law on access to information.

2. Citizens shall have obligations as follows:

a) Complying with provisions of the law on access to information;

b) Not distorting provided information;

c) Not infringing upon the rights and legitimate interests of agencies, organizations and individuals while exercising the right to access to information.

#### **Article 9. The scope and responsibility to provide information**

1. State agencies creating information shall be responsible for information provision, except for the cases regulated in Article 6 of this Law; for the cases regulated in Article 7 of this Law, information shall be provided when all conditions in accordance with the provisions of the law are met.

Commune People's Committee shall be responsible for providing information it has created or received to perform its functions, tasks and power, except for the cases regulated in Article 6 of this Law; for the cases regulated in Article 7 of this Law, information shall be provided when all conditions in accordance with the provisions of the law are met.

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

a) The Office of the National Assembly shall provide information created by the National Assembly and its bodies, Standing Committee of National Assembly's bodies, National Election Council or the Office of the National Assembly and information created by itself;

b) The Office of the State President shall provide information created by the State President and information created by itself;

c) The Office of the Government shall provide information created by the Government, the Prime Minister and information created by itself;

d) Offices of the National Assembly Delegations shall provide information created by the National Assembly Delegations and information created by themselves;

đ) Offices of People's Councils of provinces and cities directly under the central management (hereinafter referred to as provincial level) shall provide information created by the People's Councils, the Standing People's Councils, departments of People's Council or Offices of People's Councils and information created by themselves;

e) Offices of People's Committees of provinces and cities directly under the central management shall provide information created by People's Committees, the Chairman of People's Committees and information created by themselves;

g) Offices of People's Councils and People's Committees of districts, towns, provincial cities shall provide information created by People's Councils, the Standing People's Councils, People's

Committees, departments of People's Council, People's Committees, the Chairman of People's Committees and information created by themselves;

h) Commune People's Committees shall have the responsibility to provide citizens residing in localities with information created by themselves or by other agencies at the same level, or received by themselves to perform their functions, tasks and power; provided other citizens with such information in case the information directly relates to their rights and legitimate interests;

i) Minister of Ministry of Defense, Minister of Ministry of Public Security appoint the focal point for provision of information in their organizations.

#### **Article 10. Methods of accessing information**

Citizens shall have access to information in the following ways:

1. Free access to information published by state agency;
2. Request state agencies to provide information.

#### **Article 11. Prohibited acts**

1. Intentionally providing incorrect and insufficient information; delaying information provision; destroying information; falsifying information.

2. Providing or using information against the Socialist Republic of Vietnam; undermining the unity policy; inciting violence.

3. Providing, using information to infringe upon the dignity, honor, prestige, causing gender discrimination and/or damage to the property of individuals, agencies and organizations.

4. Obstructing, threatening, victimizing information requester or information provider.

#### **Article 12. Cost of access to information**

1. Citizen is provided with information at no charge or fee, unless otherwise regulated by other laws.

2. Information requester shall pay the actual cost for printing, copying, capturing, and sending information.

The Minister of Ministry of Finance shall provide detailed regulations on this item.

#### **Article 13. Supervising the implementation of the right to access to information**

1. The National Assembly shall conduct supreme supervision to ensure the implementation of the right to access to information of citizens.

2. People's Councils shall conduct supervision to ensure the implementation of the right to access to information of citizens at localities; reviewing annual reports of People's Committees at the same level on the implementation of the right to access to information of citizens at the localities.

3. Vietnam Fatherland Front and its member organizations are responsible for social supervision of the implementation of citizen's right to access to information.

#### **Article 14. Filing complaints, lawsuits, denunciations**

1. Information requester are entitled to file complaints and lawsuits against agencies, individuals responsible for information provision mentioned in Article 9 of this Law.

2. Citizens are entitled to make denunciations on violations of law on access to information.

3. Settlement of complaints, lawsuits, and denunciations shall comply with provisions of the laws on complaints, lawsuits, and denunciations and administration procedures.

#### **Article 15. Settlement of violations**

1. Persons violating the provisions of the law on access to information shall be disciplined, handled for administrative violations or examined for penal liabilities depending on the nature and seriousness of their violations.

2. When persons responsible for information provision commit one of the acts specified in Article 11 of this Law, which causes damage, the state agencies providing information shall pay for the damages and the individuals that commit acts of violation shall have to repay according to regulations of the law on state compensation liability.

3. Information requester using the provided information to adversely affect the legitimate rights and interests of agencies, organizations and other persons shall be held liable as prescribed by law.

#### **Article 16. Application of the law on access to information**

This Law shall apply to access to information of citizens in general.

If the provisions on access to information of other laws do not contrast to Article 3 of this Law, the provisions of those laws shall apply.

## **CHAPTER II INFORMATION PUBLICATION**

#### **Article 17. Information subject to publication**

1. The following information shall be widely publicized:

a) Legal documents; administrative documents for general application; international treaties to which the Socialist Republic of Vietnam is a member, international agreements to which Vietnam is a party; administrative procedures and processes of handling affairs of state agencies;

b) Information popularizing and guiding laws, regimes and policies on the domains under the agency's management;

c) Draft legal documents as stipulated by the law for promulgation of legal documents; Contents and results of acceptance of people's opinions on matters falling under the deciding competence of state agencies as prescribed by laws; proposals and draft proposals for the establishment, dissolution, merger, division of administrative units, adjustment of administrative boundaries;

d) Strategies, programs, projects, proposals, plans, master plans for socio-economic development at national and local level; sector and field planning and methods, results of implementation; programs and annual work plans of state agencies;

đ) Information on the draft budget ; reports on the implementation of the state budget; final Accounts Of State Budget; budget drafting and implementation, budget finalization for programs, capital investment projects; State budget procedures;

e) Information on the allocation, management and use of resources of official development assistances and non-government aids as prescribed by laws; information on the management and use of the aids, social assistances; management and use of people's contributions and funds;

g) Information on the list of projects and public investment programs, public procurement and management, using public investment, the processes and the results of the implementation of public investment plans, programs and projects; information on bidding; information on planning, land use planning; land price; land acquisition; compensation, site clearance and resettlement related to projects, works in the locality;

h) Information on investment activities, management and use of State capital in enterprises; evaluation reports on the results of operations and business classification; monitoring reports on the implementation of public financial information of enterprises and government agencies representing the owners; information on the organization and operation of state-owned enterprises;

i) Information on products, goods and services that have negative impacts on health and the environment; conclusion of checking, inspecting, monitoring processes related to environmental protection, public health, food safety, occupational safety;

k) Information on the functions, duties, powers and organizational structure of agencies and of subordinate units; duties and powers of officials and civil servants directly handling the people's work; rules and code of conducts issued by the state agencies;

l) Periodic work reports; annual financial reports; statistical information of an industry and fields under its management; national database on industries and fields under management; information on recruitment, use, and management of public officials, public servants and employees, information on portfolio and program results, scientific topics;

m) List of information subject to publication as stipulated in Item 1 of Article 34 of this Law; addresses, telephone numbers, fax numbers, e-mail addresses of the state agencies or persons acting as focal point to receive information request;

n) Information relating to the public interest, public health;

o) Information on taxes, fees and charges;

p) Other information subject to publication in accordance with law.

2. In addition to the information specified in paragraph 1 of this Article, based on the actual conditions, state agencies shall proactively publicize information they create or keep.

#### **Article 18. Forms and time limits of information publication**

1. Forms of information publication include:

a) Publishing information on portals and websites of agencies;

b) Publishing information on mass media;

c) Publishing information on the official gazette;

d) Posting at head offices of agencies and other places if necessary;

đ) Publishing information through citizen receptions, press conferences, press releases, activities of spokespersons of agencies in compliance with the laws;

e) Other forms at the convenience of citizens as defined by state agencies holding responsible for publishing information.

2. If provisions of relevant laws prescribe specific forms of information publication, such provisions shall apply.

If there is no specific provision in relevant laws, agencies responsible for information publication might, based on the practical situation, select one or a number of forms of information publication mentioned in Item 1 of this Article in order to ensure access to information by citizens.

3. For persons with disability, people living in mountainous areas, islands, areas with exceptional social-economic difficulties, state agencies shall take initiative in determining forms of

information publication in line with ability and conditions to get access to information of citizens in addition to forms mentioned in Item 1 of this Article.

4. Time of information publication in each area shall comply with provisions of relevant laws; if there is no provision of relevant laws on time of information publication, within 05 (five) working days as from the date the information is attained, competent agencies shall make such information public.

#### **Article 19. Information publication on portals and websites**

1. Out of information mentioned in Article 17 of this Law, the following information must be made public on the portals and websites:

a) Legal normative documents; international treaties to which the Socialist Republic of Vietnam is a member, international agreements to which Vietnam is a party; administrative procedures and processes of handling affairs of state agencies;

b) Information disseminating, popularizing and guiding laws, regimes and policies on the domains under the agency's state management;

c) Strategy, programs, projects, proposals, plans, master plans for socio-economic development at national and local level; sector and field planning and methods, results of implementation; programs and annual work plans of state agencies;

d) Information about the list of projects, programs and results of implementation of public investment, public procurement and management, using public investment, loans;

đ) Information on the functions, duties, powers, organizational structure, organizational chart of state agencies; address, telephone number, fax number, e-mail address of the state agency or person act as focal point to provide information;

e) Annual financial reports; statistical information on the sector and field under management; information on portfolio and program results, scientific topics;

g) List of information subject to publication which must specify the address, the form, timing and duration for each type of public information;

h) Other information, if deemed necessary for the public interests, public health;

i) Other information shall be posted on the electronic portals, websites as provided for by other laws.

2. Information publication on portals and websites at provinces and cities directly under the central management shall comply with the plans on information technology application of provincial People's Committees.

3. The state agency responsible for providing information under the provisions of this Law shall keep records and documents which have been listed classified in manners and forms that ensure the right to access to information of citizens; ensure the information can be stored electronically, digitized within a reasonable timeframe and open for people to access, and connected to the internet across the country so that people can access easily from different systems.

4. Portals of state agencies must be linked, integrated with subsidiary agencies' portals, websites to update information and facilitate citizens in finding and exploiting the information.

5. In addition to the information specified in Item 1 of this Article, based on actual conditions, state agencies shall actively post information they create on portals, websites.

6. The state agency, based on actual conditions, shall be responsible for publicizing the information specified in paragraph 1 of this Article in another appropriate form in case it does not have a website or a portal yet.

**Article 20. Information publication on mass media**

1. State agencies responsible for information provision shall fully, accurately, and timely provide mass media with information subject to publication on mass media as required by the laws.
2. Putting and broadcasting news on mass media shall comply with the provisions of the laws. When putting an advertisement and broadcasting news, mass media companies shall ensure fullness, accuracy, timeliness of the information.

**Article 21. Publishing information on the Official Gazette or posting information in public**

1. Publishing information publication on the Official Gazette or posting information in public shall comply with relevant laws.
2. For information posted in public without specific provisions on posting place and timeframe, such information must be posted at the offices of the agencies or places for community activities within at least 30 (thirty) days.

**Article 22. Handling of incorrect published information**

1. State agencies, upon detecting that the information created and published by itself is incorrect, shall be responsible for correcting information and publishing the corrected information in timely manner.
2. State agencies publishing information created by other agencies, upon detecting that the information is incorrect, shall be responsible for correcting information and publishing the corrected information in timely manner.
3. The state agencies creating information, upon detecting that such information was incorrectly published by other agencies, shall be responsible for requesting that publishing agency to correct information and publish the corrected information.
4. Citizens, upon finding published information incorrect, shall make recommendations to the state agency publishing that information. No later than 15 days from the date of receipt of recommendations, the agency shall be responsible for checking the accuracy of the information and responding citizens; in case the information is found incorrect, the state agency shall timely correct information, and publish the corrected information.
5. Information shall be corrected in the form it was incorrectly published before.

**CHAPTER III**

**PROVIDING INFORMATION UPON REQUEST**

**Section 1**

**General provisions on proving information upon request**

**Article 23. Information accessible upon request**

1. Information prescribed in Article 17 of this Law falling in the following cases:
  - a) Information within the timeframe for publication but not being made public yet;
  - b) Information with timeframe for publication having expired in accordance with the law;
  - c) Information being published but not accessible to the information requester due to an event of force majeure.

2. Information related to business confidentiality, privacy, personal secrets, family secrets that is eligible to provide under the provisions of Article 7 of this Law.

3. Information related to the life, activities, manufacture and business of the information requester, not falling under the provision of Article 17 of this Law and Item 2 of this Article.

#### **Article 24. Forms of requesting for information**

1. The information requester shall make request in the following forms:

a) Come in person or authorize other person to go to the offices of the state agencies to make request.

The person in charge of receiving request shall be responsible for instructing the information requester to fill out information in the Request Form as prescribed in clause 2 of this Article.

If the requester is illiterate or disabled and cannot write, the person in charge of receiving request shall fill out the Request Form.

b) Submit written requests to the head offices of the agencies providing information via postal services, internet, and faxes.

2. The Request Form shall be written in Vietnamese and include main content as follows:

a) Names, addresses, identification numbers or passport numbers of the information requesters; fax numbers, telephone numbers, emails (if any);

b) Requested information, with name of the documents, records, files being specified;

c) Form of providing information;

d) Reasons for requesting for information and purposes of using information.

3. A written consent of the concerned individuals or organizations shall be attached if the requested information falls under the provision of Items 1 and 2 of Article 7 of this Law.

4. The Government shall determines the template of the Request Form.

#### **Article 25. Forms of providing information upon request**

1. Requested information shall be provided in one of the following forms:

a) Directly at head offices of the agencies;

b) Via websites, postal services, faxes.

2. The state agencies receiving request shall be responsible for providing information in forms that are as requested and suitable with nature of the requested information and the agencies' capacity, unless otherwise regulated by the other laws.

#### **Article 26. Receipt of request for information**

1. The state agencies shall be responsible for receiving and recording requests in tracking book.

2. In case the contents specified in Item 2 of Article 24 of this Law in Request Form is inadequate and unclear, the agency receiving request shall be responsible for instructing the requester to supplement information.

3. The state agency receiving request shall be responsible for announcing and guiding the requester to go to the competent agency if they themselves are not responsible for providing the requested information.

#### **Article 27. Handling request for information**

Upon receiving valid request for information, the state agency responsible for providing information shall notify the requester about duration, location and forms of information provision, the actual cost for printing, copying, capturing, and sending information through postal services, faxes (if any) and methods of payment; execute information provision in the orders and procedures prescribed in this Chapter.

#### **Article 28. Refusal of information provision**

1. The state agencies shall refuse to provide information in the following cases:

- a) Information mentioned in Article 6; information not meeting the requirements as prescribed in Article 7 of this Law;
- b) Information subject to publication as regulated in Article 17 of this Law, except for cases regulated in the provision of Item 1 of Article 23 of this Law;
- c) The requested agency is not responsible for providing the requested information;
- d) Information has been provided twice (02) to the persons requesting for information, unless they have plausible reasons;
- đ) The amount of requested information exceeds the ability of the requested agencies or affects the normal operation of the agencies;
- e) Person requesting for information does not pay the actual cost for printing, copying, capturing, and sending information through postal services, faxes.

2. The requested agencies shall be responsible for sending written notices on refusal of information provision to the information requester, with reasons for refusal being specified.

### **Section 2**

#### **Orders and procedures for provision of requested information**

#### **Article 29. Orders and procedures for the state agencies to directly provide requested information at their head offices**

1. For simple, available information which can be provided immediately, information requester shall read, see, listen, take notes, copy, and capture information or request to be provided immediately for with copies, capturing of such documents.

2. For complex, not available information which should be gathered from other departments of that agency or the information that needs to be reviewed by other agencies, organizations, units, the requested agency shall, within 10 working days from the date of receipt of a valid request, notify information requester to come to their office to read, see, listen, take notes, copy, capture or receive a copy, photocopy of documents or issue notice of refusal of providing information.

If the requested agency need more time to review, search, collect, copy, resolve the request for information, the time limit may be extended for a maximum of 10 working days. The requested agency shall inform the requester of the extension on deadline for providing information.

#### **Article 30. Orders and procedures for providing requested information via internet**

1. Information shall be provided via internet when it meets the following conditions:

- a) Requested information are available in electronic forms and can be transmitted via the internet;
- b) The state agency meets the technical requirements to provide information via internet.

2. Information shall be provided via internet by these following methods:

- a) Send attachments via email;

- b) Provide one-time access code;
- c) Provide access address to download information.

3. For simple, available information which can be provided immediately, the requested state agency shall, within 03 (three) working days from the date of receipt of valid request, provide information.

4. For complex, unavailable information which should be gathered from other departments of that agency or the information that needs to be reviewed by other agencies, organizations, units, the requested agency shall, within 03 (three) working days from the date of receipt of a valid request, notify in written form of the time limit for handling the request. Within 15 working days from the date of receipt of a valid request, the requested agency shall provide the requester with information or written refusal of information provision.

If the requested agency need more time to review, search, collect, copy, resolve the request of information provision, the time limit may be extended for a maximum of 15 working days. The requested agency shall inform the requester of the extension of the deadline for providing information in written forms.

**Article 31. Orders and procedures for providing requested information via postal services, faxes**

1. For simple, available information which can be provided immediately, the requested state agency shall, within 05 (five) working days from the date of receipt of valid request, provide information.

2. For complex, unavailable information which should be gathered from other departments of that agency or the information that needs to be reviewed by other agencies, organizations, units, the requested agency shall, within 03 (three) working days from the date of receipt of a valid request, notify in written form of the time limit for handling the request. Within 15 working days from the date of receipt of a valid request, the requested agency shall announce the refusal of information provision in written forms.

If the requested agency need more time to review, search, collect, copy, resolve the request of information provision, the time limit may be extended for a maximum of 15 days. The requested agency shall inform the requester of the extension of the deadline to provide information in written.

**Article 32. Handling incorrect information provided upon request**

1. Upon detecting that the information provided upon request is incorrect, the state agencies providing such information shall, within 05 (five) working days from the date of finding the incorrect information, correct and re-provide the correct information, except for the provisions in Item 3 of this Article.

2. In case the information requester deems the provided information is incorrect, he/she shall have the right to require the agency providing him/her with such information to re-provide the correct information.

The agency providing information shall, no later than 15 working days from the date of receipt of request, be responsible for determining the accuracy of information and answering the requester; if the provided information is not correct, the state agency shall be responsible for correcting and re-providing information, except for the provision of Item 3 of this Article.

3. In case the People's Committee at commune-level cannot determine the accuracy of information it keeps, it shall, within 05 (five) working days from the date of finding the information incorrect/receipt of request from information requester, request the agency creating information to check.

The agency creating information shall, no later than 15 working days from the date of receipt of request, confirm the accuracy of information and answer Community People's Committee; if the provided information is incorrect, the creating agency shall attach the correct information.

The People's Committee at commune-level shall, no later than 03 (three) working days from the date of receipt of the answer, correct information or notify the information requester.

## **CHAPTER IV**

### **RESPONSIBILITIES IN ENSURING THE RIGHT TO ACCESS TO INFORMATION OF CITIZENS**

#### **Article 33. Measures to ensure the right to access to information of citizens**

1. Organizing training courses to improve capacity, qualification, professional skills of persons assigned to be responsible for information provision on the right to access to information of citizens.

2. Running portals, websites; developing and running database of information that the agencies are responsible for provision as required by the Government.

3. Increasing information provision through activities of the spokespersons of state agencies and on mass media.

4. Assigning units, persons to act as a focal point to provide information.

5. Allocating appropriate places for citizen receptions to provide information based on available resources of each agency.

6. Consolidating, strengthening clerical work, archiving, statistics; equipping technical facilities, information technology and other necessary conditions for the information requester to read, see, listen, take notes, copy, capture information at head offices of state agencies and via internet.

#### **Article 34. Responsibilities of agencies providing information**

1. Agencies providing information as prescribed in Article 9 of this Law shall have responsibilities as follows:

a) Publicizing, providing information in timely, full and sufficient manners; correcting information or providing additional information upon finding that provided information is incorrect or insufficient;

b) Taking initiative in developing, updating, publicizing lists of information subject to publication, and uploading such lists on portals, websites; regularly updating and making information public at the right time, meeting the timeframe and forms mentioned in the lists of information subject to publication;

c) Maintaining, archiving, updating a database of information that state agencies are responsible for provision, ensuring that information is kept in a systematic, sufficient, comprehensive manner and is easy for searching;

d) Ensuring accuracy and sufficiency of information. The transfer of information among database systems shall comply with the provisions of the laws;

đ) Issuing technical guidance on measures and processes of protection of information and information management systems;

e) Reviewing, classifying, checking and ensuring secrecy of information before provision;

g) Timely reviewing and considering benefits of information provision to decide whether making information public or providing information upon request in order to protect public interests and community health;

h) Issuing and publishing internal regulations on information provision under their responsibilities. Main contents of the regulations include: determining the focal point to provide information; orders, procedures of transferring information created by their agency to the focal points; classifying information subject and not subject to provision; and updating information subject to publication, information provided upon request; orders, procedures of handling requests for information between the focal points, the units managing the database and other relevant units;

i) Reviewing provisions of the laws on access to information relating to their functions, tasks and authorities to make timely proposals to competent agencies for revision and amendment in line with this Law;

k) Handling complaints, denunciations, and violations of right to access to information in compliance with the laws.

l) Reporting to competent agencies on the status of ensuring the right to access to information of citizens at the agencies upon request.

2. The head of the agency providing information shall be responsible for ensuring the performance of information provision in the agency, timely handling the person in charge of providing information under his/her jurisdiction management who obstructs the exercise of the right to access to information of citizen.

3. The person assigned to provide information shall be responsible for providing citizens with sufficient information in a timely manner and shall not harass, obstruct or cause difficulties while performing their tasks.

### **Article 35. Responsibilities of the Government, ministries, provincial People's Committees in ensuring the right to access to information**

1. The Government shall unify the state management on ensuring the right to access to information of citizens and implement tasks and authorities as follows:

a) Issuing or making proposals to competent agencies on issuance, revision, amendment of the laws on ensuring the right to access to information;

b) Providing measures to create favorable condition for people with disability, people living in mountainous areas, islands, areas with exceptional socio-economic difficulties to exercise the right to access to information;

c) Implementing activities to popularize, educate and raise awareness on the rights and responsibilities of agencies, state officials, and citizens in implementing the right to access to information;

d) Giving guidance to agencies and citizens in implementation of the right to access to information;

đ) Inspecting, supervising compliance of the laws and handling violation of the laws on access to information;

e) Giving technical guidance on measures and processes for protection of information and database;

g) Monitoring, speeding up, and supervising to ensure the implementation of the right to access to information of citizens.

2. Ministries, ministerial agencies, governmental agencies are responsible for implementation of tasks mentioned in Point a, b, c, d, đ and g in Item 1 of this Article based on their assigned functions and tasks.

3. The Ministry of Information and Communication shall assist the Government in implementation of tasks mentioned in Point e of Item 1 of this Article.

4. The Ministry of Justice shall assist the Government in general supervision of the law compliance.

5. Provincial People's Committees are responsible for state management in their regions, implementing measures to ensure the right to access to information of citizens as guided by the Government.

6. State agencies shall, based on their actual conditions, create conditions for information requester to read, see, listen, and take notes, copy, capture information at the headquarters in person; set up information desks or other equipment to publicize information.

## **CHAPTER V**

### **IMPLEMENTATION PROVISIONS**

#### **Article 36. Application**

1. Foreigners legally residing in Vietnam shall have the right to request for information directly related to their rights and obligations.

Orders and procedures of request for information shall comply with provisions in Chapter III of this Law.

2. Citizens shall request for information via their organizations, unions, enterprises in case there are a number of persons at their organizations, unions, enterprises having the same request for information.

The Government shall provide detailed regulations on this Item.

#### **Article 37. Effectiveness of the Law**

This Law shall take effect on 01<sup>st</sup> July 2018.

The Government shall provide guidance on articles and items of this Law as assigned.

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*This Law was passed on 6<sup>th</sup> April 2016 by the XIII National Assembly of the Socialist Republic of Vietnam at its 11<sup>th</sup> session.*

**CHAIRWOMAN**

(Signed and stamped)

**Nguyen Thi Kim Ngan**