

# PERSONAL DATA PROCESSING IMPACT ASSESSMENT

## SUBJECTS:

Enterprises performing personal data processing activities, such as collection, recording, archive, editing, copying, accessing, or encryption,... are required to make a dossier for personal data processing impact assessment (DPIA). The specific content of the DPIA will vary depending on the enterprise's role in the personal data processing process.

Data Controllers and Data Processors must establish and maintain a dossier of their (DPIA) from when they begin processing personal data.

Data subject consent is applied for all activities in the personal data processing process. Data subject consent is only valid when the data subject voluntarily and knowingly agrees to the following:

- The types of personal data processed;
- The purposes for which the personal data are processed;
- The organization or individual that is processing the personal data;
- The rights and obligations of the data subject.

**For cases where the enterprise is the Personal Data Controller, Personal Data Controller, and Processor, the Data Processing Impact Assessment (DPIA) dossier should include the following:**

- Information and contact details of the Personal Data Controller, Personal Data Controller and Processor;
- Full name and contact details of the organization assigned to perform the personal data protection task and the data protection officer of the Personal Data Controller, Personal Data Controller, and Processor;
- Purpose of personal data processing;
- Types of personal data processed;
- Organizations or individuals that receive personal data, including organizations or individuals outside of Vietnam;
- Cases of personal data transfer abroad;
- Personal data processing time; expected time to delete or destroy personal data (if any);
- Description of the personal data protection measures applied;
- Assessment of the impact of personal data processing; potential consequences and unwanted damages, risk mitigation or elimination measures, and harm.

**For cases where the enterprise is the Data Processor makes and archives a DPIA dossier when entering a contract with the Personal Data Controller, the DPIA dossier of the Data Processor shall include:**

- Information and contact details of the Personal Data Processor;
- Full name and contact details of the organization assigned to perform the personal data protection task and the Data Protection Officer of the Personal Data Processor;
- Purpose of personal data processing;
- Description of the processing activities and the categories of personal data processed under the contract with the Personal Data Controller;
- Personal data processing time; expected time to delete or destroy personal data (if any);
- Cases of personal data transfer abroad;
- General description of the personal data protection measures applied;
- Potential consequences and unwanted damages, risk mitigation or elimination measures, and harm.

**Remark:** The Personal Data Processing Impact Assessment dossier is established in writing and has legal value for the Personal Data Controller, Personal Data Controller and Processor, or Personal Data Processor. It should always be available for inspection and assessment by the Ministry of Public Security.

## PROCEDURE

### Step 1: Prepare a complete set of applications

- Notification of submitting a personal data processing impact assessment dossier according to Form No. 04a of the Appendix issued with Decree No. 13/2023/NĐ-CP (form for organizations)
- Personal data processing impact assessment dossier (for the personal data controller, data controller, and data processor) or personal data processing impact assessment dossier (for the data processor)
- Copy of enterprise registration certificate, the decision on the establishment, or ID card/passport of the dossier owner.
- Copy of the decision or related documents regarding the assignment of the personal data protection department of the dossier owner.
- Copy of related contracts for personal data processing with relevant parties.
- Copies of other documents...

### Step 2: Submit the dossier

Within 60 days from the date of personal data processing, the enterprise must submit the dossier to the Ministry of Public Security.

### Step 3: Response

The Department of Cyber Security and Crime Prevention using High Technology, Ministry of Public Security will assess and request the completion of the personal data processing impact assessment dossier if it is incomplete or does not meet the regulations.

The requester must update and supplement the Personal Data Processing Impact Assessment Dossier when there are changes in the content submitted to the Ministry of Public Security according to Form No. 05 of Decree No. 13/2023/NĐ-CP.