

# MANAGEMENT USE OF AI IN VIETNAM'S WORKPLACE

**Do Thien Trang**  
**RUSSIN & VECCHI**

Tel: (84-28) 3824-3026

Email: [Lawyers@russinvecchi.com.vn](mailto:Lawyers@russinvecchi.com.vn)

Web: [www.russinvecchi.com.vn](http://www.russinvecchi.com.vn)

# INTRODUCTION

- **Integrating AI and human resources (HR):** The increasing use of AI to monitor and manage activities at work raises critical legal questions regarding the collection and protection of employee personal data.
- **Vietnam's new legal framework:** Law on Personal Data Protection 2025, Decree No. 356/2025/ND-CP, and the AI Law 2025.
- **Shift to legal governance:** AI in the workplace has evolved from an operational tool into a matter subject to legal compliance and risk governance. It requires employers to reassess their handling of employee data and learn to address new legal challenges.

# HOW AI IS USED IN THE WORKPLACE

- **Recruitment and candidate screening:** AI supports recruitment by analyzing job applications, CVs, and employment history.
- **Timekeeping and attendance management:** AI systems, combined with biometric technologies, are used to track working hours and to manage attendance.
- **Monitoring and performance evaluation:** AI assesses performance through data on work hours, task completion, and system usage.
- **Remote work and flexible working arrangements:** AI supports collaboration, monitors work patterns, and analyzes interaction data in remote work environments.
- **Workforce analytics and forecasting:** AI analyzes workforce data to forecast labor demand and assess turnover risks.

# LEGAL FRAMEWORK GOVERNING THE USE OF AI AND EMPLOYEE DATA PROTECTION IN THE WORKPLACE

The use of AI in HR and workforce management in Vietnam is governed by a layered legal framework consisting of:

- Law on Personal Data Protection 2025, No. 91/2025/QH15 (as further detailed by Decree No. 356/2025/ND-CP)
- Law on Artificial Intelligence, No. 134/2025/QH15

# LAW ON PERSONAL DATA PROTECTION 2025

## (as further detailed by Decree 356/2025/ND-CP)

**Workforce management by AI as personal data processing (Article 2; Decree No. 356/2025/ND-CP):** *AI systems in recruitment and employee monitoring fall under the Law's scope. Employers must act as legally responsible data controllers.*

**Core principles of personal data processing (Article 3):** *Data must be processed for specific, lawful employment purposes. Protection measures must be extended to employees.*

**Employees' rights as data subjects (Article 4; Decree No. 356/2025/ND-CP):** *Employees retain rights to information, consent, and deletion.*

**Personal data processing impact assessment (Article 21; Decree No. 356/2025/ND-CP):** *Mandatory pre-deployment assessments are required to identify and mitigate AI risks to employee rights associated with automated AI deployment.*

**Specific rules on recruitment and workforce management (Article 25):** *Data collection is restricted to specified employment purposes and its use requires clear disclosure.*

**Personal data protection in AI and related technologies (Article 30; Decree No. 356/2025/ND-CP):** *AI governance is guided by a risk-based approach and technical obligations, ensuring compliance with security, transparency, and the Artificial Intelligence Law 2025.*

# LAW ON ARTIFICIAL INTELLIGENCE 2025

## **Risk-based classification of AI systems and implications for workforce management (Article 6(1); Article 9)**

*AI systems are regulated based on their impact on rights rather than the sector. AI in HR may trigger heightened governance if it significantly influences working conditions or opportunities.*

**Transparency and recognisability of AI use for employee (Article 11):** *Employee must be able to recognize when AI is being used. This ensures they can exercise their right to request explanations or lodge complaints.*

**Human oversight and the ability to intervene (Article 14):** *It prohibits fully automated decisions for critical HR actions (recruitment, discipline, termination). A legally accountable human must have the ability to oversee and intervene.*

**Enterprise liability when using third-party AI systems (Article 14(2); Article 29):** *Employers are classified as "Deployers." Using third-party AI vendors does not exempt the enterprise from liability or the duty to compensate EE for harm caused.*

**Transitional provisions and implications for existing AI systems (Article 35):** *existing AI systems must progressively align with the new Law. Early assessment is required to avoid costly system redesigns later.*

# KEY LEGAL CHALLENGES FOR EMPLOYERS USING AI

1. Challenges in ensuring transparency
2. Risks of misusing employee data in AI-driven HR
3. Constraints on the effective exercise of employee rights
4. Limitations on formal impact assessments
5. Accountability risks in the use of third-party AI systems

# PRACTICAL IMPLICATIONS AND RECOMMENDATIONS FOR EMPLOYERS

1. Clearly define the role of AI in HR processes:
2. Ensure transparency in AI-driven HR decisions
3. Ensure effective exercises of employee data subject rights
4. Treat impact assessment as a core risk management tool
5. Maintain human oversight and clear accountability
6. Adopt an integrated compliance approach



## KEY TAKEAWAY & CONCLUSION

In Vietnam's rapidly evolving legal landscape, the deployment of AI in HR has shifted from a technological choice to a critical matter of legal risk governance. Under the **Personal Data Protection Law 2025** and the **Artificial Intelligence Law 2025**, employers must move beyond simple operations to integrate transparency, human oversight, and accountability into their management practices. Ultimately, adopting a structured, risk-based approach allows enterprises to harness AI's efficiency while ensuring compliance with employee rights.