

SOCIAL NETWORK ESTABLISHMENT LICENSE

CONDITIONS

Enterprises established under Vietnamese law must have functions, tasks, or registered business sectors that are consistent with the services and information that have been registered on the National Portal for Business Registration.

Personnel: For personnel responsible for managing information content: At least one person responsible for managing information content must be a Vietnamese citizen or a foreigner with a temporary residence card issued by a competent authority with a remaining validity of at least 6 months in Vietnam at the time of application; there must be a department responsible for managing information content.

For technical personnel: The technical management department must have at least one person who meets the requirements for managing the website network and information security and safety skills.

Domain names: Domain names registered to establish social networks must meet the following conditions:

- The character string forming the domain name must not be the same as or identical to the name of a press agency;
- Use at least one “.vn” domain name and store information on a server system with an IP address in Vietnam;
- Social networks of the same enterprise must not use the same domain name with the same character string (including secondary domain names, for example: forum.vnn.vn, news.vnn.vn are domain names with different character strings);
- Domain names must comply with regulations on the management and use of Internet resources. For international domain names, there must be confirmation of legitimate domain name use

Technique: The technical equipment system must meet the following requirements

- Store the user account information, login and logout times, IP addresses of the user, and information processing logs for at least two years;
- Receive and process warnings of violation information from users;
- Detect, alert, and prevent unauthorized access, network attacks, and comply with cybersecurity standards;
- Have a backup plan to ensure safe, continuous operation and recovery in case of incidents, except in cases of force majeure as prescribed by law;
- At least one server system must be located in Vietnam, allowing for inspection, examination, storage, and provision of information on all social networks owned by organizations and enterprises at any time;
- Perform registration and store personal information of members, including Full name; Date of birth; Identity card/citizen's identity card/passport number, date of issue, place of issue; Phone number, and email address (if any). In case an Internet user is under 14 years old and does not have an identity card/citizen's identity card/passport, the legal guardian shall decide to register the legal guardian's personal information in accordance with the provisions of this clause to demonstrate permission and bear legal responsibility for such registration;
- Implement user authentication through messages sent to the phone number or email address when registering for the service or changing personal information;
- Block or remove information that violates the provisions of Article 5.1 of Decree 72/2013/ND-CP upon request from the competent state management agency;
- Establish a mechanism to warn members when posting content that violates the regulations (filter).

Implement measures to ensure information security, cybersecurity, and information management

- There is an agreement to provide and use appropriate social network services which is posted on the social network's homepage;
- Ensure that users must agree to the agreement to use social network services online to be able to use the services and utilities of the social network;
- A coordination mechanism must be in place to remove content that violates prohibited acts within no later than 3 hours of self-detection or upon request from the Ministry of Information and Communications or the licensing authority (in writing, by phone, or by email);
- Implement measures to protect the confidentiality of user's personal information;

Ensure users' right to decide whether to allow the collection of their personal information or to provide it to other organizations, businesses, or individuals.

PROCEDURES

Required documents

Enterprises need to prepare a set of documents to apply for a license to establish a social network, including:

- Application for a Social Network Establishment License;
- A valid copy includes a copy issued from the original or a certified copy or a copy collated with the original of one of the following documents: Enterprise Registration Certificate, Investment Registration Certificate, Decision on Establishment (or valid copy of Certificate, other valid equivalent license issued before the effective date of the Investment Law No. 67/2014/QH13 and the Enterprise Law No. 68/2014/QH13), Operation charter (for associations and unions);
- The Decision on Establishment or Operation charter must have functions and tasks suitable for the field of information exchange on social networks;
- Operation plan with signature and seal of the head of the organization or enterprise requesting the license, including the following main contents: Types of services; Scope; Areas of information exchange; Personnel organization plan, technical information management, and financial management to ensure the operation of social networks is appropriate;
- The social network service provision and usage agreement must include at least the following content: Prohibited content for exchange and sharing on social networks; Rights and responsibilities of social network service users; Rights and responsibilities of organizations and enterprises establishing social networks; Handling mechanism for members who violate the social network service provision and usage agreement; Warnings to users about the risks of storing, exchanging, and sharing information on the network; Mechanism for resolving complaints and disputes between social network members with the organization or enterprise that established the social network or with other organizations or individuals; Disclose whether or not personal data of service users is collected and processed in the agreement on the provision and use of social networking services; Personal information protection policy, private information of social network service users.

Process:

Applications for licenses can be submitted directly, by post, or online to the Ministry of Information and Communications (Department of Radio, Television and Electronic Information).

Within 30 days from the date of receipt of a valid application, the Ministry of Information and Communications shall review and issue a license in accordance with Form No. 26 of Appendix I attached to Decree 72/2013/ND-CP. In case of refusal, the Ministry of Information and Communications shall issue a written reply stating the reasons.