Guideline

POLICY, GUIDELINE, AND TEMPLATE DEVELOPMENT, MAINTENANCE, RETENTION TIMEFRAME

Document Code	13e-HD/SG/HDCV/FSOFT
Version	2.5
Effective date	01-Dec-2024

TABLE OF CONTENT

RECORD OF CHANGE

No	Effective Date	Version	Change Description	Reason	Reviewer Local DPO VN	Final Reviewer GDPO	Approver
1	01-Jul-2020	0.9	Newly issued	HIPAA requirement	Trang	Michael Hering	CFO/COO
2	19-Oct-2020	1.0	Biannually revision	Legal requirement	Trang	Michael Hering	CFO/COO
3	01-May-2021	2.0	Change the document structure. Update sections: Guideline Content and Related Document Add 2.6. Inventory of data processing activities	Legal requirement	Trang	Michael Hering	CFO/COO
4	01-Oct-2021	2.1	1 added: FPT Software Personal Data Protection Handbook and ISM guidelines, 1.2 added: statement_PIMS scope_V1.0, 2.3 added: record_retention schedule_V1.0, 2.5 revised, DPO Tool, 3.2 added: record_retention schedule_V1.0, template_DS request_incident_compliant _appeal_register-DP_V1.1	Legal requirement	Trang	Michael Hering	CFO/COO
4	01-Apr-2022	2.2	1.2 added: Policy_PIMS scope_V1.1 2.2 changed to: Q2 and Q4 3.2 13 added PIPL, 3.2 14 added: PDPL, UAR, Decree-Law No. 45 of 2021 3.2 16 added: Decree of the Vietnamese Government: Nghị Định Quy Định Về Bảo Vệ Dữ Liệu Cá Nhân 3.2 17 PDP_ Handbook_Version_V3.2 3.2 18: 30e-BM/SG/HDCV/FSOFT	Biannually revision	Linh Do Thi Dieu	Michael Hering	CFO/COO
5	01-Nov-2022	2.3	Deleted 2.5 DPO-Tool Deleted 2.6 DPO-Tool	Biannually revision	Linh Do Thi Dieu	Michael Hering	CFO/COO

No	Effective Date	Version	Change Description	Reason	Reviewer Local DPO VN	Final Reviewer GDPO	Approver
			Added 3.3. Data Protection Law, Vietnam, Overview. Added 3.2 15 Republic Act 10173 Data privacy Act 2012 Added 3.2 17 Personal Data Protection Act 2010, Malaysia Added 3.2 18 TISAX				
6	01-Aug-2023	2.4	Adjust document version numbers added 3.2 14, 18 changed 3.2 22: Came in force 07/2023 changed 3.3 PDPD was finalized and was coming in force 07/2023	Biannually revision	Linh Do Thi Dieu	Michael Hering	CFO/COO
7	14-May-2024	2.4.1	change document classification, from 'internal use' to 'public'	Document classification	Linh Do Thi Dieu	Michael Hering	CFO/COO
8	01-Dec-2024	2.5	Update Version numbers 1. Added PDPD13, 2.1, 2.4 replace LRC with LCM Added 3.20, 3.24 Changed 3 7 to March 15, 2024	Biannually revision	Linh Do Thi Dieu	Michael Hering	CFO/COO

1 INTRODUCTION

FPT Software Company, Ltd. ("FPT Software" hereinafter) Corporate Data Protection Policy, guidelines, procedures, 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, PDPD13 VN 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, procedures 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 guideline describes how Personal Data Protection Policies, Procedures, Guidelines and Templates are developed and maintained. It also defines the review and change process, the retention timeframe and how the different version are archived.

1.2 Application Scope

See Policy_PIMS scope_V1.4.

This guideline is binding for all departments and functions globally which are involved in personal identifiable information processing.

1.3 Application of national Laws

The Data Protection Policy, guidelines, procedures, 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.

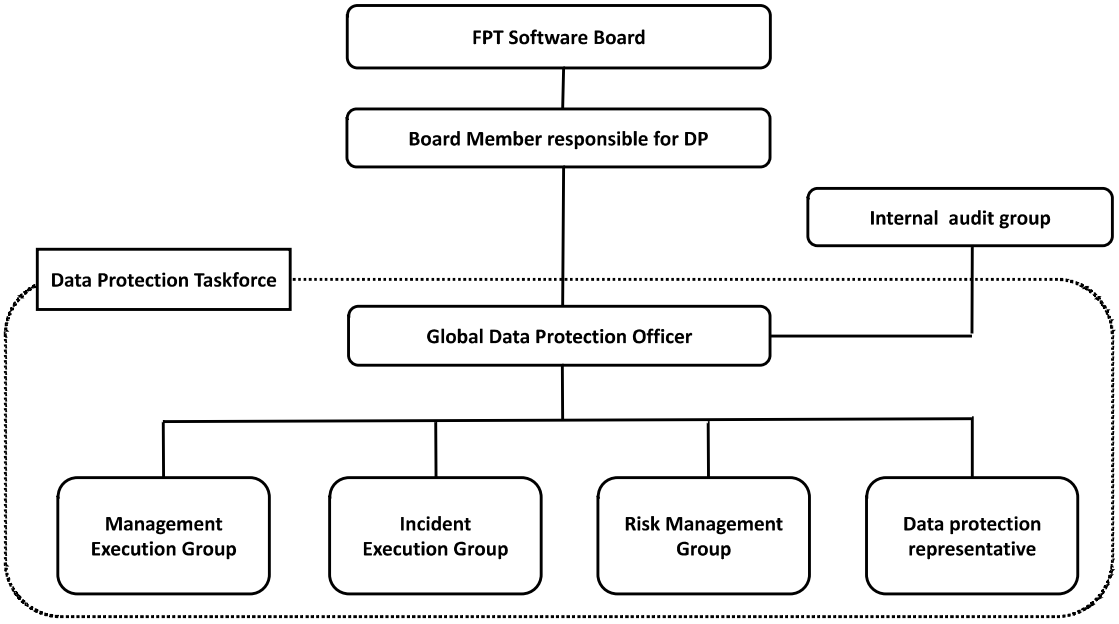
Each subsidiary or legal entity of FPT Software is responsible for compliance with the Data Protection Policy, this guideline, and the legal obligations. If there is reason to believe that legal obligations contradict the duties under the Data Protection Policy or the guidelines, the relevant subsidiary 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 GDPO 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.

1.4 Responsibility

The Global Data Protection Officer, appointed by the FPT Software Board Member responsible for Data Protection on behalf of the CEO of FPT Software is fully responsible.

The Global Data Protection Officer (GDPO) is an enterprise security leadership role required by the General Data Protection Regulation (GDPR) and other national laws. The GDPO is responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements and other national Personal Data Protection Acts. The primary role of the GDPO is to ensure that organization processes, the personal data of employees, customers, providers, or any other individuals are in compliance with the applicable data protection rules. GDPO should be able to perform the duties independently.

GDPO is responsible for observation of the time limits for personal data retention. GDPO must ensure that all departments of the company are following the company guidelines and the respective laws.



2 GUIDELINE CONTENT

2.1 Development of Policies, Guidelines and Templates

All policies, guidelines, procedures and templates regarding personal data protection are developed by the FHO.LCM under the management of the GDPO and approved by the board member responsible for DP.

Local policies, guidelines, procedures and templates reflecting special requirements of national data protection regulation are developed by the data protection representative of the OB, reviewed and approved by the GDPO.

FPT Software Corporate Data Protection Policy is published on the FPT Software Web site externally. Internally the policy is published on FPT Software workplace, Cucumber. All policies, guidelines, procedure, statements, records, and templates regarding personal data protection are published and stored internally on QMS. Local policies, guidelines and templates are published on OB workplace.

2.2 Maintenance

All policies, guidelines, procedures, statements, records, and templates regarding personal data protection developed by FHO.LCM are reviewed twice a year. Updated versions are published always in Q2 and Q4. FHO.LCM is responsible for review and update managed by the GDPO and approved by the board member responsible for DP. Release of policy updates and privacy statement are published on FPT Software Web site externally. All policies, guidelines, procedures, statements, records, and templates updates are published and stored internally on QMS and on FPT Software workplace, Cucumber. Local policies, guidelines and templates are reviewed annually, and updates are published on OB workplace.

2.3 Retention Timeframe

Every version of policies, guidelines, procedure, statements, records, and templates are archived 6 years after expiring in QMS. After 6 years they will be deleted. Every version of local policies, guidelines and templates is archived 6 years by the legal entity. After 6 years they will be deleted. The Template_Retention and Disposal Schedule _v1.4 is managed and maintained by the GDPO.

2.4 Audit Results, DPIA, Data Mapping

Internal audits must be executed annually by GDPO. Audit results must be archived 6 years. They are archived on GDPO cloud-based drive. After 6 years they will be deleted.

DPIA must be executed or reviewed annually by GDPO based on GDPR requirements. The results are archived 6 years. They are archived on GDPO cloud-based drive. After 6 years they will be deleted.

If a data mapping is executed by GDPO, the results must be archived 6 years. They are archived on GDPO cloud-based drive. After 6 years they will be deleted.

2.5 Incidents, Complaints, Appeals

Incidents, complaints, appeals and data subject right requests are documented in the corresponding register (Template_Data Subject Request Incident Compliant Appeal Register_v1.5, archived on GDPO cloud-based drive) by GDPO. They must be archived 6 years. After 6 years they will be deleted.

2.6 Inventory of data processing activities

Inventory of data processing activities done annually. Data inventory must be executed or reviewed annually by GDPO. The inventory results are registered and archived by using Template_Personal Data Processing Inventory_v2.7 on GDPO cloud-based drive. All versions must be kept 6 years. After 6 years they will be deleted.

3 APPENDIX

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/GDPR UK	EU General Data Protection Regulation/UK
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 March 15, 2024
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
17	PIPL	Personal Information Protection Law of the People's Republic of China and related laws and regulations

No	Code	Name of documents
18	PDPL Indonesia	Data protection in Indonesia is regulated by Law No. 27 of 2022 on Personal Data Protection ("PDP Law")
19	PDPA Thailand	Thailand's Personal Data Protection Act, 06/2022
20	PDPA Malaysia	Personal Data Protection Act 2010, Malaysia
21	TISAX	Trusted information security assessment exchange
22	BS10012: 2017	British Standard Personal Information Management System
23	ISO 27001	Information security, cybersecurity and privacy protection — Information security management systems
24	ISO 27701	ISO/IEC 27701:2019 (formerly known as ISO/IEC 27552 during the drafting period) is a privacy extension to ISO/IEC 27001. The design goal is to enhance the existing Information Security Management System (ISMS) with additional requirements in order to establish, implement, maintain, and continually improve a Privacy Information Management System (PIMS). The standard outlines a framework for Personally Identifiable Information (PII) Controllers and PII Processors to manage privacy controls to reduce the risk to the privacy rights of individuals.
25	PDPD13, VN	Decree of the Vietnamese Government: PDPD13 Nghị Định Quy Định Về Bảo Vệ Dữ Liệu Cá Nhân 07/2023
26	FPT Software Personal Data Protection Handbook	PDP_ Handbook_Version_V3.5

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.