Guideline

PERSONAL DATA PROTECTION ORGANIZATION

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TABLE OF CONTENT

RECORD OF CHANGE

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1	10-May-2019	1.0	Newly issued	Legal requirement	MinhPT	Michael Hering	HoanNK
2	21-Oct-2019	1.1	Add content of Introduction section: -Adjust the purpose -Add new definitions and descriptions of them -Add related documents -Section 1.5 Change "responsibility" to "Application of national law". Instead, the responsibility is described in section 2.2 -Adjust PIMS Organization Structure-Adjust group description and responsibilities	Legal requirement	TrangNN4	Michael Hering	HoanNK
3	11-May-2020	2.1	Update Purpose, Application Scope and Related Documents sub-section	Update according to annually revision requirement	TrangnN4	Michael Hering	HoanNK
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7	01-Oct-2021	3.1	1 added: FPT Software Personal Data Protection Handbook and ISM guidelines, 1.2 added: statement_PIMS scope_V1.0, 2.2 added: procedures, statements, records, Template_DPO Job Description_v1.0, Responsible to manage retention, 3.2 added: Procedure_Retention of Records_V1.0 Guideline_Personal Data Retention_v3.1	Legal requirement	TrangnN4	Michael Hering	HoanNK
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No	Effective Date	Version	Change Description	Reason	Reviewer	Final Reviewer	Approver
9	01-Nov-2022	3.3	Updated 2.1 Org. Structure Added 3.2, 17, PDPA Malaysia, 3.2, 19, (still not in force) Added 3.3 Data Protection Law, Vietnam, Overview. Added 3.2 15 Republic Act 10173 Data privacy Act 2012	TISAX requirements, biannually revision	LinhDTD1	Michael Hering	HoanNK
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1 INTRODUCTION

FPT Software Company, Ltd. ("FPT Software" hereinafter) Corporate Data Protection Policy, guidelines and templates lay out strict requirements for processing personal data pertaining to customers, business partners, employees or any other individual. It meets the requirements of the European Data Protection Regulation/Directive as well as other national Data Protection Regulations and ensures compliance with the principles of national and international data protection laws in force all over the world. The policy, guidelines and templates set a globally applicable data protection and security standard for FPT Software and regulates the sharing of information between FPT Software, subsidiaries, and legal entities. FPT Software have established guiding data protection principles – among them transparency, data economy and data security – as FPT Software Personal Data Protection Handbook and ISM guidelines.

1.1 Purpose

This Data Protection Organization applies worldwide to FPT Software, Subsidiaries as well legal entities and is based on globally accepted, basic principles on data protection. Ensuring data protection is the foundation of trustworthy business relationships and the reputation of the FPT Software as a first-class employer and a first-class service provider.

The Data Protection Organization provides one of the necessary framework conditions for Personal Data processing and for cross-border data transfer among FPT Software, subsidiaries and legal entities. It ensures the adequate level of data protection prescribed by the European Union General Data Protection Regulation, APPI, PDPA or other national Personal Data Protection Regulations and the national laws for cross-border data transmission, including in countries that do not yet have adequate data protection laws.

In order to standardize the collection, processing, transfer, and use of personal data, and promote the reasonable, lawfully, fairly and transparent use of personal data to prevent personal data from being stolen, altered, damaged, lost or leaked, FPT Software establishes the personal data protection organization.

Description of personal data protection governance and the contribution of FPT Software's board to the protection of personal data and data subject rights by securing the efficiency of the Personal Information Management System (hereinafter PIMS).

1.2 Application Scope

See Policy_PIMS scope_V1.3.

1.3 Application of national Laws

This Data Protection Policy, guidelines and templates comprises the internationally accepted data privacy principles without replacing the existing national laws. It supplements the national data privacy laws. The relevant national law will take precedence in the event that it conflicts with the Data Protection Policy and guidelines, or it has stricter requirements than this Policy and guidelines. The content of the Data Protection Policy and guidelines must also be observed in the absence of corresponding national legislation. The reporting requirements for data processing under national laws must be observed.

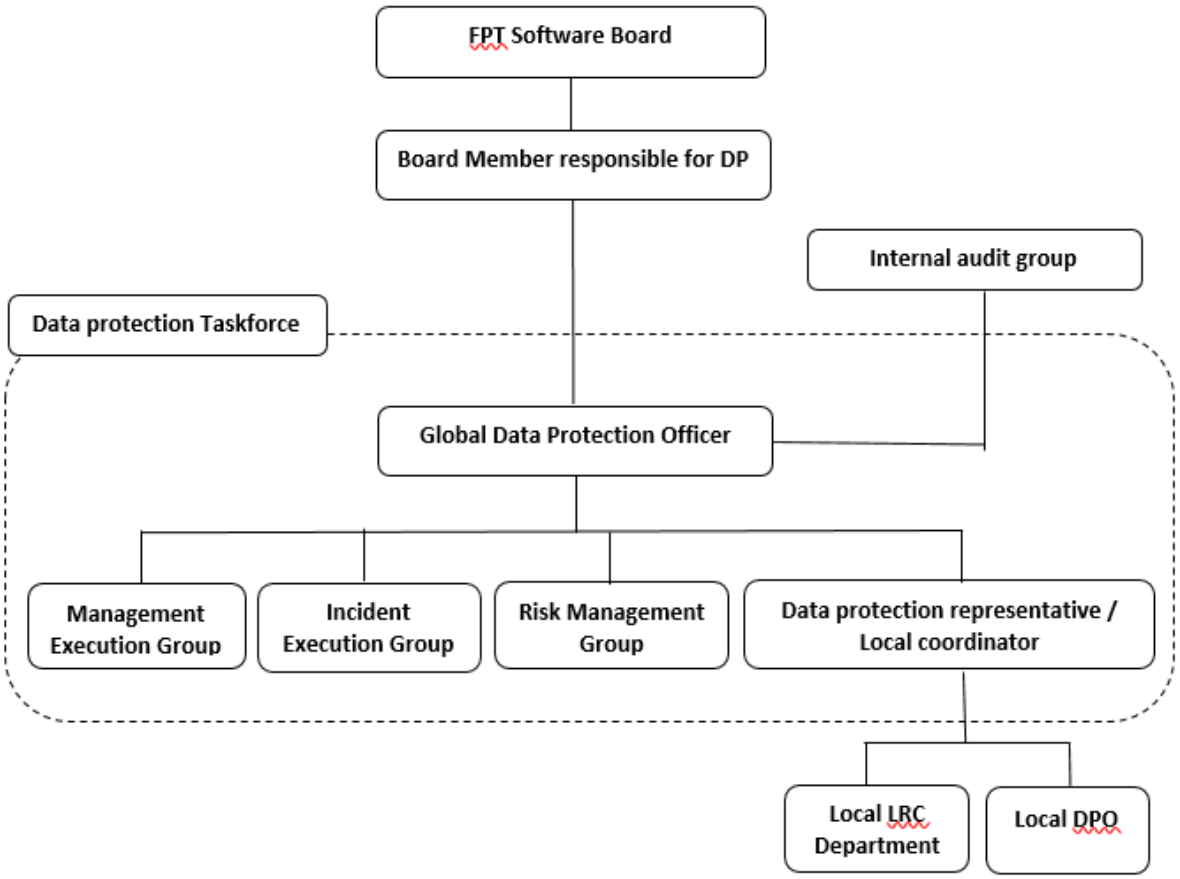
Each subsidiary or legal entity of FPT Software is responsible for compliance with the Data Protection Policy, this guideline, and the legal obligations. If there is reason to believe that legal obligations contradict the duties under the Data Protection Policy or the guidelines, the relevant subsidiary or legal entity must inform the Global Data Protection Officer. In the event of conflicts between national legislation, the Data Protection Policy, and this guideline, FPT Software will work with the relevant subsidiary or legal entity of FPT Software to find a practical solution that meets the purpose of the Data Protection Policy and this guideline.

2 GUIDELINE CONTENT

2.1 PIMS Organization Structure

FPT Software has implemented a strong governance for Personal Data Protection and PIMS management. Clear roles and responsibilities are defined for PIMS operations, coordination, support of personal data protection, breach/incident management, risk management and DPIA's.

Personal Data Protection Organization and Governance



2.2 Group description and responsibilities

FPT Software Board:	C-level management of FPT Software. The highest decision-making level for PIMS. Ensures sufficient manpower, resources, and budget to operate the PIMS framework. Appointing the board member responsible for Personal Data Protection.
Board member responsible for DP:	Appointed by the FPT Software CEO. Appointing the Global Data Protection Officer on behalf of the FPT Software CEO. Provide sufficient manpower, resources, and budget on behalf of the FPT Software Board for the GDPO. Approve personal data protection management policies, guidelines, procedures, statements, records, and templates on behalf of the FPT Software Board twice a year.
Responsibilities Global Data Protection Officer:	Appointed by Board member responsible for DP on behalf of the FPT Software Board, direct report to Board member responsible for DP and member of LRC (Legal, Risk and Compliance). Act as the Data Protection Officer (DPO) of the FPT Software in accordance with laws and regulations. As an obliged organ, its contact information must be submitted to the relevant authorities. A data protection officer (DPO) is an enterprise security leadership role required by the General Data Protection Regulation (GDPR), PDPA and other Personal Data Protection Regulations. See Template_DPO Job Description_v1.3. Data protection officers are responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements. The primary role of the DPO is to ensure that the organization processes, the personal data of staff, customers, providers, or any other individuals are protected in compliance with the applicable data protection rules. DPO must be able to perform her duties independently. Responsible for compliance of PIMS and business decisions related to personal information. Responsible for decision-making, management, and supervision of the DP task force.

Development, reviewing and implementation of PIMS policies, procedures, guidelines, statements,and templates operations twice a year.

Responsible to manage retention of documents/data he is owning based on the Procedure_Retention of Records_V1.3 and Guideline_Personal Data Retention_v3.4 (record_retention schedule_V1.0).

Ensure the implementation and execution of the PIMS.

Periodically (annually) review and audit the execution of the PIMS in FPT Software Units, subsidiaries, and legal entities.

Execution and Confirmation of the internal audit and audit results of PIMS and supervision of the improvement measures based on audit findings.

Responsibilities of Internal Audit Group:

Assigned by the GDPO and approved by Board member responsible for DP.

Execution and management of internal audit operations based on GDPO advice.

Development of an internal audit plan approved by the GDPO.

Organize the auditors' education and training.

Report internal audit results to the GDPO.

Responsibilities of Management Execution Group:

Assigned by the GDPO.

Update, announce and release the PIMS.

Develop, coordinate, and arrange all kind of Personal Data Protection trainings including exam.

Planning the PIMS annual education and training courses.

Perform and deliver the education and training courses and evaluate the effectiveness of the courses.

Regularly implementation of laws and regulations, compliance management, and regulatory updates.

Assist the incident management team in handling complaints.

Providing legal advice regarding Personal Data Protection for FPT Software units and legal entities.

Members 2022, GDPO and Assistant DPO

Responsibilities of Incident Management Group:

Assigned by the GDPO.

Responsible for Data Subject Rights exercise and management procedure.

Tracking and management of all complaints, appeals and request from data subjects or complaints about FPT Software units.

Responsible for data breach handling.

A data breach of any size is a crisis management situation, which could put an entire business at risk. Data security is not an IT issue, it is a business risk, and breach response should involve people from a number of roles across the business, including legal, commercial, HR, information security, PR, forensic IT and GDPO. Dealing with a data breach will be alien to many of them. Planning for a breach is therefore essential; every business should have in place a breach response plan, and should designate, in advance, a breach response team (incident management team) which can be convened at short notice to deal with the crisis. Understanding the issues that arise in a breach situation, and practicing managing a breach, are essential to effective breach response. Failure to plan and practice increases the regulatory, litigation and reputation risk to the entire business.

Assist FPT Software units in the prevention, adaptation, and processing of personal data Incidents.

Responsible to organize a root cause analysis of the incident and to report it to the GDPO.

Responsibilities Risk Management Group:	Assigned by the GDPO. Job responsibilities are: Implementation of a personal data inventory and risk assessment approach DPIA for FPT Software Units. Develop personal information risk assessment methods and train relevant risk assessment personnel. Plan and execute DPIA. Implementation of risk mitigation measures Members 2023, GDPO, Assistant DPO supported by LRC Department
Responsibilities Department Data Protection Representative/ Local coordinator:	Assigned by Unit, confirmed by GDPO. Assist GDPO in the implementation of PIMS for the respective FPT Software Units. Ensure the compliance with the Policy Personal Data Protection Management in the daily routine, including high-risk, sensitive and special personal data protection. Operation of the PIMS regarding the respective FPT Software Unit. Ensure the implementation of security and data protection management measures for the respective FPT Software Unit. Consulting in the root cause analysis of incidents or breaches. Implementation of measures to void further breaches. Tracking and managing of risk mitigation measures for the respective FPT Software Unit. In of case a personal data protection incident or breach in respective FPT Software Unit, responsible for the root cause analysis and the reporting to the Incident Management Group. Collaborates with Incident Management Group

to handle personal data incidents which occur in the respective FPT Software Unit.

Registered Local DPO: DPO Germany/Slovakia, DPO Singapore, DPO Philippines (legally required)

Local Coordination FHM, LRC Team FHM
Local Coordination FHN, LRC Team FHN
Local Coordination FDN, LRC Team FDN
Local Coordination Japan, LRC Team Japan and ISM Team Japan
Local Coordination FAM, LRC Team FAM
Subsidiaries and legal entities which do not have a Local DPO or a local LRC team, the Personal Data Protection coordination is a responsibility of the Head of the Unit.

3 APPENDIXES

3.1 Definition

Abbreviations	Description
PII, Personal Identifiable Information, Personal Data	Refer to the personal data defined by the EU GDPR (Article 4 (1)), 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Data Subject	EU GDPR (Article 4 - 1), Data subject refers to any individual person who can be identified, directly or indirectly.
Data Controller	EU GDPR (Article 4 - 7), Data Controller means the natural or legal person, public authority, agency or anybody which alone or jointly with others, determines the purpose and means of processing of personal data; where the purpose and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.
Data Processor	EU GDPR (Article 4 - 8), Data Processor means a natural or legal person, public authority, agency or anybody which processes data on behalf of the controller.
Recipient	EU GDPR (Article 4 - 9), A natural or legal person, public authority, agency or anybody, to which the personal data are disclosed, whether third party or not.
Third Party	EU GDPR (Article 4 - 10), A natural or legal person, public authority, agency or anybody other than the data subject, controller, processor and persons who under direct authority of controller or processor, are authorized to process personal data
DPO/GDPO	Data Protection Officer/Global Data Protection Officer
DPIA	Data Protection Impacted Assessment
PIMS	Personal Information Management System
EU	European Union

3.2 Related Documents

No	Code	Name of documents
1	EU GDPR	EU General Data Protection Regulation
2	95/46/EC	EU Data Protection Directive 95/46/EC
3	Privacy shield	EU-U.S. and Swiss-U.S. Privacy Shield Frameworks designed by the U.S. Department of Commerce and the European Commission and Swiss Administration to provide companies on both sides of the Atlantic with a mechanism to comply with data protection requirements when transferring personal data from the European Union and Switzerland to the United States in support of transatlantic commerce.
4	APPI	Act on the Protection of Personal Information, Japan. It came into force on 30 May 2017.
5	PDPA	Personal Data Protection Act 2012, Singapore
6	PDPO	Personal Data (Privacy) Ordinance, Hongkong, 2012
7	PIPA	South Korea's substantial Personal Information Protection Act (PIPA) was enacted on Sept. 30, 2011
8	PIPEDA	Personal Information Protection and Electronic Documents Act, Canada 2018
9	Privacy Act, APPs, CDR	Privacy act Australia including Australian Privacy Principles, Consumer Data Right
10	HITRUST	Health Information Trust Alliance (CSF, Common Security Framework)
11	HIPAA	Health Insurance Portability and Accountability Act of 1996 (HIPAA), US
12	PCI DSS	Payment Card Industry Data Security Standard, May 2018
13	CCPA	California Consumer Privacy Act of 2018, Cal. Civ. Code §§ 1798.100 et seq.
14	VCDPA	Virginia Consumer Data Protection Act, 01/2023
15	PDPL, UAE	Decree-Law No. 45 of 2021
16	DPA Philippines	Republic Act 10173, Data privacy Act 2012

No	Code	Name of documents
17	PIPL	Personal Information Protection Law of the People's Republic of China and related laws and regulations
18	PDPA Thailand	Thailand's Personal Data Protection Act, 06/2022
19	PDPA Malaysia	Personal Data Protection Act 2010, Malaysia
20	TISAX	Trusted information security assessment exchange
21	BS10012: 2017	British Standard Personal Information Management System
22		Vietnamese laws on Privacy: - Article 21 of the 2013 Constitution - Article 38 of the Civil Code 2015 - Article 125 of the Penal Code - Clause 2 of Article 19 of the Labor Code Decree of the Vietnamese Government: Nghị Định Quy Định Về Bảo Vệ Dữ Liệu Cá Nhân Came in force 07/2023
23	FPT Software Personal Data Protection Handbook	PDP_ Handbook_Version_V3.4

3.3 Data Protection Law, Vietnam, Overview

There is no single data protection law in Vietnam. Regulations on data protection and privacy can be found in various legal instruments. The right of privacy and right of reputation, dignity and honour and fundamental principles of such rights are currently provided for in Constitution 2013 ("**Constitution**") and Civil Code 2015 ("**Civil Code**") as inviolable and protected by law.

Regarding personal data , the guiding principles on collection, storage, use, process, disclosure or transfer of personal information are specified in the following main laws and documents:

- **Criminal Code** No. 100/2015/QH13, passed by the National Assembly on 27 November 2015
- Law No. 24/2018/QH14 on Cybersecurity, passed by the National Assembly on 12 June 2018 ("**Cybersecurity Law**");
- Law No. 86/2015/QH13 on Network Information Security, passed by the National Assembly on 19 November 2015; as amended by Law No. 35/2018/QH14 dated 20 November 2018, on amendments to some articles concerning planning of 37 Laws ("**Network Information Security Law**");
- Law No. 59/2010/QH12 on Protection of Consumers' Rights, passed by the National Assembly on 17 November 2010; as amended by Law No.35/2018/QH14 dated 20 November 2018, on amendments to some articles concerning planning of 37 Laws ("**CRPL**");
- Law No. 67/2006/QH11 on Information Technology, passed by the National Assembly on 29 June 2006; as amended by Law No. 21/2017/QH14 dated 14 November 2017 on planning ("**IT Law**");
- Law No. 51/2005/QH11 on E-transactions, passed by the National Assembly on 29 November 2005 ("**E-transactions Law**");
- Decree No. 85/2016/ND-CP dated 1 July 2016, on the security of information systems by classification ("**Decree 85**");
- Decree No. 72/2013/ND-CP dated 15 July 2013 of the Government, on management, provision and use of Internet services and online information; as amended by Decree No. 27/2018/ND-CP dated 1 March 2018 and Decree No.150/2018/ND-CP dated 7 November 2018 ("**Decree 72**");
- Decree No. 52/2013/ND-CP dated 16 May 2013 of the Government; as amended by Decree No. 08/2018/ND-CP dated 15 January 2018, on amendments to certain Decrees related to business conditions under state management of the Ministry of Industry and Trade and Decree No. 85/2021/ND-CP dated 25 September 2021 ("**Decree 52**");
- Decree No. 15/2020/ND-CP of the Government dated 3 February 2020 on penalties for administrative violations against regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions ("**Decree 15**");
- Circular No. 03/2017/TT-BTTTT of the Ministry of Information and Communications dated 24 April 2017 on guidelines for Decree 85 ("**Circular 03**");

- Circular No. 20/2017/TT-BTTTT dated 12 September 2017 of the Ministry of Information and Communications, providing for Regulations on coordinating and responding to information security incidents nationwide ("**Circular 20**");
- Circular No. 38/2016/TT-BTTTT dated 26 December 2016 of the Ministry of Information and Communications, detailing cross-border provision of public information ("**Circular 38**");
- Circular No. 24/2015/TT-BTTTT dated 18 August 2015 of the Ministry of Information and Communications, providing for the management and use of Internet resources, as amended by Circular No. 06/2019/TT-BTTTT dated 19 July 2019 ("**Circular 25**"); and
- Decision No. 05/2017/QD-TTg of the Prime Minister dated 16 March 2017 on emergency response plans to ensure national cyber-information security ("**Decision 05**").

Applicability of the legal documents will depend on the factual context of each case, e.g businesses in the banking and finance, education, healthcare sectors may be subject to specialized data protection regulations, not to mention to regulations on employees' personal information as provided in Labour Code 2019 ("**Labour Code**").

The most important Vietnamese legal documents regulating data protection are the Cybersecurity Law and Network Information Security Law. Cybersecurity laws in other jurisdictions that were inspired by the GDPR of the EU, the Cybersecurity Law of Vietnam shares similarities with China's Cybersecurity Law enacted in 2017. The law focuses on providing the government with the ability to control the flow of information. The Network Information Security Law enforces data privacy rights for individual data subjects.

A draft Decree detailing a number of articles of the Cybersecurity Law ("**Draft Cybersecurity Decree**"), notably including implementation guidelines for data localization requirements, together with a draft Decree detailing the order of and procedures for application of a number of cybersecurity assurance measures and a draft Decision of the Prime Minister promulgating a List of information systems important for national security, are being prepared by the Ministry of Public Security ("**MPS**") in coordination with other relevant ministries, ministerial-level agencies and bodies.

MPS has drafted a Decree on personal data protection ("**Draft PDPD**"), which is contemplated to consolidate all data protection laws and regulations into one comprehensive data protection law as well as make significant additions and improvements to the existing regulations. The Draft PDPD was released for public comments in February 2021 and was originally scheduled to take effect by December 2021. The Finalization process consuming much more time than the MPS first anticipated. PDPD was finalized and was coming in force 07/2023.