

Exercising The Right to Access Information in Vietnam

LIEM VAN DINH¹, THANG NGOC DINH² and QUY VAN DUONG³

Abstract

Exercising the right to access information is the foundation of enshining democracy and ensuring the right to the mastery of the people. It is also a demonstration for the construction and perfection of the Vietnamese socialist rule of law state. The article analyzes, evaluates, and proposes some solutions to ensure the exercise of the right to access information in Vietnam currently.

Keywords: *Right to Access Information, Citizen, State Authority*

INTRODUCTION

Human history proved that, wherever and whenever we promoted the human factor well, we would create favorable conditions for socio-economic development generally. The miraculous development of Japan and Israel—countries that are poor in mineral resources, have harsh weather and climate conditions, and suffer from many natural disasters (volcanoes, tsunamis, and desertification)—mainly comes from the outstanding promotion of human factors.

Therefore, on the foundation of Marxism-Leninism and Ho Chi Minh's thought, the Communist Party of Vietnam (CPV) has been steadfast and raised the flag of national independence and socialism. The CPV's views on human rights and civil rights are recognized, inherited, and developed in Party Congress Documents over time, most recently Resolution No. 27-NQ/TW dated November 9, 2022, within the 6th Conference of the 13th Party Central Committee on continuing to build and perfect the Vietnamese socialist rule-of-law state in the new period, which continues to affirm the CPV's consistent viewpoint that "the State respects, ensures, and protects human rights and citizens' rights." Due to that, "the country has achieved great, historically significant achievements and developed strongly and comprehensively compared to the years before the Renovation [Doi Moi policy in 1986]. The scale and level of the economy have been raised. The country has never had the same fortune, potential, position, and prestige as it does today" (Communist Party of Vietnam 2016:103–4). The achievements in promoting human factors in our country in recent years are quite comprehensive. We can summarize some basic achievements, such as: i) promoting a democratic environment to promote human factors; "to exercise more effectively the right to mastery of the people in deciding major and important issues of the country. To pay attention to the implementation of grassroots democracy" (Communist Party of Vietnam 2016:71); ii) emphasizing the importance of comprehensive human development in socio-economic development strategies; iii) caring for the better lives of the people; therefore "lives of the people both materially and spiritually have improved markedly" (Communist Party of Vietnam 2016:104).

To promote human resources, from a very early age, the State of Vietnam has focused on ensuring the right to access information for everyone because it is a prerequisite for the exercise of human rights in all areas of social life. In the era of international integration and globalization, the right to access information has become a basic right and one of the most important rights of the people. It is increasingly respected by countries around the world. In September 2019, the United Nations officially raised the proposal of UNESCO to decide to select September 28 every year as a global right to access information day. In line with that trend, in Vietnam, the Law on Access Information was adopted in 2016 and officially took effect on July 1, 2018. This legislation

¹ Vinh University, Vietnam. Email: dinhliemdhv@gmail.com, (Corresponding author)

² Vinh University, Vietnam, Email: thangluatdhv@gmail.com, (Corresponding author)

³ Hanoi Law University, Vietnam, vanquy@gmail.com

constitutes a strong legal instrument to support the exercise of right to access information, have a positive impact on the operations of the state apparatus, increase transparency in the public affairs activities of state agencies, meet increasing information needs, and increase information orientation.

However, the implementation of the responsibility to provide information to the people is still limited and weak. There are still state agencies that have not yet assigned units and information providers or assigned incompetent, unwilling, and inconsistent units and information providers to provide information. Many heads of state agencies are not clearly and fully aware of their responsibility to provide information to everyone. They have not yet developed a process for providing information. Many state agencies are still confused, passive, and slow in providing information to citizens. In general, many people still have difficulties officially reporting information from state agencies, especially in accessing information to serve themselves and monitor the activities of state agencies. For example, according to the Vietnamese Inspectorate, as of October 6, 2022, out of a total of 705 district units nationwide, nearly 49% (equivalent to 345 district-level People's Committees) have publicly implemented their use planning district-level land in the period 2021–2030, of which 105/345 agencies were recorded to have announced on time, 116/345 agencies were late, and 124/345 agencies could not determine the publication time (Lan Anh 2023).

This paper aims to evaluate the exercise of the right to access information by the people and the provision of information by state authorities. Based on this assessment, it suggests some solutions to promote the right to access information for citizens. The article also adds knowledge and skills on the right to access information to the public, including state officials, and contributes to creating the references for state authorities.

Right To Access Information in Vietnamese Legislations

Ensuring the exercise of the right to access information as a fundamental right of citizens plays a pivotal role for exercising other human rights stipulated in the 2013 Constitution, such as right to participate in state and social management, right to vote, right to run for election, right to complain, right to denounce, freedom of speech, freedom of press. Therefore, the National Assembly Standing Committee considered the Law on Access Information as a priority legislation relating to human rights guarantee to implement the 2013 Constitution (Resolution No. 718/NQ-UBTVQH dated January 2, 2014, of the National Assembly Standing Committee promulgating the Plan for organizing and implementing the Constitution of the Socialist Republic of Vietnam). According to this document, every citizen is equal to the information provision of state authorities and to information request to state apparatus.

In order to ensure that information is made public and disseminated to the widest range of citizens, the Law on Access Information regulates types of information and methods of disclosing information on electronic information pages or portals and media, public information, and publication in the Official Gazette, through citizen receptions, press conferences, press releases, activities of spokespersons of state agencies in accordance with the law, and other forms convenient for citizens announced by responsible agencies. Citizens can request information directly or authorize others to come to the headquarters of state agencies to request information; send a request form via electronic network, postal service, or fax to the information-provider agency.

To ensure the exercise of the right to access information, the Law on Access Information stipulates the responsibilities of state agencies in identifying units and individuals to act as focal points for providing information; to establish, update, and publicize a list of information that must be publicized; to maintain, store, and update the information database responsible for providing and ensuring information is systematic, complete, comprehensive, timely, and easy to look up; to review, classify, check, and ensure the confidentiality of information before providing. The Ministry of Information and Communications (MIC) assists the Government in carrying out the task of providing technical guidance on measures and processes to protect information, communications, and information management systems. The Ministry of Justice (MoJ) assists the Government in generally monitoring the implementation of this legislation. Provincial People's Committees are responsible for state management in their provinces, implementing measures to ensure the right to access information according to the guidance of the Government.

Immediately after the adoption of the Law on Access Information, the MoJ advised and submitted to the Government to promulgate Decree No. 13/2018/ND-CP dated January 23, 2018, detailing and implementing the Law on Access Information. The Minister of Finance adopted Circular No. 46/2018/TT-BTC dated May 14, 2018, detailing the actual costs for printing, copying, photocopying, and sending information according to the provisions of Article 12.2 of the Law on Access Information. The Minister of National Defense issued Circular No. 64/2018/TT-BQP dated May 15, 2018, regulating the implementation of information provision in the Ministry of National Defense. At the same time, in recent times, the National Assembly has issued the 2022 Law on Practicing Grassroots Democracy, which continues to recognize the right to access information as well as the responsibility of state agencies to provide information. Thus, it can be seen that the legal framework for the right to access information has been established and is increasingly being improved. The awareness of Party Committees and local authorities about the role, position, and importance of the Law on Access Information is constantly being improving. As a result, the implementation of the Law and Decree No. 13/2018/ND-CP basically receives close attention and direction from Party Committees and authorities at all levels to organize and implement effectively, in accordance with actual local conditions, and with synchronous coordination between agencies. In general, state agencies are equipped with appropriate facilities and human resources to serve access information to the people; to invest in building and applying information technology during the implementation of the Law on Access Information, ensuring access information on time, accurate, and effective; to create all conditions for officials in charge of providing information to study and receive training to improve their qualifications to ensure the best service for access information. The implementation of the right to access information takes place in the 4.0 technology era, in parallel with the process of building e-Government, modernizing state administration. Information technology is widely applied throughout the country, creating favorable conditions in the access information process and meeting access information needs. Information, policies, databases, and results of administrative procedures in many fields are integrated on the electronic information portal of the Ministry and the electronic information pages of units and are regularly updated and posted publicly, creating conditions for people, businesses, organizations, and individuals to have full, open, and transparent access. In particular, the Prime Minister issued a Decision approving the e-Government development strategy towards a digital government for the period 2021–2025, with an orientation to 2030, including the tasks of digital infrastructure development, developing national digital platforms and systems and developing national digital data, developing national applications and services, which are identified as key national tasks. The implementation of these tasks will contribute to facilitating state agencies in providing information to the people by connecting, integrating, and sharing data between information systems and databases of the government, ministries, branches, and localities on a nationwide scale. The spirit and responsibility of the staff, civil servants, and public employees in implementing the provisions of the Law on Access Information and its guiding instruments are increasingly enhanced. People are increasingly interested in the right to access information in all fields, especially information directly related to their lives and activities. The level of information technology is increasingly improving, so proactively searching for information publicly disclosed by state agencies is easy and convenient.

However, propaganda and dissemination of the provisions of the Law on Access Information still face many difficulties due to the limited level of awareness and ability to apply information technology of some people, especially those in mountainous and remote areas do not know how to use Kinh people language (the Vietnamese official language), which affects the actual exercise of the right to request information. Currently, investment in facilities for information access (headquarters, citizen reception, storage, and photocopying) has received attention but has not met practical requirements, especially facilities to provide information for people with disabilities. Facilities, means, and resources to carry out the storage, disclosure, and provision of information fully and promptly in some localities are still limited, especially in areas with poor socio-economic conditions. They are not really synchronized, ensuring interconnection between portals or websites of ministries, branches, and localities. A few agencies have not yet issued regulations on providing information; a list of information that must be made public has not yet been established; a section on accessing information has not yet been developed on the websites of agencies as prescribed. Some agencies and units, especially at the commune level, are still confused about classifying the List of information that must be made public and the List of information with conditional access. The digitization of previous records and documents without

the V-Office electronic document system in some agencies has not been implemented, causing difficulties when there is a request to provide information related to records and documents. The need for organizations and individuals to provide information and the amount of information that needs to be disclosed are increasing day by day. Meanwhile, the coordination between the focal unit providing information and the units creating information according to the internal regulations of the agency on the organization of information provision is not regular, methodical, or influential to the process of providing information to the people.

METHODOLOGY

The article uses the methods of analysis, evaluation, and synthesis of legal provisions, economic factors, and awareness to study the current status of implementing the right to access information in Vietnam. The paper conducts a review of electronic information portals and pages of central and local state agencies to evaluate the infrastructure for providing information to citizens and the implementation of regulations on providing information created and held by public agencies. In particular, there is an assessment of the disclosure of information providers; to promulgate and publicize regulations and information provision procedures; to establish and update the information access directory and list of information that must be made public; to publicize information according to the provisions of the Law on Access Information and access information for people with disabilities.

RESEARCH RESULTS

Legal provisions

First the legal framework relating to the right of citizens to access information has some provisions that do not ensure timeliness or feasibility.

According to the law, it is incorrect for the head of the unit assigned to be the focal point providing information to promptly handle information providers under their management authority whose actions obstruct the right to access information in terms of authority (National Assembly of Vietnam 2016:34.2). According to the 2016 Law Access Information, the unit assigned to be the focal point for providing information is an integral part of the information providing agency, so the head of the unit is assigned to be the head of the information provision agency. The termite is not the head of the information provider. According to current law, issues of disciplinary authority are stipulated in many different instruments, most of which stipulate that the head of the state agency has the authority to discipline. For example, Decree No. 34/2011/ND-CP stipulates that civil servant holding leadership, management positions, heads of agencies, organizations, and units with appointment authority, implement disciplinary measures and decide on disciplinary form. A civil servant who does not hold leadership or management positions, the head of the management agency, or the head of the agency assigned to manage the civil servant, shall conduct disciplinary action and decide on the disciplinary form. In addition, the authority to handle administrative violations or prosecute criminal liability is largely handled by competent persons from other agencies, not by the head of the competent information-providing agency itself. On the other hand, in state agencies, there is often a tendency to protect, cover up, respect each other, or have “a slap in the wrist,” leading to handling that will not be strict, objective, or highly effective for the provider under their agency acts to obstruct the right of citizens to access information (Duong 2021:21).

Secondly, some provisions do not ensure openness, transparency, or instability.

The legislation stipulates that information providers have the responsibility to “*timely consider the benefits of providing information to make information public or provide information upon request to ensure public interests and community well-being*”(National Assembly of Vietnam 2016:34.1(g)). This regulation does not ensure timeliness and transparency in providing information to citizens from State agencies (Duong 2021:19, 20) because no legal regulations specifically stipulate cases limiting the right to access information in Articles 6 and 7 of the 2016 Law on Access Information. Thus, the consideration of public interests and community health will depend on the subjective will of the agency providing information, and that can inevitably lead to arbitrariness and non-transparency. Reality shows that any government or powerful individual has an inherent tendency to want to rule and limit information openness and transparency to make it easier to govern. Therefore, it cannot be ruled out that

information-providing agencies use excuses to limit the right of citizens to access information and avoid providing information to facilitate and reduce the responsibility of their agencies. Assigning information providers to consider and consider public interests and community health will also lead to inconsistency in implementation because each agency providing information will be free to give reasons when considering public interests and community well-being. The principle of directly restricting rights of citizens is stipulated in Article 14.2 of the 2013 Constitution, which points out 6 grounds for rights restriction in the public interest, including national defense, national security, social order and security, social morality, and community well-being. Meanwhile, Article 6.2 of the 2016 Law on Access Information stipulates that “*information that, if allowed to access, will harm the interests of the State, adversely affect national defense and security, international relations, social order and security, social morality, community well-being; causing harm to the life, livelihood or property of others; information belonging to work secrets; information about internal meetings of state agencies; documents drafted by state agencies for internal affairs*”. Thus, the restriction on right to access information in the 2016 Law on Access Information is broader than the right restriction provisions in the 2013 Constitution.

It can be seen that information is stored and operated on an information database, so technical guidance on measures and processes to protect information and protect information management systems belongs to the expertise of the MIC. In principle, the MIC is also responsible for providing information and performing the above responsibilities accurately. Furthermore, this responsibility has been recognized in Article 35.1(e) of the 2016 Law on Access Information, which stipulates the responsibilities of state administrative management agencies and has been assigned directly to the Ministry of Information and Communications. In Article 35.3 of the 2016 Law on Access Information declares that “*Technical guidance on measures and procedures for information preservation and information management systems*”. Although there is a difference in wording between the words “protect” and “preserve”, their meanings are to store information for long-term use, avoiding wasting resources for the State. In addition, not all information providers have enough resources to carry out this responsibility, for example, the Commune People’s Committee will not have the conditions to provide technical guidance on information protection measures and procedures. and protect information management systems. Therefore, imposing this responsibility on all information providing agencies is not feasible.

Article 34.2 of the 2016 Law on Access Information stipulates that the head of the unit assigned to be the focal point for providing information must promptly handle information providers under their management who have acts that obstruct the right of citizens of access information does not have the authority to do so (Duong 2021:21). According to the provisions of the 2016 Law on Access Information, it can be understood that the unit assigned to be the focal point for providing information is an integral part of the information providing agency, so the head of the unit is assigned to be the head of the information provision agency. The termite is not the head of the information provider. According to current legislation, issues of disciplinary authority are stipulated in many different instruments, most of which stipulate that the head of the state agency has the authority to discipline. For example, Decree No. 34/2011/ND-CP stipulates that civil servant holding leadership, management positions, heads of agencies, organizations, and units with appointment authority, shall conduct disciplinary action and decide on disciplinary measures. Civil servant who does not hold leadership or management positions, the head of the management agency or the head of the agency assigned to manage the civil servant shall conduct disciplinary action and decide on the disciplinary form. In addition, the authority to handle administrative violations or prosecute criminal liability is largely handled by competent persons of other agencies, not by the head of the competent information-providing agency itself. On the other hand, in state agencies there is often a tendency to protect, cover up, respect each other or have “a slap in the wrist”, leading to handling that will not be strict, objective and not highly effective for information providers of their agency acts to obstruct right of citizens to access information.

Article 11 of the 2016 Law on Access Information stipulates prohibited acts, including intentionally providing false or incomplete information, delaying the provision of information; destruction of information; falsifying information; providing information to oppose the State of the Socialist Republic of Vietnam, sabotage the solidarity policy, and incite violence; providing information intended to offend honor, dignity, reputation, cause gender discrimination, and cause property damage to individuals, agencies, and organizations; obstructing, threatening, or oppressing people who request information. With this regulation, prohibited acts include all

subjects, from information-provider agencies to information providers to people exercising the right to access information to other entities in a single provision. This listing method of regulation is easy to search, does not having duplicate content, and avoids conflicts between legal regulations on the same issue. However, each type of subject has its own characteristics, so it cannot be regulated equally for all subjects (Duong 2021:18, 19). If we propagandize and disseminate the law poorly, it will be very difficult for citizens to determine which of their actions are and are not strictly prohibited. The 2016 Law on Access Information is the first legal instrument regulating the right of citizens to access information. Most people still do not know they have this right. In addition, Article 11 of the 2016 Law on Access Information stipulates the direction of listing, framing, and fixing prohibited acts, while this legislation applies generally to access information for all citizens. Therefore, it will not be possible or impossible to list all possible actions that may occur now or in the future. Thereby, it makes the regulations not predictive, not highly stable, and not feasible to implement (Duong 2021:18, 19).

The responsibility to ensure the right of citizens to access information belongs first and foremost to the State. Therefore, the 2016 Law on Access Information stipulates the responsibilities of state agencies from executive, judicial to legislative agencies to provide information to citizens. On the one hand, it helps citizens to protect their legitimate rights and interests. On the other hand, it creates conditions for people to participate in monitoring the activities of agencies in the state apparatus. Furthermore, through access information, people have the opportunity to participate more effectively in the work of the government apparatus. Simultaneously, openness, transparency, and accountability of state agencies are also enhanced. However, Article 9.2 of the 2016 Law stipulates that “a) The Office of the National Assembly is responsible for providing information provided by the National Assembly, agencies of the National Assembly, and agencies under the National Assembly Standing Committee created by the National Election Council and the information created by them; b) The Office of the President is responsible for providing information created by the President and information created by itself; c) The Government Office is responsible for providing information created by the Government, Prime Minister and information created by itself; d) The Office of the National Assembly Delegation is responsible for providing information created by the National Assembly Delegation and information created by itself; e) The Provincial People’s Council Office is responsible for providing information created by the People’s Council, Standing Committee of the People’s Council, agencies of the Provincial People’s Council and information created by itself; f) The Provincial People’s Committee Office is responsible for providing information created by the People’s Committee, Chairman of the Provincial People’s Committee and information created by itself; g) The Office of the People’s Council and District People’s Committee is responsible for providing information created by the People’s Council, Standing Committee of the People’s Council, agencies of the People’s Council, People’s Committee, Chairman of the District People’s Committee and information created by themselves”. Because the departments of state agencies can be changed and streamlined to improve effectiveness and efficiency in state management according to the CPV’s policies in building and perfecting the rule of law state, therefore, the regulations determining by listing will not ensure long-term stability of legal instruments, causing a waste of resources. Furthermore, Article 34.1(h) of the 2016 Law stipulates that information providers promulgate and publicly announce internal regulations on information provision organizations within their scope of responsibility. The determination of the focal point for providing information is shown in this regulation. Therefore, it is unnecessary to specifically stipulate the department that provides information to state agencies, as above. In addition, that regulation creates a shifting of responsibilities and poor assignment of tasks in providing information to citizens. In some cases, because of the subjective will of the subject who creates the information but does not want to make the information public, it leads to awkwardness and even puts responsibility on the subject providing the information instead (this incident likely happens when the relationship is between the head of an agency and a subordinate professional department) (Duong 2021:17, 18).

Thirdly, the regulations do not put the legitimate rights and interests of the people at the center, especially the regulations and procedures for implementing the right to access information.

Regulations on the order and procedures for implementing the right of citizens to request information are still heavy on state management and do not pay attention to their rights. When requesting information, Article

24.2(d) of the 2016 Law stipulates that the requester must provide the reason and purpose of providing the information.

Regulations on measures to create favorable conditions for people with disabilities, people living in border areas, islands, mountainous areas, and areas with extremely difficult socio-economic conditions to exercise their right to access information are also not really approached based on human rights or citizens' rights (Government of Vietnam 2018:2, 3), considering people as the goal and motivation but still depending on the actual conditions of state agencies.

Practice of exercising rights to access information in Vietnam

Since the 2016 Law was promulgated with general regulations for citizens' access information, state agencies have proactively organized and implemented necessary measures to provide information to citizens. State agencies have focused on implementing measures, such as thoroughly organize the implementation and dissemination of the content of the law on citizens' right to access information; to organize a review of current legal instruments related to this right in accordance with Article 3 of the 2016 Law; to develop internal regulations of agencies to provide information; operate electronic information portals, electronic information pages, build and operate information databases; to review, consolidate, and appropriately arrange units and individuals as focal points for providing information; to foster and improve the capacity, expertise, and skills of those assigned to provide information.

As an agency that helps the Government generally monitor the implementation of citizens' right to access information, the MoJ has synchronously implemented many activities to increase awareness as well as create favorable conditions for citizens. State agencies and people in the implementation process such as organizing research, compiling instruments for dissemination, guidance and training on the Law on Access Information, such as Questions and Answers (Q&A) about the Law on Access Information, Handbook for citizens to exercise the right to access information, Handbook for state agencies and in-depth training materials on the content of the Law on Access Information and posted publicly on the electronic portal of the MoJ so that state agencies and people can access them when needed; organizing an online law learning contest with the topic Law on Access Information; developing leaflets and leaflets to learn about the Law on Access Information. In addition, the Ministry of Foreign Affairs (MFA) has proactively included information about the 2016 Law on Access Information in propaganda and foreign affairs campaign activities on human rights, including annual bilateral Human Rights Dialogues with the US, EU, Australia and especially inclusion in the National Report under the Universal Periodic Review Mechanism cycle III of the Human Rights Council, United Nations and approved by the Council in July 2019.

According to the Report of the MoJ, in the process of developing the 2016 Law on Access Information, legal regulations on ensuring the right to access information in 16 related fields have been reviewed, and there are over 100 legal instruments. Laws need to be promulgated, amended, and supplemented to comply with the principles of ensuring the right to access information (Ministry of Justice of Vietnam 2015). Many legal instruments have been reviewed and proposed to be promulgated, amended, and supplemented, such as the 2018 Law on Denunciations; the 2018 Law on Anti-corruption; the 2015 Law on Promulgation of Legal Instruments amended and supplemented in 2019; the 2020 Law on Enterprises; the 2019 Law on Education; the 2019 amended and supplemented Law on Cadres, Civil Servants and Law on Public Employees; the 2023 Law on Medical Examination and Treatment; the 2022 Law on Cinema; the 2018 Law on Protection of State Secrets, the 2018 Law on Cyber Security; the 2022 Law on Implementing Grassroots Democracy; the 2022 Law on Planning, not to mention the accompanying guiding instruments that must also be replaced.

State agencies are responsible for providing information that has been issued and publicly announced on the portal or website. Internal regulations on information provision organization within the scope of responsibility of their agency have to identify focal points to provide information; the transfer of information from the generating unit to the focal unit providing the information; the classification of information allowed to provide and not allowed to provide; updating publicly available information, information is provided upon request; sequence and procedures for handling requests for information between the focal unit, the unit in charge of

the information database and relevant units. In some localities such as Lang Son, Phu Tho, Thanh Hoa, Thai Nguyen, up to now most agencies have issued regulations on providing information.

State agencies arrange people to act as information providers to provide information according to regulations and in accordance with the practical conditions of their agencies. Focal officers are usually arranged as civil servants in the Office Department and mainly work part-time. In particular, some agencies arrange leading civil servants to be the focal point for providing information. For example, the focal point for providing information of the Office of the National Assembly is the leader of the Department of Information; the focal point for providing information of the Office of Government is the leader of the Department of Personnel Organization. In Lang Son, Dak Nong, Thai Nguyen, Quang Nam, this task is assigned to heads of agencies, units or department-level leaders, ensuring timely provision of information for citizens upon request. Information about focal officers providing information is publicly disclosed by agencies in the access information section on the agency's website or portal (full name, position of person acting as focal point providing information; phone number, fax number, email address to receive requests for information).

The portal or website plays a very important role in disclosing information, the agencies responsible for providing information have focused on building a section on access information on the portal/website of their agency to serve the people's access information work. In addition, some agencies have proactively set up many categories on their agency's portal or website such as announcements, Q&A sections, emails to diversify their methods of information disclosure.

Training and improving the qualifications and skills of providing information to this team so that they are fully aware of the content of the law on citizens' right to access information, thereby being able to provide information according to the law. Correct regulations are absolutely necessary. Thoroughly grasping that spirit, state agencies have organized training for officers who act as focal points for providing information in their agencies with the main forms of training, including organizing direct training conferences or integrating them with training activities on other professional tasks; appointed to participate in training courses of superior state management agencies; integrate into annual conferences to deploy legal dissemination and education work of the Coordinating Council for legal dissemination and education; thematic activities.

Owing to more than two years of time to prepare the necessary conditions to ensure the implementation of citizens' right to access information, after three years of implementing the Law on Access Information and instruments guiding its implementation and operation. Information disclosure has been paid attention and proactively implemented to basically meet the information needs of the people, helping people access information proactively, quickly and conveniently. Previously, the disclosure of information by state agencies only partially met people's needs, not creating conditions for people to access information proactively, quickly and conveniently. With the purpose of providing diverse forms of information disclosure, facilitating and reducing time and costs for organizations and individuals in searching and exploiting information and data, a number of agencies have proactively deployed many forms of information technology application, helping people easily access information. For example, the Supreme People's Court has publicly announced the Court's judgments and decisions on the electronic portal; electronic information pages of departments, divisions and branches in Lam Dong province are operated on the modern technology platform SharePoint 2019 with features and functions that meet the needs of accessing and exploiting information with the modern and user-friendly interface. In particular, the Chairman of the Ho Chi Minh City People's Committee has recently directly shared information with people about the city's orientations and plans for the prevention and control of COVID-19 epidemic through the livestream program "People Ask: The City Answers" (Minh Hiep 2021), using the Zalo and Viber platforms, mobilizing "key opinion leaders," especially social network accounts that have good influence in the press and media, to widely provide information to the people. The city used loudspeaker systems and mobile speaker systems to provide brief information related to COVID-19 epidemic prevention and control to poor people and immigrants in suburban areas without televisions or smartphones. In addition, state agencies have received more than 3 million requests to provide information in quite diverse forms, including directly at agency headquarters, via electronic networks of which the main form is a request to provide directly at the agency's headquarters. In general, after receiving people's requests for information, agencies have

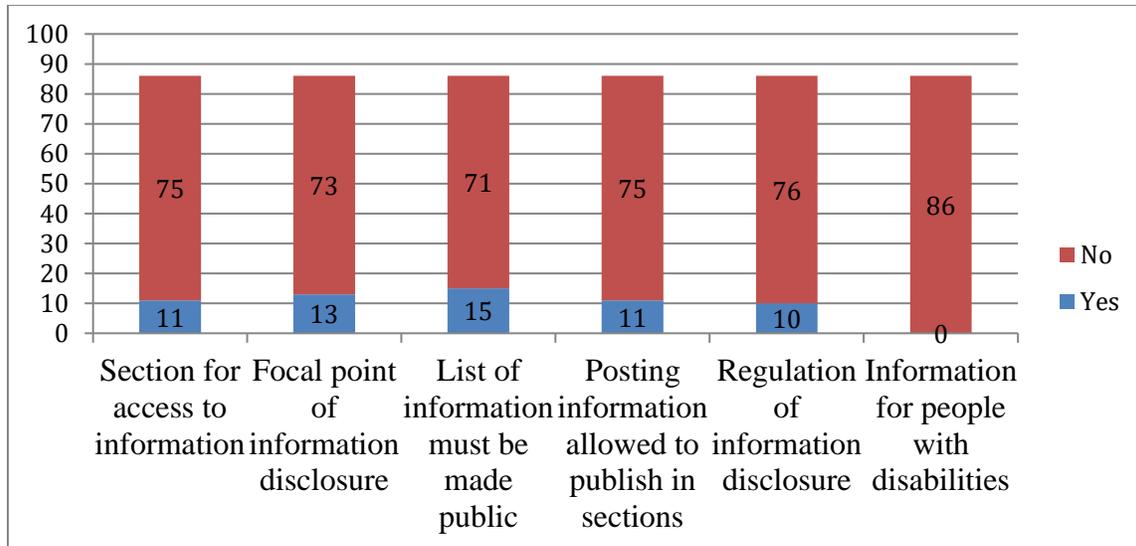
carried out necessary activities to provide information to people or have not provided information for information. Citizens do not have access according to the provisions of law.

The above results are, first of all, due to the increasingly complete legal system on citizens' right to access information, especially since the 2016 Law on Access Information has fully specified citizens' right to access information and responsibilities and obligations of state agencies in ensuring this right; efforts of the Government and the MoJ in implementing citizens' right to access information. In parallel with the process of building e-Government and modernizing state administration, information technology is widely applied throughout the country, creating favorable conditions in the process of exercising the public's right to access information. Citizens and citizens are increasingly concerned about the right to access information in all fields, especially information directly related to people's lives and activities.

However, besides the results achieved above, the implementation of citizens' right to access information still has certain limitations that require research to have a basis for proposing recommendations to ensure the implementation of the right of citizens to access information in Vietnam shortly.

First, although there has been proactive work in organizing and implementing citizens' right to access information on the part of state agencies, this work has not basically guaranteed, especially access from the perspective of the rights of citizens. According to a review of the article on *Luat Vietnam*, currently, there are more than 40 legal instruments that have not been amended, supplemented or replaced to comply with the principles of ensuring the right to access information in various fields of social life, including many areas directly related to people's lives, activities, production and business like housing and construction; environmental resources, administration, public health, not to mention the accompanying implementation guidance instruments of the Government, ministries, branches and localities that also need to be amended, supplemented or replaced. According to the Implementation Plan for the Law on Access Information promulgated together with Decision No. 1408/QĐ-TTg dated July 15, 2016, of the Prime Minister, the work of thoroughly implementing and disseminating the content of the Law on Access Information was completed in 2017. Therefore, the Law on Access Information was mainly propagated and integrated at the end of 2016 and 2017. According to the results of the PAPI in 2021, almost no province or city has been recognized as having made significant efforts in propagating and disseminating the 2016 Law on Access Information. Through reviewing the portals/websites of state agencies at the central level and 63 provinces and centrally-run cities, even many state agencies have not yet properly implemented the requirements in the 2016 Law on Access Information. They have not yet built a section on access information on the portal or website, but they do not promptly post or prove information created by them. There is still delay in preparing the List of information that must be made public and posting the list on the electronic information portal according to regulations; the information and data system is not yet synchronized, some information has not been updated promptly, so the provision, exploitation and use is limited.

Table 1: *Chart of results of synthesizing information evaluating the construction of categories on access information, focal points of information disclosure, making a list of information that must be made public, posting information to be made public according to the list Sections and regulations of information disclosure for people with disabilities of central State agencies and 63 People's Committees at all levels of Vietnam*

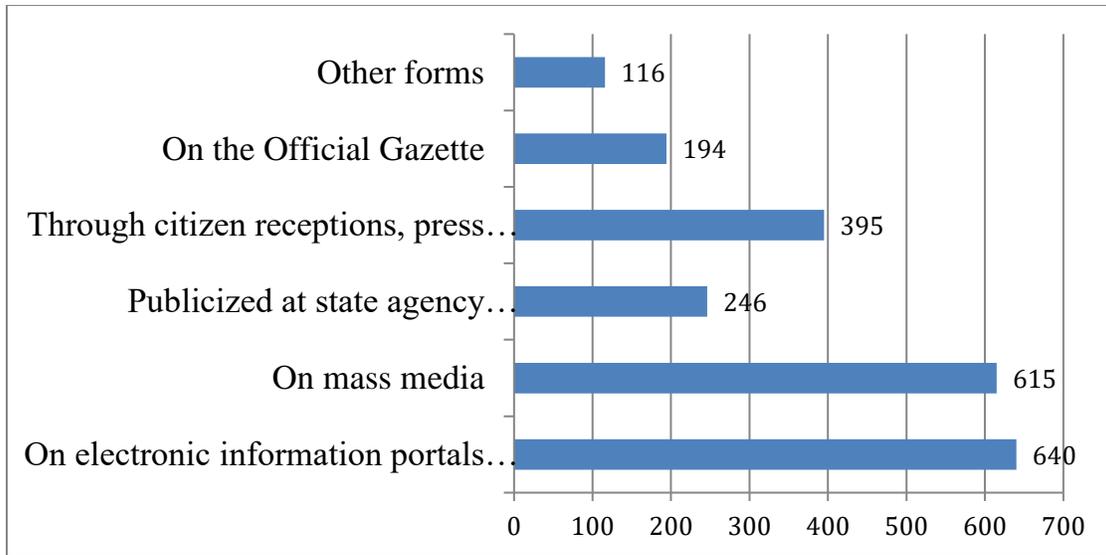


Secondly, state agencies publicize information that does not ensure timeliness, accuracy and completeness. Information disclosure is according to specialized laws, not according to the provisions of the Law on Access Information, so the principle of providing information in a timely, accurate and complete manner is difficult to guarantee. According to the assessment of the “research group” including non-governmental organizations and networks, state agencies are disclosing information in the spirit of implementing the Law on Legal Education and Dissemination, the Law on Complaints, the Law on Denunciations, the Law on Citizen Reception, the Law on Press, and the Regulations on Spokesperson, procedures for providing public administrative and e-government services (CEPEW et al. 2020:34).

Survey and assessment results show that, with the publication of provincial-level land price lists, as of October 6, 2022, 41/63 centrally-run provinces and cities (accounting for 65%) have publicly posted the land prices on the local electronic portal, increased by 22.2% compared to the 2021 review results. For district level, as of October 6, 2022, out of 705 People’s Committees, 55.2% have publicly implemented land use plans on the district-level electronic portal. There are 19/389 units that publicize district-level land use plans for 2022 and issue land use plans on time (accounting for 4.9%). Comparing the results of the 2021 review shows that the number of district-level People’s Committees publicly implementing land use plans on the electronic information portal increased slightly (about 7%). Regarding the disclosure of district-level land use planning information, the new content will be evaluated in 2022. As of October 6, 2022, out of a total of 705 district units nationwide, nearly 49% (equivalent to 345 district-level People’s Committees) have publicly implemented district-level land use planning for the period 2021–2030, of which 105/345 agencies were recorded to have publicized on time, 116/345 agencies were publicized lately, and 124/345 agencies could not determine the disclosure time (Lan Anh 2023).

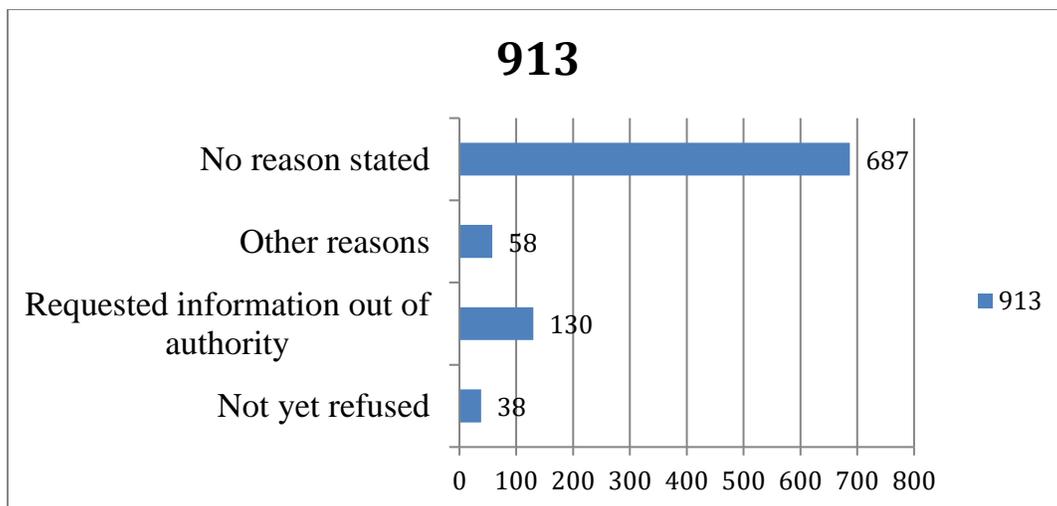
State agencies only publicize information in forms suitable to their conditions, not in forms that are convenient for the people or popular with the people, so the number of people who can freely access it is not many. For example, practice shows that agencies post instruments in general and information about legal projects in particular on public information pages, but the number of visitors is modest (Le 2022). Forms of information disclosure for ethnic minorities are not rich and diverse and have not yet promoted forms suitable for ethnic minorities. Information is provided mainly through the electronic information portal and the State Department’s website; central and local radio and television broadcasting systems, ethnic language television and other news broadcasting systems; thematic instruments, leaflets, publications, books, newspapers, internet. Information disclosure through village meetings, law dissemination conferences is integrated, through loudspeaker systems, so timeliness, completeness and accuracy in access information are not guaranteed.

Table 2: *Forms of information disclosure*



Thirdly, state agencies have not properly implemented the regulations on supply as requested by citizens. The law stipulates that providing information upon request is the obligation of state agencies. In case of failure to provide information, state agencies must respond in writing and clearly state the reason, but there is even a situation where state agencies do not provide information to citizens' requests for information, responded but did not provide information and did not specify the reason. According to the Center for Education Promotion and Empowerment of Women (CEPEW), which published research on land information in Vietnam, conducted from July 2021 to June 2022, up to 59.3% of provincial agencies did not respond to citizens' requests for information and 14.3% of provincial agencies responded but did not provide information. According to CEPEW, about 70% of state agencies have not responded to requests for information, and among the 30% of state agencies that have responded, some have shown that they do not understand citizens' right to request information and their responsibility to provide information (CEPEW et al. 2020:34). After surveying and evaluating responses to providing information upon citizens' requests and sending letters requesting information on district-level land use plans for 2022, the rate of state agencies not responding to requests for providing plan information on People's district-level land use remains high (Lan Anh 2023). There is a situation where information must be made public according to regulations, but people who want to access it must request it. For example, in Ho Chi Minh City, people and businesses must file documents to provide planning information.

Table 3: Why state agencies refuse to provide information?



Fourthly, the work of protecting citizens' right to access information has not been carried out regularly and effectively by state agencies, making this ability of citizens almost unfulfilled in reality. Researching the National Assembly's supervision resolutions from 2020 to present, it shows that ensuring the implementation of citizens' right to access information has not been included in the National Assembly's supervision program. In addition, according to a survey by the research team, evaluating the implementation of the 2016 Law on Access Information of 27 central-level state agencies; Provincial People's Committee and Department of Justice of 63 provinces and cities across the country; and 100 other state agencies in 8 provinces and cities including Da Nang, Quang Tri, Quang Binh, Dien Bien, Son La, Bac Kan, Cao Bang and Ha Giang also showed that this monitoring content has not been expressed in Resolution No. 20/NQ-HDND of the People's Council of Quang Tri province, Resolution No. 236/NQ-HDND of the People's Council of Da Nang City, Resolution No. 136/NQ-HDND of the People's Council of Son La province, Resolution No. 04/NQHĐND and Resolution No. 01/NQ-HDND of the People's Council of Ha Giang province, Resolution No. 13/NQ-HDND of the People's Council of Bac Kan province and Resolution No. 22/NQ-HDND of the People's Council of Cao Bang province, organizations socio-political affairs in 8 provinces and cities also affirmed that they have not included monitoring the implementation of the Law on Access Information in their agency's 2020 monitoring plan and content (CEPEW et al. 2020:32–33). Ensuring the implementation of the right of citizens to access information that is not subject to the supervision of state power agencies and socio-political organizations will greatly affect the effectiveness of implementing the right of citizens to access information. Up to the time the research group conducted field assessments, state agencies and socio-political organizations affirmed that there have been no requests for information from citizens and no complaints, lawsuits, or denunciations related to ensuring the right to access information have arisen (CEPEW et al. 2020:36). Perhaps the first administrative lawsuit on the right to access information carried out by the people in Khanh Hoa is also the only lawsuit filed by the people against state agencies about the right to access information up to this point.

CONCLUSION

For state authorities

Amending the 2016 Law on Access Information and relating legal instruments

The promulgation of the 2016 Law on Access Information is an important step in ensuring the implementation of the right of citizens in Vietnam. The State's promulgation of a legal instrument to concretize this constitutional right affirms the importance of citizens' right to access information. However, according to analysis and assessment, the 2016 Law on Access Information still has certain limitations. Therefore, it is necessary to continue researching and perfecting the 2016 Law on Access Information and legal instruments detailing and guiding the implementation of the 2016 Law on Access Information according to the following basic directions.

First, amend the provisions of the current law on citizens' right to access information to ensure timeliness and feasibility.

Firstly, with the achievements of the 4th industrial revolution, providing information has become easier and faster than ever, accessible anytime, anywhere. In the digital age, information is stored in database systems connected between state agencies and between the central and local levels (Duong 2020a:37–38). Therefore, to ensure timeliness in providing information, it is necessary to stipulate that state agencies are responsible for providing the information they hold to facilitate people's access to information.

Secondly, the delay of information provision by state agencies proves that the principle of promptly providing information to citizens is not guaranteed, and the obligation of state agencies to proactively disclose information is not strictly implemented. Citizens must go through procedures to request information that are more complicated than free access information, so the requirement to request information for information that has been widely publicized should be removed.

Thirdly, to ensure the feasibility of legal regulations, and at the same time to enhance the political and legal responsibility of the head, it is necessary to amend the legal regulations in the direction of regulations for Ministers and heads of agencies. Ministry-level ministries and provincial-level People's Committees promulgate legal instruments regulating the review and consideration of providing information for the public benefits and community well-being because these are the subjects that are issued legal instruments to detail legal instruments of superior agencies and measures to perform state management functions according to assigned sectors and fields on a national and local scale.

Fourthly, it can be seen that information is stored and operated on an information database, so technical guidance on measures and processes to protect information and protect information management systems is important under the operations of the MIC. Therefore, legal regulations should be amended to uniformly assign the MIC the responsibility of "Technical guidance on information preservation measures and processes and information management systems" because not all information providers have enough resources to carry out this responsibility, for example, the Commune People's Committee will not have the conditions to provide technical guidance on information protection measures and information management systems.

Fifthly, it is recommended to amend the regulation that the head of the unit assigned to be the focal point for providing information is responsible for ensuring the implementation of the agency's information provision tasks, and promptly handling information providers belonging to the agency obstructing citizens' right to access information, and this must be done by the head of the state agency providing information to ensure rigor and objectivity.

Second, amend legal regulations on access information to ensure openness, transparency and stability.

Firstly, the current law needs to supplement regulations on inaccessible information clearly and specifically in each field, avoiding the case of current general regulations that cause confusion for state agencies in the field and, more importantly, to minimize cases of restricting citizens' access information without legitimate, necessary and appropriate reasons. Besides, "*in order to express the true nature of a rule of law state, in the spirit of the principle in the exercise of state power, "the power of the state is limited, and the power of the people is unlimited," then the State should regulate in a way that limits the scope of information that cannot be accessed, while the information that can be accessed is unlimited*" (Dinh 2018:87).

Secondly, the Law on Access Information needs to clearly stipulate the unit that acts as the focal point for providing information in state agencies and can assign the Office department or civil servants working in the office of the State agency to carry out this responsibility. "*This regulation is intended to avoid shifting responsibility or even delaying the provision of information from state agencies. This regulation is intended to create legitimacy in the provision of information by state agencies, clearly defining the responsibilities and rights to provide legal information of different departments within the same state agency. Thereby, it will avoid cases where departments or individuals without authority still provide information, leading to the leakage of information that is not allowed to be provided and difficulty in assigning responsibility. In the opposite direction, when there is a clear "address" for providing information, it will create more convenient conditions for citizens to access and ensure the credibility of the information*" (Dinh 2018:86).

Thirdly, the regulations should be revised and removed in the direction of listing, framing, and fixing prohibited acts in access to information which are unstable because it will not be possible or impossible to list all possible actions that may occur now or in the future. Thereby making the regulations not predictive, not highly stable and not feasible when implemented. While citizens have the right to do anything that is not prohibited by law, information agencies and state employees are only allowed to do what the law allows, so it is thought that the current law is unnecessary to regulate prohibited acts of state agencies and state employees.

Third, amending legal regulations on access information must put the people's legitimate rights and interests as the focus.

Firstly, in order to ensure maximum people's ability to implement access to information, current law should "*add regulations on the form of information presentation, including regulations on principles and regulations in special cases*" (Dinh 2018:88). such as people with disabilities, ethnic minorities, and in remote areas with difficult socio-economic conditions.

EXERCISING THE RIGHT TO ACCESS INFORMATION IN VIETNAM

Secondly, to ensure that all citizens are equal and not discriminated against in exercising the right to access information, regardless of legal status, level of awareness, socio-economic conditions are equal in accessing information, current law should remove the regulation—Commune-level People's Committees are responsible for providing citizens residing in the area with information created by themselves and agencies at their level, information received by them to directly carry out their functions, tasks, and powers, while other citizens only provide information in cases directly related to their legitimate rights and interests. There should be no distinction between resident and non-resident citizens in the same area in exercising the right to access information.

Thirdly, to ensure that the provision of information is timely, transparent, and convenient for citizens, in accordance with the order and procedures prescribed by law, it is necessary to specifically stipulate the statute of limitations for handling inaccurate public information; statute of limitations for responding to a refusal to request information; statute of limitations for promulgating and publicly announcing internal regulations on information provision organizations.

Fourthly, the Law on Access Information needs to be based on human rights and civil rights, stipulating measures to create favorable conditions for subjects facing difficulties such as people with disabilities and people living in border areas, islands, mountainous areas, and areas with particularly difficult socio-economic conditions when exercising the right to access information, not only depending on the conditions of state agencies.

Fifthly, the regulations on the order and procedures for implementing citizens' right to request information are still heavy on state management and do not pay attention to people's rights, so current legislations should abolish this regulation. The requester must provide the reason, purpose of providing information, place of residence, and address; ID card number, citizen identification card or passport number of the person requesting information to ensure that people can access information in a convenient, easy, and hassle-free manner.

Sixthly, in addition to the basic principles of ensuring the right to access information as prescribed, in order to be compatible with international law and especially to improve the effectiveness of ensuring the right to access information, the Law on Access Information is required to add some additional principles like maximum information openness; publicize meetings; protect information providers.

Research and complete other relevant legal instruments

Firstly, develop and promulgate regulations on measures to create favorable conditions for people who have difficulty in access information.

Subjects who have difficulty accessing information include people with disabilities, people living in border areas, islands, mountainous areas, and areas with particularly difficult socio-economic conditions, including women and children, the elderly; ethnic minorities; groups of migrant workers. Small ethnic minority communities often find it difficult to integrate because they use their own language, have limited awareness, and the elderly easily fall into poverty and depend on others; vulnerable to abuse, mistreatment, and neglect; facing physical and mental health problems. These people also need regulations on measures to create favorable conditions for them to exercise the right to access information. There should be no distinction between people with disabilities, people living in border areas, islands, mountainous areas, and areas with particularly difficult socio-economic conditions. , women, children, the elderly and other subjects. Therefore, in order for those in difficulty to exercise their right to access information equally with other subjects, the State needs to create favorable conditions, support or assist them in exercising their right to access information. The State should create favorable conditions, support or assist them in accessing the right to access information. Currently, according to normative instruments detailing and implementing measures for the 2016 Law on Access Information, there are only general regulations on providing information to people with disabilities and ethnic minorities, and other difficult people have not been regulated.

Secondly, it is necessary to stipulate additional sanctions to handle violations of the law on the right to access information for state agencies, officials and civil servants.

In a rule of law state, in addition to recognizing, respecting, protecting, and ensuring citizens' right to access information, the state's responsibilities towards citizens must also be clearly defined. All acts of violating the legitimate rights and interests of citizens by state agencies and state employees must be strictly handled in accordance with the law. The state always tends to abuse power, be autocratic or irresponsible in ensuring the implementation of the right to access information. Furthermore, the state is the subject that has both the obligation to provide information and the obligation to ensure the implementation of the right to access information. Therefore, to ensure that the state carries out its obligations and responsibilities effectively and efficiently, it is necessary to supplement sanctions regulations for state agencies, heads of state agencies, and heads of units as focal point for providing information, the person responsible for providing information if violating the Law on Access Information.

It is necessary to supplement regulations on the State's compensation liability when performing prohibited acts in the Law on Access Information (Duong 2020b:68) and a separate decree on handling administrative violations in the field of implementation should be promulgated (Thai 2015).

Thirdly, the legislation does not clearly, specifically, and uniformly regulate personal information, private life secrets, and personal secrets. Therefore, the law needs to specifically define the connotations of the above concepts, and the Civil Code can be amended to regulate this issue (Duong 2020b:69).

Fourthly, the institutions that protect human rights and citizens' rights are decentralized, non-specialized, and there are no institutions whose nature and function is to protect human rights and civil rights. Citizens are at the forefront. The Vietnamese State is organized and operates based on the principle of clear, transparent assignment of tasks and powers, creating legitimacy, so it is necessary to have a specialized institution with the function of protecting human rights and citizens' rights. This institution should be built based on the constitutional protection mechanism because the 2013 Constitution assigned the law to regulate this issue (Duong 2020b:68).

Review current legal instruments related to citizens' right to access information; propose amendments, supplements, replacements, annulments or promulgation of new legal instruments to ensure compliance with Article 3 of the Law on Access Information.

The Law on Access Information is related to many different areas of social life, state agencies have issued a very large number of legal instruments. The legal framework of access information in Vietnam encompasses two parallel micro-systems relative to information in two different stages, contributing to the formation and improvement of the Law on Access Information, create a legal basis for exercising the right to access information. The natural evolution will inevitably make legal norms outdated, inconsistent with real life, inconsistent with the principles of ensuring the right to access information stipulated in applicable legal instruments generally used for access to information but has not been amended or replaced in a timely manner. Therefore, in addition to implementing measures to innovate and improve legislative techniques, strengthen inspection and monitoring of legal instruments, it is also necessary to pay special attention to reviewing all legal instruments related to the right to access information, overcoming conflicts and overlaps to create a unified and consistent legal basis in implementing the right to access information, aiming to complete the improve the Law on Access Information.

The review of legal instruments on the right to access information needs to be conducted regularly and continuously and can be reviewed by topic and field of access information. When reviewing legal instruments on the right to access information, we can consider and evaluate aspects such as the effectiveness of the instrument; the basis for promulgating the reviewed instrument; the authority of the instrument and the content of the instrument. In particular, it is necessary to pay special attention to the review of the content of the instrument, and it is necessary to deeply grasp the principles of ensuring the implementation of the right to access information in reviewing the content.

Codifying The Legal Form of Citizens' Right to Access Information

One of the important activities that need to be carried out to build and perfect the legal system is legal systematization. Legal systematization is the activity of gathering and arranging legal regulations or legal sources, mainly legal instruments, in certain orders, into smaller systems to serve the needs of the research,

implementation and application purposes of organizations and individuals in society. Legal systematization is carried out in two forms—codification and collectivization. Regulations on citizens' right to access information relate to almost all different areas of social life and are located in many different laws such as constitutional law, administrative law, civil law, civil procedure law, criminal law, criminal procedure law, financial law, commercial law, marriage and family law, environmental law, cultural law, labor law, land law and of course many other legal instruments. Therefore, in order for subjects to exercise the right to access information, especially for people to be able to perceive and implement them, the work of codifying a system of legal norms on the right to access information is essential. It is thought that the MoJ, assigned by the Government to generally monitor the Law on Access Information, should preside over the development of a Code on the right to access information so that subjects with rights and subjects with obligations can grasp and implement it. The MoJ presides over relevant ministries and branches in each information field to gather and arrange fully valid legal regulations from Circular level or higher into the Code in a reasonable order and regularly and promptly update new legal norms into the Code or remove expired norms from the Code. The Code contributes to improving uniformity, openness, transparency as well as enhancing the trust of people and businesses in the legal framework of access information. The Code will help relevant owners conveniently search, look up, satisfy their needs for use and learn about the provisions of the law, and at the same time contribute to facilitating the process of building, complete the legal system on citizens' right to access information.

In addition to developing a Code on the right to access information, the Code must be posted on the national legal information website along with other official legal normative instrument sources of the State, promoting the work of propagate and guide the exploitation and use of the Code to contribute to bringing the Code in action soon.

Implementing Effectively and Organizedly Right to Access Information

First, innovating thinking and upholding political and intellectual determination to promote the most important resources in the country's development strategy. Exercising the citizen's right to access information is aimed at promoting the full potential of citizens, but on the contrary, the responsibilities and obligations of state agencies, officials and civil servants are very large, it can be said that they “*rock the boat*”. Therefore, there needs to be political determination and innovation in thinking from state management mechanisms to state governance, which ensures openness, transparency, accountability, and provision of information to the people. at the right time so that people have adequate facilities to develop their full potential to serve the development of the country.

Secondly, regularly and continuously implement dissemination and education measures to innovate thinking and raise awareness of the rights and responsibilities of state agencies, officials, civil servants, and people working in state agencies. and citizens in using their right to access information. In particular, enhance education and dissemination of the obligations that each state agency must fulfill as stipulated in the 2016 Law on Access Information to effectively and efficiently carry out the responsibility to provide information to citizens.

Thirdly, strictly and promptly handle violations of the Law on Access Information, and it is necessary to impose legal responsibilities on heads of state agencies, units and individuals acting as focal points for providing information. provide information, regardless of who that person is, the head of any state agency.

Fourthly, the State needs to continue to ensure funding, reasonable investment in resources and material and technical conditions to serve the provision of information to state agencies, especially at the commune level in areas with particularly difficult socio-economic conditions. Promote the development of electronic government, enhance connection, exchange and circulation of information regularly between government levels to help people conveniently, easily and quickly access information.

For other individuals and groups

First, the Law on Access Information is a very important legal tool that ensures people's right to know, the most important right among human rights, but up to now, the majority of Vietnamese people still do not clearly know their right to access information according to the law. Many people do not know that they have the right

to request state agencies to provide important and practical information according to the provisions of the Law on Access Information. When people are aware of their right to know according to the provisions of law, they will be able to monitor, supervise, and promote the implementation of state agencies' responsibility to provide information and publicize information transparently. In the context of social media growing strongly today, people can completely participate in monitoring, supervising and promoting the provision of information, disclosure and transparency of information by State agencies easily, conveniently and effectively. In the context of building a rule of law state, the right to access information is recognized, respected, protected and guaranteed by the state, so it is necessary to raise social awareness of the right access information. If people have a correct and complete awareness of the right to access information, they will be able to use the right to request information, as well as know how to access information proactively disclosed by state agencies. In addition, it is necessary to propagate and educate people to have a positive attitude towards the law and believe in the strictness of the law to help them use their right to access information in a legal, non-infringing the legitimate rights and interests of the State, other organizations and individuals.

Secondly, to implement democracy in society, we must first ensure the promotion of democracy within the CPV, which is the nucleus to fully promote democracy in society (Communist Party of Vietnam 2016), and effectively implement the right to access information within the CPV. Therefore, it is necessary to *publicize the regulations so that officials, CPV members, and people can know and monitor the implementation of those regulations*. Recently, the CPV's major guidelines and policies have been widely announced for organizations and people from all walks of life at home and abroad to comment on, for example, the Documents submitted to the 13th National Congress of the CPV. Therefore, discussing and gathering people's opinions plays a very important role, not only contributing to improving the quality of the draft Document but also implementing the motto towards "the CPV's will, and the heart of the people are one." Be open and transparent about targets, recruitment plans, training, fostering, staff planning, rotation, mobilization, appointment, and introduction of candidate officials. For example, due to the lack of necessary information about Mr. Dinh La Thang and Mr. Trinh Xuan Thanh, the CPV and people made inaccurate decisions when choosing them for important positions in the party and state apparatus (Nguyen 2019).

Strengthen publicity and transparency within the CPV, creating conditions for people to widely access information about the organization and activities of Party committees at all levels. Reality shows that democracy, openness and transparency have aroused and promoted the strengths, capabilities, responsibilities and experiences of all party members, officials, civil servants, workers and people participating. Solve the work in a thorough, comprehensive way, more suitable to the actual situation. Through exchange, discussion, and criticism, the problems that need to be solved will be analyzed, dissected, and clarified to reach a consensus on finding the best solution, or at least suggest and approach the problem from many aspects. Thereby, according to the idea of researching solutions. To promote and encourage democracy and transparency, Party committees at all levels need to direct the construction, supplementation and completion of rules, regulations, processes and make information widely available to each party members, officials, civil servants, workers and even people where party members reside and live.

Thirdly, in parallel with ensuring the exercise of the right to access information, which is a prerequisite and condition for exercising other civil rights, it is also necessary to ensure that citizens exercise other civil rights because exercising other rights is an important purpose of the right to information. For example, ensuring people's rights in case of land recovery is also the purpose of the right to access information because when people have information about the government's land recovery, the reason, and the purpose of the land recovery. Land recovery, where land is recovered, compensation in land recovery will help people ensure their rights. In the current context, human rights and civil rights in all fields are always organically linked, impact and support each other and cannot be separated from each other.

Fourthly, in its leadership perspective, the CPV always focuses on the role of the human factor in economic development. Economic development is by people and for people. Therefore, Vietnam needs to deploy synchronous measures, prioritizing investment resources for socio-economic development and improving people's lives. Achievements in economic and social development and increased international integration will

create material conditions and resources for Vietnam to better and better ensure the basic rights and freedoms of its people, including citizens' right to access information.

Fifthly, Vietnam always identifies human rights education as one of the measures to enforce human rights because education is a tool to convey basic knowledge about human rights, form a sense of respect for human rights and use of human rights. Therefore, it is necessary to promote the early completion of human rights education content in all educational institutions. In addition, it is necessary to promote scientific research activities on human rights and civil rights to add new sources of knowledge and scientific arguments for the development of human rights and law on human rights. Thereby deepening the awareness of human rights issues among researchers and scholars, thereby serving as a reference source for relevant state agencies, organizations and individuals.

REFERENCES

- CEPEW, LMNS, LMKS, FORLAND, NORTHNET, Oxfam Vietnam, and CARE International Vietnam. 2020. Báo Cáo Đánh Giá Việc Thực Thi Luật Tiếp Cận Thông Tin (Lần Thứ Hai) [Report on (Second) Implementation Evaluation of the Law on Access to Information]. Hanoi: CEPEW.
- Communist Party of Vietnam. 2016. Văn Kiện Đại Hội Đại Biểu Toàn Quốc Lần Thứ XII [Documents of the 12th National Congress]. Hanoi: National Political Publishing House.
- Dinh, Thanh Phuong. 2018. “Mối Quan Hệ Giữa Quyền Tiếp Cận Thông Tin và Quyền Giám Sát Của Nhân Dân [Relation between Right to Access to Information and Right to Supervision of the People].” *Tạp Chi Luật Học [Hanoi Law Review]* (5):75–88.
- Duong, Van Quy. 2020a. “Quyền Tiếp Cận Thông Tin Của Công Dân Trong Môi Trường Xã Hội Số ở Việt Nam Hiện Nay [Current Right to Access to Information of Vietnamese Citizens in Digital Social Environment in Vietnam].” in *Kỷ yếu Hội thảo khoa học quốc tế: Pháp luật trong thời đại cách mạng công nghiệp lần thứ tư và hội nhập quốc tế [Proceedings of the International Scientific Conference: Law in the era of the fourth industrial revolution and international integration]*. Hanoi: Đại học Luật Hà Nội (Hanoi Law University).
- Duong, Van Quy, ed. 2020b. *Trách Nhiệm Bảo Đảm Thực Hiện Quyền Tiếp Cận Thông Tin ở Việt Nam Hiện Nay [The Current Responsibility to Ensure the Implementation of Right to Access to Information in Vietnam]*. Hanoi: Hanoi Law University.
- Duong, Van Quy. 2021. “Hoàn Thiện Quy Định về Trách Nhiệm Của Cơ Quan Cung Cấp Thông Tin Trong Luật Tiếp Cận Thông Tin Năm 2016 [Complete Regulations on Responsibilities of Information Providers in the 2016 Law on Access to Information].” *Tạp Chi Nhà Nước và Pháp Luật [Review of State and Law]* (8):17–22.
- Government of Vietnam. 2018. Decree No. 13/2018/ND-CP on Detailing and Implementing Measures of the Law on Access Information.
- Jam, F. A., Akhtar, S., Haq, I. U., Ahmad-U-Rehman, M., & Hijazi, S. T. (2010). Impact of leader behavior on employee job stress: evidence from Pakistan. *European Journal of Economics, Finance and Administrative Sciences*, (21), 172-179.
- Lan Anh. 2023. “Công Khai Thông Tin Đất Đai Trên Môi Trường Điện Tử Nhằm Thúc Đẩy Chuyển Đổi Số và Phòng, Chống Tham Nhũng [Publicize Land Information in the Electronic Environment to Promote Digital Transformation and Anti-Corruption].” *Thanh Tra Vietnam*. Retrieved November 11, 2023 (<https://thanhtravietnam.vn/dong-su-kien/cong-khai-thong-tin-dat-dai-tren-moi-truong-dien-tu-nham-thuc-day-chuyen-doi-so-va-phong-chong-tham-nhung-203808.html>).
- Le, Thi Hong Hanh. 2022. “Quyền Tiếp Cận Thông Tin Trong Hoạt Động Lập Pháp [Right to Access to Information in Legislative Process].” *Tạp Chi Nghiên Cứu Lập Pháp [Review of Legislative Studies]* (7):8–12.
- Minh Hiệp. 2021. “Tối Nay 6/9, Chủ Tịch UBND TPHCM Phan Văn Mai Trực Tiếp Tham Gia Chương Trình ‘Dân Hỏi - Thành Phố Trả Lời’ [Tonight, September 6, Chairman of the Ho Chi Minh City People’s Committee Phan Van Mai Directly Participated in the Program ‘People Ask: The City Answers’].” *Trang Tin Điện Tử Đảng Bộ Thành Phố Ho Chi Minh [The Ho Chi Minh City Party Committee News Page]*. Retrieved September 28, 2021.
- Ministry of Justice of Vietnam. 2015. Báo Cáo Đánh Giá Thực Trạng Pháp Luật về Bảo Đảm Quyền Tiếp Cận Thông Tin Của Công Dân [Report Assessing the Current Legal Situation on Ensuring Right to Access Information of Citizens]. Ministry of Justice of Vietnam.
- National Assembly of Vietnam. 2016. Law No. 104/2016/QH13 on Access Information.
- Nguyen, Minh Doan. 2019. “Tiếp Tục Đổi Mới Tư Duy về Kiểm Soát Quyền Lực Chính Trị, Quyền Lực Nhà Nước ở Nước Ta [Continue to Innovate Thinking about Controlling Political Power and State Power in Our Country].” *Tạp Chi Nghiên Cứu Lập Pháp [Review of Legislative Studies]* (12):3–11.
- Thai, Thi Tuyen Dung. 2015. *Quyền Tiếp Cận Thông Tin Của Công Dân ở Việt Nam [Right to Access to Information of Citizens in Vietnam]*. Ho Chi Minh city: VNU HCM Press