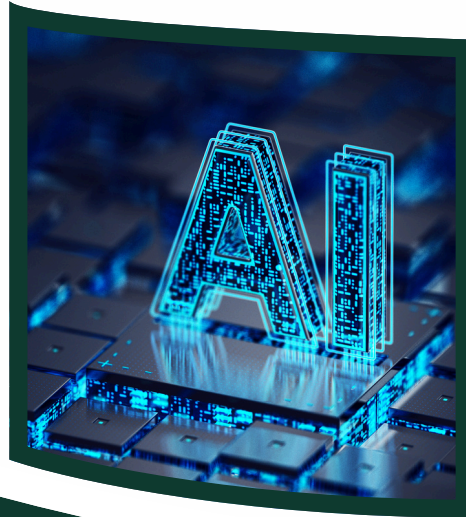




BNA

BNA LEGAL
LAWYERS WITH BUSINESS MINDSET



LEGAL

NEWSLETTER



03/2026

OVERVIEW OF THE 2025 LAW ON ARTIFICIAL INTELLIGENCE



bnalegal.com



CS@bnalegal.com



(+84) 706 062 611



On December 10, 2025, the National Assembly passed the Law on Artificial Intelligence 2025 (“AI Law”). The AI Law officially takes effect on March 1, 2026. At present, the draft Decree providing detailed guidance for the implementation of the AI Law is still being circulated for public consultation and finalization. Below are several key provisions that enterprises, organizations, and individuals should be aware of in relation to artificial intelligence (“AI”) activities under the AI Law:

1. Relevant Stakeholders (Scope of Application of the AI Law)

The AI Law applies to Vietnamese agencies, organizations, and individuals, as well as foreign organizations and individuals participating in AI-related activities in Vietnam. Entities involved in the creation, distribution, operation, and use of AI systems include:

(i) Developer: an organization or individual that designs, builds, trains, tests, or fine-tunes, in whole or in part, AI models, algorithms, or systems, and has direct control over technical methods, training data, or model parameters.

(ii) Provider: an organization or individual that places an AI system on the market or puts it into use under its own name, brand, or trademark, regardless of whether the system is developed by itself or by a third party.



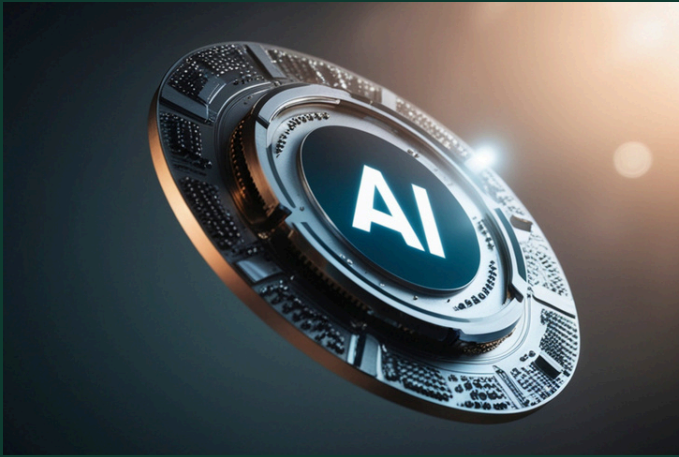
(iii) Deployer: an organization or individual that uses an AI system under its control for professional, commercial, or service-provision purposes; excluding use for personal, non-commercial purposes.

(iv) User: an organization or individual that directly interacts with an AI system or uses the outputs generated by such system.

(v) Affected person: an organization or individual whose lawful rights and interests, life, health, property, reputation, or access to services are directly or indirectly affected by the deployment or outputs of an AI system.

Each group of stakeholders has corresponding rights and obligations when participating in AI-related activities.





2. The Role of AI in Human Activities

The AI Law clearly affirms that AI serves humans and does not replace human authority or responsibility. Since AI is created by humans, humans must comply with legal regulations throughout the development, commercialization, and use of AI, and must bear responsibility for AI activities or for conduct caused by AI.

The State encourages investment in and development of green and sustainable AI. The application of AI across sectors and fields must comply with professional ethics and risk management principles to avoid harm to human life, health, lawful rights and interests, or social order and safety.

The law strictly prohibits the misuse of AI to commit illegal acts; infringe upon lawful rights and interests of organizations or individuals; unlawfully collect or process personal data; or obstruct, disable, or distort mechanisms for human supervision, intervention, and control over AI systems. Regardless of

the level of advancement of AI systems, human control must always be ensured.



3. Classification of AI Systems

AI systems are classified by levels of risk, from high to low, as follows:

- (i) High-risk AI systems: systems that may cause significant harm to life, health, lawful rights and interests of organizations or individuals, national interests, public interests, or national security;
- (ii) Medium-risk AI systems: systems that may cause confusion, influence, or manipulate users due to the inability to recognize that the interacting entity is an AI system or that the content is AI-generated;
- (iii) Low-risk AI systems: systems that are neither high-risk nor medium-risk AI systems.

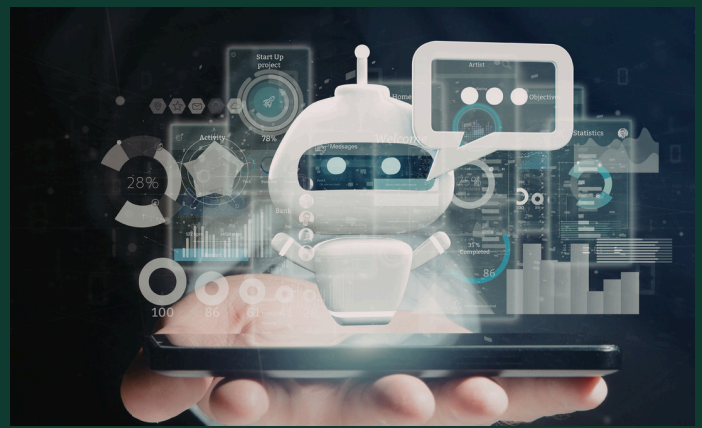
The provider is responsible for self-classifying the AI system before it is put into use. Currently, there are no detailed guidelines on criteria or methods for



measuring, assessing, and identifying the risk levels mentioned above. The classification of AI systems serves as a fundamental basis for determining the legal rights and obligations of developers, providers, deployers, and users.

For AI systems classified as medium-risk or high-risk, providers must notify the Ministry of Science and Technology of the classification results. During use, if the deployer modifies, integrates, or alters the system resulting in new or higher risks, it must coordinate with the provider to conduct a re-classification.

For high-risk AI systems, providers must design systems that ensure human oversight and intervention; conduct conformity assessments in accordance with regulations before deployment; establish and maintain risk management measures; and regularly review the system when significant changes or new risks arise. Foreign providers supplying high-risk AI systems in Vietnam must have a lawful point of contact in Vietnam; in cases where conformity certification is mandatory prior to use, they must have a commercial presence or an authorized representative in Vietnam.



4. Transparency Obligations Regarding AI Systems

Obligations of Providers:

- (i) Ensure that AI systems directly interacting with humans are designed and operated so that users are aware they are interacting with an AI system;
- (ii) Ensure that audio, images, and videos generated by AI systems are machine-readable labeled to indicate that such products are AI-generated rather than produced by humans.

Obligations of Deployers:

- (i) When publicly providing texts, audio, images, or videos generated or edited by AI systems that may cause confusion regarding the authenticity of events or persons, the deployer must inform the public accordingly.
- (ii) Ensure that audio, images, or videos generated or edited by AI systems to simulate or replicate the appearance or voice of real persons or actual events are clearly labeled to distinguish them from authentic content.



For cinematographic, artistic, or creative works, labeling must be conducted in an appropriate manner that does not interfere with the display, performance, or enjoyment of the work.



5. Incident Handling

When a serious incident occurs involving an AI system, deployers and users must record and promptly notify relevant parties and cooperate in remedial actions. Developers and providers must urgently apply technical measures to remedy the incident, suspend or recall the system if necessary, and notify competent authorities.

Competent state authorities are responsible for receiving, verifying, and guiding the handling of incidents and, when necessary, may require the suspension, recall, or re-evaluation of AI systems.

6. Handling of Violations and Compensation for AI-Caused Damages

Organizations and individuals involved in AI systems that commit legal violations may, depending on the nature, severity,

and consequences of the violation, be subject to administrative sanctions or criminal liability. AI systems are built, commercialized, operated, and used by humans. Therefore, when AI systems cause damage to other organizations or individuals, developers, providers, deployers, and users must compensate in proportion to their respective responsibilities related to the AI system.

The allocation of liability for damages in certain specific cases is as follows:

(i) Where a high-risk AI system is managed, operated, and used in compliance with regulations but still causes damage, the deployer must compensate the injured party. After compensation, the deployer may seek reimbursement from the provider, developer, or other related parties if there is an agreement among them.

(ii) Where an AI system is illegally hacked, taken over, or interfered with by a third party, such third party is liable for compensation. However, if the deployer or provider is at fault for allowing the system to be hacked or illegally interfered with, they shall bear joint liability for compensation in accordance with civil law.

Liability for compensation is exempted where damage arises entirely due to the intentional fault of the injured party, force majeure events, or situations of necessity.



The AI Law 2025 establishes fundamental and important legal provisions for the development of AI systems in Vietnam. Each stakeholder involved in AI systems has distinct roles and responsibilities in mitigating risks, ensuring human control over AI systems, and managing and operating AI systems in a manner that does not infringe upon the lawful rights and interests of organizations and individuals.



(+84) 706 062 611



CS@bnalegal.com



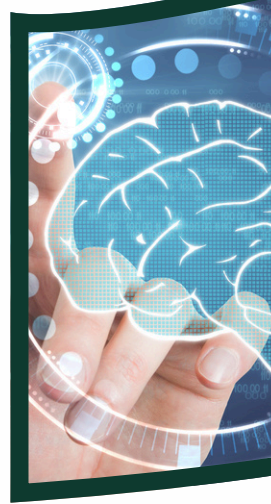
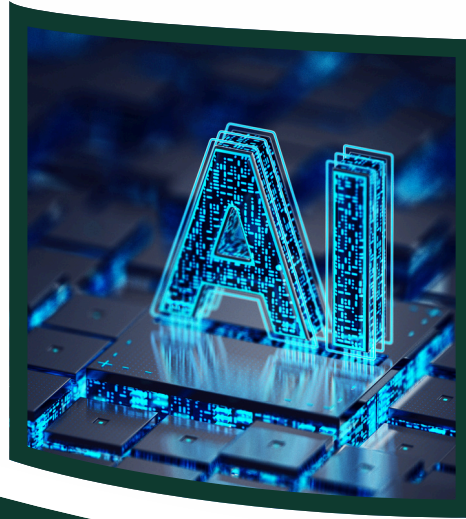
Công ty Luật BNA Legal





BNA

BNA LEGAL
LAWYERS WITH BUSINESS MINDSET



THANK YOU FOR READING OUR LEGAL NEWSLETTER



bnalegal.com



CS@bnalegal.com



[\(+84\) 706 062 611](tel:+84706062611)

