

Notification of the Electronic Transactions Commission

Subject: Certification of Print-outs

B.E. 2555

Whereas the electronic transactions law requires that there shall be a Certification Agency for Print-outs of a data message, to ensure that Print-outs can be used as reference replacing a data message, and can be used in lieu of the original source.

By virtue of Section 10, paragraph 4, of the Electronic Transactions Act B.E. 2544, which is amended by the Electronic Transactions Act (No. 2) B.E. 2551, the Electronic Transactions Commission issues the Notification as follows:

Clause 1 This Notification is called “Notification of the Electronic Transactions Commission regarding Certification of Print-outs B.E. 2555”.

Clause 2 This Notification shall come into force on the day following the date of its publication in the Government Gazette.

Clause 3 In this Notification:

“Print-outs” means Print-outs of the data message which has been presented or stored as an original document.

“Printing Out System” means a system used for inputting a data message which is an original for statement of the Print-outs, and creation of the Print-outs for use as a reference for statement of the data message.

“Commission” means the Electronic Transactions Commission.

“Certification Agency for Print-outs” means the Commission or agency which has the authority to certify the Print-outs as notified by the Commission.

Clause 4 The creation of the Print-outs in the following cases shall be deemed that there have been certification of the Print-outs by the Certification Agency for Print-outs, and shall be used in lieu of the original source.

(1) The data message owner, the data message controller, or a subordinate of the data message owner or the data message controller, shall be the maker of Print-outs from the Printing Out System, which is under the supervision of the data message owner or the data message controller.

(2) The state agency which has the authority to store or control the data message of other people, or subordinates of the state agency, is the maker of the Print-outs from the Printing Out System which is under the supervision of the State agency.

(3) The state agency which has the authority to supervise or control or the agency under supervision or control of the state agency, is the maker of the Print-outs from the Printing Out System with a standard equivalent to or more appropriate than the rule and procedure prescribed in this Notification.

Chapter 1

Certification Agency for Print-outs

Clause 5 The Certification Agency for Print-outs shall have the following qualifications, and shall not have prohibited characteristics as follows:

(1) A sufficient number of personnel who have knowledge, skill and technical experience fitting for performing the duties of the Certification Agency for Print-outs shall be provided with at least the personnel possessing the expertise or experience in the following fields:

- (a) Information Security;
- (b) Identification and authentication technology;
- (c) Documentary system in the form of data message; and
- (d) Inspection and evaluation of the Information Security.

(2) A tool or procedure which is sufficient and has a standard for use in the inspection whether the Printing Out System and the process of making Print-outs are secure and able to make Print-outs containing the accurate, complete and same statement as the data message shall be provided.

(3) Being the Certification Agency for Print-outs pursuant to clause 9 has never been revoked, or has ever been revoked but a period of five years has not yet passed since the date of such revocation of the Certification Agency for Print-outs status.

(4) There shall be no interest in the business of the applicant for certification of the Print-outs, and there shall be no cause making the Certification Agency for Print-outs devoid of independence and impartiality in its operation.

(5) There shall be no interest in the business of the person or juristic person who is a developer, seller, distributor, maker, purchaser, procurer or lessor of the hardware and software system for the applicant for certification of Print-outs.

The Commission may issue the Notification specifying any other additional qualifications or prohibited characteristics of the Certification Agency for Print-outs, as sees appropriate.

Clause 6 In a case where the Certification Agency for Print-outs is a juristic person in the category of a registered partnership, limited partnership, limited company or public limited company, its director, or person authorized to act on behalf of the juristic person of the Certification Agency for Print-outs shall have the following qualifications and shall not have the prohibited characteristics as follows:

- (1) Being not less than twenty years of age;
- (2) Having domicile or a place of residence in the Kingdom of Thailand;
- (3) Being neither a bankrupt nor an incompetent or quasi-incompetent person;
- (4) Having never been imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (5) Not being a director or a person with the managerial authority of the Certification Agency for Print-outs whose status as the Certification Agency for Print-outs has ever been revoked by an order.

The Commission may issue the Notification specifying any other additional qualifications and prohibited characteristics of the Certification Agency for Print-outs which is a juristic person, pursuant to the first paragraph, as deems appropriate.

Clause 7 Whoever wishes to be a Certification Agency for Print-outs shall submit the following documentation to the Commission or the agency entrusted by the Commission:

- (1) Application for approval as the Certification Agency for Print-outs.

(2) Policy and measure on Information Security which shall at least contains a standard equaling or not lower than the rules in accordance with the Notification of the Electronic Transactions Commission regarding the Policy and Practice in the Information Security of a State agency B.E. 2553.

(3) Certification process of the Printing Out System.

(4) Policy, standard and measure in inspection of the Printing Out System.

(5) List of experts in the field of information technology, Information Security, identification and authentication technology, documentary system in the data message format, inspection and evaluation of the Information Security, including other relevant fields as prescribed by the Commission's Notification.

(6) Any other documents as prescribed by the Commission's Notification.

Clause 8 The Commission will declare the applicant under clause 7 to be the Certification Agency for Print-outs when the Commission or the agency entrusted by the Commission finds upon inspection and consideration that the applicant has the qualifications and has no prohibited characteristics under clauses 5 and 6 and has correctly and completely submitted all documentation in accordance with clause 7.

The Commission may assign any agency performing a duty to inspect the certification process of the applicant's Printing Out System to act as a Certification Agency for Print-outs under the first paragraph.

Clause 9 The Commission may revoke its approval of the Certification Agency for Print-outs status when it appears that the Certification Agency for Print-outs has committed any of the following actions:

(1) Lacking qualifications or being under any of the prohibitions under clause 5 and clause 6.

(2) Having violated or failed to comply with the rule as prescribed in this Notification, including any other practice issued by the Commission.

(3) Having committed any act causing to believe that the reliability of certification of Print-outs will be affected.

Clause 10 Upon existence of any cause for revocation under clause 9, the Commission may order the Certification Agency for Print-outs to amend or do any other acts in accordance with the Commission's order within a prescribed time period.

In a case where the Certification Agency for Print-outs fails to carry out amendment in accordance with the Commission or commits any act in violation of such actions, the Commission may revoke the approval as the Certification Agency for Print-outs.

Clause 11 The Certification Agency for Print-outs shall have a duty to report the operating results in certifying the Printing Out System and report the preservation of qualification or any change in qualification which is a condition for being the Certification Agency for Print-outs under clause 5 and clause 6 to the Commission or the agency entrusted by the Commission every year from the day of being declared the Certification Agency for Print-outs unless the Commission shall prescribe otherwise in accordance with a reporting form as prescribed by the Commission or the agency entrusted by the Commission.

Chapter 2 Certification

Clause 12 The Certification Agency for Print-outs will certify the Printing Out System of the applicant for certification of the Printing Out System when it has examined and found that the Printing Out System is in accordance with the rule and procedure as prescribed in this Chapter, which shall be deemed as the minimum standard, but a certain minimum standard shall not be applied.

Clause 13 The Certification Agency for Print-outs shall consider and certify the Printing Out System by having regard to the following rules:

(1) The Printing Out System has a process which ensures that the Print-outs has the accurate, complete and same statement as the data message. The applicant for certification of the Printing Out System shall provide a process in inspecting and certifying accuracy and completeness of the Print-outs.

(2) Quality and efficiency of the tool and equipment used in the Printing Out System.

(3) Procedure used in identification of the persons engaging in the Printing Out System.

(4) Any other act which is necessary to ensure that the Printing Out System is consistent and corresponding with the rule or standard as prescribed by the Notification of Commission or the agency entrusted by the Commission.

Clause 14 The Certification Agency for Print-outs will certify the Printing Out System when such Out System is in accordance with the following rules:

(1) There is an information security process with a standard not less than the rules in accordance with the Notification of the Electronic Transactions Commission regarding the Policy and Practice in the Information Security of a State agency B.E. 2553 or other equivalent standards.

(2) There is a Backup and Data recovery system.

(3) Technology and preventive measure is created in order to prevent any alteration or amendment of the data message, except for an additional certification or record by the authorised person which does not affect the correctness of the data message.

(4) There is an evidence-recording process of the additional certification or record of the data message.

(5) There is an evidence-recording process of making the Print-outs for use in the inspection of the history of the making of the Print-outs.

(6) There is a reliable procedure in identification of the persons engaging in the Printing Out System which shall at least cover of the following matters:

- (a) Identification
- (b) Authentication
- (c) Authorisation
- (d) Accountability

(7) There is a document-storing system in a form of the data message with the information security, and the Print-outs can exhibit or refer the information for use to inspect thereafter by containing details relating to the data used in inspecting the accuracy, completeness and sameness of the data message, such as, the day, month, year in which the Print-outs are made, the time at which the Print-outs are made which refers to Thailand standard time, webpage's location etc.

Clause 15 The Certification Agency for Print-outs may provide a mark or symbol appearing on the Print-outs in order to confirm that the Print-outs have been made through the Printing Out System certified by the Certification Agency for Print-outs.

Clause 16 The Print-outs issued from the Printing Out System which has been certified by the Certification Agency for the Print-outs are the Print-outs which can be used in lieu of the original.

Clause 17 The maker of the Print-outs has the following duties:

(1) Quality inspection of the tool or equipment which is used in making the Print-outs in order to ensure that such tool or equipment can make the Print-outs containing the accurate, complete and same statement as the data message.

(2) Review of the accuracy and completeness of the Print-outs which is made with the data message in accordance with the procedure as prescribed by the Printing Out System.

Clause 18 For purpose of supervision of the Printing Out System's reliability, the Certification Agency for Print-outs may summon the applicant for certification of Print-outs to give data or submit any document relating to the Printing Out System, including inspection of the Printing Out System every two years.

Clause 19 The Certification Agency for Print-outs may revoke the certification of the Printing Out System, when it appears that the Printing Out System is in compliance with the rule and procedure as prescribed in this Chapter.

Upon appearing a cause for revocation under the first paragraph, the Certification Agency for Print-outs may order the recipient of certification of the Printing Out System to correct or do any other acts as prescribed by the Certification Agency for Print-outs.

In a case where the recipient of the certification of the Printing Out System fails to rectify in accordance with the order of the Certification Agency for Print-outs or acts in violation of such action, the Certification Agency for Print-outs may revoke the certification of the Printing Out System.

Unofficial Translation

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