

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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DECREE

DETAILING THE MAKING OF STATEMENTS AND PROVISION OF INFORMATION BY STATE ADMINISTRATIVE AGENCIES TO THE PRESS

Pursuant to the June 19, 2015 Law on Organization of the Government;

Pursuant to the April 5, 2016 Press Law;

Pursuant to the June 22, 2016 Law on Promulgation of Legal Documents;

At the proposal of the Minister of Information and Communications;

The Government promulgates the Decree detailing the making of statements and provision of information by state administrative agencies to the press.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides spokespersons and the making of statements and provision of information by state administrative agencies to the press.

Article 2. Subjects of application

This Decree applies to:

1. State administrative agencies, including:

a/ The Government, ministries, ministerial-level agencies, government-attached agencies, People's Committees of provinces and centrally run cities (below collectively referred to as provincial-level People's Committees);

b/ General departments, directorates, departments, bureaus, specialized bodies of provincial-level People's Committees, and provincial-level hierarchical organizations of central agencies based in localities;

c/ People's Committees of urban districts, rural districts, towns, provincial cities and centrally run cities (below collectively referred to as district-level People's Committees), and People's Committees of communes, wards and townships (below collectively referred to as commune-level People's Committees).

2. Press agencies, journalists, and organizations and individuals involved in press activities in Vietnam.

Article 3. Persons making statements and providing information to the press

1. Persons making statements and providing information to the press of ministries, ministerial-level agencies, government-attached agencies, general departments or directorates of ministries and ministerial-level agencies, and provincial-level People's Committees, including:

a/ Heads of state administrative agencies;

b/ Persons assigned by heads of state administrative agencies to make statements and provide information to the press on a regular basis (below collectively referred to as spokespersons);

c/ Responsible persons of state administrative agencies authorized by heads of these agencies to make statements (below collectively referred to as authorized persons), or assigned to coordinate with spokespersons in making statements or providing information on specific matters to the press.

2. Persons making statements and providing information to the press of bureaus or departments, specialized bodies of provincial-level People's Committees, and provincial-level hierarchical organizations of central agencies based in localities, including:

a/ Heads of state administrative agencies;

b/ In case the head of an administrative agency cannot make statements and provide information to the press, he/she may authorize his/her deputy who is assigned to be in charge of the agency to do so.

3. Persons making statements and providing information to the press of district- and commune-level People's Committees, including:

a/ Chairpersons of district- and commune-level People's Committees;

b/ In case a chairperson cannot make statements and provide information to the press, he/she shall authorize his/her deputy to do so.

4. Full names, positions, telephone numbers and e-mail addresses of spokespersons shall be notified in writing to state management agencies in charge of the press and published on portals and websites of state administrative agencies.

5. In case spokespersons defined at Point b, Clause 1 of this Article cannot make statements and provide information to the press, they shall report such to heads of state administrative agencies for authorizing responsible persons of their agencies to do.

6. The authorization for statement making and information provision prescribed at Point c of Clause 1, Point b of Clause 2 and Point b of Clause 3 of this Article shall be made in writing and applied to each case for a specified time limit.

Full names, telephone numbers and e-mail addresses of authorized persons and written authorizations shall be posted on portals or websites of state administrative or publicized in head offices (for commune-level People's Committees having no websites) within 12 hours after the signing of authorization.

7. Spokespersons and authorized persons specified at Points b and c, Clause 1; Point b, Clause 2, and Point b, Clause 3 of this Article may not re-authorize other persons.

8. State administrative agencies' individuals who are not assigned to make statements or provide information to the press may provide information to the press in accordance with law but may not make statements or provide information to the press on behalf of their state administrative agencies; and shall take responsibility before law for contents of information provided.

Article 4. Forms of statement making and information provision to the press

1. Press conferences.

2. Publication of statements made and information provided to the press on portals, websites or official social network fanpages of state administrative agencies.
3. Direct statements or answering of interview questions of journalists and reporters.
4. Press releases or answers to questions of press agencies, journalists or reporters made in writing or via e-mails.
5. Provision of information in the form of direct exchange or press briefings held by central or local agencies when so requested.
6. Issuance of written requests for press agencies' publication or broadcasting of feedback, corrections or apologies for incorrect information in the press.

Chapter II

MAKING OF STATEMENTS AND PROVISION OF INFORMATION TO THE PRESS

Article 5. Making of statements and provision of information on a regular basis

1. On a monthly basis, the Minister-Chairperson of the Government Office shall assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees in, providing information on the Government's and Prime Minister's activities, direction and administration to the press by holding press conferences, making press releases and posting information on the Government's Portal.

The Government's Portal shall promptly and accurately update official information to the press agencies nationwide under current regulations.

2. Ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees shall regularly provide information on their agencies' activities as well as fields and geographical areas under their management to the press as follows:

a/ On a monthly basis, providing regular information to the press and updating information on their portals or websites under the Government's regulation on provision of online information and public services on websites or portals of state agencies;

b/ Holding press conferences at least once every three months to provide regular information to the press;

c/ When necessary, state administrative agencies shall provide information to the press in writing or at weekly press briefings held by the Central Party Committee's Propaganda and Education Commission, the Ministry of Information and Communications and the Vietnam Journalists Association;

d/ Providing timely and accurate information to the Government's Portal under current regulations.

3. General departments, directorates, departments, bureaus, specialized bodies of provincial-level People's Committees, and provincial-level hierarchical organizations of central agencies based in localities and district-level People's Committees:

a/ To regularly provide information to the press and update information on their portals or websites under the Government's regulation on provision of online information and public services on websites or portals of state agencies;

b/ To assign spokespersons to provide information at press conferences held by ministries, ministerial-level agencies or provincial-level People's Committees when so requested;

c/ When necessary, state administrative agencies shall provide information to the press in writing;

Specialized bodies of provincial-level People's Committees and provincial-level hierarchical organizations of central agencies based in localities and district-level People's Committees may provide information at press briefings held by provincial-level Party Committee's Propaganda and Education Commissions, provincial-level Information and Communications Departments and provincial-level Journalists' Associations.

d/ To provide timely and accurate information to portals and websites of ministries, ministerial-level agencies and provincial-level People's Committees under current regulations.

4. Commune-level People's Committees shall:

a/ Provide timely and accurate information to portals and websites of district-level People's Committees;

b/ Regularly provide information to the press in writing or the forms specified in Article 4 of this Decree when necessary.

Article 6. Making of statements and provision of information on an irregular basis

1. In case an incident occurs on a national scale relating to national defense and security, social order and safety and community well-being, except for case of declaration of state of emergency, the Prime Minister or the Government's spokesperson shall make statements and provide information to the press right after the occurrence of the incident and constantly do so during the troubleshooting process.

2. For an incident relating to many ministries, sectors, provinces or cities, a ministry, ministerial-level agency or provincial-level People's Committee assigned by the Government to assume the prime responsibility for addressing the incident shall make statements and provide information to the press during the troubleshooting process.

3. Spokespersons or authorized persons of state administrative agencies shall make statements and provide prompt and accurate information to the press on an irregular basis when:

a/ An important event or matter which has great impacts on society occurs or public opinions are diverse on an issue under the management of a state administrative agency, a spokesperson or an authorized person shall make statements and provide information to the press in order to make a prompt warning and direct public opinions.

In case of occurrence of an event or a matter that immediately requires initial information from an administrative agency, the spokesperson or authorized person of that agency shall take the initiative in making statements or providing information to the press within 24 hours after such event or matter occurs.

b/ A press agency or state management agency in charge of the press requests the making of statements or provision of information on an event or issue of a state administrative agency or a field under the management of that agency which has been highlighted in the press or an event or issue specified at Point a, Clause 3 of this Article.

c/ There is a ground to believe that a press agency has published or broadcasted untruthful information in a field or geographical area under their agencies' management, spokespersons or authorized persons may require that press agency to publish or broadcast feedback and a correction in accordance with law.

Article 7. Rights and responsibilities of heads of state administrative agencies for making statements and providing information to the press

1. A head of a state administrative agency may make statements, assign the spokesperson or authorize a responsible person in his/her agency to make statements and provide information to the press under Points b and c, Clause 11 Point b, Clause 2, and Point b, Clause 3, Article 3 of this Decree.
2. Heads of state administrative agencies shall take responsibility for making statements and providing information to the press by their agencies, including cases they authorize other persons to do so.
3. Heads of state administrative agencies shall direct the preparation for information provision and regime of statement making applicable to their agencies.

Article 8. Rights and responsibilities of spokespersons and authorized persons

1. Spokesperson or authorized persons may make statements on behalf of their state administrative agencies or represent their agencies in making statements or providing information to the press.
2. Spokespersons and authorized persons may request related units and individuals in their agencies to provide or gather information so as to regularly or irregularly make statements or provide information to the press under Articles 5 and 6 of this Decree; or to respond to reports, proposals, criticisms, complaints and denunciations of organizations and citizens which are forwarded from press agencies, or published or broadcast in the press in accordance with law.

When requested by spokespersons or authorized persons for the provision of information for making statements and providing information to the press, units and individuals shall comply with the requirements on contents and timing of information provision.

3. Spokespersons and authorized persons may refuse to make statements and provide information to the press in the cases specified in Clause 2, Article 38 of the Press Law.
4. Spokespersons and authorized persons shall make statements and provide information to the press under Articles 5 and 6 of this Decree, and take responsibility before law and heads of state administrative agencies for contents of statements made and information provided to the press.
5. In cases a press agency publishes or broadcasts inaccurate information, the spokesperson or authorized person of the concerned state administrative agency may send a written feedback to that press agency, press managing agency and state management agency in charge of the press, or initiate a lawsuit at court.

Article 9. Responsibilities of press agencies, journalists and reporters

1. Press agencies, journalists and reporters shall truthfully, objectively and fully publish, broadcast or convey statements made and information provided by spokespersons and authorized persons, and at the same time, clearly state full names of spokespersons or authorized persons and names of state administrative agencies of such persons. In case of truthfully publishing or

broadcasting information provided by spokespersons or authorized persons, press agencies are not required to take responsibility for such information.

2. Press agencies shall publish or broadcast spokespersons' or authorized persons' feedback on inaccurately published or broadcast information. The time of publishing or broadcasting feedback must comply with Clause 5, Article 42 of the Press Law.

Article 10. Handling of violations

Related agencies, organizations and individuals that fail to implement, improperly implement or fail to adequately implement this Decree shall, depending on the nature and seriousness of their violations, be handled in accordance with law.

Chapter III

IMPLEMENTATION PROVISIONS

Article 11. Effect

1. This Decree takes effect on March 30, 2017.

2. This Decree annuls the Regulation on the making of statements and provision of information to the press promulgated together with the Prime Minister's Decision No. 25/2013/QĐ-TTg of May 4, 2013.

Article 12. Implementation responsibility

1. The Minister of Information and Communications shall organize and inspect the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees, and related organizations and individuals shall implement this Decree.-

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc