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Agenda Item: 8

Strategies toward the Electronic Transaction Law implementation in the ICT

Purpose: Information
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STRATEGIES TOWARD THE ELECTRONIC TRANSACTION LAW IMPLEMENTATION IN THE ICT APPLICATIONS

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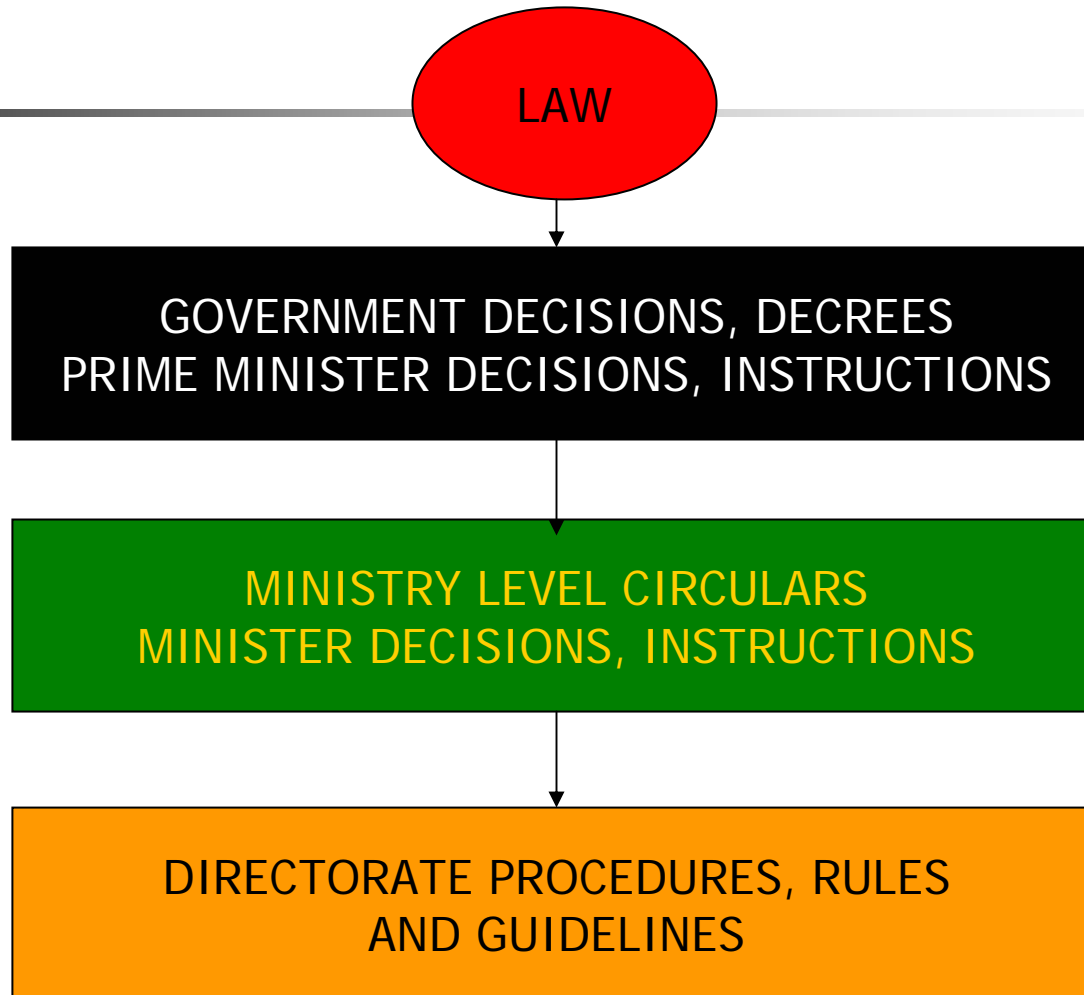
- THE LEGAL REGULATORY BACKGROUND
- STRATEGIES TOWARD THE SOLUTIONS
- THE PRACTICAL ISSUES RELATED TO THE INFORMATION PRIVACY IN THE ELECTRONIC ENVIRONMENT

THE LEGAL REGULATORY BACKGROUND



- The electronic transaction law (approved in November 2006)
- The first foundations for electronic information privacy.
- However, it focuses mainly on technical aspects.
- There is still a long way to practical implementation of the electronic information privacy.
- Information and Privacy Acts (???)

THE IMPLEMENTATION STEPS



STRATEGIES



- Solid legal foundations
- Consistency, especially in the overlapping areas.
- Priority order
- Under one law, there can be a lot of decrees. However, large number of decrees can cause inconsistencies.
- One decree can guideline different items in the Law.

THE CONTEXT TO BE GUIDELINED



- Digital key management and use in public agencies (24.3)
- Accepting the digital keys of foreign partners (27.2)
- The content of electronic certificate (29.9)
- Registration, operation and cross certification of CA service providers (30.4)
- Rights and duties of the CA service providers (31.2)
- Public Administration of the electronic signature certification service (32.2)

THE DECREE OF DIGITAL SIGNATURE



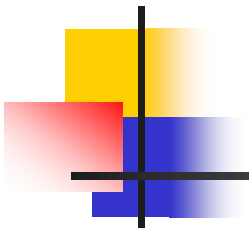
- Objective: Guidelines for digital signature use and digital signature certification service.
- MPT.



THE DECREES TO BE ISSUED

- Decree of guidelines for electronic transactions (Who will be in charge ?)
- Decree of guidelines for electronic contracts (Is it necessary at all ? The Ministry of Trade already drafted the Decree of E-commerce)
- Decrees of guidelines for crypt ions, for network security, cyber crimes, disputes,...

THE MINISTRY LEVEL REGULATIONS

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- After the government decrees are issued, the ministry level circulars, regulations, decisions and instructions will be needed for further implementation of the law.
 - To guideline the decree of digital signatures, the details of the related regulations will be needed.



DIAP

- Directorate of IT Application Promotion represents MPT in IT Application Administration.
- It is in charge of CA service registration. The detailed guidelines will be issued.

FURTHER WAY TO THE PERSONAL INFORMATION PRIVACY



- Necessary legal foundations
- World wide trends: National security versus the information privacy protection
- The information sharing, freedom versus the privacy.
- The social awareness of privacy.

Necessary legal foundations



- There is still a long way from the electronic transaction law to the personal information privacy (even just in the cyber context).
- The Information Law, the Privacy Law, the Information Privacy Act must be in place.
- In practice, the branches exist before the frames. The trial-error process would take very long time.



National security versus the information privacy protection

- This is quite a newly emerging issue in the developed countries.
- Discouraging influence for the nations on the way to the information privacy.
- Revival of the old belief: the privacy must give priority to the national security.
- Experience in the US and recent participation of the American IT companies in the information censorship in China.



The information sharing, freedom versus the privacy.

- In the different cultures, the information privacy can have different meaning.
- Under the same slogan, the objective can be misunderstood.
- Information sharing and freedom is the most basic element of the E-government toward an information society can be distorted and abused against the information privacy.



The social awareness of privacy

- The privacy is a new concept to the oriental traditions (For instance, the Chinese post man found it quite natural to give away the business information).
- Information is not valued in normal people perception



CONCLUSIONS

- The personal information privacy is a benefit of an advanced society not a merely imposed will.
- There are some cultural barriers to that in oriental societies.
- A lot of practical activities must be done to progress toward the personal information privacy. In Vietnam, IT is also a pioneering area.
- Actions will bring foundations for the conceptual establishments.

