

SEPTEMBER 2026

NEWSLETTER



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DECREE NO. 330/2026/ND-CP: KEY ADMINISTRATIVE PENALTY RISKS FOR BUSINESSES IN PERSONAL DATA PROTECTION

REGULATIONS ON DEDUCTION OF TAXABLE INCOME SUBJECT TO PERSONAL INCOME TAX FOR MEDICAL AND EDUCATION EXPENSES EFFECTIVE FROM JULY 1, 2026



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Dear Clients,

Lac Duy & Associates would like to send you the legal newsletter of September 2026 with some notable updates and articles as follows:

- Decree No. 330/2026/ND-CP: Key administrative penalty risks for businesses in personal data protection
- Regulations on deduction of taxable income subject to personal income tax for medical and education expenses effective from July 1, 2026
- Legal documents in September 2026





DECREE NO. 330/2026/ND-CP: KEY ADMINISTRATIVE PENALTY RISKS FOR BUSINESSES IN PERSONAL DATA PROTECTION

On 19 August 2026, the Government promulgated several decrees relating to the guidance on and implementation of the Law on Cybersecurity 2025. Among these, Decree No. 330/2026/ND-CP on

administrative penalties for violations in the fields of cybersecurity and personal data protection (“**Decree 330**”) is particularly noteworthy. Decree 330 took effect from the date of its issuance and establishes a relatively comprehensive sanctioning framework for violations in the relevant fields, thereby clarifying compliance responsibilities and risks that businesses should take into consideration.

Decree 330 comprises two main groups of sanctions: (i) sanctions for violations in the field of cybersecurity (Articles 9 to 38); and (ii) sanctions for violations in the field of personal data protection (Articles 39 to 71). With respect to personal data protection, Decree 330 introduces several notable points as follows:

1. Establishment of a three-tier sanctioning framework

In the field of personal data protection, Decree 330 establishes three different mechanisms for determining applicable fines, including specific sanctioning mechanisms for the illegal purchase and sale of personal data and cross-border transfers of personal data. Specifically:

(1) Fines based on proceeds: For **illegal purchase or sale of personal data** under Article 53.1 of Decree 330, the fine ranges from two to **ten times** the proceeds obtained from the violation. Where no proceeds are obtained, Decree 330 applies mechanism (3), under which fixed fines are determined based on the number of data subjects and the type of data under Article 53.3, with a maximum fine of VND 3 billion.

(2) Fines based on revenue: For **violations relating to cross-border transfers of personal data** under Article 56.3 of Decree 330, the fine ranges from 1% to 5% of the organization's revenue in the Vietnamese market in the immediately preceding financial year. Where an organization has no revenue in Vietnam in the immediately preceding financial year, or where the fine calculated based on revenue



is lower than VND 3 billion, the applicable fine will instead be determined according to the corresponding fixed fine brackets under Article 56.4 of Decree 330.

(3) Application of fixed fine brackets: For **other violations**, the applicable fine is determined on a violation-by-violation basis, with a **maximum fine of VND 3 billion for organizations**.

2. Sanctions for violations relating to data subjects' consent



Certain related acts, such as “*unilaterally treating silence as consent and collecting or processing personal data where the data subject remains silent or does not respond to a request for consent*”, or “*intentionally continuing to process personal data after the data subject has requested that such processing be stopped or restricted*”, may be subject to a fine ranging from VND 50 million to VND 70 million under Article 43.2 of Decree 330.

Notably, Article 43.1 of Decree 330 provides sanctions for certain violations relating to obtaining consent from data subjects, including:

- Requiring consent as a mandatory condition or refusing to provide services where the data subject does not consent to the processing of personal data for purposes unrelated to the provision of such services;
- Establishing a default consent mechanism or providing unclear or misleading instructions that create confusion between consent and non-consent;
- Failing to provide data subjects with transparent information regarding the types of personal data being processed, the purposes of processing, the personal data controller or personal data controller and processor, etc., resulting in consent that is not given voluntarily and on an informed basis;
- ...

The above acts are subject to fines equivalent to those applicable to the act of “processing personal data without obtaining the consent of the data subject”, ranging from VND 30 million to VND 50 million.

3. Sanctions for violations relating to spam messages, spam emails and spam calls

In relation to advertising and the provision of information on products and services, Article 37.3 of Decree 330 provides for fines ranging from VND 30 million to VND 50 million for individuals

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committing certain acts, including:

- Failing to stop providing content services via messages when requested by a customer;
- Sending more than three advertising messages to one telephone number, or more than three advertising emails to one email address, or making more than one advertising call to one telephone number within 24 hours without another agreement with the user;
- Sending advertising messages outside the period from 7:00 a.m. to 10:00 p.m. each day, or making advertising calls from 8:00 a.m. to 5:00 p.m. each day, without an agreement with the user;
- ...

Under Article 7.1 of Decree 330, the fine applicable to an organization committing the same violation is twice the fine applicable to an individual. Accordingly, an organization may be subject to a fine ranging from VND 60 million to VND 100 million for the above violations.

4. Protection of personal data in recruitment, management and use of employees

Under Article 61.1 of Decree 330, an employer may be subject to a fine ranging from VND 20 million to VND 50 million for certain acts, including: (i) requiring a job applicant to provide personal data that is not necessary for recruitment purposes; (ii) using a job applicant's personal data for purposes other than recruitment purposes without an agreement; or (iii) failing to delete or destroy the applicant's personal data where the applicant is not recruited, except where otherwise agreed.



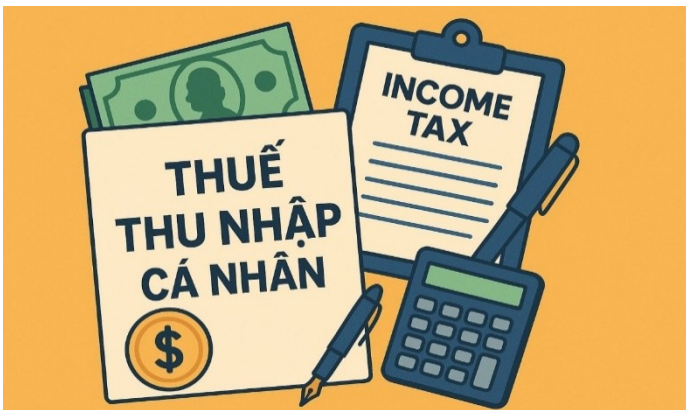
A fine ranging from VND 50 million to VND 70 million applies to certain other acts, including where an employer retains an employee's personal data beyond the period prescribed by law or the agreed retention period, or fails to delete or destroy the employee's personal data upon termination of the labour contract, except where otherwise agreed or otherwise provided by law.

With Decree 330 now specifying administrative penalties in the field of personal data protection, businesses should proactively review their collection, processing and protection of personal data to ensure compliance and mitigate legal risks.

REGULATIONS ON DEDUCTION OF TAXABLE INCOME SUBJECT TO PERSONAL INCOME TAX FOR MEDICAL AND EDUCATION EXPENSES EFFECTIVE FROM JULY 1, 2026

On September 18, 2026, the Hanoi Tax Department issued Official Letter 47199/HAN-QLDN5 regarding the implementation of tax policies on deductions from taxable income subject to Personal Income Tax for medical and education expenses (“**Official Letter 47199**”). Accordingly, Official Letter 47199 summarizes certain notable points regarding the regulations on deductions from taxable income subject to Personal Income Tax (“**PIT**”) for medical and education expenses under Decree 253/2026/ND-CP (“**Decree 253**”) and the regulations on invoices and supporting documents under Decree 254/2026/ND-CP (“**Decree 254**”), applicable from July 1, 2026. Some notable contents in Official Letter 47199 include:

1. Regulations on Deductions from Taxable Income Subject to PIT effective from July 1, 2026



Pursuant to Clause 2, Article 49 of Decree 253, deductions for resident taxpayer individuals are deducted from taxable income prior to tax calculation on income from salaries and wages for medical and education-training expenses of the taxpayer and their dependents, including:

(i) Expenses for medical examination and treatment at domestic medical establishments within the list covered by health insurance,

totaling not more than VND 23 million/year;

(ii) Expenses for education and training at domestic education and training institutions, totaling not more than VND 24 million/year, specifically: Tuition fees for early childhood education, general education, vocational education, and higher education in accordance with the law on education and training, and other professional skills at education and training institutions.

Accordingly, to be deducted from taxable income, the expenses eligible for deduction by taxpayers as specified above must satisfy the following conditions:

(i) Having invoices and documents in accordance with the law; specifically, medical expenses must also be supported by a statement of medical examination and treatment expenses prescribed for use at medical examination and treatment establishments in accordance with the regulations of the Minister of Health;

(ii) Invoices and documents used for deductions

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must display the information of the taxpayer or the taxpayer's dependents;

(iii) Not paid from other sources, including sponsorship, support, or payments made on behalf by organizations or individuals, state budget sources, social insurance funds, health insurance funds, or insurance payouts under any form.

Expenses not counted toward deductions pursuant to Article 49 include:

(i) Cases where tax reduction is applied in respect of medical expenses when the taxpayer faces difficulties due to natural disasters, epidemics, fires, accidents, or critical illnesses as stipulated in Article 40 of Decree 253;

(ii) Incomes received by employees from medical and education-training expenses under Points b, g, and i, Clause 4, Article 8 of Decree 253, including: financial support from the employer for medical examination and treatment of critical illnesses of the employee or the employee's relatives; tuition fees for children of foreign employees studying in Vietnam or children of Vietnamese employees working abroad who study abroad, from preschool through upper secondary education, paid on behalf of or reimbursed to the employee by the employer; and expenses paid on behalf of the employee by the employer for training to improve the employee's qualifications and professional skills that are relevant to the employee's professional duties or conducted in accordance with the employer's plan.

Simultaneously, pursuant to Clause 3, Article 51 of Decree 253, in the event that personal

deductions arise during the tax period under Article 49 of this Decree and the taxpayer requests a deduction from income **prior to tax calculation**, the taxpayer **must perform tax finalization themselves**.

2. Regulations on Invoices and Documents:

Regarding principles for creating, managing, and using electronic invoices and documents, pursuant to Clause 1, Article 4 of Decree 254: *"When selling goods or providing services, the seller must create an electronic invoice to deliver to the buyer (including cases of goods and services used for sales promotion, advertising, samples; goods and services given, exchanged, paid as wages to employees, and internal consumption; goods dispatched under lending or borrowing arrangements) and cases of creating invoices in accordance with the regulations of the Minister of Finance, except for cases not required to use electronic invoices under Article 7 of this Decree."*



Pursuant to clauses 2 and 4, Article 9 of Decree 254, the time of issuing invoices is regulated as follows:
- Regarding the provision of services: The time of

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completing the provision of services (including providing services to foreign organizations and individuals) regardless of whether payment has been collected or not.

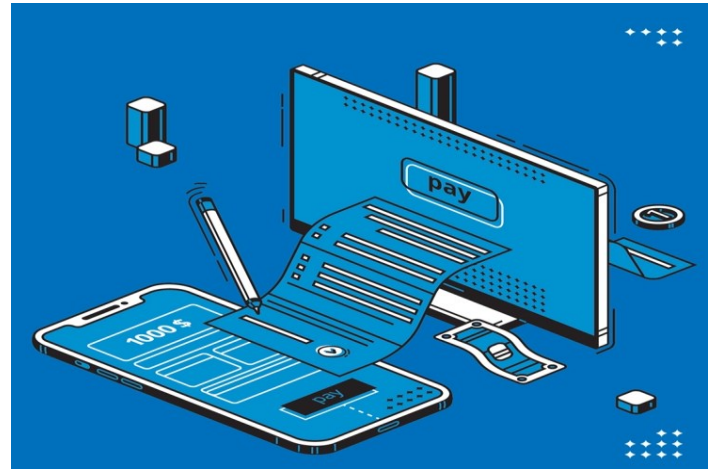
**In case the service provider collects money before or during the provision of services, the time of issuing the invoice is the time of collection (excluding cases of collecting deposits in accordance with the Civil Code to secure the performance of the service provision contract).*

– For medical examination and treatment establishments using software for medical examination and treatment management and hospital fee management, where each medical examination and treatment transaction and each imaging, diagnostic, or testing service is accompanied by a payment receipt and recorded in the information technology systems:

+ If the customer **does not need an invoice**, at the end of the day, based on medical examination and treatment information and the information from the payment receipts, the medical examination and treatment establishment shall consolidate such information and issue an electronic invoice for the medical services performed during the day;

+ In case the customer **requests an electronic invoice**, an electronic invoice is created and delivered to the customer.

– Medical examination and treatment establishments shall issue invoices to social insurance agencies at the time social insurance agencies make payment and final settlement of medical examination and treatment expenses for people holding health insurance cards.



According to point b, clause 4 of the Appendix on invoice content attached to Decree 254:

– In case the buyer is a consumer who provides their name, address, and personal identification number, the invoice must show the name, address, and personal identification number.

**For foreign buyers, information on the address and personal identification number may be replaced by the passport number or information from entry and exit documents, together with the customer's nationality.*

– In case the buyer does not provide their name, address, and personal identification number, the invoice must clearly state “Sold to retail consumer”

– For certain specific goods sales and service provisions to individual consumers specified in Point 9 of the Appendix, the invoice is not required to show the buyer's name, address, and personal identification number.

**Note: Invoices without buyer information or invoices issued to retail consumers have no value for use in accounting expenses or tax finalization in accordance with tax laws.*



Simultaneously, Decision 697/QD-BYT dated March 19, 2026, issued by the Ministry of Health stipulates that medical examination and treatment establishments must prepare an expense statement for each medical examination and treatment visit and provide one statement to the patient. In cases where electronic medical records have been implemented, electronic expense statements shall be prepared and provided to patients via electronic means and devices, without requiring a paper expense statement. In cases where a physical expense statement with the patient's handwritten signature has been converted into an electronic file (scanned) and bears the authentication digital signature of the medical establishment, it shall have the same value as an electronic version to be stored alongside the patient's electronic medical record, replacing the physical copy.

3. Notes for units operating in the Medical and Educational Sectors and Employers

For units operating in the medical and educational sectors: Strictly comply with regulations regarding the issuance and use of invoices, the timing of invoice issuance, and the preparation of medical examination and treatment expense statements in accordance with Decree 254 and Decision 697/QD-BYT.

For enterprises and organizations employing labour: Publicize and propagate to all employees regarding the deduction of taxable income subject to PIT for medical and education-training expenses of taxpayers and their dependents. Specifically:

- Conditions for income deduction: Having full legal invoices and documents (for medical expenses, an additional standardized medical expense statement is required); invoices must fully display the information of the taxpayer or their dependents; these expenses must not be simultaneously paid from other sources of support and must be paid directly by the employee.
- Incomes received by employees under Points b, g, and i, clause 4, Article 8 of Decree 253 and medical expenses under Article 40 of Decree 253 will not be counted toward deductions when calculating taxable income subject to PIT.
- In cases where employees have deductions arising under Article 49 and request deductions from income prior to tax calculation, they must perform tax finalization themselves.

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LEGAL DOCUMENTS IN SEPTEMBER 2026

NUMBER	EFFECTIVE DATE	NAME
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COMMERCIAL

1.	September 05, 2026	Decree 292/ND-CP detailing a number of articles and measures to organize and guide the implementation of the Law on Foreign Trade Management promulgated by the Government
2.	September 15, 2026	Decree 302/2026/ND-CP detailing a number of articles and measures to implement the Commercial Law on goods trading activities through the Goods Exchange issued by the Government
3.	September 15, 2026	Decision 2102/QD-BCT on the announcement of amended and supplemented administrative procedures in the field of Goods Exchange under the management of the Ministry of Industry and Trade issued by the Minister of Industry and Trade

IMPORT & EXPORT

1.	September 05, 2026	Circular 41/2026/TT-BCT stipulates the list of scrap and the list of used goods temporarily suspended from temporary import, re-export and border-gate transfer issued by the Minister of Industry and Trade
2.	September 05, 2026	Decision 2040/QD-BCT on the announcement of newly promulgated and amended and supplemented administrative procedures in the field of import and export under the management of the Ministry of Industry and Trade issued by the Minister of Industry and Trade
3.	September 15, 2026	Circular 85/2026/TT-BTC regulating the classification of goods, analysis for classification of exports and imports issued by the Minister of Finance

SOCIAL INSURANCE

1.	September 01, 2026	Plan 3115/KH-BHXXH to convert the use of registration numbers/ID Card numbers to replace social insurance codes and management codes on professional software of Vietnam Social Security issued by the Government
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LABOUR – SALARY

1.	September 10, 2026	Decree 283/2026/ND-CP stipulates penalties for administrative violations in the field of labour, social insurance, and Vietnamese workers working abroad under contracts issued by the Government
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TAXES – FEES – CHARGES

1.	September 12, 2026	Circular 110/2026/TT-BTC annuls all Circulars and Decisions of the Minister of Finance in the field of taxation issued by the Minister of Finance
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ADMINISTRATIVE VIOLATIONS

1.	September 22, 2026	Decree 311/2026/ND-CP amending and supplementing a number of articles of the Government's Decree 189/2025/ND-CP dated July 1, 2025 detailing the Law on Handling of Administrative Violations on the competence to sanction administrative violations issued by the Government
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INFORMATION TECHNOLOGY

1.	September 01, 2026	Law on Access to Information No. 01/2026/QH16 dated April 23, 2026 promulgated by the National Assembly
2.	September 01, 2026	Decree 337/2026/ND-CP detailing a number of articles and measures to implement the Law on Access to Information promulgated by the Government
3.	September 25, 2026	Decree 314/2026/ND-CP regulating the operation of data floors issued by the Government
4.	September 28, 2026	Decree 320/2026/ND-CP amending and supplementing a number of articles of the Government's Decree 69/2024/ND-CP dated June 25, 2024 regulating electronic identification and authentication issued by the Government

REAL ESTATE

1.	September 01, 2026	Decree 326/2026/ND-CP regulating location identification issued by the Government
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