

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, February 8, 2017

DECREE

**PRESCRIBING ELECTRONIC LEGAL DEPOSIT OF AUDIO PRESS, VISUAL PRESS AND
ONLINE PRESS WORKS INDEPENDENTLY FROM PRESS AGENCIES**

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

Pursuant to the April 5, 2016 Press Law;

At the proposal of the Minister of Information and Communications;

The Government promulgates the Decree prescribing electronic legal deposit of audio press, visual press and online press works independently from press agencies.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. This Decree prescribes electronic legal deposit of audio press, visual press and online press works by the central state management agency in charge of press.
2. This Decree applies to the central state management agency in charge of press, audio press, visual press and online press agencies, and organizations and individuals involved in electronic legal deposit activities.

Article 2. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Legal deposit means the storage of the original contents of audio press, visual press and online press works for comparison and examination.
2. Electronic legal deposit means the use of electronic devices for legal deposit.
3. Electronic legal deposit activities mean the receipt, storage, preservation and use of audio press, visual press and online press works by the central state management agency in charge of press.

Article 3. Competence of the state management agency in charge of press for electronic legal deposit

The Ministry of Information and Communications shall perform electronic legal deposit of audio press, visual press and online press works.

Article 4. Responsibilities of the agency in charge of electronic legal deposit

1. To develop, operate and manage the electronic legal deposit system for storage, preservation and use of press works in accordance with law.

2. To assess and give remarks on the contents of deposited press works to meet management requirements.
3. To examine the contents of deposited press works and detect and handle violations in accordance with law.

Article 5. Responsibilities of audio press, visual press and online press agencies

1. To comply with the regime on legal deposit prescribed at Points c and d, Clause 1, Article 52 of the Press Law.
2. To provide transmission signals (for audio press and visual press) or data access rights (for online press) at the request of the agency in charge of electronic legal deposit.
3. To ensure uniformity and accuracy between the contents of published or broadcast works and those of works provided to the agency in charge of electronic legal deposit.

Chapter II

ELECTRONIC LEGAL DEPOSIT ACTIVITIES

Article 6. Receipt of press works for electronic legal deposit

1. The head of the agency in charge of electronic legal deposit shall organize the receipt of audio press, visual press and online press works for electronic legal deposit.
2. The receipt of audio press, visual press and online press works must follow the process below:
 - a/ The agency in charge of electronic legal deposit shall send a written notice to the concerned audio press, visual press or online press agency for connection in accordance with Clause 2, Article 5 of this Decree.

Such notice must state the plan on connection and transmission of broadcasting signals (for audio press and visual press) or the plan on connection and access of press works published on websites (for online press) to the electronic legal deposit system of the agency in charge of legal deposit; and time and place of effecting the connection.

b/ Within 10 working days after receiving the written notice of the connection plan, the audio press, visual press or online press agency shall give a written reply, stating its agreement on the connection with the agency in charge of electronic legal deposit;

c/ After effecting the connection, the agency in charge of electronic legal deposit shall check to ensure that the works have been stored in the system, and issue a confirmation to the concerned press agency within 15 working days from the date of receiving a press work;

d/ The agency in charge of electronic legal deposit shall store the original contents of press works in the legal deposit system; and classify them to meet management requirements.

Article 7. Storage periods of electronically deposited press works

1. The minimum period of storage of the original contents of audio press or visual press works is 6 months from the date they are broadcast for the first time.
2. The minimum period of storage of the original contents of online press works is 12 months from the date they are published for the first time.

Article 8. Preservation of electronically deposited press works

1. Works in the electronic legal deposit system shall be safely preserved in their original contents.
2. The agency in charge of electronic legal deposit shall regularly check to ensure safety, integrity, accessibility and use of technical measures to facilitate classification and storage of press works without altering their contents.
3. The agency in charge of electronic legal deposit must have technical quality assurance solutions and information safety solutions for the electronic legal deposit system.

Article 9. Use of electronically deposited press works

1. Electronically deposited press works shall be used to serve the state management of press, such as assessing and giving remarks on the contents of information by topic and event, and to serve regular and upon-request specialized examinations and inspections.
2. The agency in charge of electronic legal deposit may use electronically deposited press works as a basis for handling violations related to their contents.

Article 10. Funds for electronic legal deposit activities

1. Funds for electronic legal deposit activities of the state management agency in charge of press shall be allocated from the state budget and included in annual budget estimates of the Ministry of Information and Communications.
2. State budget funds for electronic legal deposit activities shall be used for:
 - a/ Purchase of instruments, tools, equipment and facilities for management and maintenance of the electronic legal deposit system;
 - b/ Summarization and analysis of, and reporting on, the results of quality assessment of information contents of audio press, visual press and online press works;
 - c/ Other activities serving electronic legal deposit.

Chapter III

IMPLEMENTATION PROVISIONS

Article 11. Effect

This Decree takes effect on March 30, 2017.

Article 12. Implementation responsibility

1. The Minister of Information and Communications shall organize and examine the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People' Committees, and related organizations and individuals shall implement this Decree.-

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc