

The provisions of the Criminal Code relate to the field of information technology and telecommunications networks

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Excerpts from the **CRIMINAL CODE**, Section 2, CRIME IN THE FIELD OF INFORMATION TECHNOLOGY AND TELECOMMUNICATION NETWORK

Article 285 . Crime of producing, buying, selling, exchanging or donating tools, equipment and software for use in unlawful purposes

1. Anyone who produces, purchases, exchanges or donates tools, equipment and software capable of attacking computer networks, telecommunications and electronic means to use for illegal purposes, then be fined from 20,000,000 VND to 100,000,000 VND, imprisoned for non-custodial reform for up to 2 years or imprisoned for between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and VND 500,000,000 or imprisonment of between one and five years:

- a) Organized;
- b) Committing the crime twice or more;
- c) Being professional;
- d) Illegal gain from VND 50,000,000 to under VND 500,000,000;
- d) Causing property damage from VND 100,000,000 to under VND 1,000,000,000;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,000,000,000 or imprisonment of between three and seven years:

- a) Gaining illicit profits of VND 500,000,000 or more;
- b) Causing property damage of VND 1,000,000,000 or more.

4. The offenders may also be subject to a fine of between VND 5,000,000 and VND 100,000,000, ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years or confiscating part or all of them. set of properties.

Article 286 . Crime of distributing computer programs harmful to the operation of computer networks, telecommunications networks, electronic means

1. Any person who knowingly distributes a computer program that harms computer networks, telecommunication networks and electronic means in one of the following circumstances, shall be subject to a fine of between VND 50,000,000 and VND 200,000,000. , non-custodial reform for up to 3 years or imprisonment from 6 months to 3 years:

- a) Illegal gain from VND 50,000,000 to under VND 200,000,000;
- b) Causing damage from 50,000,000 VND to less than 300,000,000 VND;
- c) Infecting 50 electronic means to less than 200 electronic means or information systems with 50 users or less than 200 users;
- d) Having been sanctioned for administrative violations of this act or having been convicted of this offense, not yet deleted the criminal record but also violated.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and VND 500,000,000 or imprisonment of between three and seven years:

- a) Organized;
- b) Illegal profits from VND 200,000,000 to under VND 500,000,000;
- c) Causing damage of between VND 300,000,000 and under VND 1,000,000,000;
- d) Infecting 200 electronic devices to under 500 electronic means or information systems with 200 users or under 500 users;
- d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 12 years of imprisonment:

- a) For data systems belonging to state secrets; information system for national defense and security;
- b) For national information infrastructure; information system operating the national grid; financial and banking information systems; traffic control information system;
- c) Gaining illicit profits of VND 500,000,000 or more;
- d) Causing damage of VND 1,000,000,000 or more;
- d) Infecting 500 or more electronic means or information systems with 500 or more users.

4. The offenders may also be subject to a fine of between VND 30,000,000 and VND 200,000,000, ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years.

Article 287 . Crime of obstructing or disrupting the operation of computer networks, telecommunication networks and electronic means

1. Any person who deliberately deletes or damages or changes software, electronic data or illegally blocks the data transmission of computer networks, telecommunication networks, electronic means or other acts of obstruction becomes or disrupts the operation of computer networks, telecommunication networks, and electronic media in one of the following circumstances, if not in the cases provided for in Articles 286 and Article 289 of this Code, shall be punished. from 30,000,000 VND to 200,000,000 VND or imprisonment from 06 months to 03 years:

- a) Illegal gain from VND 50,000,000 to under VND 200,000,000;
- b) Causing damage from VND 100,000,000 to under VND 500,000,000;
- c) Paralyzing, interrupting, stalling the operation of computer networks, telecommunications networks, electronic means from 30 minutes to less than 24 hours or from 3 times to less than 10 times during 24 hours;
- d) Stopping activities of agencies and organizations from 24 hours to under 72 hours;
- d) Having been sanctioned for administrative violations of this act or having been convicted of this offense, not yet deleted the criminal record but also violated.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or imprisonment of between three and seven years:

- a) Organized;
- b) Taking advantage of the rights to administer computer networks and telecommunications networks;
- c) Dangerous recidivism;
- d) Illegal profits from VND 200,000,000 to under VND 1,000,000,000;
- e) Causing damage of between VND 500,000,000 and under VND 1,500,000,000;
- e) Paralyzing, interrupting, stalling the operation of computer networks, telecommunications networks, electronic means from 24 hours to less than 168 hours or from 10 times to less than 50 times in a 24-hour period;
- g) Stopping activities of agencies and organizations from 72 hours to less than 168 hours.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 12 years of imprisonment:

- a) For data systems belonging to state secrets; information system for national defense and security;
- b) For national information infrastructure; information system operating the national grid; financial and banking information and transaction systems; traffic control information system;

c) Illegal profit of VND 1,000,000,000 or more;

d) Causing damage of VND 1,500,000 or more;

d) To cripple, interrupt, suspend the operation of computer networks, telecommunications networks, electronic media 168 hours or more or 50 times or more within 24 hours;

e) Stopping operations of the agency or organization for 168 hours or more.

4. The offenders may also be subject to a fine of between VND 30,000,000 and VND 200,000,000, ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years.

Article 288 . Crime of illegally introducing or using information on computer networks and telecommunications networks

1. Persons who commit one of the following acts, illicit profits from VND 50,000,000 to under VND 200,000,000 or cause damage of between VND 100,000,000 and under VND 500,000,000 or cause bad publicity to do so. reducing the reputation of agencies, organizations and individuals, a fine of between VND 30,000,000 and 200,000,000, non-custodial reform for up to 3 years or imprisonment of between 6 months and 3 years:

a) Posting information on computer networks or telecommunications networks in contravention of law provisions, if not falling into one of the cases prescribed in Articles 117, 155, 156 and 326 of this Code;

b) Trading, exchanging, giving, modifying, changing or publicizing legal private information of agencies, organizations and individuals on computer networks and telecommunications networks without the owner's permission that information;

c) Other acts of illegally using information on computer networks and telecommunications networks.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or imprisonment of between two and seven years:

a) Organized;

b) Taking advantage of the rights to administer computer networks and telecommunications networks;

c) Gaining illicit profits of 200,000,000 VND or more;

d) Causing damage of VND 500,000,000 or more;

d) Infringing on personal secrets leading to people being committed to commit suicide;

e) Causing adverse impacts on Vietnam's security, social order or safety or foreign relations;

g) Lead to protests.

3. The offenders may also be subject to a fine of between VND 20,000,000 and VND 200,000,000, a ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years.

Article 289 . Crime of unauthorized intrusion into other people's computer networks, telecommunication networks or electronic means

1. Any person who knowingly overcomes warnings, access codes, firewalls, uses the administrative rights of others or by other means illegally infiltrating the computer network, telecommunications network or electronic means of people another take control; interfere with the functioning of electronic means; Stealing, altering, destroying, falsifying data or illegally using services, shall be subject to a fine of between VND 50,000,000 and VND 300,000,000 or imprisonment of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000 or imprisonment of between three and seven years:

a) Organized;

b) Abusing positions and powers;

c) Illegal gain from VND 200,000,000 to under VND 500,000,000;

d) Causing damage of between VND 300,000,000 and under VND 1,000,000,000;

d) For national internet transfer stations, domain name database systems and national domain name server systems;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 12 years of imprisonment:

a) For data systems belonging to state secrets; information system for national defense and security;

b) For national information infrastructure; information system operating the national grid; financial and banking information systems; traffic control information system;

c) Gaining illicit profits of VND 500,000,000 or more;

d) Causing damage of VND 1,000,000,000 or more.

4. The offenders may also be subject to a fine of between VND 5,000,000 and VND 50,000,000, a ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years.

Article 290 . Crime of using computer networks, telecommunication networks and electronic means to commit acts of appropriating property

1. Any person who uses the computer network, telecommunications network or electronic means to perform one of the following acts, if not falling into one of the cases prescribed in Article 173 and Article 174 of this Code, then be subject to non-custodial reform for up to 3 years or imprisonment from 6 months to 3 years:

a) Using information on bank accounts and cards of agencies, organizations and individuals to appropriate property of account holders, card owners or payment of goods and services;

b) Making, storing, buying, selling, using and circulating fake bank cards in order to appropriate assets of account holders, card owners or pay for goods and services;

c) Illegally accessing accounts of agencies, organizations and individuals in order to appropriate property;

d) Phishing in e-commerce, electronic payment, currency trading, capital mobilization, multi-level business or online securities trading in order to appropriate assets;

e) Setting up and providing illegal telecommunications and internet services to appropriate assets.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

a) Organized;

b) Committing the crime twice or more;

c) Being professional;

d) Number of fake cards from 50 cards to less than 200 cards;

d) Appropriating property valued at between VND 50,000,000 and under VND 200,000,000;

e) Causing damage from VND 50,000,000 to under VND 300,000,000;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:

a) Appropriating property valued at between VND 200,000,000 and under VND 500,000,000;

b) Causing damage of between VND 300,000,000 and under VND 500,000,000;

c) Number of fake cards from 200 cards to less than 500 cards.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

a) Appropriating property valued at VND 500,000,000 or more;

b) Causing damage of VND 500,000,000 or more;

c) Number of fake cards of 500 cards or more.

5. The offenders may also be subject to a fine of between VND 20,000,000 and VND 100,000,000, ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years or confiscating part or all of them. set of properties.

Article 291 . Crime of collecting, storing, exchanging, trading, illegally publicizing information about bank accounts

1. Anyone who collects, stores, exchanges, buys, illegally publicizes information about other bank accounts with the number of 20 accounts to less than 50 accounts or illegally earning from 20,000 .000 VND to less than 50,000,000 VND, a fine of 20,000,000 VND to 100,000,000 VND or non-custodial reform for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 200,000,000 or imprisonment of between three months and two years:

- a) Collecting, storing, exchanging, trading, illegally publicizing information of other bank accounts in the number of 50 accounts to less than 200 accounts;
- b) Organized;
- c) Being professional;
- d) Illegal gain from VND 50,000,000 to under VND 200,000,000;
- d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and VND 500,000,000 or imprisonment of between two and seven years:

- a) Collecting, storing, exchanging, trading, illegally publicizing information about other bank accounts with the number of 200 or more accounts;
- b) Gaining illicit profits of 200,000,000 VND or more.

4. Offenders may also be subject to a fine of between VND 10,000,000 and VND 50,000,000, ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years or confiscating part or all of them. set of properties.

Article 292 . Crime of providing illegal services on computer networks and telecommunications networks

1. Any person providing one of the following services on a computer network or telecommunications network without a license or with an incorrect content licensed, illicit profits from VND 50,000,000 to under VND 200,000,000 or with a turnover of between VND 500,000,000 and under VND 2,000,000,000, shall be subject to a fine of between VND 200,000,000 and VND 500,000,000 or a non-custodial reform for up to 2 years:

- a) Trading gold on accounts;
- b) E-commerce trading floor;
- c) Multi-level business;
- d) Payment intermediation;
- e) Online video games;
- e) Other types of services on computer networks and telecommunication networks according to law provisions.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and VND 1,500,000 or imprisonment of between three months and two years:

- a) Organized;
- b) Committing the crime twice or more;

c) Being professional;

d) Dangerous recidivism;

d) Illegal profits from VND 200,000,000 to under VND 500,000,000 or with turnover of between VND 2,000,000,000 and under VND 5,000,000,000.

3. Committing the crime in case of illicit profits of VND 500,000,000 or more with a turnover of VND 5,000,000,000 or more, the offenders shall be subject to a fine of between VND 1,500,000 and 5,000,000,000 or imprisonment of between two years and 5 years.

4. The offenders may also be subject to a fine of between VND 20,000,000 and VND 100,000,000, ban from holding certain posts, practicing certain occupations or doing certain jobs for between one and five years or confiscating part or all of them. set of properties.

Article 293 . Crime of illegally using radio frequencies reserved for emergency, safety, search, rescue, rescue, defense and security purposes

1. Those who illegally use radio frequencies reserved for emergency, safety, search, rescue, rescue, defense and security purposes for other purposes, causing losses of VND 200,000,000 If less than VND 500,000,000 has been administratively sanctioned for this act or has been convicted of this offense, but has not yet been entitled to remission of criminal records but also violates the violation, he / she shall be fined from VND 50,000,000 to VND 100,000. 000 VND or non-custodial reform for up to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) Organized;

b) Causing damage of VND 500,000,000 or more;

c) Dangerous recidivism.

Article 294 . Crime of intentionally causing harmful interference

1. Any person who intentionally causes harmful interference or obstructs the normal operation of the radio information system causing damage of between VND 200,000,000 and under VND 500,000,000 or has been sanctioned for administrative violations If this or has been convicted of this crime, has not yet been removed from the criminal record but also committed a violation, it shall be subject to a fine of between VND 50,000,000 and VND 100,000,000 or a non-custodial reform fine for up to three years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) Organized;

b) Causing damage of VND 500,000,000 or more;

c) Dangerous recidivism.

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