

ELECTRONIC TRANSACTIONS ACT, (NO. 4)  
B.E. 2562 (2019)

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HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA ;

Given on the 19<sup>th</sup> Day of May B.E. 2562;

Being the 4<sup>th</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on Electronic Transactions;

This Act contains certain provisions restricting the rights and liberties of a person, in respect of which section 26 in conjunction with section 40 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law;

The rationale and necessity for the restriction of rights and liberties of a person in this Act is to regulate digital identification and authentication to ensure reliability and safety, to benefit the economy of the country and to protect consumers and, in this regard, the enactment of this Act duly complies with the conditions prescribed in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

**Section 1.** This Act is called the “Electronic Transactions Act (No. 4), B.E. 2562 (2019)”.

**Section 2.**<sup>1</sup> This Act shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** The definition of “identification and authentication” and “digital identification and authentication system” shall be added between the definition of “information system” and “automated message system” in section 4 of the Electronic Transactions Act, B.E. 2544 (2001) as amended by the Electronic Transactions Act (No. 3), B.E. 2562 (2019):

““identification and authentication” means the process of identifying and authenticating a person.

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<sup>1</sup> Published in Government Gazette, Vol. 136, Part 67a, dated 22<sup>nd</sup> May 2019.

“digital identification and authentication system” means an electronic network which links information between any persons or State agency for the purpose of identification and authentication and any other transaction relating to identification and authentication.”

**Section 4.** The provisions of section 6 of the Electronic Transactions Act, B.E. 2544 (2001) shall be repealed and replaced by the following:

“Section 6. The Minister of Digital Economy and Society shall have charge and control of the execution of this Act.”

**Section 5.** The following provisions shall be added as Chapter III/I Digital Identification and Authentication Systems, section 34/3 and section 34/4 of the Electronic Transactions Act, B.E. 2544 (2001):

“CHAPTER III/I

DIGITAL IDENTIFICATION AND AUTHENTICATION SYSTEMS

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Section 34/3. The identification and authentication of a person may be made via a digital identification and authentication system.

Any person who intends to rely on the identification and authentication of another person via a digital identification and authentication system may notify, in advance, the conditions of the trustworthiness relating to digital identification and authentication which is intended to be used, and once the digital identification and authentication satisfies such conditions, it shall be presumed that the person identified and authenticated is in fact such person.

The conditions for the trustworthiness of digital identification and authentication under paragraph two must be of a standard that is no lower than that prescribed by the Commission or the Committee under section 34/4 paragraph two, as the case may be, in accordance with prescription by Notification. In this matter there shall be assurance of ease of access by the people and non-discrimination.

Section 34/4. In the case where it is necessary to maintain financial and commercial security, or for the benefit of strengthening trustworthiness and reliability in the digital identification and authentication system, or to prevent the occurrence of loss to the public, a Royal Decree shall be enacted to prescribe for the operation of any business providing services relating to digital identification and authentication systems to be an operation of a business providing services relating to electronic transactions which is subject to prior licensing, and the provisions of Chapter III, Businesses Providing Services Relating to Electronic Transactions, shall apply *mutatis mutandis*.

**NOTE:** This translation is provided by Electronic Transactions Development Agency as the competent authority for information purposes only. Whilst Electronic Transactions Development Agency has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

The Royal Decree under paragraph one may prescribe for the establishment of a committee to perform the duty of prescribing by Notification the criteria with which the operator of a business relating to digital identification and authentication systems must comply, and which shall have the power to consider issuing an order and to carry out any act under section 34 in the case where a licensee violates or fails to comply with the criteria for the operation of the business.”

**Section 6.** The following provisions shall be added as section 45/1 of the Electronic Transactions Act, B.E. 2544 (2001):

“Section 45/1. Any person who operates a business providing services relating to digital identification and authentication systems without having received a licence under section 34/4, or operates a business providing services relating to digital identification and authentication systems while an order has been made to suspend their licence or after an order has been issued by the Commission, or a Committee under section 34/4 paragraph two to revoke their licence shall be liable to imprisonment for a term of not more than three years or to a fine of not more than three hundred thousand baht, or to both.”

**Section 7.** A person who operates a business providing services relating to digital identification and authentication systems on the day before the date this Act comes into force may continue to operate such business, and once a Royal Decree has been enacted under section 34/4 of the Electronic Transactions Act, B.E. 2544 (2001), as amended by this Act, to prescribe that such business is a business providing services relating to electronic transactions which must obtain a licence, such person who operates a business providing services relating to digital identification and authentication systems shall apply for a licence within ninety days as from the day the Royal Decree comes into force, and once an application has been made for a licence, operation may continue until an order not to grant a licence is issued.

**Section 8.** All Rules issued under the Electronic Transactions Act, B.E. 2544 (2001) in force on the day prior to the day this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Rules issued under the Electronic Transactions Act, B.E. 2544 (2001) as amended by this Act come into force.

**Section 9.** The Minister of Digital Economy and Society shall have charge and control of the execution of this Act.

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Countersigned by:

General Prayut Chan-o-cha

Prime Minister

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Remarks : The rationale for the promulgation of this Act is that whereas the identification of persons constitutes an important procedure in making transactions in the economic system, while previously, a person who intends to receive services from business operators or from any agency must be identified and have their identity authenticated by presenting themselves to the service provider and additionally by submitting documentary evidence, which creates a burden for the person using the services and the service provider. It is therefore necessary to promulgate this Act to prescribe by law to allow a person to be identified and have their identity authenticated via a digital identification and authentication system, and to have a mechanism to supervise the relevant business operators, in order to ensure the trustworthiness and safety of such systems.

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