

THE LEGAL FRAMEWORK FOR PERSONAL DATA PROTECTION IN DIGITAL CONTENT DEVELOPMENT IN VIETNAM

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ABSTRACT

The rapid development of digital content in the era of digital transformation has made personal data not only a valuable resource but also a sensitive subject of legal protection. This chapter provides an overview of the law on personal data protection in digital content development from both theoretical and practical perspectives. It clarifies the concept, classification, and significance of personal data, followed by the definition and role of personal data protection in the digital environment. The chapter also introduces the concept of the law on personal data protection as an interdisciplinary field that integrates human rights law, information technology law, media law, and cybersecurity law. On this basis, the legal framework is examined through two dimensions: (i) international standards represented by the EU General Data Protection Regulation (GDPR) and OECD Guidelines; and (ii) the Vietnamese legal system, which has evolved from scattered provisions in the Civil Code and the Law on Cyberinformation Security to specialized regulations in Decree No. 13/2023/ND-CP and the Personal Data Protection Law (2025). The analysis highlights both the convergence of Vietnamese law with international standards and the challenges of enforcement in the context of cross-border data flows, digital sovereignty, and the need for effective governance mechanisms.

Keyword: *Personal data protection; Digital content development; GDPR; OECD Guidelines; Vietnamese law; Privacy rights; Data governance*

1. INTRODUCTION

In the digital age, personal data has become the “new oil” of the global economy, driving innovation in digital content production, distribution, and consumption. Every interaction on digital platforms—whether creating an account, browsing websites, streaming media, or engaging on social networks—generates a vast amount of personal data. This data serves as the foundation for content personalization, targeted advertising, and algorithmic recommendation systems, which are essential for the growth of the digital content industry. However, alongside these opportunities come significant risks: privacy violations, data exploitation, cybersecurity threats, and even manipulation of public opinion.

The protection of personal data in digital content development is therefore not only a matter of individual privacy but also a prerequisite for sustainable development, consumer trust, and national security. From a legal perspective, this field has emerged as a distinctive branch of

regulation that bridges human rights protection and technological governance. Globally, the adoption of the EU’s GDPR in 2016 marked a turning point, establishing data protection as a fundamental right and creating a model of comprehensive regulation with extraterritorial impact. Other frameworks, such as the OECD Guidelines and national laws in the United States, Japan, South Korea, and Singapore, have further contributed to the diversification of approaches to data governance.

In Vietnam, legal regulation of personal data has developed gradually. Initial provisions were scattered in the Civil Code (2015), the Law on Cyberinformation Security (2015), and the Law on Cybersecurity (2018). The enactment of Decree No. 13/2023/ND-CP was a milestone, creating the first specialized legal framework on personal data protection, while the passage of the Personal Data Protection Law (2025), effective from January 2026, elevated this framework to statutory law. Together, these instruments establish principles of data processing, the rights of data subjects, the

obligations of controllers and processors, and sanctions for violations. Importantly, they also address the distinctive features of digital content, where data is not limited to identity information but extends to behavioral, contextual, and cross-border dimensions.

This article aims to provide a comprehensive overview of the law on personal data protection in digital content development. Section 2.1 presents the conceptual and theoretical foundations, including the definition, classification, and importance of personal data as well as the role of data protection in the digital economy. Section 2.2 elaborates on the legal dimension, clarifying the concept of personal data protection law and analyzing the legal framework from both international and Vietnamese perspectives. By doing so, the chapter not only contributes to academic discourse but also provides insights for policymakers, regulators, and media organizations seeking to balance technological innovation with the protection of fundamental rights in the digital era.

2. OVERVIEW OF THE LAW ON PERSONAL DATA PROTECTION IN DIGITAL CONTENT DEVELOPMENT IN VIETNAM

2.1. The Concept of the Law on Personal Data Protection in Digital Content Development

The law on personal data protection in digital content development is an interdisciplinary concept, combining human rights law, information technology law, media law, and cybersecurity law. It arises from the need to ensure that the collection, processing, storage, and exploitation of personal data in the production and distribution of digital content take place legally, transparently, and securely. In the context of digital transformation and the boom of modern communication technologies, this concept has gained foundational significance, evolving into an independent legal domain that directly affects both individual rights and the sustainable development of digital content providers.

From a conceptual perspective, “the law on personal data protection” can be understood as the body of legal norms enacted by the State to regulate social relations arising during the processing of personal data. When associated with the field of digital content development, this scope of regulation is concretized in activities such as user account registration, behavioral analytics,

content personalization, online advertising, data sharing with third parties, and information security within the technical systems of media organizations. Thus, the law on personal data protection in digital content development not only governs the conduct of media organizations but also determines the rights, obligations, and responsibilities of users, state regulatory bodies, and other stakeholders.

In Vietnam, the legal system on personal data protection has been gradually constructed. Initially, it appeared in a fragmented manner within the Civil Code, the Law on Cyberinformation Security (2015), and the Law on Cybersecurity (2018), and was later specialized under Decree No. 13/2023/ND-CP on personal data protection, followed by the Personal Data Protection Law (2025). These legal instruments clearly define personal data, classify it into basic and sensitive categories, and establish principles of data processing, the rights of data subjects, as well as the obligations of controllers and processors. In the field of digital content, these provisions are directly applicable, as user data is the core element in the operation of broadcasting, electronic journalism, and online service platforms. It can therefore be said that the law on personal data protection in digital content development in Vietnam both inherits from the general legal framework and bears specific features tied to digital media activities.

At the international level, the concept of personal data protection law has evolved into a global standard. The European Union’s General Data Protection Regulation (GDPR) of 2016, effective from May 2018, defines and establishes a comprehensive system of rules, treating the protection of personal data as a fundamental right of EU citizens. GDPR lays down principles such as lawfulness, transparency, purpose limitation, data minimization, accuracy, storage limitation, integrity, confidentiality, and accountability. These standards apply not only within the EU but also extraterritorially, requiring all organizations worldwide processing EU citizens’ data to comply. The OECD also issued Guidelines on the Protection of Privacy and Transborder Flows of Personal Data as early as 1980, revised in 2013, emphasizing the importance of managing personal data in e-commerce and the Internet environment. These standards illustrate that the law on personal data protection in digital content

development is an inevitable trend not only in Vietnam but globally.

Another dimension of the concept lies in the combination of legal regulation and technical measures. Unlike many traditional branches of law that regulate social behavior solely through legal norms, this field is closely associated with technical standards such as data encryption, anonymization, access control, cloud storage security, and cybersecurity monitoring. Thus, the law on personal data protection may be considered a hybrid system, comprising both legal rules and technological standards. In digital content development, this hybrid nature is even more apparent, as every product and service is built upon digital infrastructure where personal data is constantly created and processed.

Moreover, the law on personal data protection in digital content development embodies a blend of public and private governance. While the State enacts laws and decrees to safeguard human rights, media organizations themselves—acting as “data gatekeepers”—bear the responsibility of implementation. Consequently, this concept extends beyond statutory law to include mechanisms of self-regulation, compliance, and accountability within enterprises. For this reason, many scholars now refer to it as a form of personal data governance, where law plays a central role but requires close cooperation from private actors in practice.

In summary, the law on personal data protection in digital content development can be defined as follows: it is the system of legal norms, principles, and governance mechanisms promulgated by the State and applied by organizations and individuals in practice, designed to regulate the collection, processing, storage, and sharing of personal data arising in the production and distribution of digital content; ensuring a balance between the privacy rights of individuals, the legitimate interests of media organizations, and the regulatory requirements of the State. This concept reflects its interdisciplinary character, the interconnection of law, technology, and society, as well as Vietnam’s convergence with international standards of personal data protection in the era of digital transformation.

2.2. The Legal Framework for Personal Data Protection in Digital Content Development

The legal framework for personal data protection in digital content development is formed through the combination of national law, international standards, and modern principles of data governance. In the context of rapid technological advancement, particularly the rise of online journalism, streaming media, and digital platforms, the need to protect personal data has become increasingly pressing. Personal data has emerged as the “core resource” for producing, distributing, and consuming digital content, while simultaneously being highly vulnerable to privacy violations, information insecurity, and national security risks. Therefore, establishing a comprehensive, coherent, and effective legal framework is a prerequisite for the sustainable, lawful, and ethical development of digital content.

At the international level, the foundation of personal data protection has been laid by various legal instruments. The European Union leads the way with the GDPR (2016), which took effect in May 2018. GDPR defines personal data as any information relating to an identified or identifiable individual and sets forth a comprehensive system of principles, including transparency, lawfulness, purpose limitation, data minimization, accuracy, storage limitation, confidentiality, and accountability. Importantly, GDPR applies extraterritorially, meaning any organization worldwide processing EU citizens’ data must comply. The OECD also adopted Guidelines on the Protection of Privacy and Transborder Data Flows in 1980, revised in 2013, recommending that states adopt principles of accountability and a risk-based approach in data governance. Additionally, countries such as the United States, Japan, South Korea, and Singapore have enacted specialized laws, reflecting diversity in national approaches yet converging toward the common goal of safeguarding individual privacy in the digital era.

In Vietnam, the legal framework on personal data protection developed later but has been increasingly consolidated. Initially, relevant provisions appeared sporadically in the 2015 Civil Code (rights to privacy, personal secrets, family secrets), the 2015 Law on Cyberinformation Security (regulating the collection, use, and processing of personal data online), and the 2018 Law on Cybersecurity (requiring foreign

enterprises to store Vietnamese users' data locally). However, these provisions remained general and lacked a unified framework. A turning point came with Decree No. 13/2023/ND-CP on personal data protection, which, for the first time, provided a specialized system of rules: defining personal data, classifying it into basic and sensitive, outlining data subject rights, and stipulating the obligations of controllers and processors, along with sanctions for violations. Subsequently, the Personal Data Protection Law (2025), effective from January 1, 2026, elevated this framework to statutory level, addressing previous shortcomings and introducing new provisions, such as data anonymization, data protection impact assessments, and detailed rules on cross-border transfers of personal data.

Vietnam's national legal framework on personal data protection in digital content development can be analyzed through four main pillars. First are the principles of data processing. Current law mandates that processing must comply with legality, transparency, purpose limitation, data minimization, and security. These align closely with GDPR's basic principles, reflecting Vietnam's convergence with international standards. Second are the rights of data subjects, including the right to be informed, the right to consent, the right to withdraw consent, the right to access, rectify, delete, restrict processing, and the right to complain. This represents a significant expansion compared to earlier scattered provisions, embodying a user-centered approach. Third are the obligations of controllers and processors, requiring media organizations collecting user data to obtain consent, notify purposes, scope, and duration of processing, and ensure security, safe storage, and breach notification. Fourth are sanctions, ranging from administrative fines to suspension of operations, and, in severe cases, potential criminal liability for serious harm.

In the realm of digital content development, the legal framework has clear specificities. First, the data collected extends beyond basic administrative information to include behavioral and contextual data: browsing history, cookies, IP addresses, location, viewing habits, and interaction patterns. Hence, the law must encompass both technical and personal data. Second, broadcasting agencies and digital platforms often rely on user data for content personalization, advertising optimization, and

enhanced user experience. This raises the challenge of balancing business development with privacy protection. Third, digital content is inherently cross-border—for example, when Vietnamese users access platforms with servers abroad, or when user data is shared with international partners. This underscores the importance of legal rules on cross-border transfers of personal data, as provided in Article 25 of Decree 13/2023 and detailed in the 2025 Law.

The legal framework for personal data protection in digital content development also plays a crucial role in ensuring information security and national security. Without proper controls, data collection, processing, and storage may be exploited by foreign entities for espionage, public opinion manipulation, or online fraud. To address this, Vietnamese law requires foreign enterprises providing telecommunications or Internet services in Vietnam to store Vietnamese users' data domestically and establish representative offices to cooperate with regulators. While such requirements are debated due to costs and feasibility, they reflect the State's effort to safeguard digital sovereignty and citizens' personal data.

Another notable feature is the framework's interdisciplinary and dynamic character. It is not only shaped by civil, administrative, and criminal law but also closely related to press law, telecommunications law, e-commerce law, cybersecurity law, and intellectual property law. At the same time, it evolves to keep pace with technological advances. For instance, anonymization was not previously addressed but has now been codified. In the future, laws may expand to cover biometric data, AI-generated data, or children's data in digital environments.

Vietnam's legal framework has made significant strides with Decree 13/2023 and the 2025 Personal Data Protection Law, providing a relatively comprehensive foundation for regulation. However, compared with international standards such as GDPR, Vietnam's framework remains in the process of refinement, requiring more effective enforcement mechanisms, greater awareness among organizations and users, and enhanced international cooperation. It can be affirmed that establishing and operating a comprehensive legal framework for personal data protection is a prerequisite for the lawful, secure,

and sustainable development of digital content in the era of digital transformation.

3. CONCLUSION

The protection of personal data in digital content development represents both a fundamental right of individuals and a cornerstone of sustainable growth in the digital economy. This chapter has demonstrated that personal data, while an indispensable resource for innovation, personalization, and business efficiency, also entails significant legal and ethical risks if not adequately safeguarded. The analysis shows that the law on personal data protection is an inherently interdisciplinary domain, combining human rights, information technology, media regulation, and cybersecurity, and increasingly functioning as a hybrid system of legal norms and technical standards.

From a comparative perspective, international instruments such as the EU's GDPR and the OECD Guidelines have established robust principles and enforcement mechanisms, shaping a global standard for data governance. In Vietnam, the legal framework has evolved from scattered provisions to more specialized and comprehensive instruments, notably Decree No. 13/2023/ND-CP and the Personal Data Protection Law (2025). These developments illustrate both the progress made and the challenges that remain—particularly in relation to enforcement, cross-border data flows, and alignment with international best practices.

Ultimately, the establishment of a coherent and effective legal framework for personal data protection in digital content development is not only a matter of compliance but also a strategic imperative for fostering trust, ensuring national digital sovereignty, and promoting innovation. As Vietnam continues its process of digital transformation, strengthening both legal rules and governance mechanisms will be essential to achieving a balance between technological advancement and the protection of fundamental rights in the digital era.

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