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HANDBOOK ON PERSONAL DATA COMPLIANCE IN HUMAN RESOURCES MANAGEMENT

RISK IDENTIFICATION & PENALTY FRAMEWORK UNDER DECREE NO. 330/2026/ND-CP

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HANDBOOK ON PERSONAL DATA COMPLIANCE IN HUMAN RESOURCES MANAGEMENT



The Human Resources Department (HR) holds a large volume of employees' and partners' personal data, from basic to sensitive information, throughout their relationship with the enterprise and often even after it ends. HR also plays a key role in transferring personal data to internal departments, third parties, and various systems and platforms (e.g., CRM, attendance, CCTV, HRM) for employment, business, and operational purposes.

1. Personal Data Information Commonly Held by the HR Department

Typically, the personal data (PD) held by the HR Department includes:

- Personal identification information (full name, date of birth, place of residence, Citizen Identification Card/Identity Card, passport, family relationships, birth certificate);
- Personal contact information and internal accounts (telephone number, email, HRM system account, identification number of company-issued devices);
- Recruitment and competency assessment data (CV/resume, degrees, certificates, personality/logic test results, probation results, KPI scores, and employment disciplinary history);
- Biometric data and operational monitoring data (fingerprints, facial recognition for attendance tracking, workplace surveillance camera footage, access card swipe history, GPS location data of work routes, and computer activity logs);
- Sensitive financial, tax, and health data (bank accounts, salary and bonuses, tax IDs, dependent deductions, social insurance, health, maternity and sickness records, and insurance beneficiary information), as well as administrative and benefits-related data (emergency contacts, uniform sizes, internal surveys, parking registration, and allowance or loan applications).

In order to comply with the Law on Personal Data Protection No. 91/2025/QH15, Decree No. 356/2025/ND-CP, and the administrative penalty regime under the newly issued Decree No. 330/2026/ND-CP, enterprises will need to reorganize the methods and procedures to ensure that the collection, retention, and processing of employees' and partners' personal data are carried out in accordance with applicable regulations. In other words, now that the legal framework has been established and the penalty regime has been issued, the remaining task for enterprises is to conduct an internal review to determine whether the actions they are currently taking in relation to personal data comply with the applicable regulations.

/2026



2. Common Violations Arising from the HR Department’s Processing of Personal Data

Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
1. Recruitment & Receipt of Applicants’ CVs	Requiring candidates to provide unnecessary information in application forms/CVs, such as religion, marital status, family details (parents and siblings), or bank account numbers before selection.	Require applicants to provide personal data that does not serve the purpose of recruitment or is not in compliance with applicable laws.	A fine ranging from VND 20,000,000 to VND 50,000,000 (Article 61.1.a).
	Unilaterally retain the CVs of unsuccessful applicants in an internal “backup” database without a written agreement or consent.	Fail to delete or destroy the personal data of applicants in cases where they are not recruited, in the absence of any other agreement.	A fine ranging from VND 20,000,000 to VND 50,000,000 (Article 61.1.d). <i>Compulsory destruction and deletion of data to the extent that it cannot be recovered</i> (Article 61.4.a).
	The HR Department shares applicants’ CVs with headhunters, external partners, or other departments for recruitment to positions beyond those originally applied for.	Use applicants’ personal data for purposes other than recruitment without an agreement.	A fine ranging from VND 20,000,000 to VND 50,000,000 (Article 61.1.b).

Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
2. Signing Employment Contracts & Collecting New Employee Personnel Records	Requiring employees to sign consent forms containing vague terms such as “consent to other processing purposes,” without clearly specifying the purposes of processing.	Making consent mandatory, refusing to enter into employment contracts if employees do not consent to additional purposes, using default consent mechanisms, or failing to obtain separate consent for each purpose.	A fine ranging from VND 30,000,000 to VND 50,000,000 (Article 43.1,b, c, e).
	Storing copies/scans of employees’ Identity Cards, Citizen Identification Cards, and Passports on shared Google Drive/OneDrive without proper access controls or security measures.	Failing to implement appropriate personal data protection measures, resulting in the disclosure or loss of personal data. Images of Identity Cards/Citizen Identification Cards are classified as sensitive personal data under Article 4.1(i) of Decree No. 356.	A fine ranging from VND 20,000,000 to VND 30,000,000 (Article 47.2.a).

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Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
2. Signing Employment Contracts & Collecting New Employee Personnel Records	Collecting children’s birth certificates and Citizen Identification Cards for personal income tax dependent deductions or insurance purposes without obtaining written consent from their parents/legal guardians.	Processing children’s personal data without the required consent: for children under 07, without their legal representative’s consent; or for children aged 07 or older, without the consent of both the child and their legal representative (Articles 60.1(b) and 60.1(c)).	A fine ranging from VND 30,000,000 to VND 50,000,000 (Article 60.1). <i>Compulsory destruction and deletion of data collected in violation of regulations (Article 60.5.b).</i>
3. Workplace Monitoring & Biometric Attendance Tracking	Install security cameras at the workplace or install software to monitor company computer screens without providing a written Personal Data Processing Notice (Privacy Notice).	Apply technological and technical measures to collect employees’ personal data without ensuring that employees are clearly informed (e.g., installing cameras or monitoring software without notice).	A fine ranging from VND 50,000,000 to VND 70,000,000 (Article 61.2.c). <i>Compulsory destruction and deletion of data collected in violation of regulations (Article 61.4.a).</i>

Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
3. Workplace Monitoring & Biometric Attendance Tracking	Install facial recognition and fingerprint-based attendance systems without implementing physical security measures for the servers or encrypting biometric data.	Collect and process biometric data without implementing physical security measures for systems, devices, and infrastructure used to store and transmit biometric data.	A fine ranging from VND 50,000,000 to VND 70,000,000 (Article 70.1.c).
	Install a GPS location tracking attendance application that is required to run continuously in the background 24/7 on the personal devices of sales/delivery personnel without providing an option to enable/disable the tracking.	Collect location data without providing notice, without measures to prevent third-party access, or without providing users with options to control location tracking.	- A fine ranging from VND 50,000,000 to VND 70,000,000 (Article 70.1.a, b). - Confiscation of transmitting devices and means used for the violation, and suspension of the application for a period of 03–06 months.

HANDBOOK ON PERSONAL DATA COMPLIANCE IN HUMAN RESOURCES MANAGEMENT



Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
4. Internal Information Management & Communications	Post salary spreadsheets and KPI evaluation lists containing full names, job titles, and income levels on office bulletin boards or internal chat groups that include members who are not authorized or whose work is unrelated to the personal data purposes to which the employees have consented (Zalo, Viber, Skype, Slack).	Publicly disclose personal data without a specific purpose, beyond what is necessary, or in a manner that infringes upon the lawful rights and interests of the data subject.	A fine ranging from VND 20,000,000 to VND 50,000,000 (Article 50.1.b, 50.2.a). <i>Compulsory removal and retrieval of all publicly disclosed data</i> (Article 50.3.b).
	Post photos of employees' children who have achieved academic accomplishments on the company's Fanpage or Website for internal communications without obtaining the written consent of both the children and their parents.	Process the personal data of children for the purpose of publishing or disclosing information about their private life or personal secrets when they are 07 years old or older, without obtaining the consent of both the child and their legal representative.	A fine ranging from VND 50,000,000 to VND 100,000,000 (Article 60.2.a). Suspension of personal data processing activities for a period of 01–03 months (Article 60.4).

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4. Internal Information Management & Communications	Store physical personnel records (employment contracts, personal history forms, health examination certificates) in unlocked filing cabinets, allowing unauthorized personnel to freely access them.	Fail to implement appropriate personal data protection measures, resulting in the disclosure or loss of personal data; fail to establish internal procedures for allocating responsibilities.	A fine ranging from VND 10,000,000 to VND 30,000,000 (Article 47.1.a, 47.2.a).
5. Sharing Data with Third Parties & Internal Data Distribution	Transfer employees' periodic health examination results to life/health insurance companies without a written request from the employees.	Provide or share patients'/health check-up participants' personal data with third parties (health insurance, medical service providers) without having received a written request from the data subject.	- A fine ranging from VND 70,000,000 to VND 100,000,000 (Article 62.2). - Suspension of personal data processing activities for a period of 03–06 months (Article 62.3).

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5. Sharing Data with Third Parties & Internal Data Distribution	Transfer employees' information to any third party, such as a bank for ATM card issuance, a travel company organizing team-building activities, or an insurance company (even where the employees' consent has been obtained), but the service agreement does not contain any Personal Data Agreement, Terms, or Personal Data Processing Addendum (DPA).	Enter into a data transfer agreement that lacks provisions binding the parties' responsibilities and rights in relation to the processing of personal data.	A fine ranging from VND 20,000,000 to VND 30,000,000 (Article 52.1.a).
	The HR Department shares a file containing the telephone numbers and email addresses of all employees with the Sales & Marketing Department to conduct advertising and marketing campaigns for the company's products.	Use another person's personal data to carry out acts in violation of the law; lack procedures for controlling internal data sharing between departments.	A fine ranging from VND 20,000,000 to VND 60,000,000 (Article 39.2.b & Article 52.1.b).

Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
6. Termination of Employment Contracts & Post-Employment Record Management	An employee who has left the company requests the deletion of all personal data, but the HR Department ignores the request and fails to respond within 02 working days or takes more than 20 days to process the request.	Fail to respond to the data subject regarding the relevant procedure within the prescribed period of 02 working days (Article 44.1.d); fail to comply with the data subject's request for deletion within the prescribed period of 20 days (Article 44.3.c).	- A fine ranging from VND 10,000,000 to VND 20,000,000 (Article 44.1). - A fine ranging from VND 30,000,000 to VND 40,000,000 (Article 44.3).
	Indefinitely storing all former employee records without classifying periodic deletion/destruction retention periods after the purpose of use has been fulfilled.	Storing employees' personal data beyond the prescribed time limit or failing to delete or destroy personal data upon termination of employment contracts.	- A fine ranging from 50,000,000 to 70,000,000 VND (Article 61.2.a, b). - Forced irrecoverable deletion and destruction of data (Article 61.4.a).

Operational Stage	Actual Non-Compliant Actions / Practices within the HR Department	Violations under Decree No. 330/2026/ND-CP	Fines & Remedial Measures
7. Responding to HR Data Leak Incidents (Data Breach)	Leakage of payroll records or employee ID database occurring externally, but the HR Department only handles it internally, without creating a confirmation report and without notifying the Ministry of Public Security.	Failure to create a report confirming the occurrence of a violation (Article 54.1.b); notifying the Department of Cyber Security and Hi-tech Crime Prevention (A05) later than 72 hours from the time of detecting the violation (Article 54.3).	- A fine ranging from 10,000,000 to 20,000,000 VND (Article 54.1). - A fine ranging from 40,000,000 to 60,000,000 VND (Article 54.3).

3. What the HR Department Needs to Prepare for Compliance

Compliance with personal data protection laws is a systemic legal responsibility of the entire enterprise, not belonging individually to any single department. However, data flows continuously through multiple touchpoints across departments (Data Flow). Therefore, it is necessary to appoint and establish clear and suitable policies to provide a foundation for each relevant individual and department to properly perform their obligations and tasks related to personal data processing.

So, what basic groups of tasks does the HR department need to proactively perform for the purpose of complying with personal data regulations?

HANDBOOK ON PERSONAL DATA COMPLIANCE IN HUMAN RESOURCES MANAGEMENT



- **Standardize the Privacy Notice**, issue an official written notice to all employees about the scope and location of the installation of security surveillance cameras at the workplace and the biometric collection mechanism (fingerprints, facial recognition of timekeeping) before actual application.
- **Review & Minimize the Recruitment Form (Data Minimization)**, immediately remove sensitive information fields that do not serve the purpose of interview (religion, marital status, relative details); add an optional box (optional, not built-in) that allows candidates to agree to keep their CV for 06–12 months for the next recruitment if they are not accepted.
- **Establishing Third-Party Binding Mechanisms (DPA Clauses)**, reviewing and adding Data Processing Agreement (DPA) Annexes to all service contracts signed with card-opening banks, health insurance companies, tourism/event organizers, and human resources software (SaaS HRM) providers in accordance with Article 7 of Decree 356/2025/ND-CP.
- **Establishing regulations on classification, storage and, correction and destruction of data**, such as:
 - *Compulsory archiving group according to specialized laws*: Salary payment tables, social insurance payment documents, PIT declaration dossiers (Archived for 05-10 years according to the Law on Accounting and the Law on Tax Administration).
 - *The operation data group must be safely deleted/destroyed*: Copy of CCCD, CV application, competency test, probationary assessment (Must be securely deleted or anonymized after termination of the contract).
- **Develop a Procedure for Receiving & Responding to Subjects' Rights**, promulgating standard procedures and forms to handle requests from personnel/candidates (requests to view, edit, withdraw consent or delete data); ensure to respond to procedural instructions within 02 working days and complete implementation on time (10–20 days).

The promulgation of Decree No. 330/2026/ND-CP has helped the legal corridor on personal data to be gradually completed and the inspection and sanctioning mechanism of the authorities has officially taken effect. Therefore, it is time for businesses to really spend time and human resources to proactively review and rearrange all business personal data. Businesses need to classify personal data, identify task groups that need to be prioritized urgently, train internal personnel as well as prepare scenarios for situations related to personal data that may arise.

The team of Lawyers and Experts at **CDLAF** is always ready to accompany you on the roadmap to comply with personal data protection regulations.

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