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LEGAL UPDATE

October 2026

(01 Oct 2026 – 31 Oct 2026)



Featured News

Policies Taking Effect from November 2026

New Legal Documents

Notably:

Decree No. 398/2026/ND-CP of the Government detailing Resolution No. 43/2026/QH16 on the reduction of personal income tax and corporate income tax for individuals and enterprises

A - Featured News





Policies Taking Effect from November 2026

In November 2026, several notable new policies on data, finance, labour and business will officially come into effect.

In this legal update, **WIKI LEGAL** will briefly review several notable policies taking effect from November 2026.

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1. FINES OF UP TO VND 40 MILLION FOR COLLECTING OR CREATING DATA WITHOUT THE OWNER'S PERMISSION

The Government has promulgated Decree No. 363/2026/ND-CP prescribing administrative penalties in the field of data, effective from 11 November 2026. Accordingly, collecting or creating data in a manner that discloses sensitive information, or affects the lawful rights and interests of organizations and individuals or national security, shall be subject to a fine of **VND 40–60 million**. This Decree does not govern administrative violations falling within the scope of the Decree on administrative penalties in the fields of cybersecurity and personal data protection.

Decree No. 363/2026/ND-CP prescribes administrative violations, penalty forms and levels, enforcement of penalties, remedial measures for each violation, subjects of penalties, competence to make records and impose penalties, application of remedial measures, and specific fines by title of the competent person for administrative violations in the field of data.

The Decree applies to Vietnamese and foreign agencies, organizations and individuals directly participating in or related to data activities in Vietnam; State agencies are penalized only where the violation falls outside their assigned State management tasks. The limitation period for imposing penalties is 01 year. Any act commenced before 11 November 2026 and continuing thereafter shall be handled under the new Decree.

In addition to fines, the Decree sets out a noteworthy system of remedial measures. Clause 3, Article 4 lists 18 measures, and one violation may entail one or more of them, including compulsory recall, cancellation of falsified authentication results, compulsory completion of processes and technical standards, and compulsory remittance of unlawful profits.

2. MINIMUM VALUE OF COLLATERAL IN SECURITIES LENDING

With effect from 16 November 2026, Circular No. 145/2026/TT-BTC of the Ministry of Finance on the registration, depository, clearing and settlement of securities transactions officially comes into force. Accordingly, the Vietnam Securities Depository and Clearing Corporation (VSDC) acts as the intermediary that organizes, manages and operates securities lending and borrowing activities, connecting borrowers with lenders. In particular, the regulations on the minimum value of collateral are specifically established as follows:

- **Mandatory collateral**: transactions are conducted through negotiation or order-matching mechanisms between the borrower and the lender, on the principle that the borrower must provide collateral. The order-matching mechanism must observe the priority principles of interest rate, quantity of securities and time;
- **Minimum collateral ratio of 110%**: the value of the collateral shall be at least 110% of the loan value;
- **Type of collateral:** may be cash or securities satisfying the criteria set out in the operational regulations of VSDC;

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- **Repayment of the loan:** the loan is repaid in the borrowed securities, or in cash upon the lender's approval. Where receipt of repayment in securities causes the maximum foreign ownership ratio to be exceeded, the excess portion shall be repaid in cash;

- **Handling of collateral upon the borrower's insolvency:** where the lender receives a transfer of collateral in the form of securities and this causes the maximum foreign ownership ratio to be exceeded, the lender is responsible for selling the excess portion in the nearest trading sessions in which the securities are not restricted, suspended or halted from trading;

- **Lending interest rate**: determined by agreement of the parties on the principle of compliance with relevant laws.

3. FOREIGN ORGANIZATIONS AND INDIVIDUALS RECRUITING VIETNAMESE EMPLOYEES SHALL POST RECRUITMENT NOTICES ON THE NATIONAL EMPLOYMENT EXCHANGE

From 15 November 2026, Decree No. 371/2026/ND-CP of the Government detailing the recruitment and management of Vietnamese employees working for foreign organizations and individuals in Vietnam officially takes effect. The provisions on this matter in Decree No. 152/2020/ND-CP (as amended and supplemented by Decree No. 70/2023/ND-CP) cease to be effective from the same date. The main contents on the obligation to post recruitment information are as follows:

- **Notification of recruitment demand:** where there is a demand to recruit Vietnamese employees, foreign organizations and individuals shall notify the competent managing agency or organization in writing in accordance with Article 5 of Decree 371. The notification may be submitted directly, by post, or online via the official email of the managing agency, and shall clearly state the job positions and the number of employees to be recruited;

- **Public posting of recruitment information**: foreign organizations and individuals shall publicly post recruitment information on the National Employment Exchange (www.vieclam.gov.vn). The Decree also identifies other channels, namely lawful employment portals or the official websites of the organization;

- **Recruitment method**: foreign organizations and individuals may recruit directly, or request the managing agency or organization to support the recruitment;

- **Notification after signing the labour contract**: within **10 working days** from the date of signing the contract, foreign organizations and individuals shall notify the managing agency in writing, clearly stating the employee's full name, personal identification number, job position and commencement date of work;

- **Obligations of the employee**: within **10 working days** from the date of signing the contract, the Vietnamese employee must submit the employee management dossier in accordance with Clauses 1 and 2, Article 8 of the Decree (directly, by post or online, via the official email address of the managing agency or organization).

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4. REGULATIONS ON CONDITIONAL BUSINESS SECTORS AND TRADES RELATING TO SECURITY AND ORDER

From 15 November 2026, Decree No. 392/2026/ND-CP of the Government officially takes effect. Promulgated on 20 October 2026, the Decree amends and supplements decrees relating to administrative procedures and conditions for investment and business in the field of security and order. The main contents are as follows:

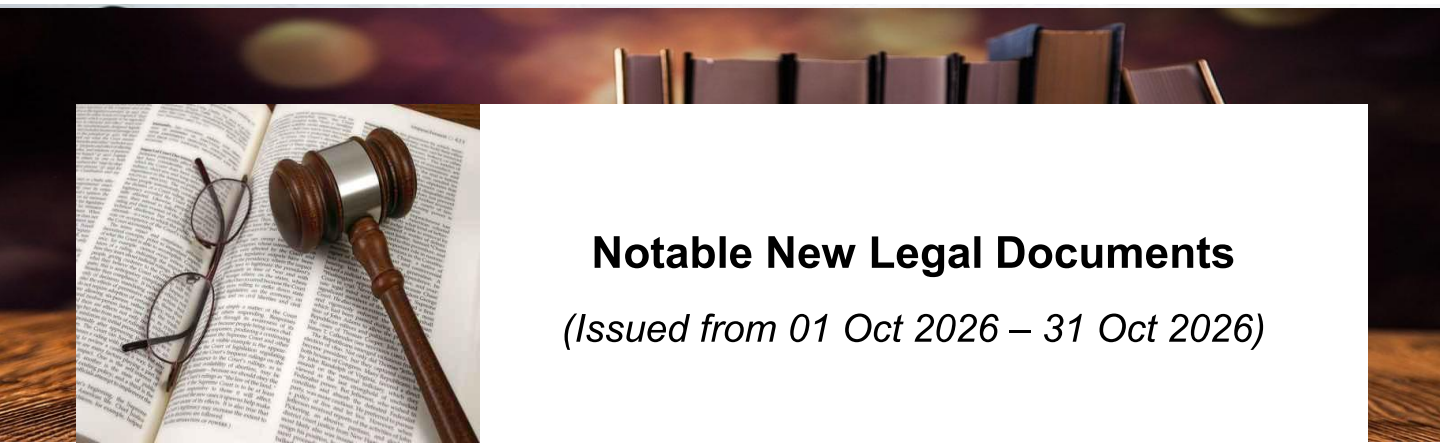
- **Amending Clause 1, Article 8 of Decree No. 96/2016/ND-CP**: the Decree identifies 10 sectors and trades in which business establishments shall have a plan to ensure security and order, including:

  - Trading in supporting tools (including repair);
  - Trading in firecrackers, except explosive firecrackers;
  - Trading in prize-winning games (including prize-winning electronic games for foreigners, casinos and betting);
  - Trading in industrial explosive materials;
  - Trading in explosive precursors;
  - Trading in trades using industrial explosive materials and explosive precursors;
  - Trading in blasting services;
  - Trading in discotheque services;
  - Trading in accommodation services (for establishments that are enterprises);
  - Trading in handguns, shoulder-fired guns and ammunition for such weapons, equipped for the people's armed forces and other forces under the law on the management and use of weapons, explosive materials and supporting tools.

- **Amending and supplementing Article 3 of Decree No. 96/2016/ND-CP – Conditional sectors and trades relating to security and order**: the Decree also prescribes 15 groups of conditional investment and business sectors and trades relating to security and order, such as seal manufacturing, security services, prize-winning games, industrial explosive materials, explosive precursors,…

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B - New Legal Documents



Notable New Legal Documents

(Issued from 01 Oct 2026 – 31 Oct 2026)

No	Legal Document	
	COMMERCE - INVESTMENT	
1	Decree No. 372/2026/ND-CP of the Government on identification, authentication and traceability of products and goods	
	Enactment Date: 29 Sep 2026	Effective date: 01 Jan 2027
2	Decree No. 377/2026/ND-CP of the Government amending the Decrees guiding the Law on Investment in the Form of Public-Private Partnership	
	Enactment Date: 01 Oct 2026	Effective date: 01 Oct 2026
3	Decree No. 384/2026/ND-CP of the Government on the determination of Vietnamese origin for goods produced and circulated domestically	
	Enactment Date: 09 Oct 2026	Effective date: 01 Jan 2027
4	Decree No. 389/2026/ND-CP of the Government on administrative penalties in the field of lottery business	
	Enactment Date: 14 Oct 2026	Effective date: 30 Nov 2026
5	Decree No. 390/2026/ND-CP of the Government amending Decree No. 24/2012/ND-CP on gold trading, as amended by Decree No. 232/2025/ND-CP	
	Enactment Date: 16 Oct 2026	Effective date: 16 Oct 2026
6	Decree No. 391/2026/ND-CP of the Government prescribing administrative penalties in the field of betting and prize-winning games business	
	Enactment Date: 20 Oct 2026	Effective date: 05 Dec 2026
7	Decree No. 392/2026/ND-CP of the Government amending Decrees on administrative procedures and business investment conditions in security and order	
	Enactment Date: 20 Oct 2026	Effective date: 15 Nov 2026

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No	Legal Document	
	DATA	
8	Decree No. 386/2026/ND-CP of the Government prescribing breakthrough development mechanisms for national data creation and exploitation activities; and data creation and exploitation activities at the Data Creation and Exploitation Center under the National Data Center	
	Enactment Date: 12 Oct 2026	Effective date: 01 Dec 2026
	FINANCE	
9	Decree No. 382/2026/ND-CP of the Government amending Decree No. 94/2025/ND-CP on the Controlled Testing Mechanism in the banking sector	
	Enactment Date: 06 Oct 2026	Effective date: 06 Oct 2026
10	Circular No. 145/2026/TT-BTC of the Minister of Finance prescribing the registration, depository, clearing and settlement of securities transactions	
	Enactment Date: 30 Sep 2026	Effective date: 16 Nov 2026
	ENTERPRISES	
11	Decree No. 393/2026/ND-CP of the Government on foreign employees working in Vietnam	
	Enactment Date: 20 Oct 2026	Effective date: 05 Dec 2026
	ENVIRONMENT	
12	Decree No. 396/2026/ND-CP of the Government amending Decree No. 06/2022/ND-CP on the mitigation of greenhouse gas emissions and the protection of the ozone layer, as amended and supplemented by Decree No. 119/2025/ND-CP, Decree No. 83/2026/ND-CP and Decree No. 112/2026/ND-CP	
	Enactment Date: 26 Oct 2026	Effective date: 12 Dec 2026
	TAX	
13	Decree No. 398/2026/ND-CP of the Government detailing Resolution No. 43/2026/QH16 on the reduction of personal income tax and corporate income tax for individuals and enterprises	
	Enactment Date: 29 Oct 2026	Effective date: 29 Oct 2026

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C – Q&A

1. Scope of work of each type of construction contract under Decree No. 210/2026/ND-CP?

Pursuant to Clause 2, Article 8 of Decree No. 210/2026/ND-CP, depending on the specific type of construction contract, the scope of work of each type of contract may include the following principal tasks:

- **For construction consulting contracts**: consulting on the preparation of construction investment projects, surveying, construction design, appraisal, inspection, testing, cost management, project management, construction supervision, consulting on building information modeling (BIM), consulting on green buildings and other consulting tasks related to construction activities;
- **For construction works contracts**: construction of works on the basis of design dossiers provided or approved by the awarding party; applicable technical instructions, requirements, standards and regulations; supply of materials, supplies and equipment for construction; installation of works equipment and technological equipment; demolition of works; testing, quality inspection and related tasks. The scope may also include procurement of works equipment and preparation of construction working drawings developed after the technical design as agreed in the contract;
- **For contracts for the supply of materials and equipment, including**: procurement of materials and technological equipment; works equipment (if any); installation into the works (if any); instruction on use and trial operation; operation, training and technology transfer (if any) in accordance with the technological design;
- **For EP contracts**: performing design after the basic design or FEED design, and procuring and supplying materials and technological equipment in accordance with the design and technical standards. The scope may include procurement and supply of materials and works equipment, installation of equipment into the works, and construction surveys serving the design (if any);
- **For EC contracts**: performing design after the basic design or FEED design; construction of works and related tasks specified at point b of this Clause; construction surveys serving the design (if any);
- **For PC contracts**: procurement and supply of materials and equipment under the technological design for installation into the works; construction of works and related tasks specified at point b of this Clause;
- **For EPC contracts**: performing design after the basic design or FEED design; supplying materials, supplies, works equipment and technological equipment for installation into the works; construction of works; training and instruction on operation, maintenance, upkeep and repair; technology transfer; no-load and on-load trial operation; other tasks in accordance with the approved explanatory report, basic design or FEED design; construction surveys serving the design (if any);

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C – Q&A

1. Scope of work of each type of construction contract under Decree No. 210/2026/ND-CP?

- **For turnkey contracts**: preparing the Feasibility Study Report; survey and design; supply of equipment and construction of works; training and instruction on operation, maintenance, upkeep and repair; technology transfer; no-load and on-load trial operation; handover of the works ready for operation to the awarding party and other tasks in accordance with the approved investment policy and investment project.

2. What incentives are available to innovative startup projects in the digital technology industry?

Article 29 of the Law on the Digital Technology Industry prescribes support and incentives for innovative startup projects in the digital technology industry:

1. Innovative startup projects in the digital technology industry are sectors and trades eligible for special investment incentives, and enjoy incentives and support in accordance with the laws on investment, taxation, land and other relevant laws.

2. Innovative startup projects in the digital technology industry receive direct funding support from the local budget in accordance with the Law on the State Budget, or from the Digital Technology Industry Development Program, for activities including:

a) Training and development of digital technology industry human resources;

b) Attracting high-quality human resources for the digital technology industry and digital technology talents;

c) Research and development; pilot production;

d) Startup consulting;

e) Purchase of technology and technological innovation.

3. Provincial People's Councils shall prescribe the criteria, conditions, order, procedures, contents and levels of support from the local budget for the contents specified in Clause 2 of this Article, in accordance with local conditions.

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